

(____) Published in The Wichita Beacon on Sept. 16, 19 70.

R E S O L U T I O N

A RESOLUTION PERMITTING _____ establishment of a
_____ sandpit operation _____

ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED
TERRITORY LYING WITHIN THREE MILES OF EITHER THE
CITY OF WICHITA, THE CITY OF HAYSVILLE, THE CITY OF
DERBY, THE CITY OF MULVANE, THE CITY OF VALLEY CENTER,
OR THE CITY OF GODDARD, ALL IN SEDGWICK COUNTY, KANSAS,
UNDER THE AUTHORITY GRANTED BY SECTION 4.10.f
AND SECTION 11.E OF THE ZONING RESOLUTION ADOPTED BY
THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY,
KANSAS, ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS
THERE TO.

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

SECTION I. That after receiving a recommendation from
Wichita-Sedgwick County Metropolitan Area Planning Commission and
after said Planning Commission has given proper notice and held
a public hearing as provided by law, and under authority granted
by Section 4.10.f and Section 11E of the Zoning
Resolution, as amended, a Conditional Use Permit to allow a _____
_____ sandpit operation _____
_____ is hereby approved on the lands legally
described as follows: _____

The North 50 acres of the east half of the Southeast quarter of Section 16, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of Ridge Road approximately 1/4 mile north of K-96 Highway.

SUBJECT TO THE FOLLOWING:

1. The applicant dedicating by separate instrument the necessary 60 feet of half-street right-of-way for Ridge Road.
2. The applicant shall proceed in accordance with the development and operational sketch plan approved by the Metropolitan Area Planning Commission, and shall excavate the lake and form the banks as indicated on the approved plan.
3. A minimum 58-inch high fence shall be constructed prior to the beginning of the excavation operation and shall be maintained along the perimeter of the site on no less than 7-foot steel posts, with posts set not more than 16 feet apart. The fence may provide for reasonable access gates installed at the same height and of the same construction as the fence, which gates shall be kept locked except when in use. Such fence and gates shall be a minimum height of 58 inches and shall be of the following types of construction.
 - a. A 48" or higher chainlink fence with three or more strands of barbed wire; or
 - b. A 48" or higher solid metal or solid masonry fence with three or more strands of barbed wire; or
 - c. A 48" or higher wood fence which may have cracks or openings not in excess of five percent of the area of such fence, with three or more strands of barbed wire.

The term "barbed wire" shall mean any twisted wire with barbs spaced a minimum of 4 inches apart and placed at the top of the fence and gates at an angle not to exceed 160 degrees facing away from the excavation.

4. The earth shall be excavated to a minimum depth of two feet below the normal water table as determined by the City-County Health Department.
5. To provide for bank stabilization and safety of future uses, the side slope of the excavation shall be no more steep than five horizontal to one vertical.
6. No building shall be constructed or erected nearer than 65 feet from the north, south and west property lines or nearer than 140 feet from the center line of Ridge Road until such time as setbacks are recorded on a plat.
7. The applicant shall submit a restrictive covenant to the Planning Department in a form satisfactory to County legal counsel, providing that no foreign matter, such as rubbish,

car bodies, etc., shall be deposited within the excavation after approval of the conditional use by the Board of County Commissioners.

8. The natural drainage flow shall be maintained and protected throughout the area. Any improvements made in the natural drainage or any obstruction or diversions shall meet with the approval of the Wichita-Sedgwick County Flood Control Office and the County Engineer and shall be according to the specifications and standards of these authorities.
9. No commercial recreational activities, such as aboating, fishing, skiing, etc., shall be permitted in the area, unless duly authorized under provisions of the County Zoning Resolution and amendments thereto.
10. All slopes, excepting those slopes used for a beach or recreational purposes, shall have vegetative covering consisting of a perennial drouth resistant grass or combination of grasses which will permit the establishment of a good sod cover to help prevent erosion.
11. The applicant shall comply with conditions 1 and 7 prior to the publication of the Resolution effectuating the Conditional Use.
12. The property shall be platted prior to the issuance of any zoning or building permits, except those necessary for the sand excavation operation.
13. All drainage from subject property shall be discharged into the excavated pit and impounded therein. The retaining or impounding of said drainage shall begin at the time the initial sand excavation is opened and shall be the responsibility of the sand plant operator.
14. Any structures or construction (culverts, diversion ditches, riprap, etc.) which may be required to implement the drainage plan described in Condition #13 shall be the responsibility of the sand plant operator.
15. Any violation of conditions attached shall declare the conditional use permit null and void.

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

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

PASSED AND ADOPTED at Sedgwick County, Kansas, this 9th day of September, 1970.

Carl E. Rysh Chairman

Chancellor Commissioner

Tom Smith Commissioner

ATTEST:

Marie Wardlaw by Betty McDonald, Deputy
County Clerk

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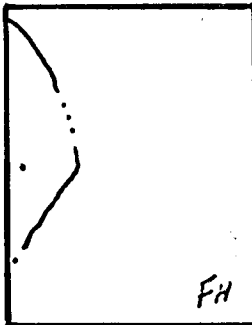
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RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF COUNTY COMMISSIONERS

REQUEST FOR CONDITIONAL USE

CASE NO. CU-124

CONSIDERED BY MAPC: 7-23-70 -- Deferred

RECONSIDERED BY MAPC: 8-27-70

REQUEST FOR:

Conditional Use to establish a sandpit

REASON FOR REQUEST (AS PROVIDED BY APPLICANT):

To establish a sandpit operation.

GENERAL LOCATION: West side of Ridge Road approximately 1/4
mile north of K-96 Highway

LEGAL DESCRIPTION:

North 50 acres of East half of the southeast quarter of
Section 16, Township 26 South, Range 1 West of 6th P.M.

APPLICANT: Richard D. and Verda M. Hoskinson, 990 north Westlink

COUNSEL FOR APPLICANT: David Adams, Attorney

PROTESTORS (LIST COUNSEL) IF ANY: None

SURROUNDING ZONING: To the north, east, south
and west is "R" zoning

LAND USE: Subject property and that to the north is farm house and
undeveloped; east is single-family and undeveloped; south and west
is undeveloped.

PLANNING COMMISSION RECOMMENDATION:

BLEDSOE moved and KAMEN seconded that the Planning Commission
recommend to the County Commission that this application be
approved, subject to: (See excerpt from Planning Commission
minutes of August 27, 1970 attached for conditions.)

VOTE OF PLANNING COMMISSION: Unanimous

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning
Commission and adopt a Resolution effectuating the Conditional Use; or
2. Deny the application.