

RESOLUTION NO. 106-1988

A RESOLUTION TO ESTABLISH A TEMPORARY TOPSOIL REMOVAL AND MIXING OPERATION IN THE "R-1" SUBURBAN RESIDENTIAL DISTRICT ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a Conditional Use Permit to establish a temporary topsoil removal and mixing operation in the "R-1" Suburban Residential District is hereby approved on the lands legally described as follows:

CASE NO. CU-312

The NE¼ of the SW¼ lying west of the east line of the Riverside Drainage Ditch in Section 27, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located north of 61st Street South, as extended from the west, in an area east of Minnesota Avenue.

SUBJECT TO THE FOLLOWING:

1. Access to this site shall be through the sewer treatment plant property and across the drainage channel on the east and shall not be from any of the residential streets in Orchard View or South Hydraulic Gardens.
2. Use of this site for topsoil removal and mixing shall be only in conjunction with EPA Project No. C20 1022-01 and shall not exceed 25 months. At the end of the project life, but no later than April 30, 1990, the topsoil shall be respread on the site and a ground cover (grass or agricultural crop) established.
3. No topsoil removal or soil/fly ash mixing shall occur within 100 feet of the west and south boundaries of the site. The existing hedges along the west and south lines of this application area shall be maintained.
4. The topsoil removed from the site shall be stockpiled within the west and south perimeters of the site in berms between five and eight feet high.
5. The temporary drainage channel crossing shall be constructed in accordance with requirements of the Flood Control Office.
6. The amount of soil to be removed from the site as part of the mixing operation shall be in general conformance with the grading plan submitted with this application. The existing drainage pattern of the site shall not be altered. The applicant shall submit a drainage plan to the County Bureau of Public Services for approval prior to the case being forwarded to the County Commission.
7. The applicant shall have the material that is proposed to be deposited on the application area tested for contamination and the test results shall be submitted to the Wichita-Sedgwick County Health Department for approval prior to being used as fill.

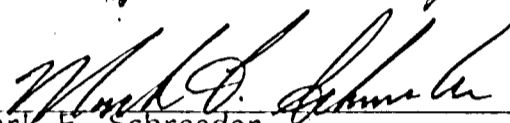
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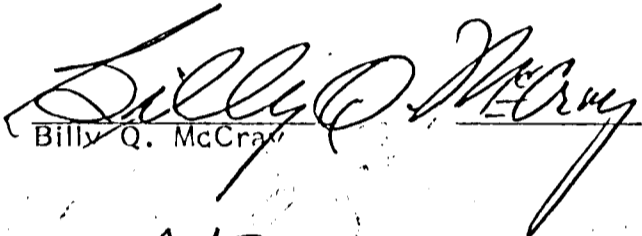
8. The applicant shall have the ground water tested on site before commencing the operation and after completion of the operation. The test results shall be presented to the Health Department and shall be made available to the public.
9. The Wichita-Sedgwick County Health Department shall be contacted prior to the tests being conducted and shall approve the method of testing.

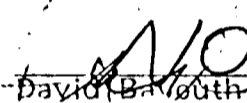
SECTION II. That upon the taking effect of this Resolution, the notation of such Conditional Use approval shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Commission.


SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.


PASSED AND ADOPTED by the Board of County Commissioners at Wichita, Kansas, this 27<sup>th</sup> day of April, 1988.

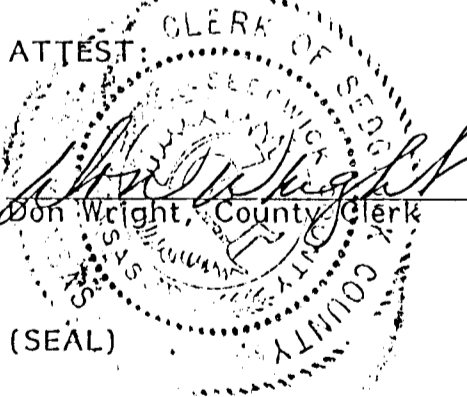
  
 Mark F. Schroeder, Chairman

  
 Billy Q. McCray, Chairman pro tem


  
 David Barouth, Commissioner

  
 Tom Scott, Commissioner

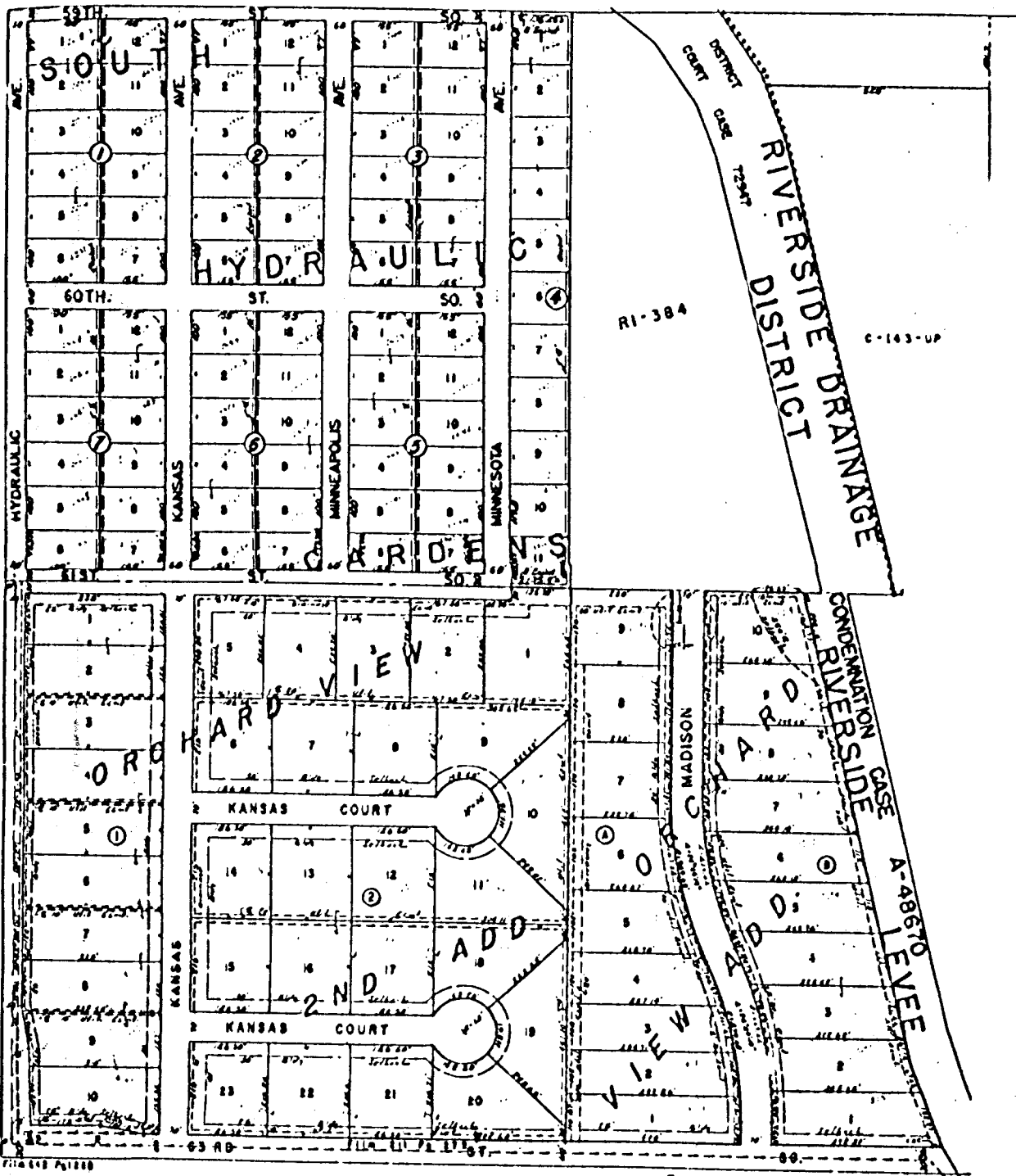
  
 Bernard A. Hentzen, Commissioner

ATTEST:   
 Don Wright, County Clerk  
 (SEAL)

Approved as to form by County Counselor

  
 Robert R. Arnold, County Counselor

S.W. 1/4 SEC. 27, TWP. 28S, R.1E



REVISED

STAFF REPORT

CASE NUMBER: CU-312

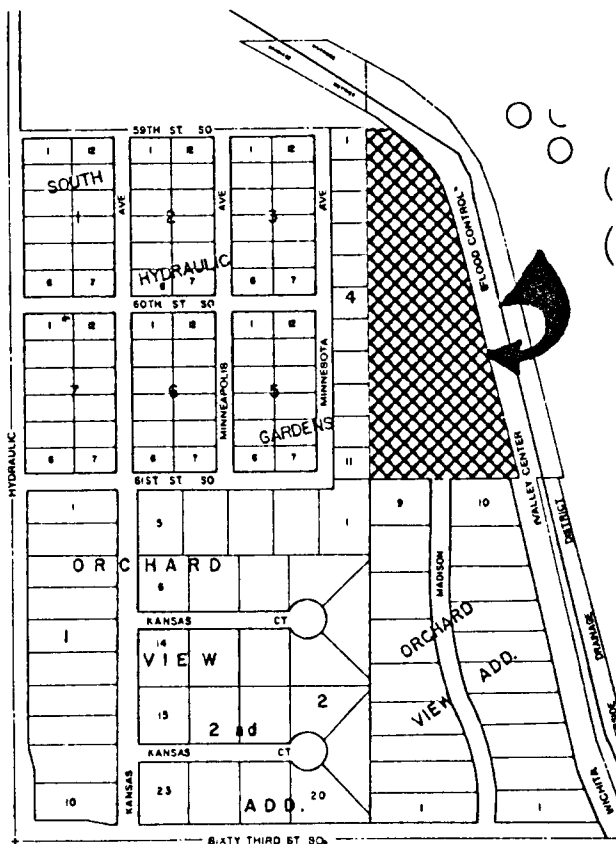
OWNER/APPLICANT/AGENT: Larry and Betty Loyd (applicant)  
John Loyd (agent)

REQUEST: Conditional Use Permit to establish a temporary topsoil  
removal and mixing operation

CURRENT ZONING: "R-1" Suburban Residential

SITE SIZE: 20 Acres

LOCATION: North of 61st Street South, as extended from the west,  
in an area east of Minnesota Avenue



BACKGROUND: The applicant is requesting a conditional use permit for a temporary topsoil removal and mixing operation associated with the expansion project for Wichita's sewer treatment plant. The 20-acre application site is unplatted and is located between the Riverside Drainage Channel and the South Hydraulic Gardens subdivision which stretches from 59th to 61st Streets South. South of the site is Orchard View Addition. A hedgerow exists along the west and south property lines of this application area. Access to the site will be through the sewer treatment plant property and across the drainage channel. The Flood Control Office has approved a temporary channel crossing. The life of the sewer plant project (and of this conditional use permit, if granted) will not exceed 25 months with a start date projected for April, 1988. The contractor for the sewer plant project would be using this site to mix fly ash with soil for immediate transfer to the plant expansion site on the east side of the drainage channel. He would first remove the topsoil and stockpile it along the west and south edges of the site. Topsoil berms could range in height from five to eight feet and would provide additional screening of the activity which would occur on site.

The contractor has stated that there would be about two semi-truck loads of fly ash brought to the site per day. The fly ash would be spread out on the ground, then, along with six to twelve inches of soil, would be mixed with water in a large machine and put back on the ground once again. Once the soil is mixed, it must be used within two hours so trucks will immediately transfer the mixture to the construction site. Since the best weather conditions (low wind speed and high air moisture) exist early in the morning, the contractor anticipates working on the site mainly in the mornings, Monday through Friday. There will be no odor associated with this soil mixing process. The spreading of fly ash and the mixing will be conducted only when wind speeds are low.

The applicant has stated that once the entire mixing operation is complete, soil material will be brought from the plant site and deposited on the application area to replace the amount removed, and then the topsoil will be spread back over the ground and the site returned to its current use as pasture and crop land.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Sewer treatment plant
SOUTH	"R-1"	Single-family dwellings
EAST	"AA"	Sewer treatment plant
WEST	"R-1"	Single-family dwellings

PUBLIC SERVICES: Public services are not available to serve this site and are not needed for the proposed use. No direct public street access will be utilized for the use proposed in this application.

CONFORMANCE TO PLANS/POLICIES: This property is within Haysville's zoning area of influence but within MAPC's platting jurisdiction. Due to its proximity to the sewage treatment plant, it does not seem suitable for much development of any kind and could best be utilized as pastureland or cropland.

RECOMMENDATION: Should the Commission determine that the proposed use is acceptable at this location, the following are recommended conditions of approval:

1. Access to this site shall be through the sewer treatment plant property and across the drainage channel on the east and shall not be from any of the residential streets in Orchard View or South Hydraulic Gardens.
2. Use of this site for topsoil removal and mixing shall be only in conjunction with EPA Project No. C20 1022-01 and shall not exceed 25 months. At the end of the project life, but no later than April 30, 1990, the topsoil shall be respread on the site and a ground cover (grass or agricultural crop) established.
3. No topsoil removal or soil/fly ash mixing shall occur within 100 feet of the west and south boundaries of the site. The existing hedgerows along the west and south lines of this application area shall be maintained.
4. The topsoil removed from the site shall be stockpiled within the west and south perimeters of the site in berms between five and eight feet high.
5. The temporary drainage channel crossing shall be constructed in accordance with requirements of the Flood Control Office.
6. The amount of soil to be removed from the site as part of the mixing operation shall be in general conformance with the grading plan submitted with this application. The existing drainage pattern of the site shall not be altered. The applicant shall submit a drainage plan to the County Bureau of Public Services for approval prior to the case being forwarded to the County Commission.
7. The applicant shall have the material that is proposed to be deposited on the application area tested for contamination and the test results shall be submitted to the Wichita-Sedgwick County Health Department for approval prior to being used as fill.
8. The applicant shall have the ground water tested on site before commencing the operation and after completion of the operation. The test results shall be presented to the Health Department and shall be made available to the public.
9. The Wichita-Sedgwick County Health Department shall be contacted prior to the tests being conducted and shall approve the method of testing.