

64-2 - Initiated by MAPC for possible landfill site on north side of McArthur Road & east of Turnpike

ACTION

COMMITTEE	DATE
<u>Appron for</u>	<u> </u>
<u>M.A.P.C.</u>	<u>3-5-64</u>
<u>B.C.C./B.CO.C.</u>	<u>4-28-64</u>
<u>approved</u>	<u> </u>

Closed

Map No. J-6
Sec. 10
Twp. 28 S
Range 1 E

DATA SHEET

Z- _____
SCZ- _____
CU- _____
Filed 2-13-64
DR 64-2

- APPLICATION DATA: From _____ to _____
1. Applicant Metropolitan Planning Commission Phone _____
Address _____
2. Agent _____ Phone _____
Address _____
3. General Location: north side of McArthur Road and west of
Kansas Turnpike Address _____
4. Proposed Use _____

- AREA DATA 104.59 (2000 ft. by 2500 ft.)
1. Acres _____
2. Area (is) (is not) platted. _____
3. Adjoining Zoning: E E & C S E & A A W E, C, AA N E
4. Land Use: East CITY DUMP; VACANT; KANSAS TURNPIKE South BALL PARK; DRIVE IN THEATER; VACANT
TRAILER COURT; SINGLE FAMILY KANSAS TURNPIKE
West SINGLE FAMILY; VACANT North RIVER & CITY DUMP
5. Sketch Plan Land Use is for RESIDENTIAL & N/A
6. Present Land Use is for SINGLE FAMILY; VACANT BUILDINGS; SAND & GRAVEL PIT; VACANT

PROCEDURE DATA

1. Zoning Committee _____ by _____
2. MAPC Meeting: _____

Date	Action
<u>3-5-64</u>	<u>Approved for consideration</u>

3. Governing Body (Bd City Commissioners - ~~Bd County Commissioners~~)
Date Action Resolution
3-24-64
4-28-64 Authorize to acquire 30 acres, take option on balance

NOTES:

Summary Report
on
Refuse Disposal and Landfill Site Hearings
in the Metropolitan Area

In accordance with instructions from the Board of City Commissioners and the City Manager, and with the concurrence of the Planning Commission, the Metropolitan Area Planning Department prepared a report entitled "Refuse Disposal in the Wichita Metropolitan Area". This report concerned the problems of a short-range and a long-range method of refuse disposal in the Metropolitan Area. Major recommendations in the report were:

- a. Utilize the sanitary landfill method for refuse disposal as both a short-range and a long-range solution to the disposal problem.
- b. Utilize a two-site disposal system; pairing sites generally on opposite sides of the Urbanized Area.
- c. Work toward a county-wide system of refuse collection and disposal whereby all existing open dumps would be closed and all collection vehicles operating in the county would be controlled.
- d. Select two sites from among five pairs recommended for use in the immediate future as landfill areas.

The report was presented in full to a public meeting of the City Commission, County Commission and Planning Commission in a joint meeting on January 16, 1964. At this meeting the Planning Commission took the following actions, concurred in by the City and County Commissions sitting "en banc":

- a. The short-range solution was approved as recommended. It was agreed that "short range" should generally be considered as a period of five years.
- b. The Department was directed to advertise for public hearing those sites included in all five pairs recommended for consideration.

Seven sites were included among the five pairs recommended. These were:

- a. DR 64-2, 93 acres, located inside the City of Wichita on MacArthur Road west of Hydraulic (Extension of the existing "Chapin" site).

- b. CU-75, 140 acres, located in the 3-mile periphery, at 55th Street South and West Street.
- c. CU-73 - 146 acres, located in the 3-mile periphery, at 13th and Hoover.
- d. DR 64-1, 117 acres, located inside the City of Wichita, at 29th Street North and Hillside.
- e. CU-72, 160 acres, located in the 3-mile periphery, at 37th Street North and Rock Road.
- f. CU-74, 160 acres, located in the 3-mile periphery, at 55th Street South and Oliver.
- g. CU-76, 203 acres, located in the 3-mile periphery, between Clifton and the River, south of 55th Street South.

Of the above seven (7) sites, five (5) are so located as to be controlled by the Sedgwick County Zoning Resolution. Two (2) are so located as to be controlled by the City of Wichita Zoning Ordinance.

The sites in the 3-mile periphery require, before their use as sanitary landfill sites, approval of "Conditional Use" under Section 11.F of the County Zoning Resolution. This section requires the Planning Commission to hold a public hearing and make a recommendation to the County Commission for final action.

The sites in the City Require, before their use as sanitary landfill sites, approval by the Board of City Commissioners under Section 28.04.180A8 of the Code of the City of Wichita. As such, a hearing by the Planning Commission was not required, but such was held after full notice was given as requested by the City Commission.

After due notice by advertising and individual mailed notice to property owners within 1000 feet, the Planning Commission held a hearing on the seven (7) sites listed on March 5, 1964. At that time, after hearing proponents and opponents; and after considering each of the sites in the light of the report, "Refuse Disposal in the Wichita Metropolitan Area", the Planning Commission made the following recommendations (Minutes attached as Exhibit 1):

- a. To the County Commission:
 - 1. Disapprove the use of Sites CU-73, CU-74 and CU-75 as landfill areas.
 - 2. Approve the use of Sites CU-72 and CU-76 as landfill areas, subject to specifically listed conditions (attached hereto as Exhibit 2).

b. To the City Commission:

1. Disapprove the use of Site DR 64-1 as a landfill area.
2. Approve the use of Site DR 64-2 as a landfill area subject to specifically listed conditions (attached hereto as Exhibit 3).

The Planning Commission also directed that two additional sites be advertised for public hearing; these being:

- a. CU-77, 116 acres, located in the 3-mile periphery, at 29th Street North and West Street.
- b. CU-78, 240 acres, located in the 3-mile periphery, at 47th Street South and Rock Road.

After due notice, public hearing was held on the application for a Conditional Use permit on the above two sites; such hearing being held on April 2, 1964. After hearing proponents and opponents and carefully considering the sites, the Planning Commission recommended to the County Commission that both sites be disapproved for use as sanitary landfill sites (Minutes attached as Exhibit 4).

Recommendations regarding all sites in the 3-mile periphery were presented to the Board of County Commissioners for action on April 16, 1964. After hearing from all who wished to speak; after considering protest petitions submitted; after considering the recommendations of the Planning Commissions of the Cities of Derby and Haysville recommending disapproval of sites in their areas of interest; and after considering the recommendation of the County Zoning Administrator that Sites CU-72 and CU-76 be disapproved; the Board of County Commissioners took action

- a. To disapprove Sites CU-72 and CU-76, not concurring with the recommendation of the Planning Commission;
- b. To disapprove Sites CU-73, CU-74, CU-75, CU-77 and CU-78 as recommended by the Planning Commission.

Thus, the seven sites located in the 3-mile periphery, controlled by the Sedgwick County Zoning Resolution, may no longer be considered as possible landfill sites unless and until new Conditional Use Applications and hearings are initiated. The only sites remaining for consideration are those located inside the city limits of Wichita.

Conclusions

In summary, the following actions have been taken with respect to specific sites advertised for hearing:

- a. Sites CU-72 and CU-76, recommended for approval by Planning Commission, disapproved by County Commission.
- b. Sites CU-73, CU-74, CU-75, CU-77 and CU-78 recommended for disapproval by Planning Commission, disapproved by County Commission.
- c. Site DR 64-2, recommended for approval by Planning Commission.
- d. Site DR 64-1, Recommended for disapproval by Planning Commission.

Planning Commission public hearing and recommendations noted in (c) and (d) immediately above are to be considered as informal since they are not required by the Zoning Ordinance; and final action regarding those recommendations should be taken by the City Commission as it deems advisable.

EXHIBIT # 1

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March 5, 1964 (Afternoon Meeting)

10. Case No. DR 64-2 - Initiated by Planning Commission for consideration as possible landfill site, the area beginning at a point 20 feet E of the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, Township 28 South, Range 1 East; thence N parallel to the W line of said 1/4 to the N line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10; thence W parallel to said N line to the W line of the SW $\frac{1}{4}$ of Section 10; thence south along said W line a distance of 290 feet; thence E and parallel to the S line of said SW $\frac{1}{4}$ a distance of 1270 feet; thence S parallel to the W line of said SW $\frac{1}{4}$ a distance of 974.5 feet; thence E to the point of beginning. Generally located on the north side of MacArthur Road and west of the Kansas Turnpike.
11. Case No. CU-74 - Initiated by Planning Commission for consideration for possible landfill site, the SW $\frac{1}{4}$ of Section 24, Township 28 South, Range 1 East. Generally located at the northeast corner of Oliver and 55th Street South.
12. Case No. CU-76 - Initiated by Planning Commission for consideration for possible landfill site, a tract beginning at the NE corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26, Township 28 South, Range 1 East; thence W along the N line of said SW $\frac{1}{4}$ to a point 568 feet E of the NW corner of said SW $\frac{1}{4}$; thence S parallel to the E line of said SW $\frac{1}{4}$ a distance of 58.3 feet; thence SWly 570 feet to a point on the W line of said SW $\frac{1}{4}$; said point being 140 feet S of the NW corner; thence SWly to a point on the left bank of the Arkansas River, said point being 850 feet S of the N Line of Government Lot 2 in the NE $\frac{1}{4}$ of Section 27, Township 28 South, Range 1 East; thence Sly and Ely along said left bank to the E line of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$; thence N to the point of beginning, except for that portion dedicated as Clifton Avenue. Generally located in an area south of 55th Street South and west of Clifton.
13. Case No. CU-75 - Initiated by Planning Commission for consideration for possible landfill site, the NW $\frac{1}{4}$ of Section 25, Township 28 South, Range 1 West lying west of the west line of the Big Ditch Cowskin Floodway as condemned in Condemnation Case #A-29459. Generally located at the southeast corner of West Street and 55th Street South.
14. Case No. DR 64-1 - Initiated by Planning Commission for consideration as possible landfill site, that portion of the SE $\frac{1}{4}$ of Section 34, Township 26 South, Range 1 East lying S of the S line of the Missouri Pacific Railroad right-of-way and all that portion of the NE $\frac{1}{4}$ of Section 3, Township 27 South.

Range 1 East, except for that portion lying S of the N line of 27th Street North and except for a tract beginning at a point 652 feet S and 30 feet W of the NE corner of the NE $\frac{1}{4}$ of Section 3, Township 27 South, Range 1 East; thence W and parallel with the N line of said NE $\frac{1}{4}$ a distance of 600 feet; thence S and parallel with the E line of said NE $\frac{1}{4}$ a distance of 660 feet; thence E and parallel with the N line of said NE $\frac{1}{4}$ a distance of 600 feet; thence N to the point of beginning. Generally located on both sides of 29th Street North in an area west of Hillside.

15. Case No. CU-72 - Initiated by Planning Commission for consideration as possible landfill site, the NE $\frac{1}{4}$ of Section 31, Township 26 South, Range 2 East. Generally located at the southwest corner of 37th Street North and Rock Road.
16. Case No. CU 73 - Initiated by Planning Commission for consideration as possible sanitary landfill site, the SE $\frac{1}{4}$ of Section 10, Township 27 South, Range 1 West, lying west of the west line of the Big Ditch Cowskin Floodway as condemned in Condemnation Case #A-31849. Generally located at the northwest corner of Hoover and 13th Street.

EDMONDS presented background information with respect to sanitary landfill as follows: At a joint meeting in January of the Planning Commission, City Commission and County Commission, it was decided the sanitary landfill method was the short-range solution to the refuse disposal problem. It was also decided that the idea of two sites at opposite ends of the area to be served would be desirable, as recommended in the Planning Department Refuse Report. At this meeting the Department was directed to advertise seven sites for public hearing. The sites were evaluated, and a tabulation of such evaluation is shown in the report. Factors considered were public health and safety, land requirements, topography, availability of cover material, proximity to residences and industry, accessibility of the site, length of haul to the site, drainage, future land use, costs and public acceptance.

EDMONDS stated that other sites could be considered for landfill use, but that appropriate advertising would have to be had and residents notified, in which case they could be heard about a month later. He pointed out that 2 sites being considered at this time are inside the city limits and that the City Commission has the authority to use these sites without action or recommendation from the Planning Commission, but that the City Commission had asked the Planning Commission to consider these two sites along with the others, and to make its recommendation with respect to these two sites. The other 5 sites fall under the provision of the County Zoning Resolution.

EDMONDS pointed out that the Planning Department report indicates that it is believed the sanitary landfill operation can be utilized without adverse affects to the area or residents in which located, provided that specific conditions of operations are followed to minimize or eliminate the possibility of unsightly conditions, odors, rodents, water pollution, etc. Many areas in the United States have used landfill methods to an advantage to the public, where parks have been created, industrial lands been created, or lands been reclaimed from lakeshores, wherein specific practices were imposed and followed.

EDMONDS referred to various maps of each area and pointed out existing land use and particular conditions applicable to each area. With respect to Site #22 (CU-74 - Generally located at the northeast corner of Oliver and 55th Street South), he stated that within the last few days it has learned that McConnell Air Force expects to install sometime this year a navigation installation which would require that no metals be within 1,000 feet of that installation. This installation is planned to be in the area south of the present runway and would mean that the major portion of this proposed site could not be used. He noted also that the owner of property immediately north of Site #22 has indicated that his property would be available for landfill purposes. This might be far enough from the runway to be usable so far as the installation proposed by the Air Force. EDMONDS pointed out also that the Air Base Officials have indicated that property located to the east of Site #22 (Sites 20 and 21) would not interfere with its installation. They are not before the Commission for public hearing today, however.

EDMONDS pointed out also with respect to Site #22 (CU-74) that the Derby Planning Commission has recommended this site not be approved for landfill.

With respect to Site #5 (CU-76 - Generally located in an area south of 55th Street South and west of Clifton), there is a subdivision within this area but mostly undeveloped. The Derby Planning Commission and Haysville Planning Commission have both recommended that this site not be approved.

EDMONDS said it is recommended with respect to Site #17 (Dr-64-1 - Generally located on both sides of 29th Street North in an area west of Hillside), it is recommended that if this site is used, it be done with the view of reclaiming it for some specific public use, such as park area, and that the south 300 feet or more not be utilized and that it be creened by double plantings to protect the residential area to the south.

EDMONDS stated that with respect to all sites, certain specific conditions to approval have been suggested.

The Chairman asked EDMONDS to discuss the time which has been involved in consideration of this matter. EDMONDS said the most recent study was started at the end of last summer and has extended over the past 5 or 6 months. Prior to that time, landfill sites have been considered in 1953, 1959, 1960 and 1963. In the summer of 1963, the Planning Commission considered 8 sites, all of which were recommended for disapproval. EDMONDS commented also that in considering areas, the entire County was considered, but a major portion of the consideration was within a radius of 10 miles of the downtown Wichita area since this is the population center and the center of the greater part of the refuse to be disposed of.

JAMES AIKEN, Director of Environmental Health for the City-County Health Department, said that the sanitary landfill properly operated, will dispose of the refuse in a manner which will not be detrimental to the health of the people of the community. He felt an operation could be operated so as to minimize any pollution nuisance that might be created by this type of operation. He felt that the disposal is part of the total refuse system of the community, and other factors are involved if it is to be done without creating nuisances.

AIKEN said that about 5 months' work went into the preparation of the Health Department report "Refuse - an Emerging Community Problem", and earlier background data was used in the preparation of the report. He said they concurred with the Planning Department's report in regard to the sanitary landfill operation.

RUSSELL E. MC CLURE, City Manager, felt that the only sound approach from the economic standpoint, is the landfill method for solving the short-range problem, which has already been agreed on. He said they are aware the present operation is not a good example of sanitary landfill operations, noting too that the continual deferment of locating another site, is partially responsible.

From an operational standpoint, the City Manager assured the Planning Commission that there would be proper use of the land, and referred to the ordinance already placed on first reading, which provides for increases in certain fees that will be available to support a proper landfill operation. He pointed out that from an economic standpoint, it is desirable that the site be as close and convenient as possible, so that the charges for the disposal of refuse can be kept within reasonable bounds.

LAW pointed out that the City Commission has authority to move

ahead on the two sites within the city limits. MC CLURE said he understood the Planning Commission had some jurisdiction in this respect. The Chairman pointed out that the City Commission had considered it desirable that the Planning Commission consider all possible sites. In this respect, EDMONDS pointed out that one of the sites within the city limits has been outside the city until fairly recent, and the other (DR 64-2 - North side of MacArthur west of Kansas Turnpike) was considered and recommended for disapproval last summer.

RALPH WULZ, Director of Public Works, said that his Department has on several occasions recommended sites to the City Commission but that the City Commission considered it desirable to have the Planning Commission consider the matter. Concerning the manner in which sites will be operated, WULZ said it is proposed to operate them according to standards developed by the American Public Works Association and the United States Department of Public Health, which specifications are covered in this report.

WULZ continued that the method of operation is a matter of economics and that it is not difficult to operate in an acceptable manner if funds are made available for such operation. He felt the proposed increase in fees covered by the ordinance referred to by the City Manager, would go a long way in ensuring the operation in a manner recommended by the American Public Works Association and the United States Department of Public Health.

In reply to a question by LAW, WULZ said he did not think that proper operation at the present site would be a burden on the surrounding residents. He noted also that the Planning Department has suggested a screening of 300 feet along the south of Site #17 at 29th Street North and Hillside, as protection to residences.

WULZ pointed out also that the operating budget has been increased substantially for the current year's operation (from \$65,000 last year to \$129,000 budget for this year) which should improve the method of operating a landfill area. HARRIS observed that with the operation of two sites it is doubtful that what is budgeted would be sufficient. WULZ agreed that perhaps the operation of two sites would be slightly higher than budgeted.

WULZ referred to a sand pit location at 21st Street and Meridian, which the city filled several years ago. The City had practically no objection from the surrounding area as a result of that operation. Although it was not a true sanitary landfill operation because it involved filling of a pit, it was carried on in a manner that was not objectionable.

Another sand pit was at McLean and Meridian, which received more objection from the area, but which was concluded successfully.

KRATZER inquired whether Sites 20 and 21 (northwest corner of 47th Street South and Rock Road) would be ruled out because of haul distance. WULZ observed that it would be a little farther than those under consideration at this time. He noted that haul costs could be reduced to some extent through use of a transfer station.

LAW felt that cost comparison should be considered. He noted that economics are argued against the incinerator method, but that economics are not considered in respect to landfill. He noted that the actual cost of any of the sites is acquisition of land, plus length of time it can be used, distance of haul, etc. He pointed out that if a transfer station is used, then a disposal site would be much farther out, and inquired how much the haul costs would be reduced. WULZ said it would be reduced substantially and that much consideration has been given to this factor. He pointed out that it would depend on the location of the landfill and location of the transfer station with relation to the pick-up area. He estimated that through the single transfer station, the City alone, could save approximately \$30,000 per year in collection costs.

LAW pointed out that everyone is interested in a proper operation of sanitary landfill, but noted that WULZ qualifies his remarks based on budget, and that there is no guarantee that proper operation of a site can be carried out. WULZ agreed that unless his Department is provided with adequate funds to operate a site as it should be, then a desirable operation cannot take place. He pointed out also that up to this time adequate funds have not been provided.

LAW referred to the possibility of funds obtained through an increase in charges, as provided in the ordinance recently passed on first reading by the City Commission, be diverted for some other purpose.

The Chairman pointed out that apparently other cities have been able to operate a sanitary landfill without adversely affecting the public health and with a minimum of inconvenience; the satisfactory operation is controlled by the budget, and if the citizens want a proper hauling and disposal of refuse, they should be prepared to pay the proper fees.

WULZ pointed out that the governing body has indicated its awareness of the problem by substantially increasing the budget, and through its adoption for increase of fees, both collection and disposal beginning with next year.

(The Chairman declared a 5-minute recess
at 3:20 p.m.)

JENNINGS pointed out that it is possible in view of what might be limited funds, that after a site is approved, the conditions to such approval, might not be possible to carry out. EDMONDS noted that in such a case the enforcing officers of the city and county would have the right to close down the operation. It was noted that conditions to approval perhaps could not be made to apply to a site within the City limits, but that conditions for operation should be a part of the basic recommendation on city sites.

The Chairman asked for general comments from anyone in the audience.

JOHN BLAIR, attorney for the Independent Refuse Haulers Association, said that they have been actively interested and engaged in for many months along with the City and County Departments. He was doubtful that a transfer station would be desirable - it would still require a landfill site somewhere and there will still be unhappy residents nearby. He spoke in support of two sites which would relieve traffic at any one site, and that while there would be extra costs, it would be borne by all because everyone does have trash to dispose of.

JOHN BALL expressed concern for the fact that apparently the predominant wind direction has not been considered in choosing possible sites, noting that a landfill site in the north end is not going to improve the existing problem of odors from the stock yard area. He wondered whether the traffic problem which would be created has been considered in relation to each of the sites.

EDMONDS said the traffic problem has been considered and that there will be a certain number of vehicles each day to and from any site that is chosen. As for prevailing winds, EDMONDS pointed out that it has been stated there would be no odors if a proper landfill operation is carried out.

BALL referred to the fact that roads in the vicinity of Site #17 (DR 64-1 - both sides of 29th Street North in an area west of Hillside) are in such condition that one can hardly travel with a private automobile and extra refuse truck traffic will certainly

not help the situation. He was concerned also with the fact that while it may be planned to operate a landfill according to recommended practices, there is no assurance or guarantee that it will be done. He noted that much of the opposition in any area would be withdrawn if someone had the authority to assure the residents that it would be properly operated. BALL indicated he had no objection to the proposed increase in refuse fees, but was opposed to having his property exposed to additional reduction in value. He did not think the landfill method is the solution.

ROGER WILSON, Chairman of the Haysville Planning Commission, said that Commission felt landfill was probably the best approach at the present time, but was opposed to Sites #5 and #9 (CU-76 at 55th Street South and Clifton, and CU-75 at West Street and 55th Street South) because of possible water pollution.

With respect to possible water pollution, EDMONDS felt that any site selected should be core-drilled to determine the location of the present water table, and, too, there should be at least 2 feet between the water table and refuse disposed of at a site.

WILSON said that this was pointed out at the meeting of the Haysville Planning Commission but they were not convinced. He noted also that with respect to the area at 55th Street South and West Street, the water table fluctuates considerably.

WILSON pointed out also that the Master Plan for Haysville provides that the area along the floodway, insofar as possible, should be kept for open space of one type or another. If CU-75 is used, then it should be made available for public open space when the landfill is completed.

LAW noted that it could be advantageous to the City of Haysville to have the City of Wichita acquire the property and after landfill operation was complete, Haysville would have an excellent opportunity to acquire it as a park site.

MRS. FANNY JANTZ, 2617 North Chautauqua, asked if a property owner who felt a sanitary landfill operation was not being properly operated, would have protection or be successful in having the operation closed down. MRS. JANTZ said she had lived close to such areas and knew what nuisances they can create. LAW explained that the Planning Commission can give no such assurance; that the people affected should take such into consideration at the next city election.

The Chairman referred to conditions which the staff has recommended be attached to any approval. EDMONDS stated that it is

suggested the following conditions apply to any site chosen, with additional specific ones applicable to a specific site:

1. To be designed and operated according to the "Refuse Disposal Standards and Regulations", by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. To be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plat submitted for approval as outlined in item No. 7 below.
3. Provisions to be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18 inches to 2 feet deep over the fill and graded for proper drainage. Intermittent layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.
4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
5. Burning of refuse shall be prohibited.
6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the location of entrances, exits, haul roads, accessory buildings, utilities, the depth of the ground water table and other features necessary for the proper operation of the

sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved prior to the commencement of operation by the governing body having jurisdiction over the zoning of this tract.

8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site, the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.

In discussing the above conditions, TROUT suggested it might be desirable to provide in No. 9 that upon cessation of landfill operations, the site should become a public park. Further, that a condition be added to provide that necessary budget reserve be provided to accomplish the program outlined; and further, that certification from the Health Department that it is being properly operated in accordance with the conditional use permit.

HARRIS suggested the inspection by the Health Department be on the basis of quarterly inspection, and if the operation is not in compliance, then it could be declared invalid.

JENNINGS pointed out that it might be advisable to include as one of the conditions to approval, that all access roads be improved to minimize dust and problems caused by bad weather conditions. EDMONDS remarked that all sites are not on hard surfaced roads. The Chairman agreed that it should be suggested that hard-surfacing would be desirable. HARRIS noted that if the site is in the City or County, then the proper commission can analyze the road condition before they accept that site; he felt it should be specified that it be an all-weather road.

ANDERSON suggested that the Health Department submit a copy of its report to the County Attorney since it is his function to see that all laws and regulations are enforced. HARRIS agreed with this suggestion.

VIRGIL MC NEAL, 3851 South Hydraulic, on behalf of himself and the congregation of Ark Valley Christian Church, which is in the area of the Chapin Site presently used as a landfill, spoke concerning the fact that refuse is strewn along the highway because of trucks not being covered as required by city ordinance. He

pointed out that the church people have attempted to keep their property up in good condition and to continue a landfill site in this particular area will certainly not enhance the church property and the efforts of its congregation.

WULZ referred to the suggestion that upon cessation of a landfill operation the site should become a public park, and pointed out that one of the sites to be considered is zoned industrially. He pointed out also that at one time the Park Department rejected a site as a result of landfill operations because a site in that particular location was not needed.

The Chairman noted that it might be best to indicate that park use is preferred, or some other public use, or that disposition of the tract be made in the best way possible.

TROUT noted that completed landfill sites are not adaptable to all uses and that open space, or park use is the primary use and most practical as a rule. He felt that at least in some of the areas being considered, it would be reasonable for eventual park use. He thought it would be hard to find an area where a park isn't needed, but said he had no objection to an amendment as suggested.

MOTION: HARRIS moved, ANDERSON second and it carried unanimously that the following conditions be established in the approval of any sanitary landfill:

1. Sanitary landfills shall be designed and operated according to the "Refuse Disposal Standards and Regulations", by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. The sanitary landfill shall be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plan submitted for approval as outlined in Item No. 7 below.
3. Provisions shall be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18

inches to 2 feet deep over the fill and graded for proper drainage. Intermittent layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.

4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
5. Burning of refuse shall be prohibited.
6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the location of entrances, exits, haul roads, accessory buildings, utilities, the depth of the ground water table and other features necessary for the proper operation of the sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved prior to the commencement of operation by the governing body having jurisdiction over the zoning of this tract.
8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site, the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.
10. No sanitary landfill operation shall be conducted within 75 feet of the half section line.
11. The Wichita-Sedgwick County Health Department shall

inspect said site quarterly and shall submit a report of each inspection to the County Attorney for his review.

12. Upon the completion of said sanitary landfill operation for said site, the use of the land shall be for a public park; however, in the event it is determined that a public park or open space is not needed, then other uses may be considered.
13. Roads leading to the site shall be hard surfaced all-weather roads.
14. The governing bodies shall provide an adequate budget and funds to provide for the operation of the landfill site as herein described.

(Time 4:20 p.m.)

HARRIS stated that he would abstain from discussion and voting on individual sites.

The Chairman pointed out that since the Air Base has indicated that the use of Site #22 (CU-74 - northeast corner of Oliver and 55th Street South) would interfere with their operations, perhaps the Commission could take action on that application first.

No one was present to speak in favor of this application.

MOTION: LAW moved, TROUT seconded and it carried unanimously as to those voting (Harris abstained) that Site #22 (CU-74) be deleted from further consideration.

The Chairman suggested that Site #5 (CU-76 - south of 55th Street South and west of Clifton) be considered next, noting also that Derby and Haysville Planning Commissions have recommended it not be approved. EDMONDS read into the record an excerpt from the Derby Planning Commission minutes related to CU-74 and CU-76, as follows:

"Minutes of Derby Planning Commission Meeting - February 27, 1964. -----At 8:00 p.m. a preliminary hearing was held for the Wichita-Sedgwick County request for a conditional use permit to establish sanitary landfill sites (1) at the northeast corner of Oliver and 55th Street (Case No. CU-74); and (2) south of 55th Street South and west of Clifton (Case No. CU-76). Nearly sixty adjacent

property owners and interested citizens of Derby appeared to protest the sites. Groups entering protest included the Oaklawn Improvement District, Sunview Improvement District and the Derby School Board. After Bob Lakin made the presentation for MAPC, he answered questions asked by the Planning Commission and the citizens and property owners. During the question-answer period, concern was expressed for possible contamination of the water supply due to the highwater table of the area, the traffic problem on K-15 and Oliver, devaluation of the properties adjoining, safety of children attending schools in the area, scattered debris, insufficient covering material, smoke, unpleasant odors, blowing dust and dirt, and the possibility of the city and county not constructing, operating, and maintaining the landfill in accordance with the suggested conditions of approval.

At the conclusion of the discussion, the following motion was made by Robinson and seconded by Bradley: I move that the Derby Planning Commission oppose Case No. CU-74, request for sanitary landfill for the following reasons: that Oliver Street is a main artery used principally by many Derby residents, that there would be a nuisance factor of scattered trash in the area, that the increased truck traffic would be detrimental to safety, and that such an establishment would be in general contrary to the public interest of the people of Derby and our area: and I move, secondly, that the Commission oppose Case No. CU-76, request for sanitary landfill for the following reasons: that the high water table would probably not permit economical use and necessary covering operations, that it would possibly contaminate sub-surface water flowing through the area, that the traffic involved would endanger the children attending schools in the area, and that it would be contrary to the interests of the neighboring residents. A roll call vote was taken and the Motion carried unanimously. ----- It was recommended by Egan that the County Commissioners, in choosing sites for sanitary landfills, strive to place them in the proximity of Wichita's area since it is Wichita that is the primary benefactor."

ROBERT ISRAEL spoke in favor of Site #5 (CU-76). He pointed out that the sewage disposal plant is directly across the river and from a water pollution standpoint, the landfill should not be nearly so objectionable as the disposal plant emptying effluent into the river.

MR. ISRAEL referred to costs involved in the acquisition of

a site; Site #5 has improvements which are included in the price, and he felt it had a lot to offer since it is probably one of the largest sites being considered. There was one man present who agreed with the Derby Planning Commission that Site #5 (CU-76) is not a desirable location.

LAW suggested that the various sites be considered in pairs - one to the north and one to the south, to relate the cost of a site to transportation costs to determine the economic feasibility, and when it is narrowed down, then hear from people directly affected. He did not see how the Commission could vote on Site #5 at this time.

WINSBY pointed out that three sites to the south are tied into one site to the north, and if the Commission picks the most appropriate to the north and the most appropriate one to the south, they together should make the best pair.

LAW said he did not see how a determination could be made on any site other than from the economics-dollar affect on surrounding area as dollar affect on operation, dollar cost of haul, acquisition, etc. The Chairman pointed out that sufficient data is not available at this time to get down to the specifics of the economic basis.

EDMONDS stated that it is conceivable that the Commission could approve all the sites as potential landfill area and give the governing bodies a choice of the one it wanted.

MOTION: KRATZER moved, JENNINGS seconded and it carried by a vote of 5 in favor (Kratzer, Jennings, Dugan, Anderson, Law) and 1 opposed (Trout), that Site #5 (CU-76) be considered as a site in the final determination and voting on sites.

TROUT did not see that the above motion accomplished anything and for that reason voted in opposition.

The Chairman inquired whether or not there was any reason why the various sites had to be paired as suggested in the report by the Department. LOONEY said that any site to the south could be paired with any site to the north.

LAW felt the Commission should consider the sites by pairs and that those in opposition be heard with respect to the pair.

The Chairman called for consideration of Site #2 (CU-73, northwest corner of 13th and Hoover).

There was no one present to be heard either in favor of or opposed to this site.

MOTION: LAW moved, ANDERSON seconded and it carried by a vote of 4 in favor (Law, Anderson, Jennings and Kratzer) and 2 opposed (Trout and Dugan) that Site #2 (CU-73) be retained for further consideration.

TROUT said he was opposed to retaining this site because in his opinion it is not a good site.

The Chairman noted that this area was considered once before, and asked whether or not requirements have changed since that previous consideration. EDMONDS said they have been spelled out more distinctly and specifically than before.

LAW said it was rejected the last time because of ground water level and proximity of residences. In comparing this site with others it is in the same position. He pointed out also that when it was considered before, the requirement was for 4 or 5 feet of cover whereas it has been changed to 2 feet now.

The Chairman called for consideration of Site #17 (DR 64-1, both sides of 29th Street North in an area west of Hillside).

No one appeared in support of this area. ED MURRAY appeared in opposition, as attorney for Ray Kirkpatrick and other property owners in the area. They were opposed because of the past operation of a landfill by the city. It is in a residential area. He suggested such a site be located farther from the city limits.

MRS. OPAL GREEN, 2744 North Green, said this site is adjacent to her property and she was much opposed.

STANFORD SMITH, attorney representing himself and other property owners in the area, spoke in opposition. He commented that regardless of where the landfill is located it will not enhance the value of adjacent property. He pointed out that in 1962 a projected growth trend was prepared by Larry Smith and Company, which indicated the growth would be to the north and east. It did not seem practical to him locate a landfill in this area where new residential growth is expected. Further, many more residences would be affected in this area than any of the other sites. He stated further that it is his understanding that drainage from the proposed site leads south through the residential area which would make this an undesirable location.

It was his contention that in view of the proximity of the residential development, drainage factors, and the fact that it cannot be operated properly with the amount of money allocated to the City, that a site farther out and away from residential properties should be considered. He pointed out also that one of the criteria in choosing a site is public reaction. He submitted a number of protest petitions.

MRS. ERNEST LOGAN, 2619 North Estelle, spoke concerning the traffic hazard that children in the area would be subjected to. She commented that this particular area is in need of park facilities.

MRS. PAUL PATTERSON, 3133 Ethel, felt that there is sure to be odor involved in the operation of the fill. She felt the proposed 300 feet suggested for screening would be insufficient to afford protection to the residences. It was her opinion there would be many people move from the area if this site is chosen for a land-fill operation.

MOTION: LAW moved, ANDERSON seconded that Site #17 (DR 64-1, both sides of 29th Street North in an area west of Hillside), be deleted from further consideration. Motion carried by a vote of 4 in favor (Law, Anderson, Jennings and Kratzer) and 2 opposed (Trout and Dugan).

TROUT pointed out that this site is rated as one of the best according to the refuse study prepared by the Department, based on the criteria used.

HARRIS WAS EXCUSED FROM THE MEETING (5 p.m.)

The Chairman called for discussion of Site #18 (CU-72, southwest corner of 37th Street North and Rock Road). No one appeared to speak either in support or in opposition to this site.

EDMONDS reported that a letter of protest from Roetzel Jochems had been received, in which opposition was expressed.

MOTION: LAW moved that Site #18 (CU-72, southwest corner of 37th Street North and Rock Road), be deleted from consideration inasmuch as it is farther out and would mean additional hauling costs, and also this site was referred to as one which would require a transfer station, and it is not compatible with the Guided Growth Program. (This motion was not seconded.)

ANDERSON pointed out that there is apparently no deep-rooted opposition. He suggested that if this site (#18 at 37th Street North and Rock Road) and Site #5 (CU-75 at 55th Street South and Clifton) could be submitted to the County Commissioners there apparently would not be a stampede of opposition, and for that reason he did not want to see Site #18 (CU-72, at Rock Road and 37th Street North) deleted from further consideration.

LAW agreed, and urged again that the sites be considered as pairs rather than singly. The Chairman pointed out that the staff has indicated that sites do not have to be paired as outlined in the report - that any site to the north and any site to the south could be considered as a pair.

MOTION: ANDERSON moved, KRATZER seconded and it carried by a vote of 4 in favor (Anderson, Kratzer, Dugan and Trout) and 1 opposed (Law) that Site #18 (CU-72) southwest corner of 37th Street North and Rock Road be retained for further consideration. JENNINGS abstained from discussion or voting on this site.

The Chairman called for discussion on Site #19 (DR 64-2, generally located on the north side of MacArthur Road and west of the Kansas Turnpike).

No one appeared to speak in support of this application.

DWANE SCHEMIDT, attorney representing Builders, Inc., a developer in this area, spoke in opposition. He said he believed this site to be the highest priced as far as acre price is concerned, and he asked that the Commission take that fact into consideration.

KENNETH MYERS, on behalf of Arkansas Valley Christian Church, 3851 South Hydraulic, and a number of residents in the area, submitted a petition containing 57 signatures. He suggested a landfill site should be outside the city limits of Wichita where there would be less objection. He pointed out also that in many communities private landfill operations are carried on, under requirements established by the City or County authorities, and that perhaps that should be given consideration.

MOTION: TROUT moved, LAW seconded and it carried unanimously that Site #19 (DR 64-2, north side of MacArthur Road and west of the Kansas Turnpike) be retained for further consideration.

The Chairman called for discussion of Site #9 (CU-75, generally located at the southeast corner of West Street and 55th Street South).

No one appeared to speak in favor of this site.

DON LAMBDIN, attorney on behalf of Ward Vickery and others in the area, spoke in opposition. He submitted a protest petition bearing 189 signatures. He pointed out that this site is extremely close to Campus High, and the increased traffic in this respect is not desirable; also, it was his feeling that water would be contaminated; the area is rather flat and he doubted that there would be adequate cover material. The general area would be devalued; it would be detrimental to the high school and he urged the Commission to go farther out for a site.

EDMONDS read a Resolution from School District #191 wherein objection to this site was expressed because it would create excessive dust, fumes, noxious odors and attract rats and other vermin; it would mean many dump trucks using the county roads in and around Campus High School, and such activities will depreciate the value of properties upon which the tax levies of Campus High District exists.

MOTION: TROUT moved, DUGAN seconded that this site be deleted from further consideration. Motion lost by a vote of 2 in favor (Trout and Dugan) and 4 opposed (Law, Kratzer, Anderson and Jennings).

TROUT pointed out that the first consideration of any site should be the health hazard, and with respect to the above site, there are many people using private wells and any water contamination might result in a serious health problem.

AIKEN said the Health Department did not submit a specific report on any of the sites and that its recommendation is as contained in the conditions suggested by the Planning Department. He continued that it is recommended that any landfill site be kept two feet above ground water table or elevation.

TROUT said that Site #2 (CU-73 at Hoover and 13th Street) and Site #9 (CU 75 at 55th Street South and West Street) both show high water tables.

AIKEN said that from a practical standpoint the ground water table elevation will determine whether or not a particular site can be used to advantage as a landfill site. If there is not sufficient cover over ground water, there will be some difficulty trying to operate but it can be done. He stated that they have not made any difference with respect to type of soil - that the suggestion they have made is as near as they can determine.

LAW suggested the location at 29th and West Street (Sites 3

and 4) which is not on public hearing at this time, as another possible location. This site is not in close proximity to anything and it has a better water table. He thought this site should be considered when pairing up the sites.

JENNINGS suggested that site #21 at the northwest corner of 47th Street South and Rock Road would be reasonable to advertise for further public hearing.

EDMONDS reviewed action of the Commission with respect to the sites as follows:

Deleted from further consideration:

- CU-74 - Site 22 - northeast corner of 55th Street South and Oliver
- DR 64-1 - Site 17 - Both sides of 29th Street in an area west of Hillside

Retained for further consideration:

- DR 64-2 - Site #19 - MacArthur Road and the Turnpike
- CU-72 - Site #18 - Rock Road and 37th Street North
- CU-73 - Site #2 - 13th and Hoover
- CU-75 - Site #9 - West Street and 55th Street South
- CU-76 - Site #5 - South Clifton and 55th Street South

Suggested for additional public hearing:

- Sites 3 & 4 - 29th Street North and West Street
 - Site 21 - Northwest corner of 47th Street South and Rock Road
- Area suggested by Derby Planning Commission at 45th Street South and Rock Road

MOTION: LAW moved, ANDERSON seconded and it carried unanimously that the Planning Commission select two pairs of sites - 2 sites in the north and 2 in the south, and refer those to the County and City Commission as the Planning Commission's recommendation.

MOTION: LAW moved, JENNINGS seconded and it carried unanimously that the staff be directed to advertise for a public hearing Sites 3 and 4 at 29th Street and West Street.

MOTION: JENNINGS moved, ANDERSON seconded and it carried unanimously that the staff be directed to advertise for a public hearing Sites 20 and 21 on the west side of Rock Road between MacArthur Road and 47th Street South.

MOTION: LAW moved, ANDERSON seconded and it carried unanimously that the Commission discuss the sites which have just been ordered to be advertised as if they were up for consideration at this time.

The Chairman declared a 15 minute recess at 5:40 p.m.

Meeting reconvened at 6 p.m.

MOTION: LAW moved that the Planning Commission recommend two sites in the north and two sites in the south as acceptable from a planning standpoint, it being recognized there is the possibility of 3 sites in the north and 3 sites in the south, but two sites being inside the city limits it is within the purview of the City Commission to exercise its right to acquire these sites if it so chooses, and that the Commission recommend Sites 3 and 4 (29th and West Streets) in the northwest, which will be subject of a public hearing, Site #18 in the Northeast (CU-72 at Rock Road and 37th Street North), and Sites 20 and 21, on the west side of Rock Road between MacArthur Road and 47th Street South. DUGAN seconded this motion but later withdrew his second.

LAW commented that the above sites seem to be the least obnoxious to surrounding areas. Site #5 while close to the sewage treatment plant, it does have opposition.

The Chairman questioned the legality of the Commission in taking the above suggested action on sites not before it for public hearing. ANDERSON said he thought the public hearing should be continued until the sites directed to be advertised have been advertised and are before the Commission in public hearing. TROUT agreed.

MOTION: ANDERSON moved, KRATZER seconded that the Commission recommend as its No. 1 preference Sites 2 (CU-73 - 13th and Hoover) and 5 (CU-76 - 55th Street South and Clifton), and as No. 2 preference Sites 18 (CU-72 - Rock Road and 37th Street North) and 5 (CU-76 - 55th Street South and Clifton.) Motion lost by a vote of 2 in favor (Anderson and Kratzer) and 3 opposed (Law, Dugan and Trout). Jennings abstained from voting.

TROUT pointed out that Site #2 at 13th and Hoover is too small and not really accessible.

MOTION: TROUT moved that the Planning Commission recommend to the Commissions Sites 18 (CU-72 - Rock Road and 37th Street North) and 19 (DR 64-2 - MacArthur and Turnpike), and inform them at the same same time that Sites 3 and 4 (29th Street North and West Streets) and Sites 20 and 21 (west side of Rock Road between MacArthur and 47th Street South) have been advertised for public hearing. No second.

MOTION: ANDERSON moved to amend the above motion to add as second choice Sites 2 (CU-73 - 13th and Hoover) and 5 (CU-76 - 55th Street South and Clifton). KRATZER seconded the amended motion. Motion lost by a vote of 2 in favor (Anderson and Kratzer) and 3 opposed (Law, Trout and Dugan).

ANDERSON said his reason for including Site #2 is because there was no opposition, and while low, he had assumed from the report that all sites can be used, and he did not think Site 2 at 13th and Hoover should be turned down just from the health angle. DUGAN pointed out that it is only 130 acres and the west 60 acres is flood land.

EDMONDS stated that a protest to Site 2 has been filed by Radio Station KLEO. LAW considered Site #2 too close to residential property.

MOTION: KRATZER moved and JENNINGS seconded and it carried by a vote of 4 in favor (Kratzer, Jennings, Anderson and Dugan) and 2 opposed (Law and Trout), that the Planning Commission recommend Sites 5 (CU-76 at 55th Street South and Clifton) and 19 (DR 64-2 at MacArthur and the Turnpike).

MOTION: ANDERSON moved that Site #2 (CU-73 at 13th and Hoover) not be considered any further as a possible landfill site. LAW seconded the motion and it carried unanimously.

MOTION: ANDERSON moved that the Planning Commission recommend Site #18 (CU-72 at Rock Road and 37th Street North as first choice in the north. TROUT seconded the motion. Motion carried by a vote of 4 in favor (Anderson, Trout, Kratzer and Dugan) and 1 opposed (Law). Jennings abstained from voting.

TROUT WAS EXCUSED FROM THE MEETING.

MOTION: ANDERSON moved, DUGAN seconded that Site #9 (CU-75 - 55th Street South and West Street) be deleted from consideration. Motion carried by vote of 3 in favor (Anderson, Dugan and Law) and 2 opposed (Kratzer and Jennings).

EDMONDS pointed out that in addition to the conditions to approval approved earlier by the Planning Commission as applicable to any site, that CU-76 includes a subdivision within the area proposed which requires an additional stipulation.

MOTION: JENNINGS moved, DUGAN seconded and it carried unanimously that in addition to the 14 conditions previously shown in these minutes, that the following be added as applicable on CU-76:

15. All of the land shall be required for operation of the site, including the subdivision therein:

Exclusion of the subdivision shall require revised conditions, including screening and setback of operational area.

With respect to CU-72 at Rock Road and 37th Street, EDMONDS pointed out an additional requirement.

MOTION: ANDERSON moved, DUGAN seconded and it carried unanimously that in addition to the 14 conditions previously shown in these minutes, that the following be added as applicable to CU-72:

1. No screening requirements were made, but it was recommended that no sanitary landfill operation shall be conducted within 75 feet of the half sect section line.

The Chairman declared the public hearing for consideration of possible sanitary landfill sites closed.

EXHIBIT #2

Conditions of Approval for CU-72 and CU-76

1. Sanitary landfills shall be designed and operated according to the "Refuse Disposal Standards and Regulations", by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. The sanitary landfill shall be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plan submitted for approval as outlined in Item No. 7 below.
3. Provisions shall be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18 inches to 2 feet deep over the fill and graded for proper drainage. Intermittent

layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.

4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
5. Burning of refuse shall be prohibited.
6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the location

of entrances, exits, haul roads, accessory buildings, utilities, the depth of the ground water table and other features necessary for the proper operation of the sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved prior to the commencement of operation by the governing body having jurisdiction over the zoning of this tract.

8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.
10. No sanitary landfill operation shall be conducted within 75 feet of the half section lines.

11. The Wichita-Sedgwick County Health Department shall inspect said site quarterly and shall submit a report of each inspection to the County Attorney for his review. In the event the quarterly report made by the Wichita-Sedgwick County Health Department indicates or shows a failure or non-compliance with the conditions attached, and in the event such non-compliance continues for a period of 30 days after the report, the Conditional Use Permit shall cease until such time as there has been full compliance with all conditions attached.
12. Upon the completion of said sanitary landfill operation for said site, the use of the land shall be for a public park; however, in the event it is determined that a public park or open space is not needed, then other uses may be considered.
13. Roads leading to the site shall be hard surfaced all-weather roads.
14. The governing bodies shall provide an adequate budget and funds to provide for the operation of the landfill site as herein described.
15. Recommended screening and other requirements for each site are as follows:

CU-72

- a. No screening requirements were made, but it was recommended that no sanitary landfill operation shall be conducted within 75 feet of the half section lines.

CU-76

- a. All of the land shall be required for operation of the site, including the Subdivision therein: exclusion of the Subdivision shall require revised conditions, including screening and setback of operational area.

EXHIBIT #3

Conditions of Approval for DR 64-2

1. Sanitary landfills shall be designed and operated according to the "Refuse Disposal Standards and Regulations" by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. The sanitary landfill shall be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plan submitted for approval as outlined in Item No. 7 below.
3. Provisions shall be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18 inches to 2 feet deep over the fill and graded for proper drainage. Intermittent

- layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.
4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
 5. Burning of refuse shall be prohibited.
 6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
 7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the location

of entrances, exits, haul roads, accessory buildings, utilities, the depth of the ground water table and other features necessary for the proper operation of the sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved prior to the commencement of operation by the governing body having jurisdiction over the zoning of this tract.

8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site, the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.
10. No sanitary landfill operation shall be conducted within 75 feet of the half section lines.

11. The Wichita-Sedgwick County Health Department shall inspect said site quarterly and shall submit a report of each inspection to the County Attorney for his review. In the event the quarterly report made by the Wichita-Sedgwick County Health Department indicates or shows a failure or non-compliance with the conditions attached, and in the event such non-compliance continues for a period of 30 days after the report, the Conditional Use Permit shall cease until such time as there has been full compliance with all conditions attached.
12. Upon the completion of said sanitary landfill operation for said site, the use of the land shall be for a public park; however, in the event it is determined that a public park or open space is not needed, then other uses may be considered.
13. Roads leading to the site shall be hard surfaced all-weather roads.
14. The governing bodies shall provide an adequate budget and funds to provide for the operation of the landfill site as herein described.

15. DR 64-2

- a. Screening, consisting of a double row of "Lombardy Poplar Trees", shall be placed at approximately 6-foot centers on the south where the site is adjacent to MacArthur Road and along any residential or commercial developments.

- b. No sanitary landfill operations shall be performed nearer than 300 feet to any residential or commercial development.

EXHIBIT #4

APRIL 2, 1964 MINUTES

MOTION: JENNINGS moved, ANDERSON seconded and it carried unanimously as to those voting that the Planning Commission recommend to the County Commission that this application be denied. HARRIS abstained from discussion or voting.

ANDERSON expressed grave concern with respect to disposal of refuse. He suggested there has been a breakdown in education as to what constitutes a proper operation of a sanitary landfill or the public does not trust the governing bodies to live up to the conditions proposed to be attached to any approved site.

KRATZER suggested that in view of the number of sites which have been considered and disapproved, it seemed logical that the Commission look for a suitable landfill site farther from the city in a rural area relatively unpopulated. In view of the additional costs involved in farther haulage distances, he wondered if the Commission should ask the governing bodies for further direction concerning consideration of sites farther from the city.

HARRIS pointed out that the refuse report indicated that the additional cost of hauling approximated \$30,000 per mile annually, and the total budget suggested for refuse disposal is around \$150,000 per year, so 10 miles more haulage distance would create a problem with respect to budget. If the metropolitan area is going to use sanitary landfill method it has to be within the immediate environs of the city with a minimum hauling distance.

JENNINGS noted that a transfer station would be necessary if a site is chosen farther than those already considered.

The Chairman commented that 9 or 10 sites were chosen in the beginning which qualified under the criteria proposed by the Planning Department and the Health Department; the Planning Commission has considered those sites and recommended that three be approved and that the others be denied for sanitary landfill sites. He considered that the Planning Commission has fulfilled its obligation in the matter of consideration and recommendation with respect to landfill sites.

ZONING

New Cases

10. Case No. CU-77 - Initiated by Planning Commission for con-
sideration as possible landfill site, for the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$
of Section 2, Township 27 South, Range 1 West, AND a tract
described as beginning 742 feet S of the NW corner of
Section 1, S 931 feet, E to River, N to point E of begin-
ning; W 1532 feet to beginning of Section 1, Township 27
South, Range 1 West, except 12.9 acres for floodway; ALSO
the N 26 $\frac{7}{8}$ acres of Lot 5, Section 1, Township 27 South,
Range 1 West, except 9.35 acres for floodway. Generally
located on both sides of West Street south of 29th Street
North.
11. Case No. CE-78 - Initiated by Planning Commission for con-
sideration as possible landfill site, for SE $\frac{1}{4}$ and E $\frac{1}{4}$ of NE $\frac{1}{4}$
of Section 18, Township 28 South, Range 2 East. Generally
located on the northwest corner of Rock Road and 47th Street
South.

EDMONDS reviewed the action of the Planning Commission with respect to its recommendations for other proposed sanitary landfill sites considered at its meeting of March 5, 1964. At that time the Planning Commission directed that the above two locations be advertised for public hearing. The northwest site (CU-77) has a total point rating (as determined in the report Refuse Disposal, MAPC R64-1, 1964) of approximately 145 or 150 out of a total possible rating of 600, and the one southeast (CU-78) has a rating of over 500. The rating formula was developed with regard to access, condition of roads, water table, soil condition and various other factors which were considered in rating a site for possible landfill purposes.

It was decided by the Commission to consider the above two sites separately.

Case No. CU-77

No one from the public appeared in support of this site.

JIM SMITH, who lives $\frac{3}{4}$ mile north, spoke in opposition. He reviewed the fact that at one time there was a hog feeding operation at subject location and that it was only after much difficulty and over a period of 4 or 5 years, the State Board of Health authorities and other officials were successful in having it eliminated. SMITH stated that the hog farm operation contaminated the water at O.K. school at about 13th and West Streets and that his property (north of the

site) was overrun with flies and rats. He stated that when this site was considered previously, there were 67 people at the meeting in opposition and many more who could not be present.

SMITH pointed out that his taxes have been increased and that only recently he has spent more than \$14,000 remodeling his home and improving his property. He pointed out that Mr. Williams, one of his neighbors, was assured that there was no possibility of the hog farm operation coming back, but such an operation is again being carried on on subject property, although it is his understanding it is not supposed to be.

It was MR. SMITH'S opinion that the compost method was the best method of disposal, and cited a newspaper article, wherein the writer discussed this method and the fact that he considered it the best. It was MR. SMITH'S opinion also that the water level in subject area is such that it would not be possible to use this site satisfactorily for a sanitary landfill.

MR. HENNING said he had just purchased subject property the first of the year and he was much opposed to the possibility of a sanitary landfill. He stated he has observed such operations other places and it is not a desirable use to be near because of the nuisance of flies, rats, etc., and also the fact that it decreases property values.

JAMES WILLIAMS, owner of property at 3400 North West Street, said he would be the closest neighbor to such an operation, and he was much opposed, particularly because of the nuisance which would be created, and the depreciating affect on other properties and the fact that the water table is not satisfactory for such use.

JOHN DARRAH, representing the Petries who own land directly to the north of subject property, spoke in opposition, for the same reasons as previously stated. MRS. ANNA MC LEAN, developer of Benjamin Hills Estates residential area, and HAROLD PENLIX, 2330 McLean Boulevard, both spoke in opposition for the same reasons.

ANDERSON said he doubted that the people understood what a properly operated sanitary landfill would be like, but regardless of that fact, he is aware of the water table in this area, having lived west of the Little Arkansas River, and it was his feeling that a sanitary landfill operation could not be operated satisfactorily on subject property. He felt it might create a health hazard.

MOTION: ANDERSON moved, DUGAN seconded and it carried unanimously as to those voting that the

Planning Commission recommend to the County Commissions that this application be denied. HARRIS abstained from discussion or voting.

Case No. CI-78

The Chairman asked the Director to read the proposed conditions which would be attached to any approval of a sanitary landfill.

EDMONDS read the conditions in full. (See the office file for a complete list of conditions). HARRIS pointed out that it was his understanding at a previous meeting that Condition No. 10, which provided for periodic inspection of the site by the Health Department, was intended to include a clause to provide that if the report to the County Attorney indicates non-compliance on the part of the landfill operators, then such use would cease until such time as there would be full compliance. Other Commissioners agreed with this understanding.

MOTION: HARRIS moved, ANDERSON seconded and it carried unanimously that Condition No. 10, be expanded as follows: "That in the event the quarterly report made by the Wichita-Sedgwick County Health Department indicates or shows a failure or non-compliance with the conditions attached, and in the event such non-compliance continues for a period of 30 days after the report, that the Conditional Use Permit shall cease until such time as there has been full compliance with all conditions attached."

MR. TITUS, living about 1 1/2 blocks west of the southwest corner of subject property, spoke in opposition, referring briefly to flies, rats, etc., and also the possibility of water pollution which would be detrimental to valuable residential properties downstream.

DALE COOPER, attorney on behalf of Floyd Rick, submitted a protest petition circulated in the area within a radius of about 2 miles of the property under consideration, which petition contained about 78 names and served as an indication of protest from residential property owners in the general area.

It was the feeling of MR. COOPER that conditions suggested to be attached to any approval, would be difficult to carry out, judging from the methods of operation of the present City-County refuse site, and that area used by Easing as a refuse site.

MR. COOPER pointed out also that such use would be detrimental to the water supply in the area and render ponds in the area at which cattle were watered, unusable for such purpose.

CHARLES HOLMES, developer of Holmes Valley Estates, a residential subdivision in the area, spoke in opposition. He pointed out that there are homes valued at from \$16,000 to \$25,000 in the subdivision and that it is intended to construct more. He referred specifically to the possibility of water pollution and other nuisance factors.

MRS. GLEN FORNEY, owner of a trailer court 1 1/2 miles from the site, felt that they would be forced to quit business if subject site is used as proposed.

THELMA SHORT, a resident of Holmes Valley Estates, spoke in opposition. She stated their property is a \$35,000 home and they are spending even more money for yard improvements.

LT. COL. COX, Vice Base Commander at McConnell Air Force Base, voiced opposition because the site is so close to their recreation area, and also because of possible health hazards.

GARLAND SCOTT pointed out that subject property is zoned residentially, and further, it is good farm land or residential development, and it was his feeling the use proposed would serve to blight the area. He pointed out also the fact that the County has condemned right-of-way for improvement of Rock Road all the way to Mulvane, and he did not consider it desirable to subject the new improved highway to the possibility of refuse litter from trucks on the way to the disposal site. It was his feeling that the residents of the area have a right to rely on the area remaining as it was when they purchased home sites. He noted that he has sold some of his property to individuals who plan a riding stable and other improvements.

KENNETH PRINGLE, JR., attorney representing the Weidemann Estates, spoke in opposition. He considered it very desirable to refrain from making Rock Road an undesirable entrance into Wichita - pointing out specifically the fact that North Broadway and the other major highways into the city have salvage yards or junk yards along the highway which spoil the view. He asked whether or not the Commission could consider sites within the city limits, or sites farther from the city than the one under consideration.

The Chairman stated that consideration has been given to sites within the city limits, within 3 miles of the city limits and even farther out.

R. K. HOUSE spoke in opposition for reasons already stated, and also because of the time, effort and money which has been spent in making a desirable place of their property. He felt the use proposed would decrease considerably the value of their property. He pointed out also that Rock Road carries a large volume of traffic to the airbase and to Mulvane, and doubted that the traffic congestion would be relieved much through the widening now being planned if by locating the sanitary landfill at this site, more traffic in the form of refuse trucks will be traveling the road.

MARGARET BARE said she has property at 47th Street South and that practically the only thing that makes money for her is through pasturing of cattle, which are watered by a creek on the property. It was her feeling she would be deprived of this benefit if the water should become polluted from a sanitary landfill operation too close. MRS. BARE stressed also the fact that there is good farming land in this area and it would be a waste to use it for landfill purposes. She emphasized also the fact that driving north from 47th Street South on Rock Road affords a beautiful sight of the City or Wichita at night - it is one of the high points in the county.

WALTER HENDRICKS was opposed and suggested also that the conditions proposed to be attached to any approval should contain the word "will" rather than "shall". He suggested the city look for a location within its own limits, perhaps leading off from I-235 or U. S. 54.

MR. AND MRS. PAT ENGELS, 5200 South Webb Road, both spoke in opposition. MR. AND MRS. FLOYD RICK and their son-in-law, M. G. FISHER, spoke in opposition, for much the same reasons as already stated.

With respect to the method of operation of the present landfill site, the Chairman stated that no one claims it is properly operated, but under a Conditional Use Permit proper operation can be enforced by attaching suggested conditions already reviewed at this hearing.

Approximately 20 people in the audience indicated their opposition by a show of hands, and Mr. Rick stated there were others opposed but could not attend this meeting.

JENNINGS pointed out that the staff study rated this site as one of the better sites considered, noting also that none of the sites considered has been easy so far as making a decision. On this site, however, it was his feeling that obstacles and problems involved would outweigh the advantages.

Suggested Conditions of Approval

In the event the Metropolitan Area Planning Commission **Recommends** approval for a sanitary landfill site at this particular location, it is suggested that the following conditions be imposed:

1. Sanitary landfills shall be designed and operated according to the "Refuse Disposal Standards and Regulations", by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. The sanitary landfill shall be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plan submitted for approval as outlined in Item No. 7 below.
3. Provisions shall be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18 inches to 2 feet deep over the fill

and graded for proper drainage. Intermittent layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.

4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
5. Burning of refuse shall be prohibited.
6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the loca-

NAMA-BEAVER SW/ Clean UNIMASTER NAMA-BEAVER SW/ Clean UNIMASTER

tion of entrances, exits, haul roads, accessory buildings, utilities, the depth to the ground water table and other features necessary for the proper operation of the sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved by the governing body having jurisdiction over the zoning of this tract prior to the commencement of operation.

8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site, the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.
10. Screening, consisting of a double row of "Lombardy Poplar Trees", shall be placed at approximately 6-foot centers on the south where the site is

adjacent to MacArthur Road and along any residential or commercial developments.

11. No sanitary landfill operations shall be performed nearer than 300 feet to any residential or commercial development.

Map No. J-6
Sec. 10
Twp. 28 S
Range 1 E

DATA SHEET

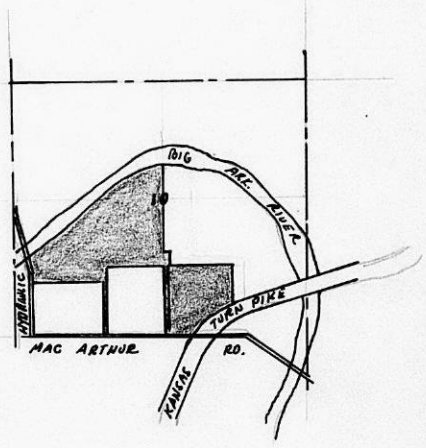
Z- _____
SCZ- _____
CU- _____
Filed 2-13-64
DR 64-2

- APPLICATION DATA: From _____ to _____
1. Applicant Metropolitan Planning Commission
Address _____ Phone _____
 2. Agent _____
Address _____ Phone _____
 3. General Location: north side of McArthur Road and west of
Kansas Turnpike Address _____
 4. Proposed Use _____

AREA DATA

1. Acres 104.59 (2000 ft. by 2500 ft.)
2. Area (~~is~~) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



PETITION

Metropolitan Area Planning Commission;
To the Honorable Mayor and City Commissioners of Wichita, Kansas:

Whereas a land-fill in the adjoining section east of South Hydraulic and north of McArthur Streets would be detrimental to all property owners on both sides of Hydraulic and McArthur; whereas businesses and residences in the area would sustain a loss of value; and whereas the pungent odors which permeate the air at times now because of the present land-fill would be much worse if the additional land is extended toward Hydraulic Street;

We, the interested persons of that area together with, especially the Ark Valley Christian Church, hereby petition the City Council to locate any additional land-fill needed, further out where pollution and loss will not effect so many taxpayers, residents, businesses, churches and other endeavors of this area in the future.

NAME	ADDRESS	Wichita
Laughter Carrol	1516 Mills	Wichita
Paul W. Davis	1306 E 55th St	"
Wilma Davis	1306 E. 55th St.	"
Wesley E. White	RR 5 Box 103 B	"
Hugh D. McNeil	3851 S. Hydraulic	"
Clara W. Evans	2827 Crown Lane	"
Mrs James L. Farrington	1615 Mills	Wichita
Mrs. Mrs. Oscar Palmer	3908 Greenwood	"
Mrs & Mrs Donald D. Hurd	3954 Greenwood	"
Mr & Mrs John W. Leslie	1616 E MacArthur	"
Mrs John John L. Keller	2320 E McArthur	"
* Ira Keller	2320 E MacArthur	"
Ernie Ballinger	2320 E. McArthur	"
Doc Spitzer	2320 E. McArthur	"
E. M. Kohler	2320 E. McArthur	"
Joanne R. Kohler	2320 E. McArthur	"
Gene Wilkinson	2258 Laura	"
Kae Dean McNeil	3851 S. Hydraulic	"
J. E. Cumler	1722 S. Mosler	"
Bessie M. Burton	711 Wayne	Wichita
Roscoe Burton	711 Wayne	"
Elsie Dempster	1018 East Skinner	"
Mary J. Harkness	1251 El Monte	"
Mrs. Mrs. Arthur Wilcox	1326 El Monte	"
Leola Bachman	133 Wood Lane	"
William B. Ray	309 W. Skinner St.	"
Mrs Pearl Ray	309 W. Skinner	"
Mrs. Violet Gibbs	1816 So. Waco	"
Wm A. Myers	1631 Crown Ave	"
Mary Myers	1431 Crown Ave	"

PETITION

To the Honorable Mayor and City Commissioners of Wichita, Kansas:

We, the undersigned residents and taxpayers of Wichita, Kansas, respectfully petition and request that the present city refuse and dump site located East of South Hydraulic and adjoining properties of Mr. Dwight Chapin NOT be enlarged or extended in that Area, and that the City of Wichita seek to lease or acquire land fill and refuse site or sites in areas which are more suitable.

NAME

ADDRESS

Mrs. Dale Moore 1614 Mills Ave.
 William D. Moore 1614 Mills Ave.
 Raymond Schurghart 1626 E Mills Ave.
 W. J. Lamb 1602 Mills Ave.
 Mrs. John Tuttle 1526 Mills Ave.
 Orin Jones 1558 E. McArthur
 H. L. Shupe 2320 E. McArthur
 Marie Shupe 2320 E. McArthur
 James A. Thomas 2320 E. McArthur Road
 Shielley Thomas 2320 E. McArthur Road
 William H. Thie 2320 E. McArthur Road
 Betty Lipton 2320 E. McArthur Road
 Floyd Lipton 2320 E. McArthur Road
 Fern Larson 2320 E. McArthur Lot 34C
 J. M. R. Hye 2320 E. McArthur
 William K. Melby 2320 E. McArthur Lot 46 C
 Mrs. C. L. Mason 2321 E. McArthur Rd
 James W. Anderson 2320 E. McArthur Rd.
 Lydia Weigel 3421 So Broadway
 James M. Hahn 4209 So Broadway
 Robert W. West 2338 Alameda (Wichita
 Mary H. Chittier, 1820 Ida, Wichita
 E. W. Dovich 1656 So St. Paul
 Darlene McNeal 3138 Davidson - City
 Elliott McNeal 3138 Davidson - City
 Mrs. J. M. Chittier 2438 Patten City
 Kenneth L. Meyer 1429 N. Holyoke Wichita, Kansas

CASE NO. DR 64-2 - 14 NOTICES OF PLANNING COMMISSION ACTION MAILED MARCH 10,
1964

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION
Room 401, City Building Annex, Wichita, Kansas

March 9, 1964

TO WHOM IT MAY CONCERN:

This is to advise you that at its regular meeting on March 5, 1964, the Metropolitan Area Planning Commission considered five Conditional Use applications for possible sanitary landfill operations. All of these cases are located within three miles of the city limits of the City of Wichita and are under the jurisdiction of the Sedgwick County Zoning Resolution. These cases are listed as follows:

- CU-72 - Generally located at the southwest corner of 37th Street North and Rock Road
- CU-73 - Generally located at the northwest corner of Hoover & 13th Street
- CU-74 - Generally located at the northeast corner of Oliver and 55th Street South
- CU-75 - Generally located at the southeast corner of West Street and 55th Street South
- CU-76 - Generally located south of 55th Street South in an area west of Clifton.

The action of the Planning Commission was to recommend to the Board of County Commissioners that Conditional Use Case Nos. CU-73, CU-74 and CU-75 be denied and that Case Nos. CU-72 and CU-76 be considered favorably as possible locations for a sanitary landfill operation subject to certain conditions (See "Attachment A"). The recommendation on each of the five Conditional Use applications will now be forwarded to the Board of County Commissioners for their consideration on March 19, 1964.

At this same meeting the Planning Commission also considered two sites for a possible sanitary landfill operation which are located within the city limits of the City of Wichita and which are listed as follows:

DR 64-1 - Generally located on both sides of 29th Street North and west of Hillside

DR 64-2 - Generally located on the north side of MacArthur Road and west of the Turnpike

The action of the Planning Commission was to recommend to the Board of City Commissioners that Case No. DR 64-1 be denied and that Case No. DR 64-2 be considered favorably as a possible sanitary landfill site subject to certain conditions (See "Attachment A"). The recommendation on each of these two cases will now be forwarded to the Board of City Commissioners for their consideration on March 24, 1964.

Leland R. Edmonds
Secretary

LRE:JWH:an

"ATTACHMENT A"

Recommended Conditions:

1. Sanitary landfills shall be designed and operated according to the "Refuse Disposal Standards and Regulations", by Ralph J. Black, Senior Sanitary Engineer, United States Department of Health, as published in the "American Public Works 1961 Yearbook", and as modified by Conditions 2 and 3 below.
2. The sanitary landfill shall be so constructed and operated that there will be 2 feet of separation between the bottom of the fill and the average elevation of the ground water table. The average elevation of the water table shall be determined by a Geological Survey of the site and shall be recorded on the plan submitted for approval as outlined in Item No. 7 below.
3. Provisions shall be made to minimize leaching through the fill material from rainfall by providing a compacted final covering of selected earth from 18 inches to 2 feet deep over the fill and graded for proper drainage. Intermittent

layers of landfill shall be covered with 6 to 8 inches of compacted earth cover material daily.

4. The disposal of hazardous solids and liquids, chromium compounds or radioactive waste shall be prohibited.
5. Burning of refuse shall be prohibited.
6. The immediate working area, consisting of at least 10 acres shall be enclosed with a 6-foot high chain-link type fence, supported on steel posts with three strands of barbed wire above. The fence shall be expanded or moved at such times as are necessary to keep the working area enclosed at all times. Entrance and exit gates shall be installed and kept locked at all times other than the posted hours of operation of the landfill.
7. The Sanitation Division of the Department of Public Works of the City of Wichita shall provide for topographical and engineering surveys of the site to establish the final grade for the landfill, the drainage pattern, the location

of entrances, exits, haul roads, accessory buildings, utilities, the depth of the ground water table and other features necessary for the proper operation of the sanitary landfill which shall serve as a plan and specification for operation of the sanitary landfill at this site. Such plan shall be approved prior to the commencement of operation by the governing body having jurisdiction over the zoning of this tract.

8. Shelter, with sanitary handwashing and toilet facilities, shall be provided for landfill employees.
9. Within six months of the beginning of operations at this site, the said Sanitation Division shall provide a plan for the manner in which the surface of the site will be finished upon cessation of operations; such plan will be approved by the governing body having jurisdiction over the zoning of this tract.
10. No sanitary landfill operation shall be conducted within 75 feet of the half section lines.

11. The Wichita-Sedgwick County Health Department shall inspect said site quarterly and shall submit a report of each inspection to the County Attorney for his review.
12. Upon the completion of said sanitary landfill operation for said site, the use of the land shall be for a public park; however, in the event it is determined that a public park or open space is not needed, then other uses may be considered.
13. Roads leading to the site shall be hard surfaced all-weather roads.
14. The governing bodies shall provide an adequate budget and funds to provide for the operation of the landfill site as herein described.
15. Recommended screening and other requirements for each site are as follows:

CU-72

- a. No screening requirements were made, but it was recommended that no sanitary landfill operation shall be conducted within 75 feet of the half section lines.

CU-73

- a. Screening, consisting of a double row of "Lombardy Poplar Trees", shall be placed at approximately 6 foot centers along the south edge of the site, parallel to 13th Street, holding a minimum setback of 50 feet from the centerline of 13th Street to the screening. "Lombardy Poplar Trees" shall also be planted at 6-foot centers along the east edge of the site, holding a minimum setback of 50 feet from the center line of Hoover Street to the screening. It was also recommended that no sanitary landfill operations shall be performed nearer than 300 feet to any residential or commercial developments.

CU-74

- a. Screening, consisting of "Lombardy Poplar Trees", shall be placed at approximately 6-foot centers along the west edge of the site, parallel to Oliver, holding a minimum setback of 50 feet from the section line to the screening. "Lombardy Poplar Trees" shall also be planted at 6 foot centers along the south edge of the site, beginning at Oliver and extending a distance of approximately 1,400 feet to the east, holding a

minimum setback of 50 feet from the center line of 55th Street.

- b. Cluster plantings of the Juniper species of trees, native to this area, such as Red Cedars, shall be spaced intermittently at not to exceed 50-foot intervals in front of the "Poplar Tree" screening on the west and south sides of the site. It was also recommended that no sanitary landfill operation shall be conducted within 75 feet of the half section lines.

CU-75

- a. Screening, consisting of "Lombardy Poplar Trees", shall be placed at approximately 6-foot centers, at least 20 feet from the north property line along and parallel to 55th Street. It was also recommended that no sanitary landfill operation shall be conducted within 75 feet of the half section lines.

CU-76

- a. All of the land shall be required for operation of the site, including the Subdivision therein: exclusion of the Subdivision shall require revised conditions, including screening and setback of operational area.

DR 64-1

- a. Screening, consisting of a double row of "Lombardy Poplar Trees" shall be placed at approximately 6 foot centers along the south line of the site and also parallel to the east property line, holding a setback of at least 60 feet from the center line of Hillside. A setback of approximately 50 feet shall be maintained from the south property line to the screening.
- b. Cluster plantings of the Juniper species of trees, native to this area, such as Red Cedars, shall be spaced intermittently at not to exceed 50-foot intervals in front of the "Poplar Tree" screening on the south and east sides of the site.
- c. A buffer zone, approximately 300 feet wide, measured from the south line of the property and parallel to the south line, shall be provided and no fill operation shall be permitted within the buffer area.
- d. No fill operation shall be conducted within 75 feet of the half section lines.

DR 64-2

- a. Screening, consisting of a double row of "Lombardy Poplar Trees", shall be placed at approximately 6-foot centers on the south where the site is adjacent to MacArthur Road and along any residential

or commercial developments.

- b. No sanitary landfill operations shall be performed nearer than 300 feet to any residential or commercial development.

CASE NO. DR 64-2 - 16 NOTICES MAILED FEBRUARY 19 FOR MARCH 5, 1964

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

February 19, 1964

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401 City Building Annex, 104 South Main, Wichita, Kansas at its meeting at 2:00 p.m. on MARCH 5, 1964, at which time you may appear either in person or by agent or attorney, if you so desire.

Leland R. Edmonds, Secretary

CASE NO. DR 64-2
To Establish a Sanitary Landfill Site

Beginning at a point 20 feet E of the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, Township 28 South, Range 1 East; thence N parallel to the W line of said 1/4 to the N line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10; thence W parallel to said N line to the W line of the SW $\frac{1}{4}$ of Section 10; thence S along said W line a distance of 290 feet; thence E and parallel to the S line of said SW $\frac{1}{4}$ a distance of 1270 feet; thence S parallel to the W line of said SW $\frac{1}{4}$ a distance of 974.5 feet; thence E to the point of beginning.

Government Lots 6 and 7 in Section 10, Township 28 South, Range 1 East.

All of that part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 28 South, Range 1 East lying N and W of the City Road to the sanitary landfill and the Kansas Turnpike and a tract beginning at the SW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence N 325 feet; thence E 135 feet; thence S 325 feet; thence W to the point of beginning.

Generally located on the north side of McArthur Road and west of the Kansas Turnpike.

OWNERSHIP LIST

Description	Property Owner
Beginning 325' N. of the SE corner of Gov. lot 6, in Sec. 10-28-1E, thence W. 193.6', thence N. 1350'. more or less to the right bank of the Arkansas River, thence Easterly along said right bank to the E. line of lot 6, thence S. to beginning	City of Wichita City Building
Gov. lot 6, in Sec. 10-28-1E, except beginning 325' N. of the SE corner of said lot 6, thence W. 193.6', thence N 1350' more or less to the right bank of the Arkansas River, thence Easterly along said right bank to the E. line of said lot 6, thence S. to beginning	Chapin, Inc. 3800 S. Hydraulic
Gov. lot 7, in Sec. 10-28-1E	"
The $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E, exc. the W. 20' thereof	Dewey Gunzelman, Jr. 6601 S. Seneca
The $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E, except the W 20' thereof	Tom J. Reed Marie S. Reed 2635 S. Hydraulic
The W 20' of the $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E.	"
Beginning at the SE corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E, thence W. 40', thence N 1039.5', thence W. to the W. line of $SW\frac{1}{4}$ of said Sec. 10, thence N. to the NW corner of the $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 10, thence East to a point 20' E. of the NE corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of said sec. 10, thence S. to a point on the S. line of the $SW\frac{1}{4}$ of said Sec. 10, 20' E. of the SE corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10, thence W. 20' to beginning	Dwight Chapin Hazel D. Chapin 3800 S. Hydraulic
The $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E, exc. beginning at the SE corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Sec. 10-28-1E, thence W. 40', thence N. 1039.5', thence W. to a point on the W. line of said W line of Sec. 10, thence N. to the NW corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of said Sec. 10, thence E. to the NE corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of said Sec. 10, thence S. to beginning	Otto R. Souders Gusta Souders 3024 Alona
All that part of Gov. lot 4, in Sec. 10-28-1E, lying N. of the Northerly right of way line of the Kansas Turnpike	City of Wichita City Hall <i>dupl</i>

Continued page 2

Description	Property Owner
The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10-28-1E, lying North and West of the Kansas Turnpike except beginning at the SW corner of said SW $\frac{1}{4}$, thence E. 100', thence N. 1325', thence W. 100', thence S. 1325' to the place of beginning, also except the E. 60 feet thereof	Chapin, Inc. 3800 S. Hydraulic
Beginning at the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10-28-1E, thence E. 100', thence N. 1325', thence W. 100', thence S. 1325', to the place of beginning	Dwight Chapin Hazel D. Chapin 3800 S. Hydraulic
The E. 60' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10-28-1E	City of Wichita City Building
Gov. lot 5, in Sec. 10-28-1E, except beginning at the SW corner of lot 5, thence N. 325', thence E. 135', thence S. 325', thence W. to beginning	"
Beginning at the SW corner of lot 5, in Sec. 10-28-1E, thence N. 325', thence E. 135', thence S. 325', thence W. to beginning	Dwight Chapin Hazel D. Chapin 3800 S. Hydraulic
All that portion of Gov. lot 7, Sec. 9-28-1E, lying N. of Mill's Addition, except that portion taken for Flood Control and except that part taken for Widening of Hydraulic Avenue	Ark-Valley Christian Church 3851 S. Hydraulic
The E. 5 acres of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 15-28-1E	Lottie Reers 2001 E. McArthur Road
The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 15-28-1E	Julia Emery 325 N. Brookside
That part of Gov. lot 4, in Sec. 12-28-1E, lying North and West of the Kansas Turnpike	Frank A. C. Emery Address unknown

Continued page 2

Description	Property Owner
The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10-28-1E, lying North & West of the Kansas Turnpike except beginning at the SW corner of said SW $\frac{1}{4}$, thence E. 100', thence N. 1325', thence W. 100', thence S. 1325' to the place of beginning, also except the E. 60' thereof	Chapin, Inc. 3800 S. Hydraulic <i>dup</i>
Beginning at the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10-28-1E, thence E. 100', thence N 1325', thence W. 100', thence S. 1325' to the place of beginning	Dwight Chapin Hazel D. Chapin 3800 S. Hydraulic. <i>dup</i>
The E. 60' of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10-28-1E.	City of Wichita City Building <i>dup</i>
Gov. lot 5, in Sec. 10-28-1E, except beginning at the Sw corner of lot 5, thence N 325', thence E. 135', thence S. 325', thence W. to beginning	"
Beginning at the SW corner of Lot 5, in Sec. 10-28-1E, thence N 325', thence E. 135', thence S. 325', thence W. to beginning	Dwight Chapin Hazel D. Chapin 3800 S. Hydraulic <i>dup</i>
All that portion of Gov. lot 7, Sec. 9-28-1E, lying N. of Mill's Addition, except that part taken for Flood Control and except that part taken for widening of Hydraulic Ave.	Ark-Valley Christian Church 3851 S. Hydraulic
The E. 5 acres of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 15-28-1E,	Lottie Reers 2001 E. McArthur Road
The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 15-28-1E	Julia Emery 325 N. Brookside
That part of Gov. lot 4, in Sec. 12-28-1E, lying N & W of the Kansas Turnpike	Frank A. C. Emery Address unknown <i>232 71. Emery</i>

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200' radius of the following described tract:

Beginning at the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, Twp. 28 S., Rg. 1 E, thence W. 40', thence N. 1039.5', thence N. to the right bank of the Arkansas River, thence northerly along the meanderings of said right bank of Arkansas River to the West line of Government lot 5, in Sec. 10, Tp 28 S., Rg. 1E, thence South along said West line of Gov lot 5, to a point 325' N of the SW corner of said lot 5, thence E. 135', thence S. 325' to the S. line of Gov. lot 5, thence E along said S line of Gov lot 5 to a point 60' W. of the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, Tp. 28 S., Rg. 1 E, thence S to a point on the Northerly line of the Kansas Turnpike right of way, thence Southwesterly along said Kansas Turnpike right of way line to the N line of McArthur Road, thence West along said N. line of McArthur Road to the W. line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, Tp. 28 S., Rg. 1 E, thence N along said W. line to the NW corner of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, thence W. to a point 20' West of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, thence S. to the S. line of the SW $\frac{1}{4}$ of Sec. 10, thence East 20' to the place of beginning;

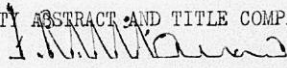
We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200' radius of the following described tract:

Beginning at the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, Twp. 28 S., Rg. 1 E, thence W. 40', thence N. 1039.5', thence W. to the W. line of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 10, thence N. along said W line of SW $\frac{1}{4}$ to the right bank of the Arkansas River, thence Northerly along the meanderangs of said right bank of Arkansas River to the West line of Government lot 5, in Sec. 10, Tp 28 S., Rg. 1 E, thence South along said West line of Gov. lot 5, to a point 325' N. of the SW corner of said lot 5, thence E. 135', thence S. 325' to the S. line of gov. lot 5, thence E along said S. line of Gov. lot 5 to a point 60' W. of the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, Tp. 28 S., Rg. 1 E, thence S. to a point on the Northerly line of the Kansas Turnpike right of way, thence Southwesterly along said Kansas Turnpike right of way line to the N. line of McArthur Road, thence West along said N. line of McArthur Road to the W. line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 10, Tp. 28 S., Rg. 1 E, thence N. along said W. line to the NW corner of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, thence W. to a point 20' West of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 10, thence S. to the S. line of the SW $\frac{1}{4}$ of Sec. 10, thence E. 20' to the place of beginning.

as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 11th day of February, 1964 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By


Vice-President

Order No. 110972