

DR 83-17 - Amendment to City
Zoning Ordinance. Waste to Energy
Incineration Facilities

ACTION

DATE

COMMITTEE

M.A.P.C. *Approved as recommended 11/2/84*

B.C.C./B-60.C. *Approved 8-2-84*

WICHITA-SEDGWICK COUNTY

Date: February 13, 1987

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Bob Finch, Deputy City Manager

FROM: Marvin S. Krout, Director of Planning

SUBJECT: Allen Report on Resource Recovery

No one in Planning, including me, will claim to have much expertise in this area. Nevertheless, here are my observations on the report from "land use" perspective:

I think the report underestimates the problem of siting the proposed facility. Allen suggests a downtown site, or the Water Department property (at Sim Park). I have not seen a facility like this, but would imagine that, like a landfill, there are a large number of trash trucks approaching and departing from it, and that noise and odor and litter problems are associated with those trucks, if not with the facility itself. Siting such a facility anywhere in Downtown or Sim Park seems totally incompatible with ongoing efforts to improve the attractions in and attractiveness of those areas. A site in the Bridgeport industrial area, with a line south to the electrical users downtown, seems more appropriate (cost?).

In pages 50-51, Allen suggests that certain regulations be eliminated or amended. Back in 1983-84, MAPD, along with Dr. Hahn, developed a new set of standards for "modular" facilities. Apparently the concept at the time was for a number of relatively small-scale, low capacity (under 500 tons/day) facilities that could be located adjacent to offices, universities, hospitals, and similar uses in different parts of the city. Because of the small scale and the siting requirements of these modular facilities, it was thought that the requirement of "F" heavy industrial zoning (plus a special permit) was too burdensome, and that in order to encourage these facilities, we needed to be able to locate them in other locations. The standards referred to in the Allen report, that were adopted by reference by both City and County, were drawn to ensure protection of adjacent properties that might even be residential in use and zoning. I think that the much larger-scale, higher capacity non-modular (1000 + tons/day) facility described in the Allen report as being the current trend in technology should probably still be restricted to "F" districts. The non-modular facilities, which are restricted to "F" districts, must go through a special permit process, but would not be subject to the standards discussed on page 51.

In addition, I would note that there is no real discussion of the comparative economics of incinerator versus landfill, assuming increased cost of lining and other mandates of new federal regulations on landfills. Seems to me that this comparison is needed in order to choose between the two alternatives. Tipping fee increases appear likely for the incinerator, but maybe

PL/1060/2

Bob Finch, Deputy City Manager
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the increase costs of new, more expensive landfill would also require fee increases. The study should also recognize that KG&E would be likely to raise rates on remaining customers to make up for loss of revenues from the city, county, and any other subscribers to the new electric generating system.

MK:rme

cc Jack H. Galbraith
Willard L. Stockwell

PL/1060/2



ORIGINAL COURTHOUSE, WICHITA, KANSAS 67203

COUNTY OF SEDGWICK
DEPARTMENT OF ENVIRONMENTAL RESOURCES

DOUGLAS R. HAHN, Ph.D.
DIRECTOR

TELEPHONE 268-7380

August 27, 1984

RECEIVED

TO: Jack Spratt, Chairman
Don Gragg, Commissioner
Tom Scott, Commissioner
Board of Sedgwick County Commissioners

Bob Knight, Mayor
Bob Brown, Vice-Mayor
Margalee Wright, Commissioner
Albert Kirk, Commissioner
Tony Casado, Commissioner
Board of Wichita City Commissioners

FROM: D. R. Hahn, Director *DRH*
Sedgwick County Department of Environmental Resources

RE: Capacity Limitation for Local Waste-to-Energy Systems

SEP 10 1984
METROPOLITAN PLANNING
ROUTE *10-10*

K.S.A. 1983 Supp. 65-3418 and 65-3450 were amended by the 1984 session of the Kansas legislature to allow a "city or a county or combination of cities or counties...the authority to limit the overall capacity of resource recovery systems within its jurisdiction so as not to exceed the capacity for available solid waste and to serve the best public interest...". The report entitled "Sedgwick County, Kansas, Resource Recovery Feasibility Study, 1982" recommended that the overall capacity of a system of waste-to-energy facilities in Sedgwick County not exceed 900 tons of trash processed per day on a 5-days per week operational basis (4500 tons of trash processed per week). The 900-ton figure represented the waste stream flow which could be sustained on a year around basis (accounting for the daily, weekly and seasonal fluctuations in waste flow) and accounted for approximately 67% of the solid waste generated annually in Sedgwick County, including its cities. Continued monitoring of the local solid waste stream since the issuance of the resource recovery report supports the 900-ton figure.

A joint resolution of the County of Sedgwick and the City of Wichita, adopted on July 19, 1983, provided for the initiation

Board of County Commissioners
Board of City Commissioners
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of a local long-term solid waste disposal program employing the implementation of a network of modular waste-to-energy incineration facilities as a major element of that program. One provision of the joint resolution was "a network of ... facilities with a combined total county-wide capacity capable of processing 900 tons of trash per day." The resolution concurred in the conclusions and recommendations of the resource recovery report.

The limitation of the overall system capacity within Sedgwick County is integral to self-supporting, economically viable individual facilities and is important to the financial investors (private or public) in such operations. Therefore, it is essential to formally establish an overall capacity figure at this time to allow the orderly development of trash incineration facilities. The joint resolution of July 1983 may be construed to have established a 900 tons-per-day "cap" or a new joint resolution limited to that capacity consideration may need to be drafted and approved. Appropriate legal advice is needed on that matter. If new action is required, I suggest the following language be adopted:

"Be it resolved that the Board of Sedgwick County Commissioners and the Board of Wichita City Commissioners hereby establish, in accordance with K.S.A. 65-3418 et. seq., a limit to the total overall capacity of modular waste-to-energy incineration facilities located within Sedgwick County, Kansas, not to exceed a trash processing capacity of 900 tons of solid waste per day (on a 5-days per week basis) or a total of 4500 tons of trash processed per week. Such capacity will not exceed the sustainable available flow of local solid waste and will serve the best public interest. Solid waste generated in excess of said capacity may be recycled or deposited in other licensed approved disposal sites such as sanitary landfills. The total capacity limit shall be evaluated and reviewed not less than once every two years by said governing bodies."

In proposing such language, I presume that the overall capacity figure can be adjusted (probably upwards) by the local governing bodies as conditions and the local waste stream warrant such change.

cmh

cc: F. Tim Witsman
Sedgwick County Administrator

E. H. Denton
Wichita City Manager

Board of County Commissioners
Board of City Commissioners
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cc: William D. Rustin
Sedgwick County Counselor

John Dekker
Director of Law, City of Wichita

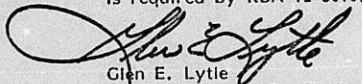
Robert Lakin, Director
Metropolitan Area Planning Department

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

August 16, 1984

TO: Don Gisick, City Clerk
FROM: Glen E. Lytle, Special Assistant for Zoning
SUBJECT: Ordinance 38-857

Attached hereto are 3 copies of the document entitled "Standards for Development of Resource Recovery Facilities" and noted "Official Copy as incorporated by Ordinance No. 38-857". Please attach a copy of this ordinance and make available to the public at all reasonable hours as is required by KSA 12-3010.



Glen E. Lytle
Special Assistant for Zoning

GEL:sad

Attachments

cc: John Dekker, Director of Law
Robert Feldner, Superintendent of Central Inspection (2)
Don Anderson, Director of Economic Development

AN ORDINANCE AMENDING SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO EXCEPTIONS TO THE USE REGULATIONS AND PROVIDING BY SPECIAL PERMIT THE INSTALLATION OF RESOURCE RECOVERY FACILITIES IN ANY ZONING DISTRICT; AND REPEALING SAID ORIGINAL SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.180 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

*28.04.180 Exceptions to use regulations - Generally. The provisions of the zoning district regulations apply to all properties in the city; provided, however, the enlargement or expansion of nonconforming uses are regulated by Section 28.04.170 as an exception to these regulations. Also, in order to accomplish the general purposes of the zoning ordinance, it is deemed necessary to give special consideration to certain uses within the various zoning districts when said uses are not permitted as a use by right. This section and the following sections set forth these uses and the procedures and conditions for their approval.

1. Whenever the boundary line of any district divides a lot held under a separate ownership from adjoining lots at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), nothing herein shall be construed to prevent the extension of the use permitted on either portion of such lot or parcel of land for a distance not greater than twenty-five feet beyond the boundary line of the district.

2. In any location where two-family dwellings are located in any district with not more than one hundred feet frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this chapter, additional two-family dwellings may be constructed or existing buildings may be converted to two-family dwellings on both sides of the street in any district.

3. In any district where there are four-family dwellings with not more than one hundred feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this chapter, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district.

4. The board of City Commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the location in any district within the city, any public building structure or land use to be used by any department of the city, county, state or federal government; or any building, structure or land use to be used by any public utility operated under a franchise granted by the city.

5. In order to allow shopping center and other office, commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unsplit lot or other unplatted tract on which the sign will be located, the superintendent of central inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B" or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it is a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located.


6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary authorize the temporary occupancy of a structure in any zoning district within the city for the operation of a haunted house, halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Chapter 3.22 of the code of the City of Wichita, Kansas.

7. In addition to the other provisions of the zoning ordinance, the installation of a resource recovery facility may be permitted in any zoning district, as a principal or accessory use, only if such use is approved by the Governing Body as a special permit. Said special permit may be approved with conditions by the Governing Body only after receiving a recommendation on the use by the planning commission, after a public hearing as set forth in Section 28.04.210. Any resource recovery facility not located in the "F" Heavy Industrial District, shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas."

The original Section 28.04.180 of the Code of Wichita is hereby repealed.


This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official paper.

ADOPTED at Wichita, Kansas, this 14th day of August, 1984.


Robert Knight, Mayor

ATTEST:


Donald C. Wisick, City Clerk


John Dekker, Director of Law

OFFICIAL COPY

AS INCORPORATED BY
ORDINANCE NO. 38-857
AND
RESOLUTION NO. 159-1984

STANDARDS FOR DEVELOPMENT
OF
RESOURCE RECOVERY FACILITIES

JUNE 1984

FIRST EDITION

DEVELOPED AND PUBLISHED
BY THE

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA
PLANNING DEPARTMENT

10th FLOOR
455 NORTH MAIN
WICHITA, KANSAS 67202

STANDARDS FOR DEVELOPMENT OF
RESOURCE RECOVERY FACILITIES

Section 1. Statement of policy. Any public or private entity may construct and operate a refuse incineration system for the purposes of resource recovery provided that all conditions established herein are met by such system.

Section 2. Definitions. In addition to the definitions included in the building and zoning regulations applicable in the jurisdictional location, the following definitions shall be included:

Modular incinerator: a self-contained, prefabricated combustion unit capable of performing mass burning of solid waste in a controlled air (stoichiometric) mode. The incinerator should consist of at least primary and secondary refractory-lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned and for meeting all applicable air pollution standards. The heat generated from such incinerators may be vented or may be used to generate steam, hot water, hot air, hot oil, electricity, or some other useful form of energy or material. The desired incineration capacity may be achieved by combining modules.

Person: any individual, employee, subcontractor, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Resource recovery: the extraction and utilization of materials and energy from the waste stream.

Section 3. Types of allowable refuse incineration systems. Any refuse incineration system installed for the purpose of resource recovery within any incorporated city or within the unincorporated area of Sedgwick County must be a modular incinerator system. Each modular incineration system must be approved by the Governing Body having primary jurisdiction of the location of the facility, before construction may begin. Locations within the jurisdictional area regulated by a zoning ordinance or resolution must comply in all respects to requirements and processes for approval as set forth therein. In addition, each modular incineration system must be constructed and operated in accordance with all other applicable federal, state, and local laws and regulations. The system must also be issued a solid waste processing or disposal permit by the Kansas Department of Health and Environment prior to construction. When such a facility is to be located in an area not regulated by zoning, the issuance of any construction permit for any system shall be subject to administrative review by all departments having jurisdiction over said facilities who shall make a recommendation to the Governing Body as to compliance with the regulations and the compatibility of the use in relation to adjoining properties. The Governing Body shall then make a determination that the facility can be operated without being a nuisance and approve the issuance of the permit subject to appropriate conditions. If the Governing Body determines that the operation of the facility would not be in the best interests of the public, the permit shall be denied.

Section 4. Experience requirements for applications. Any person, as defined herein, applying for a permit to construct and operate a modular incineration system must demonstrate a minimum of five years experience in the construction, operation, and maintenance of such modular incineration equipment and have a documented record of success in such construction, operation, and maintenance.

Section 5. Site requirements.

A. **Development Plan Required:** Each application for the construction or installation of a resource recovery facility shall be accompanied by a development plan, drawn to a scale of not less than 1 inch equal 30 feet, and not less than 6 copies for review by all departments or agencies having a jurisdictional interest. The site plan shall be of sufficient detail to show all existing and proposed buildings and on-site circulation of vehicles and the relation of the docks or unloading area to surrounding properties.

B. **Lot Area Requirements:** Under no circumstance shall the lot area be less than set forth in the following table based on the plant capacity in tons per day (TPD):

<u>Size of Facility (TPD)</u>	<u>Minimum Lot Width (Feet)</u>	<u>Minimum Lot Area (Feet²)</u>	<u>Building Size (Feet²)</u>
100	230	92,000	16,200
200	280	123,200	25,600
300	270	116,100	22,500
400	280	126,000	27,200
500	280	137,200	33,600

Note: For plants having capacities not listed in the above table, the minimum lot area requirements shall be determined by extrapolation. Also, whenever a facility is to be installed with another use, adjustment in the lot area requirement must be considered to accommodate each use on the property.

- C. Setback Requirements:** Under no circumstance shall the setbacks for a resource recovery facility be less than as set forth herein, even though the administration building or other uses may be permitted by other regulations (zoning, building or subdivision) at a lesser setback.
1. **Front yard:** The minimum front yard setback for the portion of the structure housing a resource recovery facility shall be 100 feet.
 2. **Side yard:** The minimum side yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent to a residential zoning district; or be located within 200 feet from an existing residence; the minimum side yard setback shall not be less than 100 feet. Driveways and circulation aisles for vehicular access to the facility shall be located not closer than one-half the distances set forth above.
 3. **Rear yard:** The minimum rear yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent

to a residential zoning district; or be located within 200 feet from an existing residence; the minimum rear yard setback shall not be less than 75 feet.

D. Height limitations: Under no circumstance shall the height of the exhaust stacks on the incinerator be less than 75 feet or exceed a height of 100 feet. The height of the building shall not exceed the limitations of the zoning district, when applicable.

E. Off-street parking, loading and circulation drives:

1. Off-street parking spaces shall be provided on the basis of one space for each employee in the largest working shift of the resource recovery facility. This parking shall be in addition to the off-street parking for any other use that may be established on the property.
2. Off-street loading and circulation drives shall be of sufficient width and area to provide adequate on-site circulation and queueing of vehicles to prevent interference with on-street traffic. This shall be determined by requiring not less than 60 linear feet of holding space for any facility up to 100 (TPD) and 30 additional feet for each additional 100 (TPD) capacity or major fraction thereof. The first 60 linear feet of holding space and not less than 50% of the required space shall be outside of any fenced enclosure of the facility.
3. All parking spaces, loading spaces, circulation drives and the holding spaces shall be surfaced with asphalt, asphaltic concrete or concrete.

4. Any lights used to illuminate the parking or circulation drives shall be so arranged as to deflect light away from any residential zoning district on any existing residences.

F. Building and system design:

1. The building design must be of the same general character or compatible with the surrounding neighborhood.
2. All incineration equipment and the tipping area shall be placed within a building with the exception of the ash removal system which may be located outside providing such removal will not create a nuisance to the area.
3. All refuse and other storage on the property shall be kept within an enclosed building.
4. Concrete or masonry walls shall be constructed around the perimeter of tipping floor and shall be designed to withstand the superimposed load of the refuse and the pressure of equipment used to move the refuse.
5. Design provisions shall be made to separate commercial and non-commercial traffic in the facility.
6. A tipping floor shall be utilized by the facility as opposed to tipping pits. The waste tipping floor should be designed to permit a complete turnover of waste within seven days. Adequate storage or handling provisions must be provided in the event of equipment malfunction or breakdown. The tipping floor shall be

concrete with steel or other similar aggregate added to enhance the service life of the floor and minimize the corrosive effects from waste leachate and/or equipment.

7. Standardized systems and equipment with easily replaceable spare parts should be utilized in system design whenever and wherever possible.
8. The system design should be as simple as possible and should minimize moving parts to minimize points of system failure.
9. The system design should be redundant so that at least some operations can continue in the event of equipment breakdown.
10. Systems which minimize waste processing prior to incineration should be utilized.
11. Systems which minimize the need for air pollution equipment for stack emissions should be utilized.
12. Starter motors, electrical switches, and electrical junctions should be centralized in instrument panels away from the incineration equipment for easy access and maintenance.
13. Make-up water for the boiler system should be pretreated and de-aerated to enhance equipment life and heat transfer efficiency.
14. The resource recovery facility shall be fenced and gated to provide security and create an appearance compatible with the surrounding area. Such fence shall be sufficient to prevent

off-hours dumping and to reduce the possibility of scavenging of waste materials by animals or persons.

15. Landscaped yards shall be provided as required by any applicable zoning regulations, but in no case shall a facility be located adjacent to a residence without a minimum of 25 foot landscaped yard; and provided further, a 6 to 8 foot wood, metal or masonry screening fence, or landscape screening materials of at least six feet in height shall be installed. Whenever a screening fence is not required due to the location within a commercial or industrial area, a 6 to 8 foot chain link fence may be utilized.
16. All non-paved areas shall be maintained with lawn and landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Wichita-Sedgwick County Metropolitan Area Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.
17. The resource recovery facility shall provide an approved automatic sprinkler system or other similar system for fire control approved by the fire department wherein the facility is located. Such fire control system shall encompass the tipping floor as well as the incineration and boiler equipment area of the facility.

G. Plant Construction and Operation:

1. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local environmental laws

and regulations so as to prevent air and water pollution.

2. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local health, sanitation, and safety laws and regulations.
3. The plant site shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash, debris, and blowing litter. Salvage materials shall not be stored or handled outside of an enclosed building.
4. The incineration system shall be maintained and operated so that there are no discernible odors or noise beyond the site boundaries.

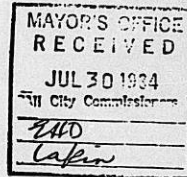
H. Revocation of Permit:

Failure to comply with these regulations, or any other applicable regulations, or any conditions specified in the special permit, may result in the revocation of such permit. The revocation of the permit shall occur only after a hearing by the governing body for failure to comply with said conditions for compliance after notice has been given to the owner or operator of the facility by the enforcement agency with a specific compliance date.

CENTURY II FUELS, INC.

1312 PETERSON • WICHITA, KANSAS 67212 • PHONE (316) 722-1324

July 30, 1984



✓ Mr. Robert G. Knight, Mayor
455 North Main
Wichita, Kansas 67202

Mr. Robert C. Brown, Commissioner
455 North Main
Wichita, Kansas 67202

Mr. Tony Casado, Commissioner
455 North Main
Wichita, Kansas 67202

Mr. Albert J. Kirk, Commissioner
455 North Main
Wichita, Kansas 67202

Ms. Margalee Wright, Commissioner
455 North Main
Wichita, Kansas 67202

RECEIVED

AUG 2 1984

METROPOLITAN PLANNING
ROUTE _____

Dear Commissioners:

I had the privilege of being invited to a public meeting of the Metropolitan Area Planning Commission which, among other items, decided to adopt a zoning ordinance for a Resource Recovery Facility. This letter is to comment and make suggestions on the proposed ordinance DR-83-17.

The ordinance entitled "Resource Recovery Facilities" is general to the extent that it seems to cover any resource that is collected and reused. For example, the title seems to cover the collection of such items as:

1. Glass bottles
2. Aluminum cans
3. Garbage
4. Trash
5. Paper
6. Old oil
7. Metal - steel, brass, aluminum, etc.

Further, it seems also that it should control a wide range of recovery processes such as:

Commissioners
July 30, 1984
Page 2

1. Clean and reuse glass bottles
2. Incineration - garbage to heat
3. Pyrolysis process - trash to gas
4. Biological conversion - garbage to gas
5. Paper - heat or pulping of paper
6. Old oil - clean for reuse
7. Processing ingots from scrap metal

The zoning ordinance and its referenced document "Standards for Development of Resource Recovery Facilities, June, 1984," addresses only processing garbage in a modular incinerator and specifically restricts a recovery facility to the use of a modular incinerator. This, plus all supporting sections of these standards, excludes all other current systems and/or technologies.

As an example: Glickman, Inc. which collects scrap aluminum, melts it and makes ingots would be included. Both Love Box Company which processes their scrap paper and Ferrolloy Foundry which collects scrap iron for processing into steel would be effected.

Century II Fuels plans to convert trash to gas; then use the gas in a cogeneration unit to generate steam and electricity. It appears that we would be effected also. Our concern is that we must comply with provisions of an ordinance which was written for another process.

Suggestion:

1. Change the title to "Energy Recovery from Garbage by Incineration," or
2. Completely rewrite the ordinance to make it a general guideline that does not restrict new technology or trade.

I would appreciate your thoughts on this matter or if you wish, please call for a discussion in your office. I understand that this ordinance will come before the City Commission on August 7, 1984.

Sincerely,

CENTURY II FUELS, INC.

Ed Wiggins

Ed Wiggins, President

EW:cb

cc: Congressman D. Glickman

THE CITY OF WICHITA



OFFICE OF THE MAYOR
CITY HALL — FIRST FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4331

August 1, 1984

Mr. Ed Wiggins, President
Century II Fuels, Inc.
1332 Peterson
Wichita, Kansas 67212

Dear Mr. Wiggins:

This will acknowledge your July 30 letter to the Board of City Commissioners regarding the Resource Recovery Facility zoning ordinance.

I noted that your letter was provided to each of the Commissioners. It would also be appropriate for you to appear before the City Commission to express your concerns when the matter is discussed on August 7, 1984.

Thank you for your interest.

Sincerely,


Bob Knight
Mayor

BK:al

cc: Honorable Board of City Commissioners
E. H. Denton, City Manager
Robert Lakin, Director of Planning

WICHITA-SEDCWICK COUNTY

Date
July 27, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

TO: E. H. Denton, City Manager
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 83-17 - Amendment to City of Wichita Zoning Ordinances -
Re: Resource Recovery Facilities.

Attached is a delineated copy of an amendment to the City of Wichita Zoning Ordinance that is recommended by the Planning commission for adoption. Also included is the document entitled "Standards for Development of Resource Recovery Facilities" that would be adopted by reference in the amendment. Please place this on the agenda for City Commission consideration on August 7, 1984.

BACKGROUND:

On July 19, 1983 a joint resolution by the City Commission and the County Commission was adopted for the initiation of a local long-term solid waste disposal program. Included in this resolution was the provision to implement a network of modular waste-to-energy incineration facilities to be presented to the governing bodies for review and approval based on the merits of each project.

In order to accommodate the intent of the joint resolution, and to assure that each resource recovery facility can be successful, these regulations have been developed. At the present time, the location of such a facility is required to be in the "F" Heavy Industrial District. This amendment will permit the governing body to authorize by special permit, resource recovery facilities at any location within the jurisdictional area of the Zoning Ordinance.

A copy of the planning commission minutes of July 12, 1984 is attached for your information.

SUMMARY:

The amendment to the Zoning Ordinance will retain the provision for the development of resource recovery facilities of any type in the "F" Heavy Industrial District subject to the approval of a special permit by the governing body. This may, or may not, include the "Standards for Development of Resource Recovery Facilities" at the discretion of the governing body.

In addition to the above, resource recovery facilities using modular incineration systems may be permitted in any zoning district subject to the approval of a special permit by the governing body. These facilities must conform to the "Standards for the Development of Resource Recovery Facilities" that include the following standards:

1. Adequate setbacks and lot area requirements, based on the size of the facility in tons per day, to assure compatibility to the neighboring properties.

2. Each facility shall provide adequate off-street parking, circulation drives and holding spaces for vehicles based on the size of the facility.
3. The entire system including the tipping floor shall be within an enclosed building.
4. The facility shall be fenced and provide a fire control system.
5. The system shall be operated in conformance with all federal, state and local environmental laws and regulations to prevent air and water pollution.

Any special permit application is required to be advertised for public hearing. The planning commission shall make a recommendation to the governing body on each such facility.

RECOMMENDED ACTION:

1. Concur in the recommendation of the Planning Commission and place the ordinance on first reading.
2. Make whatever changes are deemed to be in the best interest of the public and place the ordinance on first reading.


Robert A. Lakin
Director of Planning

RAL:GEL:sad

Attachment

cc: Board of County Commissioners
John Dekker, Director of Law
Don Anderson, Director of Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Chamber of Commerce, 350 West Douglas, Wichita
Wichita Board of Realtors, 717 North Emporia, Wichita
Wichita Area Builders Association, 730 North Main, Wichita
Dr. Doug Hahn, Director of Environmental Resources, County
Mike Everhart, Director of Environmental Health, Wichita-Sedgwick
County Health Department, 1900 East Ninth, Wichita
Ed Wiggins, Century II Fuels, 1332 Peterson, Wichita 67212
Stan Scott, Citizen Participation Organization
Jim Meyer, Director of Energy Resources

Additions underlined
Deletions ~~marked thru~~

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS; PERTAINING TO EXCEPTIONS TO THE USE REGULATIONS AND PROVIDING BY SPECIAL PERMIT THE INSTALLATION OF RESOURCE RECOVERY FACILITIES IN ANY ZONING DISTRICT; AND REPEALING SAID ORIGINAL SECTION 28.04.180 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.180 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

"28.04.180 Exceptions to use regulations - Generally. The provisions of the zoning district regulations apply to all properties in the city; provided, however, the enlargement or expansion of nonconforming uses are regulated by Section 28.04.170 as an exception to these regulations. Also, in order to accomplish the general purposes of the zoning ordinance, it is deemed necessary to give special consideration to certain uses within the various zoning districts when said uses are not permitted as a use by right. This section and the following sections set forth these uses and the procedures and conditions for their approval. ~~This chapter shall not apply to existing structures nor to the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of this chapter, excepting for the future change to conforming use as provided in paragraph A of Section 28.04.170. All zoning district regulations shall apply to any enlarging of a building for a nonconforming use in the district in which it is located, and to any alteration of a building which is intended to change its use to a less restricted classification.~~

1. Whenever the boundary line of any district divides a lot held under a separate ownership from adjoining lots at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), nothing herein shall be construed to prevent the extension of the use permitted on either portion of such lot or parcel of land for a distance not greater than twenty-five feet beyond the boundary line of the district.

2. In any location where two-family dwellings are located in any district with not more than one hundred feet frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this chapter, additional two-family dwellings may be constructed or existing buildings may be converted to two-family dwellings on both sides of the street in any district.

3. In any district where there are four-family dwellings with not more than one hundred feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this chapter, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district.

4. The Board of City Commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the location in any district within the city, any public building structure or land use to be used by any department of the city, county, state or federal government; or any building, structure or land use to be used by any public utility operated under a franchise granted by the city.

5. In order to allow shopping center and other office, commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unified lot or other unplatted tract on which the sign will be located, the superintendent of central inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B" or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it is a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located.

6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary authorize the temporary occupancy of a structure in any zoning district within the city for the operation of a haunted house, halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Chapter 3.22 of the code of the City of Wichita, Kansas.

7. In addition to the other provisions of the zoning ordinance, the installation of a resource recovery facility may be permitted in any zoning district, as a principal or accessory use, only if such use is approved by the Governing Body as a special permit. Said special permit may be approved with conditions by the Governing Body only after receiving a recommendation on the use by the planning commission, after a public hearing as set forth in Section 28.04.210. Any resource recovery facility not located in the "F" Heavy Industrial District, shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas."

The original Section 28.04.180 of the Code of Wichita is hereby repealed.

This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official paper.

ADOPTED at wichita, Kansas, this ____ day of August, 1984.

Robert Knight, Mayor

ATTEST:

Donald C. Cisick, City Clerk

EXCERPT FROM PLANNING COMMISSION MINUTES OF JULY 12, 1984

- 11a. Case No. DR 83-17 - Amendment to City Zoning Ordinance - Resource Recovery Facilities.
- 11b. Case No. DR 83-18 - Amendment to County Zoning Resolution - Resource Recovery Facilities.

LAKIN stated that they had an opportunity earlier today, in the informal session, to discuss the background of the report. He said that this report follows some two years or so of work done by Dr. Hahn and the Department of Environmental Resources of the County looking for a way to solve the solid waste problems. He said that as a result of a lot of staff research and reports to a joint task force that was assembled by Dr. Hahn to evaluate these reports, and after submission to the governing bodies, the general thrust was to proceed with a resource recovery process. The legislation was introduced this year to accomplish a number of ends towards getting to the place of having resource recovery. He said that they are now at the place of needing to have local regulations sufficient to allow for the development and the placement of these types of facilities in the community. LAKIN said that as they understand the process at the staff level, based on the type of energy producing projects that would be considered, they are going to have to be near people who can utilize that as a product, and that is going to be necessary in order to make these economically viable and feasible within the community. He said that currently the zoning regulations are such that all types of processes like this (incineration, resource recovery type units), are permitted first in the "F" Heavy Industrial zoning district, and then only after an additional public hearing by the governing body through the Planning Commission. LAKIN said it was staff's view that rather than try to deal with looking at individual zone cases to put "F" zoning in each of these locations, a better process would be much as they treat many of the utility installations and governmental buildings, this being a special permit after public hearings, by this body and the governing body, and tying them to fairly stringent requirements for the development of the process and the site with design guidelines. Accordingly, he said that they have proposed amendments to both of the texts that will allow the Resource Recovery, as defined, to occur in any zoning district after the public hearings and due process, and when they are tied to the standards for development for Resource Recovery Facilities as a separate code and adopted apart and outside of the zoning regulations. LAKIN said that earlier this week staff was contacted by the Department of Economic Development for the City indicating that there were some other processes and investors interested in doing some things for which the text, as written, would present a problem. In discussing those problems with Dr. Hahn and members of the staff, they have provided for the Commission a revision to the advertised amendment, and would recommend that the Planning Commission recommend to the governing bodies the adoption of these regulations.

LAKIN advised that essentially what the regulations would do would be to provide for the special permitting process in addition to the existing regulations. That means that any zoning district subject to these very stringent requirements, would allow for people to site these facilities throughout the community, if needed. It would still allow any other process which may not meet these criteria to locate in the "F" Heavy Industrial district subject to special permit and such conditions as may be appropriate on those particular operations.

LAKIN said that he had furnished that information to the people who had an interest in that, and also to Dr. Meyers.

ED WIGGINS, Century II Fuels, stated that this group has been organized to develop energy for a resource recovery facility by using the pyrolysis system. It has been researched and developed at Kansas State University over the last nine years. He said that they

recently have gotten a patent on the process, and they have bought a license to use the patent, and they plan to build a plant in Wichita using this pyrolysis process. WIGGINS said that they are currently in the process of setting up financing to build a development and demonstration facility in the northern part of Wichita. They have read this proposal and believe it to be too restrictive to include any other system than the modular incineration facility that is described. They felt that the ordinance should include pyrolysis systems or any of the biological processes. They also felt that this ordinance eliminates any of the innovative systems that are coming on the market at this time. WIGGINS said that, not being familiar with the zoning ordinance, they feel that the document describes one system and one must live within that system. As an example, on Section 4, page 3 of the document, it states "it gives a minimum experience requirement five years in a construction, operation and maintenance of a modular incineration system more equipment." He said that a pyrolysis system is brand new and there was no way anyone could have five years experience unless it would be the professor that invented some of the system. Secondly, under site requirements, this has outlined the size of the facility based upon the capacity and includes a minimum size for the lot.

One of the Planning Commissioners asked Wiggins to explain the pyrolysis system.

WIGGINS stated that pyrolysis means breaking down of cells by heat. The system that was developed by Kansas State University is a pyrolysis in an oxygen deficient atmosphere.

WIGGINS added that the ordinance and standard is restrictive to the extent that only the modular incineration system would satisfy the ordinance.

WILSON commented to Wiggins that it was his understanding that they would be burning specific things, not waste. He asked if this would not be a different facility than a garbage disposal facility.

WIGGINS said that it would, but it would come under the ordinance, and since it was basically excluded with the exception of a special provision of the group, they felt that this should be more all-inclusive.

LAKIN stated that there must be some miscommunication. When they discussed this yesterday, he thought he understood that if the ground rules are left essentially as they are for Wiggins' process, that is locating in the "F" Heavy Industrial district and without being required to meet these standards, that that was an acceptable process. He asked if Wiggins is now asking that their pyrolysis be included in a set of standards to allow it to be located in any zoning district such as the "AA" Single-Family residential.

WIGGINS said no. They are not really interested in residential or anything like that. They feel that when the zoning ordinance comes along like this it should be more inclusive.

LAKIN responded that because they are taking a rather bold step in this community in trying to open up location sites for opportunities, whether it might be with schools, hospitals or other uses, or it might either in residentially zoned districts or nearby, they felt compelled to make a very tight and very restrictive set of design requirements, and to rely on proven non-experimental systems so that they could guarantee a product to the community in terms of the environment and its conditions. He did not feel that it was their desire to limit the experimental but felt that they needed to be located in a district where the impact, if they go awry, is completely minimized, and felt that that is what they have done by leaving it in the "F" district and keeping a very tight control on the others. He said that if these other processes are developed and proven, then he would think that they would do as they are now doing today, trying to develop standards which would allow a proven product in place within the communities.

WILSON said that it was his understanding that Mr. Wiggins' process was not the disposal of waste, it was an entirely different thing. He asked why were the two related?

WIGGINS responded that they could process a wide range of things, wood, rubber tires, paper, cornstalks, wheat straw, and things of that nature, they just did not want to attack the entire region of garbage. There is a vast difference in the approach.

WILSON still maintained that the two were not related.

LAKIN stated that the tires and the wood stock were waste to some people. He said that it is taking material that is a resource of some type and converting it to energy through a process. LAKIN said that he fully acknowledged that what they have written probably would not allow the processes that they are going to do to be in the same districts, the "AA" district. LAKIN said that in his judgment, this does not preclude him from finding adequate siting facility in the community and for production of this process.

BAYOUTH said that he could not see the problem. They could acquire a permit and still allow this operation in the "F" district.

WIGGINS' said that perhaps he was raising a flag that does not exist, but when he read this and it was all-inclusive, he was a little concerned.

GARDNER stated that the point perhaps is critical and somewhat pivotal here in that there are technologies today that are capable of performing in some fairly stringent standards, and if Wiggins' technology was not capable of performing within those specifications, obviously it needs to be limited to those areas where the exposure to other properties is beyond damaging nature. He felt that it would be absolute folly to relax the standards when the intent of this was to govern the quality level of a facility that could be inserted into other than a heavy industrial area.

WIGGINS agreed. He said that they did want the operation in a heavy industrial area and not in a residential area, but they just looked down the road to see if they had to comply with this, and if so, they were in trouble.

GARDNER asked what was the approximate cost of one of their facilities for utilizing 100 tons per day.

WIGGINS said the cost would be around four million dollars.

HANSEN said that it occurred to her that Mr. Wiggins had not seen the draft that the Commission received this afternoon which says "any resource recovery facility not located in the "F" Heavy Industrial district shall conform to the document entitled "Standards".

WILSON stated an exception was written that Dr. Hahn said that Wiggins had received that takes him back out of that.

GARDNER asked Lakin if the type of facility that they were just discussing that Mr. Wiggins made reference to would be permitted in "F" Heavy Industrial area.

LAKIN said that yes, subject to a special permit being issued by the governing body after a hearing at this level, at which conditions could or may or may not be added. The conditions would not necessarily be the same ones that are in the design guide.

GARDNER asked Dr. Hahn, Director of Environmental Resources, if he was comfortable with this modification and amendment.

HAHN said that yes he was. He said that with three degrees in the sciences he could hardly oppose experimentation in innovation and development. He said that he has discussed this with Mr. Wiggins and he has visited the facility on different occasions with staff

people, task force members and with City and County Commissioners, so his process is certainly not unknown in this community. He said that he had visited with the inventors and they have gone through all their data, and he would have to say, in his opinion, they have done an excellent piece of research, but it has never gone past the experimental stage. HAHN said that their position relative to the solid waste problem has been that their responsibility was to develop a system to take care of an immediate problem, and one that was reliable and economical and that they could count on. He said that even by the admission of the inventors of this process, they are not ready to do that. He felt that this adjustment does allow the opportunity for someone to bring in a proposal like that for the Commission's review.

MOTION: That the Planning Commission recommend to the governing bodies that the proposed amendments to the zoning regulations on resource recovery facilities, and including the recommendation that the amendment to permit the location of any type of waste to fuel facility in the "F" Heavy Industrial District subject to the approval of special permits by the governing body be adopted. Bayouth moved, Hansen seconded and it carried unanimously. Peters was not present. Banzer and Chisholm were absent.

July 16, 1984

Mr. Ed Wiggins
Century II Fuels
1332 Peterson
Wichita, Ks. 67212

Re: DR-83-17 & DR-83-18

Dear Mr. Wiggins:

At the regular meeting of the Planning Commission on July 12, 1984, it was the decision of the Planning Commission to forward to the City Commission and the County Commission a recommendation to adopt the proposed amendments to the zoning regulations on resource recovery facilities. This included the amendment to permit the location of any type of waste to fuel facility in the "F" Heavy Industrial District providing a special permit is approved for the use.

For your information, a copy of the City of Wichita Zoning Ordinance amendment will be prepared and will be forwarded to the City Commission for their consideration on August 7, 1984. A copy of the Sedgwick County Zoning Resolution amendment will be forwarded to the County Commission for their consideration on August 8, 1984.

Once these final amendments have been prepared, a copy of each will be furnished to you for your information.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:sad

cc: Don Anderson, Director of Housing & Economic Development
Jim Meyers, Energy Resources
Dr. Doug Hahn, Director of Environmental Resources, County
Mike Everhart, Director of Environmental Health

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 3, 1984

TO Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR-83-17 - Amendment to City of Wichita Zoning Ordinance -
Re: Resource Recovery Facilities
DR-83-18 - Amendment to Sedgwick County Zoning Resolution -
Re: Resource Recovery Facilities

Attached hereto are proposed amendments to the City of Wichita Zoning Ordinance and the Sedgwick County Zoning Resolution that have been advertised for public hearing at the planning commission meeting of July 12, 1984. Also attached is a document entitled "Standards for Development of Resource Recovery Facilities" that will be adopted by reference by the proposed amendments.

BACKGROUND:

Due to the increased cost of energy and the development of solid waste management plans, it is anticipated that a number of resource recovery facilities will be contemplated within the general area. In order to provide protection to the neighboring properties to such facilities and to assure that each resource recovery facility can be successful, these regulations have been developed.

Recent amendments to KSA 65-3418 permits a city or county or any combination of cities or counties, or both, to limit the overall capacity of resource recovery systems so as not to exceed the capacity for available solid waste and to serve the best public interest. In order to administer the provisions of the statute, it is necessary to regulate the installation of resource recovery facilities and establish location and size of said facilities.

SUMMARY:

The attached amendments to the zoning regulations will provide for the development of resource recovery facilities in conformance with the following standards and procedures:

1. A special permit application shall be submitted for public hearing before the planning commission who shall make a recommendation to the appropriate governing body.
2. The resource recovery facility shall be in conformance with the development standards that are adopted by reference and include the following requirements:
 - (a) Adequate setbacks from adjacent properties and lot area requirements leased on the size of the facility.

- (b) Off-street parking, circulation drives and adequate holding spaces for vehicles based on the total capacity of the facility.
- (c) Standards for the building and system design including the use of a typing floor, fencing requirements, landscaping and fire control system.
- (d) The system must be operated in conformance with all federal, state and local environmental laws and regulations to prevent air and water pollution.

RECOMMENDATION:

- (a) Re: DR-83-17 - (City) Make whatever changes the MAPC deems to be in the public interest, and forward a recommendation to the Board of City Commissioners for adoption.
- (b) Re: DR-83-18 - (County) Make whatever changes the MAPC deems to be in the public interest, and forward a recommendation to the Board of County Commissioners for adoption.


Robert A. Lakin, Director of Planning

RAL:GEL:sad

cc: Wichita Board of Realtors, 717 North Emporia
Wichita Area Builders Association, 730 North Main
Dr. Doug Hahn, Director of Environmental Resources, County
Claud Shelor, Director, Sedgwick County Public Works
Ron Worley, Director, Building & Zoning, County
Don Anderson, Director, Housing & Economic Development
Robert Feldner, Superintendent of Central Inspection
Mike Everhart, Director of Environmental Health, Wichita-Sedgwick
County Health Department

Additions underlined
Deletions marked thru

'DR 83-17

Possible Amendments to the
City of Wichita Zoning Ordinance Scheduled for
Public Hearing before the MAPC - Thursday, July 12, 1984

Recommended that Section 28.04.180 be amended to read as follows:

28.04.180 Exceptions to use regulations - Generally. The provisions of the zoning district regulations apply to all properties in the city; provided, however, the enlargement or expansion of nonconforming uses are regulated by Section 28.04.170 as an exception to these regulations. Also, in order to accomplish the general purposes of the zoning ordinance, it is deemed necessary to give special consideration to certain uses within the various zoning districts when said uses are not permitted as a use by right. This section and the following sections set forth these uses and the procedures and conditions for their approval. ~~This chapter shall not apply to existing structures nor to the existing use of any building which shall have complied with all the laws and ordinances in effect prior to the effective date of this chapter, excepting for the future change to conforming use as provided in paragraph A of Section 28.04.170. All zoning district regulations shall apply to any enlarging of a building for a nonconforming use in the district in which it is located, and to any alteration of a building which is intended to change its use to a less restricted classification.~~

1. Whenever the boundary line of any district divides a lot held under a separate ownership from adjoining lots at the time of the adoption of Ordinance No. 10-107 (October 1, 1928), nothing herein shall be construed to prevent the extension of the use permitted on either portion of such lot or parcel of land for a distance not greater than twenty-five feet beyond the boundary line of the district.

2. In any location where two-family dwellings are located in any district with not more than one hundred feet frontage between the lots which they occupy, two-family dwellings may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by two-family dwellings on the effective date of this chapter, additional two-family dwellings on both sides of the street in any district.

3. In any district where there are four-family dwellings with not more than one hundred feet frontage between the lots which they occupy, additional dwellings not exceeding four families may be constructed between them. If sixty percent or more of the frontage on one side of the street between two intersecting streets is occupied by four-family dwellings on the effective date of this chapter, additional dwellings not exceeding four families may be constructed or existing buildings may be converted to similar dwellings on both sides of the street in any district.

4. The board of City Commissioners may, by special permit and subject to such protective restrictions as it deems necessary, authorize the location in any district within the city, any public building structure or land use to be used by any department of the city, county, state or federal government; or any building, structure or land use to be used by any public utility operated under a franchise granted by the city.

5. In order to allow shopping center and other office, commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unified lot or other unplatted tract on

which the sign will be located, the superintendent of central inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B" or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it is a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located.

6. The Board of City Commissioners may by special permit and subject to such restrictions as it deems necessary authorize the temporary occupancy of a structure in any zoning district within the city for the operation of a haunted house, halloween house, mystery mansion, etc.; and provided, however, that no such special permit shall be issued in any residential zoning district except those located in buildings, of churches, schools or other institutional uses. Such permit shall also be subject to the issuance of the appropriate license as required by Chapter 3.22 of the code of the City of Wichita, Kansas.

7. Notwithstanding any other provisions of the zoning ordinance, the installation of a resource recovery facility shall not be permitted in any zoning district, as a principal or accessory use, unless such use is approved by the Governing Body as a special permit. Said special permit may be approved by the Governing Body only after receiving a recommendation on the use by the planning commission, after a public hearing as set forth in Section 28.04.210. Any resource recovery facility shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas.

Additions underlined
Deletions marked thru

DR 83-18

Possible Amendments to the
Sedgwick County Zoning Resolution Scheduled for
Public Hearing before the MAPC - Thursday, July 12, 1984

Recommended that Section 11-(F) be amended to read as follows:

F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems necessary appropriate, in addition to the conditions as set forth herein, permit the following uses to be located in any zoning district. The Governing Body shall not issue a special permit for any of the uses listed herein until the Metropolitan Area Planning Commission holds a public hearing and makes a recommendation to the Governing Body; and until the provisions of Section 14 A and 14 C of this Zoning Resolution have been complied with.

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district. ~~subject to F-3-below.~~
2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government. ~~and subject to F-3-below.~~

~~3.- The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after the Metropolitan Area Planning Commission reviews the request and makes a recommendation to the Governing Body, and until the provisions of Section 14.A.2 of this Resolution have been complied with.~~

3. Resource recovery facilities. Notwithstanding any other provisions of this zoning resolution, the installation of a resource recovery facility shall not be permitted in any zoning district, as a principal or accessory use, unless such use is approved by the Governing Body as a special permit as set forth herein. Any resource recovery facility shall conform to the document entitled "Standards for Development of Resource Recovery Facilities" as published in June, 1984 by the Wichita-Sedgwick County Metropolitan Area Planning Department, 455 North Main, Wichita, Kansas.

STANDARDS FOR DEVELOPMENT
OF
RESOURCE RECOVERY FACILITIES
JUNE 1984
FIRST EDITION

DEVELOPED AND PUBLISHED
BY THE

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA
PLANNING DEPARTMENT

10th FLOOR
455 NORTH MAIN
WICHITA, KANSAS 67202

STANDARDS FOR DEVELOPMENT OF
RESOURCE RECOVERY FACILITIES

Section 1. Statement of policy. Any public or private entity may construct and operate a refuse incineration system for the purposes of resource recovery provided that all conditions established herein are met by such system.

Section 2. Definitions. In addition to the definitions included in the building and zoning regulations applicable in the jurisdictional location, the following definitions shall be included:

Modular incinerator: a self-contained, prefabricated combustion unit capable of performing mass burning of solid waste in a controlled air (stoichiometric) mode. The incinerator should consist of at least primary and secondary refractory-lined combustion chambers, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned and for meeting all applicable air pollution standards. The heat generated from such incinerators may be vented or may be used to generate steam, hot water, hot air, hot oil, electricity, or some other useful form of energy or material. The desired incineration capacity may be achieved by combining modules.

Person: any individual, employee, subcontractor, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized.

Resource recovery: the extraction and utilization of materials and energy from the waste stream.

Section 3. Types of allowable refuse incineration systems. Any refuse incineration system installed for the purpose of resource recovery within any incorporated city or within the unincorporated area of Sedgwick County must be a modular incinerator system. Each modular incineration system must be approved by the Governing Body having primary jurisdiction of the location of the facility, before construction may begin. Locations within the jurisdictional area regulated by a zoning ordinance or resolution must comply in all respects to requirements and processes for approval as set forth therein. In addition, each modular incineration system must be constructed and operated in accordance with all other applicable federal, state, and local laws and regulations. The system must also be issued a solid waste processing or disposal permit by the Kansas Department of Health and Environment prior to construction. When such a facility is to be located in an area not regulated by zoning, the issuance of any construction permit for any system shall be subject to administrative review by all departments having jurisdiction over said facilities who shall make a recommendation to the Governing Body as to compliance with the regulations and the compatibility of the use in relation to adjoining properties. The Governing Body shall then make a determination that the facility can be operated without being a nuisance and approve the issuance of the permit subject to appropriate conditions. If the Governing Body determines that the operation of the facility would not be in the best interests of the public, the permit shall be denied.

Section 4. Experience requirements for applications. Any person, as defined herein, applying for a permit to construct and operate a modular incineration system must demonstrate a minimum of five years experience in the construction, operation, and maintenance of such modular incineration equipment and have a documented record of success in such construction, operation, and maintenance.

Section 5. Site requirements.

- A. Development Plan Required: Each application for the construction or installation of a resource recovery facility shall be accompanied by a development plan, drawn to a scale of not less than 1 inch equal 30 feet, and not less than 6 copies for review by all departments or agencies having a jurisdictional interest. The site plan shall be of sufficient detail to show all existing and proposed buildings and on-site circulation of vehicles and the relation of the docks or unloading area to surrounding properties.
- B. Lot Area Requirements: Under no circumstance shall the lot area be less than set forth in the following table based on the plant capacity in tons per day (TPD):

<u>Size of Facility (TPD)</u>	<u>Minimum Lot Width (Feet)</u>	<u>Minimum Lot Area (Feet²)</u>	<u>Building Size (Feet²)</u>
100	230	92,000	16,200
200	280	123,200	25,600
300	270	116,100	22,500
400	280	126,000	27,200
500	280	137,200	33,600

Note: For plants having capacities not listed in the above table, the minimum lot area requirements shall be determined by extrapolation. Also, whenever a facility is to be installed with another use, adjustment in the lot area requirement must be considered to accommodate each use on the property.

C. Setback Requirements: Under no circumstance shall the setbacks for a resource recovery facility be less than as set forth herein, even though the administration building or other uses may be permitted by other regulations (zoning, building or subdivision) at a lesser setback.

1. **Front yard:** The minimum front yard setback for the portion of the structure housing a resource recovery facility shall be 100 feet.
2. **Side yard:** The minimum side yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent to a residential zoning district; or be located within 200 feet from an existing residence; the minimum side yard setback shall not be less than 100 feet. Driveways and circulation aisles for vehicular access to the facility shall be located not closer than one-half the distances set forth above.
3. **Rear yard:** The minimum rear yard setback for any portion of the structure housing a resource recovery facility shall be 50 feet. However, should the facility be located in a residential zoning district; be located immediately adjacent

to a residential zoning district; or be located within 200 feet from an existing residence; the minimum rear yard setback shall not be less than 75 feet.

D. Height limitations: Under no circumstance shall the height of the exhaust stacks on the incinerator be less than 75 feet or exceed a height of 100 feet. The height of the building shall not exceed the limitations of the zoning district, when applicable.

E. Off-street parking, loading and circulation drives:

1. Off-street parking spaces shall be provided on the basis of one space for each employee in the largest working shift of the resource recovery facility. This parking shall be in addition to the off-street parking for any other use that may be established on the property.
2. Off-street loading and circulation drives shall be of sufficient width and area to provide adequate on-site circulation and queuing of vehicles to prevent interference with on-street traffic. This shall be determined by requiring not less than 60 linear feet of holding space for any facility up to 100 (TPD) and 30 additional feet for each additional 100 (TPD) capacity or major fraction thereof. The first 60 linear feet of holding space and not less than 50% of the required space shall be outside of any fenced enclosure of the facility.
3. All parking spaces, loading spaces, circulation drives and the holding spaces shall be surfaced with asphalt, asphaltic concrete or concrete.

4. Any lights used to illuminate the parking or circulation drives shall be so arranged as to deflect light away from any residential zoning district on any existing residences.

F. Building and system design:

1. The building design must be of the same general character or compatible with the surrounding neighborhood.
2. All incineration equipment and the tipping area shall be placed within a building with the exception of the ash removal system which may be located outside providing such removal will not create a nuisance to the area.
3. All refuse and other storage on the property shall be kept within an enclosed building.
4. Concrete or masonry walls shall be constructed around the perimeter of tipping floor and shall be designed to withstand the superimposed load of the refuse and the pressure of equipment used to move the refuse.
5. Design provisions shall be made to separate commercial and non-commercial traffic in the facility.
6. A tipping floor shall be utilized by the facility as opposed to tipping pits. The waste tipping floor should be designed to permit a complete turnover of waste within seven days. Adequate storage or handling provisions must be provided in the event of equipment malfunction or breakdown. The tipping floor shall be

concrete with steel or other similar aggregate added to enhance the service life of the floor and minimize the corrosive effects from waste leachate and/or equipment.

7. Standardized systems and equipment with easily replaceable spare parts should be utilized in system design whenever and wherever possible.
8. The system design should be as simple as possible and should minimize moving parts to minimize points of system failure.
9. The system design should be redundant so that at least some operations can continue in the event of equipment breakdown.
10. Systems which minimize waste processing prior to incineration should be utilized.
11. Systems which minimize the need for air pollution equipment for stack emissions should be utilized.
12. Starter motors, electrical switches, and electrical junctions should be centralized in instrument panels away from the incineration equipment for easy access and maintenance.
13. Make-up water for the boiler system should be pretreated and de-aerated to enhance equipment life and heat transfer efficiency.
14. The resource recovery facility shall be fenced and gated to provide security and create an appearance compatible with the surrounding area. Such fence shall be sufficient to prevent

off-hours dumping and to reduce the possibility of scavenging of waste materials by animals or persons.

15. Landscaped yards shall be provided as required by any applicable zoning regulations, but in no case shall a facility be located adjacent to a residence without a minimum of 25 foot landscaped yard; and provided further, a 6 to 8 foot wood, metal or masonry screening fence, or landscape screening materials of at least six feet in height shall be installed. Whenever a screening fence is not required due to the location within a commercial or industrial area, a 6 to 8 foot chain link fence may be utilized.
16. All non-paved areas shall be maintained with lawn and landscaped with deciduous and coniferous plant materials. The landscaping plan shall be approved by the Wichita-Sedgwick County Metropolitan Area Planning Department. Maintenance of the landscaping shall be sufficient to maintain it in good condition.
17. The resource recovery facility shall provide an approved automatic sprinkler system or other similar system for fire control approved by the fire department wherein the facility is located. Such fire control system shall encompass the tipping floor as well as the incineration and boiler equipment area of the facility.

G. Plant Construction and Operation:

1. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local environmental laws

and regulations so as to prevent air and water pollution.

2. The incineration system shall be constructed and operated in accordance with all applicable federal, state, and local health, sanitation, and safety laws and regulations.
3. The plant site shall be properly policed through inspections by the owner or operator for proper maintenance and removal of trash, debris, and blowing litter. Salvage materials shall not be stored or handled outside of an enclosed building.
4. The incineration system shall be maintained and operated so that there are no discernible odors or noise beyond the site boundaries.

H. Revocation of Permit:

Failure to comply with these regulations, or any other applicable regulations, or any conditions specified in the special permit, may result in the revocation of such permit. The revocation of the permit shall occur only after a hearing by the governing body for failure to comply with said conditions for compliance after notice has been given to the owner or operator of the facility by the enforcement agency with a specific compliance date.

the Daily Record
521 East Murdoch
Wichita, Kansas 67214
316/263-5277

AFFADAVIT OF PUBLICATION

09057 published in the Daily Record June 19, 1984(1)
OFFICIAL NOTICE
NOTICE IS HEREBY given that on Thursday, July 12, 1984, the Wichita-Sedgwick County Metropolitan Area Planning Commission, in the City Commission Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at 1:30 p.m., will consider the following changes in Title 28, the Code of the City of Wichita, Kansas:

Amendment to Section 28.04.190 of the Zoning Ordinance pertaining to exceptions to use regulations, and particularly permitting the location of "Resource Recovery Facilities" in any zoning district in the City of Wichita subject to approval of a special permit by the Board of City Commissioners.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 18th day of June, 1984.
ROBERT A. LAKIN, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission
(SEAL)

STATE OF KANSAS,
COUNTY OF SEDGWICK, SS:

Cheryl Cardinale
of lawful age
being first duly sworn, deposes and says that she is Business Manager of THE DAILY RECORD, a newspaper printed and published in the State of Kansas, and of general circulation on a daily basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published at least fifty (50) times a year, and has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office in Wichita in said County and State as second class matter.

That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for 1 consecutive em as follows:

1st June 19, 1984
2nd _____
3rd _____
4th _____
5th _____
6th _____

Cheryl Cardinale
Business Manager

Subscribed and sworn to before me this _____ day of JUN 20 1984

Twila M. Stramel
Notary Public

My commission expires April 2, 1988

PUBLICATION FEES
\$ 7.00

Twila M. Stramel
NOTARY PUBLIC
State of Kansas
MY APPT. EXPIRES 4-2-88

AFFADAVIT OF PUBLICATION

(99057 published in the Daily Record June 19, 1984) 11
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Amendment to Section 28.04.190 of the Zoning Ordinance pertaining to exceptions to use regulations, and particularly permitting the location of "Resource Recovery Facilities" in any zoning district in the City of Wichita subject to approval of a special permit by the Board of City Commissioners.

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That a notice, a true copy of which is hereto attached, was published in the regular and entire issue of said newspaper for 7 consecutive pm as follows:

1st June 19, 1984
2nd _____
3rd _____
4th _____
5th _____
6th _____

Cheryl Cardinale
Business Manager

Subscribed and sworn to before
me this _____ day
of JUN 20 1984

Twila M. Stramel
Notary Public

My commission expires
April 2, 1988

PUBLICATION FEES
\$ 7.00

Twila M. Stramel
NOTARY PUBLIC
State of Kansas
MY APPT. EXPIRES 4-2-88

() Published in The Daily Record, June 19, 1984

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Amendment to Section 28.04.180 of the Zoning Ordinance pertaining to exceptions to use regulations, and particularly permitting the location of "Resource Recovery Facilities" in any zoning district in the City of Wichita subject to approval of a special permit by the Board of City Commissioners.

Copies of the proposed amendment are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes, and any protest against any of the provisions of the proposed change of the Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS my hand and seal this 18th day of June, 1984.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

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WITNESS my hand and seal this 18th day of June, 1984.

Robert A. Lakin, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning
Commission

(SEAL)

MICROFILMED
FROM THE BEST
AVAILABLE COPY

Solid waste management

"Waste management, environmental protection"

Program 500 tons of trash

Solid waste management facility

Why is there a shortage of
of several of these facilities
of trash to provide for the need
become complete.

Wash - St Fran. High Schools. University

1. There is no definition for this

not listed as a permitted use in the
"AA" than "LC"

"C" Districts list uses not permitted

Among uses prohibited are:

Coal or coke yard of more than
2000 capacity

Foundry

All uses prohibited in "D"

Blot furnace

Garbage open or dead animal
incineration, reduction or
dumping

"E" District, generally same prohibited uses
as in "D" except there is a list of
permitted uses. None appear to be close

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FROM THE BEST
AVAILABLE COPY

"F" zone

- Any

State
Fed Gov
Any Dept of

Not an accessory
facility if track

need a definition

Special permit for a governmental use
district -

Special permit for private use in any
district from "C" "D" "E" "F"
To be reviewed by the PC and
BCC.

Not thru the BZA -

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~~Con~~

Special
any

used

Special permit
MAPC and IR
"C" "E" or "F"

Conditional Use - "R"
Government buildings on

Same in "R-1" =

Government buildings and premises
Permitted in "LC" "C"

Blot Formae permitted in F

Special permit under "F"

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AVAILABLE COPY

Waste to

Dubler questions the % of
comes from Winkite. ✓

Resolution -

How is the flow of trucks

Amend both City and Co zoning

Changes in the land fill dumping
to permit dumping at other land

We have adopted a city plan regarding
rates -

Solid Waste Disposal Plan.

City's plan has control

Dubler is concerned about City losing
control of solid waste collection and
rate structure.

If we lose material to land fill
then it will affect the operation at
the land fill.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

What is ~~the~~
the proposal

Final August 1961
We are in ~~the~~
resident ~~area~~

City endorses ~~the~~
the Reserve ~~Plan~~
subject to the Resolution
of Administration and ~~the~~
jurisdictional resolution.

Any location within the
City generated refuse -

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE July 22, 1983

WLS
JLF

TO Administrators Addressed
FROM Robert G. Finch, Deputy City Manager

SUBJECT Joint City-County Resolution --
Long Term Solid Waste Disposal
Program

A copy of the subject Resolution which was adopted by the City and County
Commissions on July 19, 1983, is attached for your information and files.


Robert G. Finch
Deputy City Manager

RGF/pd
Attachment

cc: Dr. Fred Tosh, Director of Community Health
David Stowe, Director of Operations and Maintenance
John Dekker, Director of Law
Russell L. Brenner, Director of Administration
Robert A. Lakin, Director of Planning

RECEIVED

JUL 25 1983

METROPOLITAN PLANNING

ROUTE

JOINT RESOLUTION OF THE COUNTY OF SEDGWICK AND THE
CITY OF WICHITA, KANSAS, PROVIDING FOR THE
INITIATION OF A LOCAL LONG-TERM SOLID WASTE DISPOSAL PROGRAM

WHEREAS, Sedgwick County and the City of Wichita residents generate nearly one thousand tons of solid waste each and every day; and

WHEREAS, disposal of this waste has been a serious problem in the past and present and is anticipated to be a problem in the future; and

WHEREAS, past and present local solid waste disposal methods have generated adverse public reactions; and

WHEREAS, local approved sanitary landfills have or will soon reach capacity and necessitate the implementation of a solid waste disposal program for the future; and

WHEREAS, the Board of County Commissioners recognized the aforementioned conditions and authorized a detailed study of the matter by Sedgwick County Department of Environmental Resources staff and the Resource Recovery Task Force; and

WHEREAS, the detailed study of solid waste disposal alternatives has been completed along with recommendations and presented to the Board of County Commissioners and the City of Wichita for review and action.

IT IS HEREBY RESOLVED that the Board of County Commissioners and the City of Wichita take the following action relative to the conclusions and recommendations contained in the Sedgwick County, Kansas, Resource Recovery Feasibility Study, 1982:

1. The Board of County Commissioners and the City of Wichita receive and file the report and concur in the conclusion and recommendations of the report.

2. The Board of County Commissioners and the City of Wichita endorse the major recommendation of the report which is to implement a network of modular waste-to-energy incineration facilities with a combined total county-wide capacity capable of processing 900 tons of trash per day. The Board and the City authorize Department of Environmental Resources staff to work with officials and staff of Sedgwick County and the incorporated cities of Sedgwick County to implement the steps of such a program subject

to the review and approval of the Board of County Commissioners and the City of Wichita. The Board's and City's endorsement and authorization include the following specific elements and guidance:

- (a) Appropriate County staff, in close consultation with local refuse collectors, shall develop regulatory proposals for local waste stream control using guidance provided in the resource recovery report; said proposals shall be presented to the Board and City for review and approval. Such proposals shall be considered supplementary to the use of economic incentive to attract waste to disposal facilities.
- (b) Appropriate County staff should carefully review existing laws and regulations (with the resource recovery report as a guide) which may affect implementation of the selected solid waste disposal program, and such staff shall recommend necessary and appropriate changes in said laws and regulations to the Board of County Commissioners and the City of Wichita.
- (c) Appropriate County staff, and especially Department of Environmental Resources staff, are authorized to pursue and facilitate the formation of proposals for specific waste-to-energy facilities. Such activity would include identification of energy markets; assistance with the formation of energy contracts; providing technical information and advice to interested parties; providing financial information and advice to interested parties; promoting contacts between interested parties, energy users, incineration equipment vendors, and financial supporters of facilities; assistance with the licensing and permitting processes (both operational and environmental) for specific facilities; and other such assistance as staff may offer.
- (d) The Board and City endorse and support the concept of private operation and ownership of solid waste-to-energy facilities and will facilitate the implementation of the same.

(e) Proposals for individual waste-to-energy facilities shall be presented to the Board of County Commissioners and the City of Wichita for review and approval based on the merits of each project.

(f) The Board of County Commissioners and the City of Wichita specifically direct County staff to heed the recommendations of the resource recovery report and especially those recommendations contained in the technology and financing chapters of the report as efforts are made to implement the solid waste disposal program.

3. The Board of County Commissioners and the City of Wichita endorse the procurement of the services of financial consultants, legal consultants, and engineering consultants, subject to the availability of funds, to facilitate the implementation of the selected solid waste disposal program. County staff shall prepare a scope of work for such services to be reviewed by the Board of County Commissioners and the City of Wichita.

This resolution shall take effect upon its adoption by the Board of Sedgwick County Commissioners and by the City of Wichita.

APPROVED this 19th day of July, 1983.



Dorothy K. White
DOROTHY K. WHITE, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Jack Spratt
JACK SPRATT, Chairman

Donald E. Gragg
DONALD E. GRAGG, Commissioner

APPROVED AS TO FORM:

Richard A. Euson
RICHARD A. EUSON
Assistant County Counselor

Tom Scott
TOM SCOTT, Commissioner

ATTEST:

Donald C. Giesick
DONALD C. GIESICK, City Clerk

CITY OF WICHITA, KANSAS
Margaret Whitt
Mayor

APPROVED AS TO FORM:

John Dekker
JOHN DEKKER, City Attorney