

DR 83-18 - Amendment to County
Zoning Resolution. Waste to
Energy Incineration Facilities.

ACTION

DATE

COMMITTEE

*Approved as recommended
M.A.P.C. including revision
B.C.C./B. CO. C. Approved 3-0 8-9-84*

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO DECEMBER 1, 1982, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS; BY AMENDING SECTION 11.F OF THE SEDGWICK COUNTY ZONING RESOLUTION; ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 12, 1984, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution as adopted March 2, 1958 and subsequently amended, SECTION II - "SUPPLEMENTAL REGULATIONS": Subsection F. "SPECIAL PERMITS" shall be amended to read as follows:

- F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems 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.

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.
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.

SECTION II. That Section 11.F of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on December 1, 1982, is hereby repealed.

SECTION III. This resolution shall take affect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this 9th day of August, 1984.

JACK SPRATT, CHAIRMAN
DON GRAGG, COMMISSIONER
TOM SCOTT, COMMISSIONER

ATTEST: (Seal) DOROTHY K. WHITE, County Clerk

RECEIVED

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

AUG 6 1984

METROPOLITAN PLANNING
ROUTE

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

AUGUST 9, 1984

(Welcome to Channel 8 viewing audience and an overview of agenda items that will be considered)

- A. Call Meeting to Order at 9:00 a.m.
- B. Invocation of the Christian Businessmen's Committee
- C. Flag Salute
- D. Roll Call
- E. Approval of Minutes, Regular Meeting of April 25, 1984,
Special Meeting of April 25, 1984, regarding
Fire District #1
Regular Meeting, May 16, 1984
- F. Certification as to the availability of funds - County Controller's Office.
- G. Retirement Certificates. Presented by Mary Ann Mamoth, Director, Personnel Department.

Presentation of a retirement certificate to Francis J. Raple from the Public Works Department; and

Presentation of a retirement certificate to Margaret E. Kinsall from Youth Residence Hall
- H. Kick-off for United Way campaign. Presented by Louanna Honeycutt, Public Affairs Officer.
ACTION: Receive and File
- I. Public comment on the Recommended 1985 Budget. *6/20/85*
ACTION: Receive and File
- J. Consideration of and authorization to publish notice of hearing on the Recommended 1985 Budget. Presented by Forest Tim Witsman, County Administrator. *add 7499 m for collection*
ACTION: Authorize the Department of Administration to publish notice of hearing
- K. Report to the Board on the future status of Emergency Medical Service. Presented by Forest Tim Witsman, County Administrator.
ACTION: Take such action as the Board deems to be in the best interest of the general public
- L. Report on CPR classes for County workers. Presented by Louanna Honeycutt, Public Affairs Officer.
ACTION: Receive and File
- M. Resolution appointing a member to the Sedgwick County Employees' Deferred Compensation Plan Committee. Presented by William D. Rustin, County Counselor.
ACTION: 1. Adopt the resolution; or
2. Deny the resolution

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

Agenda - Page 2
August 9, 1984

N. Resolution authorizing the retaining of a mechanical engineer for modification in the Jungle Building at the Sedgwick County Zoo. Presented by Sandy Roberts, County Architect.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution

O. Kansas Coliseum. Presented by Sam Fulco, Director, Kansas Coliseum.

License Agreements:

1. Approval of a license agreement with Contemporary Presentations, Inc., for the purpose of holding the Sammy Hagar concert.

ACTION: 1. Approve the license agreement; or
2. Disapprove the license agreement

2. Approval of a license agreement with Volkswagon Mid-America for use of the southeast parking lot and the pavilion dormitory.

ACTION: 1. Approve the license agreement; or
2. Disapprove the license agreement

P. Approval of a sale of County surplus vehicles. Presented by William D. Rustin, County Counselor.

ACTION: 1. Approve the sale; or
2. Disapprove the sale

Q. Metropolitan Area Planning Department. Presented by Robert Lakin, Director.

1. Approval of an agreement with the City of Wichita regarding access to the County's CICS system.

ACTION: 1. Approve the agreement; or *h-D*
2. Disapprove the agreement

2. Approval of an amendment to the Sedgwick County Zoning Resolution regarding resource recovery facilities. *3-D*

ACTION: 1. Concur in the recommendation of the Planning Commission and adopt the resolution; or
2. Make whatever changes are deemed to be in the best interest of the public and adopt the resolution

R. Department of Public Works. Presented by Claud Shelor, Director.

1. Resolution:

Resolution assigning specific road to County and/or Township Road System. Road involved is 157th Street West between K-42 Estates and 151st Street West from 55th Street South, north to a temporary cul-de-sac. Illinois Township. District #3.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

Agenda - Page 3
August 9, 1984

2. Approvals:

- a. Approval of an arrangement allowing the City of Wichita to conduct laboratory tests on wastewater samples from Crestview, Timber Lakes and Shadybrook wastewater treatment facilities.

ACTION: 1. Approve the arrangement; or
2. Disapprove the arrangement

- b. Approval of KDOT Form 1303, "Right of Way Clearance and Utility Arrangements" and "Certification of Real Property Acquisition Procedures" for 21st Street North between Colwich Road and Andale Road, KDOT Project #87C-1719-01, Sedgwick County Project #614-11 thru 15. CIP #R-49, 1985. District #3.

ACTION: 1. Approve the KDOT Form; or
2. Disapprove the KDOT Form

- S. Report of the Board of Bids and Contracts. Presented by Bob Rogers, County Contoller.

ACTION: 1. Approve the recommendations of the Board of Bids and Contracts; or
2. Disapprove specific items

- T. Approval of reclassifications of Community Corrections employees. Presented by Mary Ann Mamoth, Director, Personnel Department.

ACTION: 1. Approve the reclassifications; or
2. Disapprove the reclassifications

- U. Approval of the Consent Agenda. Presented by Forest Tim Witsman, County Administrator.

- V. Other



COUNTY OF SEDGWICK

Controller

ROOM 333

COUNTY COURTHOUSE, WICHITA, KANSAS 67203. • TELEPHONE 268-7581

TO: Board of County Commissioners
of Sedgwick County, Kansas

FROM: Meeting of the Board of Bids
& Contracts, August 2, 1984

PRESENT: Lewis R. Rogers, II, Chairman, County Controller
Bette McCart, Register of Deeds
Claud Shelor, Director, Department of Public Works
Marty Spangler, Courts
Richard Euson, Legal

* Indicates Low Bid

Bob Rogers called the meeting to order and also made the following comment concerning the Board of Bids meeting held July 26, 1984. Concerning the eleven Portable Radio/Telephones, the user fee was recorded at \$132.00/per month/ per unit and should have been \$36.00/per month/per unit.

Mr. Bill Anderson appeared before the Board and stated that all items the Purchasing Department deemed necessary to advertise for bids had been advertised and all items will be subject to availability of funds.

.) **TABLED ITEM: BRIDGE & GRADING - 819-Y-3195 (BRIDGE ON SENECA OVER COWSKIN CREEK BETWEEN 71ST & 79TH STREET SOUTH)**
FUNDING: 1984 BRIDGE BONDS

After tabulation and review, the bid of Stamback & Sons was found to have an error. They sent in their bid at \$297,842.85 and it should have been \$297,779.10.

On the recommendation of Dave Rushton, Department of Public Works, Richard Euson moved to approve the low bid of Utility Contractor at \$269,565.00. Bette McCart seconded the motion. The motion was passed with Claud Shelor abstaining as he represents the Department of Public Works.

.) **MANUSCRIPTS FOR BRIDGE SITES - PUBLIC WORKS**
FUNDING: PUBLIC WORKS

Pencil manuscripts for 14 bridge sites @ 1" - 50' scale with one foot contours. Mapping for 1985 C.I.P. Bridge Sites.

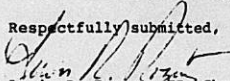
PAGE 2
BOARD OF BIDS

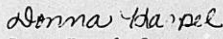
* Bucher, Willis & Ratliff	\$3,400.00
Air Photo Survey	\$4,485.00

On the recommendation of Claud Shelor, Bette McCart moved to approve the low bid of Bucher, Willis, & Ratliff at \$3,400.00. Marty Spangler seconded the motion. The motion was passed with Claud Shelor abstaining as he represents the Department of Public Works.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,


Lewis R. Rogers, II, Chairman
County Controller


Donna Harpel, Secretary

WICHITA-SEDCWICK 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
February 13, 1987
Page 2

the increase costs of new, more expensive landfill would also require fee increases. The study should also recognize that K&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 ~~1~~
 for - Dec

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-tons 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
Page 2
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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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

August 22, 1984

TO: Mike Sawyer, Chief Deputy County Clerk
FROM: Glen E. Lytle, Special Assistant for Zoning
SUBJECT: Resolution #159-1984

Attached hereto are 5 copies of the document entitled "Standards for Development of Resource Recovery Facilities" and noted "Official Copy as incorporated by Resolution No. 159-1984". Please attach a copy of this Resolution and make available to the public at all reasonable hours as is required by KSA 12-3304.



Glen E. Lytle
Special Assistant for Zoning

GEL:sad

Attachments

cc: William D. Rustin, County Counselor (2)
Ron Worley, Director, County Building & Zoning
Claud Shelor, Director, County Public Works

RESOLUTION # 159-1984

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO DECEMBER 1, 1982, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS: BY AMENDING SECTION 11.F OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 12, 1984, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution as adopted March 2, 1958 and subsequently amended, SECTION II - "SUPPLEMENTAL REGULATIONS": Subsection F. "SPECIAL PERMITS" shall be amended to read as follows:

- F. Special Permits. The Governing Body may, by special permit and subject to such restrictions as it deems 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.
 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.

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.

SECTION II. That Section 11.F of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on December 1, 1982, is hereby repealed.

SECTION III. This resolution shall take affect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this 9th day of August, 1984.



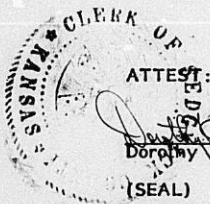
JACK SPRATT, CHAIRMAN



DON GRAGG, COMMISSIONER



TOM SCOTT, COMMISSIONER



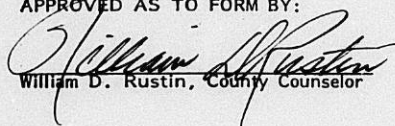
ATTEST:



Dorothy K. White, County Clerk

(SEAL)

APPROVED AS TO FORM BY:



William D. Rustin, County Counselor

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.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4561

August 3, 1984

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

Re: DR 83-18 - Amendment to Sedgwick County
Zoning Resolution - Resource Recovery
Facilities.

Dear Mr. Wiggins:

Our follow-up letter of July 27, 1984 on the above subject advised those receiving copies of that letter that the Board of County Commission would consider this matter on August 8, 1984. I have been advised that the County Commission will not meet that morning and instead will meet on Thursday, August 9, 1984, which begins at 9:00 a.m. in Room 320 of the Sedgwick County Courthouse, 525 North Main, Wichita, Kansas. Persons wishing to speak on this matter may be heard at that time.

If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Chief Planner, Current Plans

JHG:sad

cc: Chamber of Commerce, 350 West Douglas, Wichita
Wichita Board of Realtors, 727 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

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

Date
July 27, 1984

TO: Board of County Commissioners
FROM: Robert A. Lakin, Director of Planning

SUBJECT: DR 83-18 - Amendment to Sedgwick County Zoning Resolution -
Re: Resource Recovery Facilities.

Attached is a delineated copy of an amendment to the Sedgwick County Zoning Resolution 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 your agenda for consideration at the meeting of August 8, 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 Resolution.

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

SUMMARY:

The amendment to the Zoning Resolution 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 adopt the resolution.
2. Make whatever changes are deemed to be in the best interest of the public and adopt the resolution.


Robert A. Lakin
Director of Planning

RAL:GEL:sad

Attachment

cc: Board of City Commissioners
William Rustin, County Counselor
Tim Witsman, County Administration
✓ 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
Claud Shelor, County Engineer
Ron Worley, Director of Building & Zoning, County
Don Anderson, Director of Housing & Economic Development
✓ Ed Wiggins, Century II Fuels, 1332 Peterson, Wichita 67212

Additional underlined
Deletions marked thru

RESOLUTION

A RESOLUTION AMENDING THE ZONING RESOLUTION OF SEDGWICK COUNTY, KANSAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO DECEMBER 1, 1982, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER, THE CITY OF GODDARD, AND THAT PORTION OF THE AREA WITHIN THREE MILES OF THE CITY OF CHENEY AS ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS ON OCTOBER 3, 1973, ALL IN SEDGWICK COUNTY, KANSAS: BY AMENDING SECTION 11.F OF THE SEDGWICK COUNTY ZONING RESOLUTION: ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED IN SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Wichita-Sedgwick County Metropolitan Area Planning Commission on July 12, 1984, after notice and public hearing as provided by law under authority granted by Section 14.C of the Sedgwick County Zoning Resolution as adopted March 2, 1958 and subsequently amended, SECTION II - "SUPPLEMENTAL REGULATIONS": Subsection F. "SPECIAL PERMITS" shall 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.

SECTION II. That Section 11.F of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on December 1, 1982, is hereby repealed.

SECTION III. This resolution shall take affect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this ____ day of _____, 1984.

JACK SPRATT, CHAIRMAN _____

DON GRAGG, COMMISSIONER _____

TOM SCOTT, COMMISSIONER _____

ATTEST:

Dorothy K. White, County Clerk _____

(SEAL)

APPROVED AS TO FORM BY:

William D. Rustin, County Counselor _____

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.

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.

Correction
page 9

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, ^{if notice has} ~~have~~ been given to the owner or operator of the facility by the enforcement agency with a specific compliance date.



SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

Richard A. Euson
Assistant County Counselor

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: Robert A. Lakin, Director, MAPD
FROM: Richard A. Euson, Assistant County Counselor
DATE: May 1, 1984
RE: DR-83-18 - Resource Recovery Facilities
Adoption of Regulations by Reference

At your request, we have reviewed the above proposed development standards. In our opinion, the same may be adopted by reference as provided in, and subject to the requirements of, K.S.A. 12-3301 et seq.

cc: Doug Hahn
Jack Galbraith
William D. Rustin

Proceed

RECEIVED

MAY 2 1984
METROPOLITAN PLANNING
ROUTE _____

(Published in The Wichita Eagle-Beacon on June 26, 1984)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on 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 to the Zoning Resolution of Sedgwick County, Kansas.

That Section 11 (SUPPLEMENTAL REGULATIONS) be amended to regulate the installation of resource recovery facilities and establishing the development standards for such facilities.

Copies of the proposed amendments are available upon request from the Wichita-Sedgwick County Metropolitan Area Planning Department, Tenth Floor, 455 North Main, Wichita, Kansas.

The proposed amendment will there be discussed and considered by the said 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 changes to the Sedgwick County Zoning Resolution will be considered by the Commission as by law provided.

WITNESS my hand and seal this 21st day of June, 1984.

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

(SEAL)

(Published in The Wichita Eagle-Beacon on June 26, 1984)

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WITNESS my hand and seal this 21st day of June, 1984.

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

(SEAL)

March 14, 1984

Richard Euson, Assistant County Counselor

Robert A. Lakin, Director of Planning

DR-83-18 - Resource Recovery Facilities
Re: Adoption of Regulations by Reference

Attached hereto is a draft of a document entitled "Development Standards for Resource Recovery Facilities" that has been developed for adoption by the Board of County Commissioners to be applicable to all unincorporated areas in Sedgwick County. It is also anticipated that the City of Wichita and the other small communities will also adopt the regulations.

As you will note, the regulations are written to be applicable to properties both within or outside of zoning jurisdictions. When within an area regulated by zoning, it is anticipated that the appropriate planning commission will hold a public hearing on any proposal and make a recommendation on the use to the Governing Body. A delineated copy of that portion of the Sedgwick County Zoning Resolution that we will need to amend is attached for your information.

If the proposed development standards can be adopted under KSA 3301 to 3305 without including all of the language in each zoning regulation, it would be helpful. Also, the adoption of the regulation separately by the County Commission would help regulate the use as anticipated in those areas not presently regulated by zoning, even though Health, safety and building codes are in effect.

Please advise if we can proceed on this basis so that the proper resolutions and amendments to the zoning resolution can be advertised for public hearing.

Robert A. Lakin

RAL:GEL:sad

Attachment

cc: Doug Hahn, Director of Environmental Resources
Jack H. Galbraith, Chief Planner, Current Plans Division

William Rustin, Co. Counselor.

From The Desk Of

Dr. D.R. Hahn

Note: The plant managers all recommended fencing the site including those who don't have fences.

Reasons given:

- 1) Security from theft
- 2) Prevent off hours dumping when shift reduced (scale operator on only during day shift)
- 3) Reduces animal intrusion
- 4) "Makes better neighbors"
- 5) Security during plant construction

TRUCK TRAFFIC FACT SHEET

Waste-to-Energy Facilities
Sedgwick County, Kansas

Year	Ave. Tons of Trash/Day (Sedgwick County Total)	Ave. No. of Vehicles/Day (Brooks Landfill)
1981	965 - 5 to 7 <hr/> 961	403 total vehicles 187 pickups, cars* <hr/> 216 large trucks
1982	909 - 5 to 7 <hr/> 903	394 total vehicles 187 pickups, cars* <hr/> 207 large trucks
1983	996 - 5 to 7 <hr/> 990	386 total vehicles 187 pickups, cars* <hr/> 199 large trucks

Facility Size	Year			
	1981	1982	1983	
100 TPD	No. of trucks	22	23	20
	Ave. trucks/hr. in 10 hr. day	2.2	2.3	2.0
150 TPD	No. of trucks	34	34	30
	Ave. trucks/hr. in 10 hr. day	3.4	3.4	3.0
200 TPD	No. of trucks	45	46	40
	Ave. trucks/hr. in 10 hr. day	4.5	4.6	4.0
250 TPD	No. of trucks	56	57	50
	Ave. trucks/hr. in 10 hr. day	5.6	5.7	5.0
300 TPD	No. of trucks	67	69	60
	Ave. trucks/hr. in 10 hr. day	6.7	6.9	6.0
350 TPD	No. of trucks	79	80	70
	Ave. trucks/hr. in 10 hr. day	7.9	8.0	7.0

* Estimate, other values actual counts

SEDGWICK COUNTY DEPARTMENT OF
ENVIRONMENTAL RESOURCES

TRUCK TRAFFIC PATTERNS FOR SELECTED
WASTE-TO-ENERGY FACILITIES¹

Location of Plant	Size of Plant (TPD)	Peak Traffic Hours	% Daily Trash Received During Peak Hours	Numbers of Trucks Waiting to Unload	
				Average	Maximum
Ames, Iowa	200	10:30 a.m. - 1:30 p.m.	50 - 60%	1 - 2	5 - 6
Gallatin, Tennessee	200	12:45 p.m. - 2:45 p.m.	50%	1 - 2	"rarely"
Miami, Oklahoma	108	9:30 a.m. - 11:00 a.m. 1:30 p.m. - 3:30 p.m.	80%	no waiting	once/year
North Little Rock, Arkansas	100	11:00 a.m. - 3:00 p.m.	100%	2 (no waiting)	2 (no waiting)
Batesville, Arkansas	50	9:00 a.m. - 9:30 a.m. 11:30 a.m. - 12:00 p.m. 3:30 p.m. - 4:00 p.m.	35%	0	4 - 6
Osceola, Arkansas	50	9:30 a.m. - 11:00 a.m. 1:30 p.m. - 3:30 p.m.	70%	no waiting	no waiting
Nashville, Tennessee	720 (560 operational)	"None discernible except right after lunch"	Steady flow	no waiting	10 - 12

¹ Information provided by plant managers to Sedgwick County Department of Environmental Resources staff

SEDGWICK COUNTY DEPARTMENT OF
ENVIRONMENTAL RESOURCES

THE CITY OF WICHITA
OFFICE OF CITY MANAGER


DATE July 22, 1983

~~90~~
WCS
JLH

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.



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

[Signature]
JACK SPRATT, Chairman

[Signature]
DONALD E. GRAGG, Commissioner

[Signature]
TOM SCOTT, Commissioner

CITY OF WICHITA, KANSAS

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
RICHARD A. EUSON
Assistant County Counselor

ATTEST:

[Signature]
DONALD C. GESICK, City Clerk

APPROVED AS TO FORM:

[Signature]
JOHN BEKKER, City Attorney