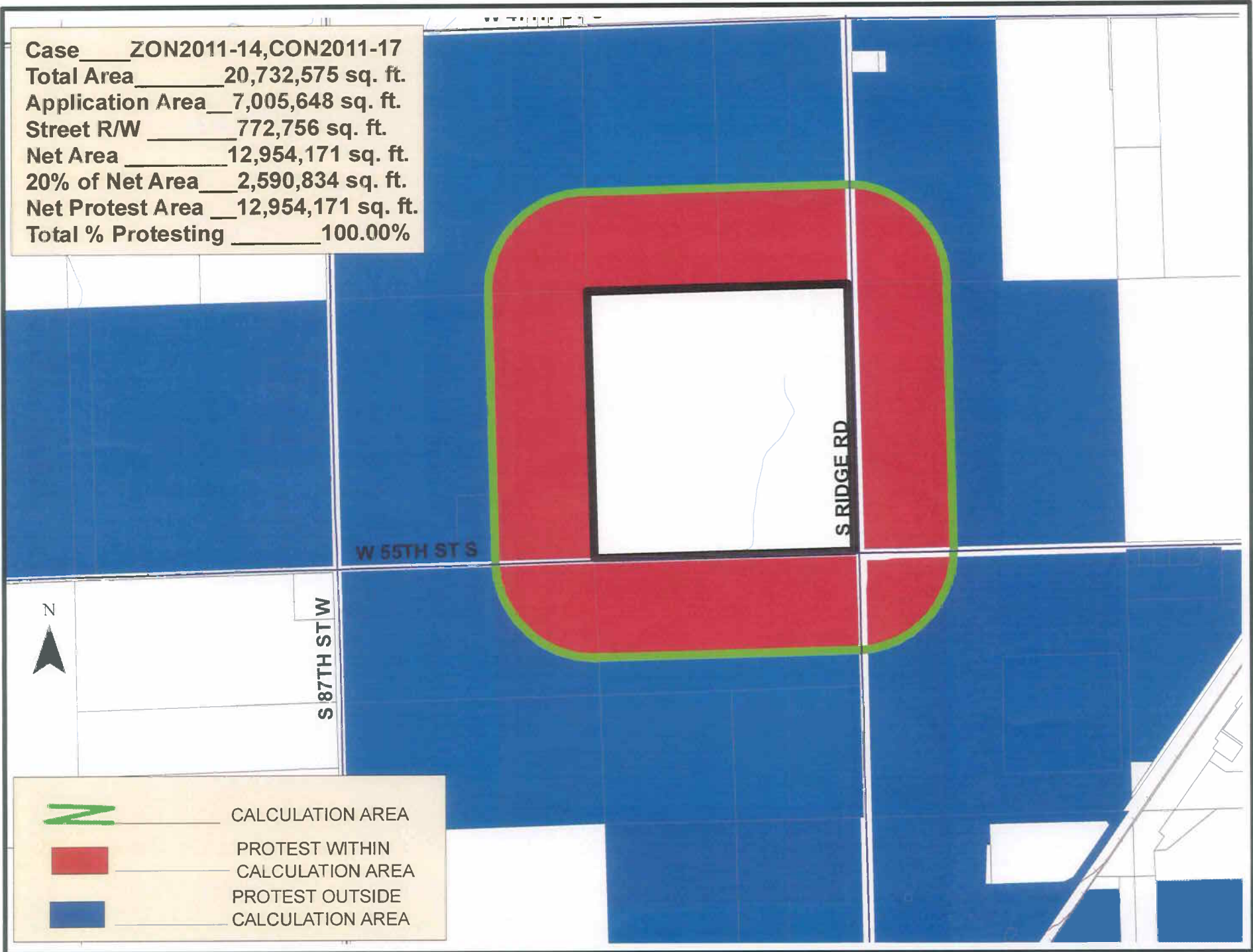





Case ZON2011-14, CON2011-17
 Total Area 20,732,575 sq. ft.
 Application Area 7,005,648 sq. ft.
 Street R/W 772,756 sq. ft.
 Net Area 12,954,171 sq. ft.
 20% of Net Area 2,590,834 sq. ft.
 Net Protest Area 12,954,171 sq. ft.
 Total % Protesting 100.00%



	CALCULATION AREA
	PROTEST WITHIN CALCULATION AREA
	PROTEST OUTSIDE CALCULATION AREA

**EXCERPT MINUTES OF THE JULY 7, 2011 WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION**

Case No.: ZON2011-14 and CON2011-17 – Resource Recovery Management, LLC (John E. Dugan) (owner) / Robert W. Kaplan (agent) request a County zone change from SF-20 Single-Family Residential to RR Rural Residential and County Conditional Use to permit a Construction and Demolition landfill on property described as:

The Southeast Quarter of Section 21, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas.

BACKGROUND: Resource Recovery Management, LLC, is seeking a zone change from SF-20 Single-family Residential (“SF-20”) to RR Rural Residential (“RR”), and a Conditional Use to permit a construction and demolition “landfill” on the approximately 160 acres lying northwest of the intersection of South Ridge Road and West 55th Street South. SF-20 zoning does not permit landfills; however, the RR district does with Conditional Use approval. The application area is currently being used as cropland.

The subject site is proposed to be divided into two functional areas. The northern most 1,123.19 feet or 65.84 acres will be the actual fill areas, divided into two phases. Phase I, the northeastern most portion of the site, is to be filled first followed by Phase II, located in the northwestern corner of the site. The fill areas have approximately 1,123 feet of frontage along South Ridge Road. The site plan shows the toe of the fill areas to be set back 175 feet from Ridge Road; 150 feet from the north property line; 160 feet from the western property line and 50 feet from the K. G. & E. easement located to the south. One point of access from Ridge Road is shown. The drive from Ridge Road leads to a 24 by 40-foot (960 square feet) structure that would contain the scale house, office, training and storage. Ten parking spaces are depicted. An access road is to be located within the setback, around the perimeter of the fill areas. The southern limit of the fill areas is the northern most Kansas Gas and Electric Company (KG&E) easement, as shown on the site plan. A second utility easement is located south of the northern most KG&E easement. As shown on the site plan, drainage and retention of stormwater is to be located south of the fill area.

By code, the applicant is to design a drainage plan that limits the amount of runoff that occurs after development to the amount of runoff that existed prior to development. Due to the expense involved in developing a detailed drainage plan, detailed drainage plans are typically developed when the property is platted, not during the Conditional Use hearings. However, Planning Department staff has been advised that the applicant has met with Sedgwick County Public Works staff, and shown them a concept drainage plan that has received preliminary approval. Planning staff has been previously advised by interested neighbors that due to the very level topography of the area, drainage is a concern as it does not take very much rain before the water ponds, and it takes a few days for the land to finally drain. There have also been expressions of concern over the height of the fill material, and if the increased elevation will speed up the rate of runoff, thereby increasing the volume and the potential that stormwater could inundate Ridge Road. Any improvements needed to address drainage issues would typically be guaranteed at the time of platting.

Surrounding properties are zoned SF-20, except the southeast corner of 55th Street and Ridge that is zoned GI General Industrial (“GI”), and used for crop production. There are at least three single-family residences located to the west of the site. Except for Occidental Chemical Corporations facilities, all of the land located west of Ridge Road is used for agricultural activities. The closest other residence is located approximately 2,133 feet north of the subject site, east of Ridge Road, and is zoned SF-20. There are some other residences located one-half mile to the north of the subject site, north of 47th Street South and one-half mile west of Ridge Road; also zoned SF-20. An electric utility station is located one-half

mile east of the site, and is zoned LI Limited Industrial (“LI”). Three-fourths of a mile south of the site, east of Ridge Road, is the Occidental Chemical Corporation plant, zoned GI. Northeast of the Occidental plant, southeast of the site, is a grain elevator, zoned LI. Air Products is located approximately 1.25 miles south of the application area, and is also zoned GI. RR zoned land is located .75 mile south of the application, west of Ridge, and is located one mile west of the application area, just south of 55th Street. The border between the SF-20 and RR zoning districts was likely established in 1958 when land located approximately within three miles of the then city limits of Wichita were zoned SF-20 and land beyond that three mile distance was zoned RR.

The site is located approximately 2.5 miles south of Mid-Continent Airport. The recommended conditions of approval require compliance with applicable local, state and federal regulations. During the 2008 case, Planning Department staff contacted Mid-Continent staff regarding the application, and its potential impact on airport operations, and was advised to contact the FAA regarding advisory circular AC150/5200-34A titled *Construction or Establishment of Landfills [MSWLF] near Public Airports*. The program manager for the regional FAA office replied to staff’s inquiry stating: “My understanding is that this is a construction and demolition landfill that will not accept putrescible waste and will not be co-located with other waste disposal operations. Such landfills generally do not attract wildlife and are compatible with airport operations.” For the current application, staff is in receipt of a letter from Victor White, Director of Airports, dated May 15, 2011, that indicates Wichita Mid-Continent Airport staff does not oppose the application, and the applicant has indicated he will comply with Federal Aviation Administration Office (FAA) Advisory Circular AC150/5200-33B titled *Hazardous Wildlife Attractants on or near Airports*.

Planning Department staff believes the greater Wichita area currently has two C&D landfills in operation, the City of Wichita’s facility at Brooks Landfill and C&D Recyclers operate a facility at 4250 West 37th Street North; neither of which are located in the southwest quadrant of the county. The City’s C&D landfill has a height limit established by the Kansas Department of Health and Environment and does not have a time limit. The facility at 4250 West 37th Street North is permitted up to 70 feet in height on their fill areas. However long it takes for the fill area to reach 70 is the time frame for that Conditional Use.

Per the Sedgwick County Sign Code, the site will be limited to an eight square-foot sign unless modified by the conditions of approval listed below.

During the 2008 hearing, the following questions were asked or comments were made regarding the following topics:

1. Staff from the FAA has advised planning staff that composting is not allowed on airport property, but is allowed off of airports so long as the fill material does not contain putrescible materials.
2. With respect to groundwater, “location restriction D” listed below requires a five-foot separation from the predicted maximum water table elevation to the bottom of the landfill cell. Also, it is planning staff’s understanding that local regulations require the applicant to ensure that an impermeable barrier is either present in walls and bottom of each cell or is installed, or monitoring wells are installed. Staff has been advised that Occidental Chemical has water wells located within a mile of the site to the north and within 1.5 miles to the south. Occidental Chemical also has a 14 inch water line running along the west side of Ridge Road, adjacent to the application area that serves their plant located south of the application area. Occidental Chemical also has many monitoring wells in the area and is concerned that they may have to install additional wells to protect their interests if the request is approved without further study.

3. Another concern expressed by at least one resident has to do with the potential for a vapor release from Occidental or any of the other industrial uses in the area that may deal in materials that are “heavier than air”; will the mounds created by the fill impede or delay the dispersal of heavier than air material to a degree that the presence of the landfill increases the hazard to nearby residences?

CASE HISTORY: In 2008, a similar application was filed (CON2008-24 and ZON2008-27) for the entire southeast quarter section lying northwest of the intersection of South Ridge Road and West 55th Street South. After being deferred at the first Metropolitan Area Planning Commission (MAPC) meeting, June 19, 2008, the MAPC approved the request on August 21, 2008. The combined applications generated a 76 percent protest from neighboring property owners. The application was ultimately withdrawn on November 12, 2008, prior to hearing by the Board of County Commissioners.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20; farmland
SOUTH: SF-20; farmland
EAST: SF-20; farmland
WEST: SF-20; farmland

PUBLIC SERVICES: Publicly supplied sewer and water service is not available at this location. Ridge Road is a paved two-lane section line road with 50 feet of half-street right-of-way. 55th Street South is a sand and gravel two-lane section line road with 30 feet of half-street right-of-way. At the time of platting, the applicant may be asked to install a south-bound right-turn lane and a north-bound left-turn lane on Ridge Road at the entrance to the landfill. The closest City of Wichita supplied sewer and water service is approximately 1.5 to 1.75 miles away (following current street right-of-way lines) at 47th Street South and Hoover. 47th Street and 63rd Street east of Ridge Road do not connect with Hoover. The main paved routes to the site from Wichita or Haysville would be coming west on 55th Street or south from K-42 on Ridge Road or west on MacArthur and then south on Ridge Road. Sedgwick County Fire Station No. 34 is located at 71st Street South and West Street, and would likely be the first responder to any fires or medical emergencies at this location.

CONFORMANCE TO PLANS/POLICIES: The application area is located within the City of Wichita’s 2030 Urban Growth Area. Land located within a city’s urban growth area is currently undeveloped, but has the potential to be developed by the year of 2030. “Landfills” are categorized by the Comprehensive Plan as a “major utility/transportation” use. Location guidelines contained in the Comprehensive Plan indicate that major utilities should be located near support services and be provided with good access to major arterials and should be extensions of existing industrial uses. The plan also recognizes the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of construction debris generated within the county.

The County’s Comprehensive Plan also contains an objective that states an intention to enhance and encourage agricultural activities within Sedgwick County, recognizing that viable agricultural land exists within the County.

The proposed application will also need to be reviewed by Sedgwick County’s Solid Waste Management Committee and receive their approval. (The previous project was approved by the Solid Waste Management Committee on May 5, 2008.) Licensing by the County is required as is conformance with the County’s C & D landfill design and operation requirements. Pertinent site design requirements include:

- A. No operations shall be located closer than 500 feet of an occupied dwelling, school, or hospital that was occupied on the date when the owner first applied for a permit, unless the

- owner of such dwelling, school or hospital consents in writing. (The nearest occupied residences are located approximately 780 feet southwest and 980 feet west of the site.)
- B. Newly permitted C&D facilities shall maintain a minimum 150-foot buffer from the edge of the C&D landfill's property line. (The proposed site plan meets this standard.)
 - C. Surface water drainage and control systems shall divert surface water away from areas where waste is present or from operational areas. (Item G in the conditions of approval addresses this requirement.)
 - D. Discharge of pollutants is prohibited.
 - E. C&D facilities shall be reasonably screened from adjacent roads, streets, and commercial or residential properties except at points of ingress and egress, to a minimum height of 8 feet by the use of berms, walls, fences or plantings. (The proposed site plan depicts plant materials to be located along the eastern, southern and the southern 1/3 of the western side of the site. Berms are depicted along the southern 1/3 of the western side of the site and along the northern and southern 1/3 of the eastern side of the site, and along the southwest and southeast corners of the site. Plant materials and berms are absent along the western side of the Phase II fill area.)
 - F. Landscaping shall be maintained in proper order.
 - G. Facility property and property within one-half mile from the facility shall be kept reasonably free of debris, litter or vectors resulting from the C&D facility. (See item E in the conditions of approval.)
 - H. Access roads to the facility shall be all weather and negotiable at all times. Load limits on bridges and access roads shall be sufficient to support traffic generated by the facility. (Access to the site is proposed to be off of Ridge Road, and see Item D in the conditions of approval.)

Location restrictions include:

- A. C&D facilities shall not be located within the 100-year floodplain unless protected by flood control levees. (Site appears to be out of 100-year flood plain)
- B. C&D facilities will not cause significant degradation of wetlands. (Applicant must provide documentation that this is not a wetland area.)
- C. C&D facilities will not result in the destruction of critical habitat of endangered or threatened species nor contribute to the taking of same. (No evidence has been presented which would suggest that this is an issue.)
- D. The vertical separation between the lowest point of the lowest cell and the predicted maximum water table elevation shall be sufficient to maintain a five foot vertical distance between deposited material and the water table elevation.
- E. No permit for a C&D facility shall be issued on or after the effective date of this resolution if such area is located within one mile of an intake point for any public water supply system. The owner may petition the County Commissioners for an exception based upon proof of protection of the public water supply.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year.

An industrial use such as a landfill could be a compatible land use to many of the area's existing industrial uses since a landfill typically has a low number of employees when compared to a residential subdivision or other industrial use, and the existing industrial uses in the area have the potential to represent a hazard to residential uses. Agricultural activities are also compatible with industrial uses. Because of the existing industrial uses in the area, it is likely there is already a significant amount of truck

traffic. Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within one year, and subject to the following conditions:

- A. Demolition and construction solid waste resulting from the construction, remodeling, repair, repair and demolition of structures, roads, sidewalks and utilities as further defined in K.S.A. 65-3402(u) shall be the only landfill material permitted. Household solid waste, hazardous or toxic wastes, as defined by K.S.A. 65-3430 et seq. shall not be permitted for disposal at this site.
- B. The landfill operation shall obtain all applicable permits or licenses prior to depositing landfill material on the site. Operations shall proceed in accordance with all regulations and conditions established by the Kansas Department of Health and Environment (KDHE), Wichita-Sedgwick County Health Department, FEMA, the Corps of Engineers, the Department of Wildlife and Parks or any other agency having jurisdiction or oversight authority for the activities conducted on the application area.
- C. A landfill operator shall be on the site during all hours of operations for the purpose of screening incoming loads for authorization, inventory of the type, size and quantity of loads, and direction of loads to the appropriate cells. Access to the subject property shall be prohibited except during the hours of operation.
- D. The delivery of construction and demolition waste to the site shall be only by way of paved roads.
- E. A minimum 8-foot high fence shall be installed around the perimeter of the site to minimize the blowing of any materials onto adjacent properties. The fence shall be either chain link or welded or woven wire with openings no larger than two inches. The fence shall be installed prior to the beginning of filling operations.
- F. Upon written notice of any violation by the appropriate zoning administrator or any agency authorized to permit, review or evaluate operations, operations shall cease and the violation shall be corrected within 48 hours.
- G. A detailed grading/drainage plan shall be submitted to the Sedgwick County Department of Public Works for review and approval prior to commencement of operations. As part of that review, the Department may require that easements be dedicated for drainage purposes. A copy of the approved grading and drainage plan shall be submitted to the Planning Department for filing with other case materials. The operation of the landfill shall be in conformance with the approved grading and drainage plan, and with the approved "Site Plan." Landfill operations shall be conducted so as to minimize the area that could blow. In order to minimize the potential for blowing material, a maximum of three acres at any one time may be utilized as fill area. Prior to the opening of any new area, the previous area shall be graded and seeded with at least eighteen inches of clean cover material. All fill, work or drive areas shall be maintained in a manner that minimizes blowing dust or fugitive material.
- H. The maximum height of fill material shall not exceed 80 feet in height; and landfill and composting operations shall cease 33 years from the date of final approval. It shall be the responsibility of the applicant to notify the planning staff and the Director of County Code Enforcement of the date when filling began; otherwise the time period shall run from the date of MAPC or BoCC approval, whichever is latest.

- I. A landscape plan shall be submitted for review and approval by the Director of Planning. All plant materials shall be maintained in good condition and shall be replaced as necessary and immediately within the context of the growing season. Evergreens, a minimum of 5-feet in height shall be installed between the fill areas and the property lines at a rate of at least one tree per 15-feet. The landscaping is to be installed prior to beginning fill operations on the site.
- J. Right-of-way dedications commensurate with those required by the Subdivision Regulations shall be required if existing rights-of-way are substandard.
- K. If required, a revised site plan shall be submitted for review and approval.
- L. The C&D landfill shall be developed and operated in compliance with all conditions of approval or the Conditional Use shall be considered null and void. Operations shall commence within one year of the date of final approval or the Conditional Use shall be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Most properties immediately surrounding the application area are zoned SF-20, and used for crop land. The southeast corner of the intersection of 55th Street South and Ridge Road is zoned GI General Industrial, and used for crop production. There are single-family residences located to the west of the site. An electric utility is located one-half mile east of the site, and zoned LI Limited Industrial. One-half mile south of the site, on Ridge Road, is the Occidental Chemical plant, zoned GI General Industrial. Northeast of the Occidental Chemical plant, southeast of the site, is a grain elevator, zoned LI. One mile to the east is a solid waste transfer station, zoned LI Limited Industrial. In general, the area east of Ridge Road is a mix of industrial and agricultural uses while the area west of Ridge Road is agricultural. RR zoning exists anywhere from immediately south of 55th Street, one mile west of the application area to 1.5 miles south of the application area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned SF-20 Single-family Residential, which permits low density residential and a few other residentially compatible uses, as well as agricultural activities. The site is currently farmed and could continue to provide an economic return as currently used (cropland) and zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning the site to RR allows the applicant to request the conditional use for the landfill. The SF-20 district does not permit a conditional use application for a landfill. Therefore, the request for RR zoning opens the door for the conditional use request for the landfill. The majority of Sedgwick County is zoned RR, and approval of RR zoning would not in and of itself permit the requested landfill. In fact, the RR district is a more restrictive district from the standpoint that the RR district requires a two-acre minimum lot size while the SF-20 district permits lots as small as 20,000 square feet. The recommended conditions of approval contained in the conditional use are designed to minimize foreseeable detrimental impacts of a C&D landfill. Truck traffic will probably increase; however there probably already is substantial truck traffic in the area due to the grain elevator and Occidental Chemical, and the applicant will be required to provide any needed traffic improvements at the time of platting. Fencing, berms and landscaping are required to limit fugitive debris and to screen at-grade work areas. The recommended hours of operation are more restrictive than what typically occurs with agricultural activities. A drainage plan is required at the time of platting to address stormwater issues. Sedgwick County's and the Kansas Department of Health and Environment's standards are designed to address other foreseeable impacts.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would benefit the community at large by providing an additional C&D landfill site in a quadrant of the city that currently does not have such services; and will increase competition for such services. The only other C & D landfill located in the southern part of the Wichita metro area closed in 2010. Approval could negatively impact adjacent property owners by introducing a use that is not currently in the area, and whose potential collateral impacts may be seen as disruptive to a farming lifestyle. Presumably denial would be an economic loss to the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The application area is located within the City of Wichita's 2030 Urban Growth Area. Land located within a city's urban growth area is currently undeveloped but has the potential to be developed by the year of 2030. "Landfills" are categorized by the Comprehensive Plan's as a "major utility/transportation" use. The site has access to a paved arterial road, Ridge Road, and can be viewed as an extension of the existing industrial uses in the larger area: Occidental Chemical, Air Products, grain elevator, utility substation and a municipal solid waste transfer station. The plan also recognizes the need to minimize the potential for environmental contamination while maintaining cost efficiency by proper management of construction debris generated within the county. The site is located in reasonable proximity to sites expected to generate the majority of the waste.

The County's Comprehensive Plan also contains an objective that states an intention to enhance and encourage agricultural activities within Sedgwick County, recognizing that viable agricultural land exists within the County.

6. Impact of the proposed development on community facilities: The site does not require municipally supplied sewer or water service. Truck traffic on Ridge Road will increase and may require improvements, and if needed, will be identified at the time of platting. Sedgwick County Fire Station No. 34 is located at 71st Street South and West Street, and would likely be the first responder to any fires or other emergencies at this location. Due to the change in use, additional traffic and code enforcement and road maintenance will likely be required.

DALE MILLER, Planning staff presented the staff report.

COMMISSIONER SHERMAN recused himself from the item citing employment related issues and left the bench.

SHERMAN (Out @1:46 p.m.)

KLAUSMEYER reported that he lived approximately 4 miles directly west of the property on 55th Street. He asked legal staff if that would be considered a conflict of interest.

ROBERT PARNACOTT, COUNTY COUNSELOR said that should not disqualify Commissioner Klausmeyer from participating in the hearing as long as he feels no prejudice, and can hold an open mind on the matter. He said proximity to the notice area is not a reason to recuse himself unless he feels that he cannot be impartial. He said it is a judgment call since he has a duty to the public he serves as a Planning Commissioner to have an impartial decision making mind set.

COMMISSIONER KLAUSMEYER said he did not believe he could be impartial on the case and recused himself from the item and left the bench.

HENTZEN reported that he had ex-parte communication in the way of e-mails and phone calls on the item and asked if he should step down also.

DIRECTOR SCHLEGEL said Commission Hentzen needs to decide if the ex-parte communication he received has caused him to make up his mind on the application.

HENTZEN responded no.

BOB KAPLAN, 1600 EPIC CENTER, AGENT FOR THE APPLICANT commented that the Planning Commission previously approved this application for a conditional use for a construction and demolition (C&D) landfill on August 21, 2008. He said; however, this current application is significantly different. He said this application is for 65 acres which is less than half the 160-acre site originally applied for. In addition, he said the site will be located in the northern section of the quarter section further away from the residences in the area. He said this area is not likely to be developed residentially. He mentioned the close proximity to the airport and that the airport was not a good neighbor to residential housing because of the noise and danger. He said airports were also not compatible with hospitals, churches, and schools. He said he would like the focus of this planning meeting to be on drainage for the area and leave the other issues to the platting process. He said they understand that drainage is an issue with the neighbors so he would like to see that issue discussed by the Planning Commission. He said they believe they have dealt with the drainage issue. He said environmental issues are yet to come because it is a two-step process, assuming approval of the conditional use then the regulatory process with the Kansas Department of Health and Environment (KDHE) will come. He said KDHE will not accept their application until the zoning is approved. He introduced Trevor Kurth, from Baughman Company who he said will explain the drainage plan which they believe is not going to increase the amount of runoff. He said although the drainage plan is not required until the time of platting, they have received preliminary approval of the proposed plan from County staff. He said the Commission needs to deal with two issues - the need for the C&D landfill and the location. He said the need is sufficiently obvious since the closing of the C&D landfill at 31st Street and K-15. He said the City now has C&D locations at the former Richey site on West 37th Street North and Brooks Landfill. He said there is nothing serving the southwest quadrant of the City. He said this particular area was chosen for several reasons including its accessibility to both K-42 and Ridge Road and the fact that it is located in an obvious industrial area. He referred to a map of the area which showed all the industrial areas in red. He said this is not a neighborhood area nor is a neighborhood likely to be developed in the area. He said it is unlikely that residential development will happen in this area and added that the closest residence is relatively well screened from the site. He said the biggest issue is drainage. He reviewed various photos from the site and the surrounding area. He said they tried very hard to find a site to accommodate the need for the C&D landfill. He mentioned that people all want services such as cell phones, etc., but don't want cell towers. He said there is a need for this service and landfills have to be located somewhere. He commented that there will be a full public hearing on this matter at the County Commission; a review of the drainage plan; and that regulatory bodies such as KDHE will also be involved before the C&D landfill is up and running.

ALDRICH asked for clarification as to whether the drainage plan has been approved by the County.

KAPLAN said they worked with County staff when they prepared the drainage plan and it was his understanding that the County is satisfied with the proposed plan provided the zoning is approved.

FOSTER referred to the drainage site plans provided with the agenda and asked what is the solution once the Phase 2 cell goes into effect?

TREVOR KURTH, BAUGHMAN COMPANY, 315 ELLIS said after the landfill is fully developed off sight drainage from the north will be handled by some ditching around the landfill toe to redirect water to the south.

FOSTER said so drainage would be taken out to Ridge Road?

KURTH said drainage would be taken back to the west and then south around the landfill toe. He said some of the drainage such as channel sections may change once they get to the KDHE process because of KDHE requirements.

SHEETS clarified that the site would be 80 feet in height.

KAPLAN replied the recommendation was that it would not exceed 80 feet. He added that they accept all conditions set out in the staff report.

STEVE HEIGER, PLANT MANAGER, OCCIDENTAL CHEMICAL CORPORATION, 6200 SOUTH RIDGE ROAD said they are located $\frac{3}{4}$ of a mile south of the proposed site and added that they have contiguous land ownership up to and adjoining the proposed landfill site. He said he was present to voice a few concerns with the proposed project that if not properly addressed and solved, they feel will cause some future problems for their business and operation. He mentioned that they had little time to prepare for this hearing because the notice was sent to their Houston, Texas, office. He said they would like to voice three concerns, and began by mentioning the stormwater drainage in the area. He said the area is very flat with little natural grading and storm and rain water has historically been a significant problem for the plant. He said the proposed landfill will be located in a low area which has in the past functioned as a retention area for rainwater runoff from the subject property as well as drainage from other properties to the north of the site. He said building the elevation of the property with landfill material over time will reduce the natural retention of rain and storm water. He said that will cause the water to run off onto their property almost immediately during a rain event. He said this will increase the rate in which they receive water onto their property. He said the ditches and fields along Ridge Road to the west of the plant become very full now during a 1-2 inch rain event. He said even with the natural retention to the northwest of the plant, water to the south takes almost a week to drain from rain events. He said the increased rate of receiving additional storm water from the north will cause higher flooding waters around and over Ridge Road. He said in the past rainwater has caused ditches to overflow allowing water to run into the plant's front gate. He said they must then, by Environmental Protection Agency (EPA) regulations, contain and dispose of all the water that falls on or enters the plant site. He said their second concern is the impact that leaching from the landfill will have on their on-going environmental remediation efforts. He said specifically their monitoring wells becoming contaminated by materials contained in the leaching from the landfill. He said their last concern was the location of their public drinking water well less than $\frac{1}{2}$ -mile north of the subject property. He said they would like to see these concerns addressed and resolved prior to this project proceeding forward.

MARNELL asked Mr. Heiger if the plant had a levee system that helps mitigate water flow onto the plant site.

HEIGER responded said they have ditches along the west side of the property along south Ridge Road with the exception of the front gate entrance which is the low point where water comes onto the property during rain events.

MARNELL clarified then you don't do anything on your own property to mitigate that.

HEIGER responded no they have not done anything along the Ridge Road easement to stop the water flow.

FARNEY asked about the direction of the ground water.

HEIGER said the ground water flows from northwest to southeast in the area.

TIM LAUER, 3205 WILD THICKET, WICHITA said his father owns 80 acres of land immediately north of the proposed rezoning tract. He said he is a geologist by training. He mentioned that he appeared before the Commission three years ago and presented information against the proposed rezoning change. He said the arguments presented at that time demonstrated the need for drainage studies and the potential damage to ground waters, surface waters and erosion damage to adjacent land holders. He said a summary history of that rezoning request and a map was e-mailed to all Commissioners who listed an e-mail address on the City's WEB page. He said the arguments will not be restated other than to say they were valid then, are still valid now, and will remain valid into the distant future. He mentioned that the proposed rezoning lies in a sensitive ground water area and referred to maps showing the South Central District Sensitive Groundwater High-Resolution map, Waco Township and rezoning request. He noted that this rezoning will create the highest land surface in the entire township at 80 feet above the current ground. He also referred to a map showing the current drainage flow (gradual slope and flow rate) and the diverted drainage flow (over 25 times greater slope and flow rate). He said this will place an additional burden on the applicant to protect surface water and ground water from contamination. He said KDHE is aware of the flooding and sensitive ground water issues that exist in the area. He asked the Commission to consider these questions. What happens when you change the lowest spot in a section and make it 5 feet taller than it was before? He said instead of collecting water in a natural basin, you now divert water away from your property. He said he found it interesting that in an area of less than 10 feet of elevation change, the engineers have come up with 5 sub-basins for about 160 acres. He said 10-foot of elevation usually involves one large catch basin. He referred to the aerial map of the area, and said the dark areas are perennially damp. He asked what happens when you change the slope in an area to three feet over ½-mile to 80 feet over ½-mile. He said that increases the slope 27 fold. He asked what will this do to the area around the site. He said rather than slowly allowing the run off to drain and be absorbed by the soil, this will force the run off to rapidly leave the catch basin greatly exacerbating the run off to adjacent lands overwhelming their ability to handle the surge of water. In addition, he said any retention ponds on the landfill will be quickly overwhelmed and possibly introduce contaminants offsite through accidental overflow. He said flooding in the area has the potential for catastrophic losses. He said this can be avoided by leaving the natural slope of land as it is. He said many of the Commissioners are familiar with the area and he asked why they would introduce a change that would worsen conditions in the area. He referred to the maps depicting the current drainage flow and the diverted drainage flow. He mentioned that one of the "red" areas on the agent's map was not industrial, it was agricultural, but is owned by Occidental so he thought that was a bit of misinformation.

MOTION: To allow the applicant an additional 30 seconds.

FOSTER moved, **MITCHELL** seconded the motion, and it carried (11-1).

KLAUSMEYER – Abstained.

FOSTER asked Mr. Lauer to clarify what the ground water map exhibited -- volumes of ground water, depth or what.

LAUER said it showed the sensitive areas of ground water according to the State Survey that was available on line. He said he did an overlay of the Waco Township and platted land. He said this land was chosen because the landowner wants it used as a C&D landfill, not because it is the best location for a C&D landfill.

JOLENE TOMAN, 1340 PECANWOOD, GODDARD read the following statement: She introduced herself and said she was present to represent the Roman and Helen Thome families. She said the land adjacent to the west side of the proposed landfill site has been owned and farmed by their family for more than 60 years. She said while all land has a history, the history of this general area deals with far more than family attachments. She said the area already has an extensive history of dealing with environmental abuse from past mistakes and misjudgments. She said these problems combine to make the proposed site a very poor candidate for the additional risk and uncertainty connected to this landfill proposal.

She said no less than six chemical companies have operated and continue to operate chemical production facilities within a ½-mile of the proposed dump site. She said without going into great detail, the groundwater flowing near this site has been polluted to the point that currently, under an Environmental Protection Agency (EPA) mandated plan, a widespread network of sampling wells keeps track of pollution trends. She said in addition, 10 extraction wells have pumped continuously for 30 years at rates of up to 440 gallons per minute. She said during this period billions of gallons of groundwater have been pumped from beneath this area to keep current levels of pollution from spreading to an even larger part of the County. She said this water is pumped into deep level injection wells also allowed by the EPA. She said approval of this plan was extended in 2007 and any additional sources of pollution must be evaluated as a part of the overall plan.

She said area residents are well aware that the proposed site has long been the drainage area for most of Section 21. She said the area is subject to flows of large quantities of natural surface water. She said recent news has made it clear that even the best plans to control flooding carry no guarantees. She said the combination of an already polluted groundwater system, a proposed site historically subject to uncontrollable surface flooding and a landfill certain to contain numerous toxic materials makes this proposal wishful thinking at best. She said consider that proposals submitted for approval never admit to unsolvable problems, and never highlight issues that are far too expensive to address when plans fail. She said in this case, they already have an area that is subject to a complicated and delicate balancing act maintained only through major efforts to keep existing pollution from becoming even worse. She said in short, this area cannot afford to take any change or additional pollution. She said opinions of the EPA, KDHE and the chemical companies under their regulation will likely confirm this opinion.

She said make no mistake; this proposal is not a humanitarian effort to fill a niche in the community; it is a commercial development, submitted by a commercial developer. She said the landowner is not a landfill operator, he is creating a product. She said once approved, his product can be sold. She said the responsibility and liability for operation of this facility may then pass to those who work for maximum profit and know how to work the regulatory system to their benefit. She said the main question here is this: can this facility guarantee that over 33 years of construction and operation that it will not further degrade the environment? She said to vote yes the Commission will have to believe that this facility can make that guarantee. She asked the Commission to ask themselves how many others have failed.

She concluded by saying that her family and local residents here today are firmly opposed to this proposal because it will be another threat to an area already dealing with the mistakes of the past. She said these problems will never be cleaned up, only controlled. She said no additional risk should be placed here. She said there are many locations that can better accommodate the stresses of such a facility. She said while there is no “best” place to put a landfill, they are sure that for many reasons this place is one of the worst.

GREG SIELER, 3920 SOUTH 215TH STREET WEST read the following statement: he said this landfill will be relatively close to a metropolitan area. He said it will not have a synthetic liner to protect the ground water from contamination. He said in the landfill will be going Chromium Copper Arsenic (CCA) pressure treated lumber. He said CCA are heavy metals and arsenic causes acute and chronic disease, usually neurological, and it also causes lung, skin and bladder cancers. He said it is illegal to burn this wood in all states because the smoke is so toxic. He said some countries have banned CCA lumber completely.

He said the lumber industry lobbied the United States law makers not to ban the CCA lumber as it has a 30-50 times longer life span as regular lumber which has been very useful for all of us. He said the industry agreed to phase out the sale of most of the CCA lumber around 2006. He said many playgrounds built with CCA lumber have been removed because the levels of arsenic leaching out of the wood onto skin and into the soil are too high. He said the problem now is all that lumber sold for the last 40 years is now reaching its life span and is now going into landfills at accelerating rates.

He said the Hinkley Center allocates over a million dollars a year for sound research on landfills that industry, states, municipalities and disposal companies can use in making guidelines, regulations and laws to protect ground water supplies and people. He said recent research by Dr. Townsend's group shows the old CCA lumber is still leaching as much arsenic as newly treated lumber. He said they expect the rate of CCA lumber coming into landfills to peak around 2016 then start its decline; however, it is now concentrated and is a much greater risk of leaching into ground water for many years to come. He said many municipalities are aware of the growing problem and are establishing guidelines and regulations that will sort CCA lumber off and send it to lined landfills.

He said they believe this is a poor location for a C&D landfill as it will put so many people at risk for so many years to come. He concluded by suggesting that Mr. Kaplan speak with representatives in Lawrence, Kansas, who he said were interested in all the trash Wichita has including solid waste as well as construction and demolition materials. He said there are plenty of other options to consider.

TOM BERGKAMP, 8231 WEST 55TH STREET SOUTH read the following statement: he said he and his wife Florence live approximately 780 feet west of the proposed C&D landfill site. He said they are asking the Commission to deny zoning and conditional use changes for the following reasons. Possible groundwater contamination; a public water source is less than ½-mile north of the site. Four irrigation wells are from 2,000 feet to ¾-mile away. There are three single-family residences located west of the site. Each one utilizes well water. They are approximately 667 feet, 927 feet and 2,650 feet away. Westar also has numerous wells ½- to ¾-miles east of the site. Two-hundred sixty four acres drain through this site. If water flows too fast from the 70-80 foot tall piles of debris the property to the south of the site could have potential to flood more severely and possibly run into the Occidental Chemical Facility. This site has two intermittent streams that go through the property from the north and drain to the south. If allowed to interfere with the natural drainage, farms to the north, west and south could be severely affected. He said they flood irrigate 160 acres across the street and downstream from the site and reuse the irrigation water that runs off by pumping it out of the recovery pit and back onto their growing crops. If the site has any contaminates, they would be pumping it back onto their growing crops. Methane gas and hydrosulfide gas can be produced from biodegradable waste. Sheetrock and organic matter produce an anaerobic condition; then bacteria will grow and produce methane gas. These pose an unnecessary risk to our groundwater. Applicant will not be harmed by denial of this zone change. He is an end user and can continue farming his property as he has been doing. With proper farming practices the land can and has been highly productive. This a troubled area and the Occidental Chemical Corporation (formerly Vulcan Materials) has been working for years to keep groundwater contamination under control. They and we do not need more unknown elements to deal with. He said this is not about who you know, it is about what is right.

BILL MCGIBBAN, 8026 WEST 47TH STREET SOUTH said they live ½-mile north of the northwest corner of this property. He said they have lived there for 20 years, raised their family there and chose this specific area because of the quiet environment. He said he listened to the drainage information and although he is not a scientist, their property backs up to the dry creek branch and during heavy rains the water comes pretty close to their home. He said the area cannot withstand any more additional water other than what naturally drains there today. He said the staff report mentioned an eight-foot fence to contain the trash. He said this is a pretty flat area and the wind roars through there so an eight-foot fence is not going to contain the trash. He said the dust, noise, and traffic will create havoc on the environment. He said he knows everyone has to accept their fair share of community functions for the greater good of the larger community and he said he feels like they do that out there. He mentioned the chemical plant, steam generation plant, and trash transfer station so he thinks they do their part. He said he is strictly opposed to the proposed C&D landfill. He said it will destroy the neighborhood and asked the Commission to imagine living ½-mile north of the site. He mentioned what has happened at K-15 and 31st Street South and said if this is approved it will be the end of their property.

FLORENCE BERGKAMP, 8231 WEST 55th STREET SOUTH read a letter from **CHARLES R. HORNER OWNER OF SW/4 OF 22-28-1W**. As an out-of state owner of a working farm that falls within the area being considered for rezoning, I am writing today to voice my strong opposition to any plan, now or in the future, that would permit the construction of a landfill on any portion of the quarter section directly across the road from my property. We have faced this and similar land-use issues several times during the long history my family has owned this farm, and each time the case against this type of rezoning has been a compelling one. When this matter was last considered by the Planning Commission in 2008, I submitted a letter listing my reasons for opposing a landfill in this area. Despite new claims from those seeking rezoning that such an endeavor would have a minimum environmental impact; my position remains unchanged and is founded on what I consider to be legitimate concerns about the continued viability of the entire area, including my property. I have authorized a family who farms in the area, the Bergkamps, to act as my proxy and, if appropriate, to read the aforementioned letter at this hearing. I appreciate the opportunity to voice my concerns and to restate my continued opposition to this proposal. She concluded by mentioning that there was a C&D landfill located in Harper, so there were other places to go for C&D disposal besides Wichita.

ELLI SKOKAN, 5825 MEMPHIS said she was not a resident of the area but was present to show her support of the neighbors. She said she has worked with the neighborhood since 1988 to try to address the economic, social, and environmental impacts of the chemical industry on this area of the County. She said it doesn't seem to her that the neighborhood needs any more worries to concern them. She said she didn't see any mention in the staff report about the quantity of waste per day or the days and hours of operation of the facility. She said she seemed to recall that they were included in the 2008 staff report. She referred to page 5, section E under design requirements. She said there is a parenthetical description of berm plantings but it is not the same as shown on the site plan for the current application. She said the City's own plan for the area as discussed previously calls for an urban development mix. She said it doesn't seem as though a C&D landfill is appropriate use in the area according to the 2030 Functional Land Use Guide. She said as far as Mr. Kaplan stating the needs for a C&D landfill in the southwest part of the County, she pointed out that there was no C&D in the northeast or southeast part of the County either. She said there probably is a need for another C&D landfill but this is not the location for it. She said there were many brown field areas in the City and said there was no reason why some of that brown field property couldn't be used for a C&D landfill.

WAYNE KOCH, 3725 FAIRLAWN said he too was present at the meeting on this issue in 2008 to present a petition from residents of Prospect Park against the landfill. He commented that he sees the airport authority and Greg Mills are supporting the application. He said no one can guarantee that there will not be a bird problem at the site. He said any C&D material brought to the site could contain waste from workers at various locations which could include workers food stuffs included in a trash dumpster. He added that the same type of stuff will come from homes being torn down and the material will attract birds. He mentioned that regular trash has been received at other C&D landfill sites in the City and mentioned the Cornejo site at K-15 and another site in the northwest part of the County. He said there is no way the landfill operators can stop it unless they go through every truck that comes in and handpick out the trash. He concluded by saying he was totally opposed to this request and added that the majority of people in the area are opposed to it also.

DENNIS WOODS, 5201 SOUTH 119TH STREET WEST, CLEARWATER said as an adjacent landowner he was speaking on behalf of his brother and himself. He said he is past executive of two fortune 500 companies with environmental responsibilities. He said he was not opposed to growth or development as long as it is done with due responsibility. He said he hopes that everyone that is associated with this decision can look in the mirror each day and feel good about what they see. He mentioned that this is an environmentally compromised area; it is low lying and difficult to drain; the elevation is being raised and all these factors create additional issues and problems. He said he hopes the Commission as decision makers will provide oversight and due diligence in the process. He said there is a lot at stake in this area that has already seen difficult times.

ANDY LAUER, 7105 WEST 47TH STREET SOUTH, WICHITA said he too was an adjacent landowner. He said every landowner in the area is opposed to this due to property values. He said he wanted to voice his opinion that he too was opposed to this and said the proposed site was not a good location for this.

ROB KETCHNER, 10110 WEST 63RD STREET SOUTH, CLEARWATER said his property is about 1 ½ miles southwest of the site. He said he is a concerned neighbor and a friend of a lot of the people in the room. He said not only is there a drainage problem but there is new residential development southwest of the site (quarter million dollar homes) and with the wind out of the south there is going to be an aroma there. He also mentioned school buses in the area and added that there will be bird strikes. He mentioned that the owner has not been following the rules at the K-15 C&D landfill site according to the paper. He said he thinks it is the whole economy right now and individual greed, which he said is the number one problem in the United States. He said this is a prime example. He asked Mr. Kaplan what the second and third area choices were and suggested that they revisit those locations. He said there are a lot of valid and justified concerns with this area. He concluded by mentioning harvest time and the large semi trucks that frequent the area. He said all summer long there is traffic crossing the road to the grain elevator. He concluded by saying this is definitely not the best location for this landfill site.

KAPLAN stressed that they are not going to increase the surface water runoff. He said County Code regulates that and their plan has to be designed so that after installation of the landfill the runoff remains as it was before installation. He said if they violate any of the conditions of the permit, they can lose the conditional use. He commented that this is a highly regulated industry. He said not only do they need the zoning from the County Commission, assuming the zoning goes through, they also need an environmental permit and need to go through the regulatory process through KDHE or they will not get a permit to operate the landfill. He said this Commission permits the site, not the operation of the landfill. He said in

2008 this was approved by the Solid Waste Committee. He said the Federal Aviation Administration (FAA) has no prohibition against a C&D landfill. He said a C&D landfill does not attract waterfowl or birds. He referenced the letter from Victor White, Director of Airports who they met with and reviewed the FAA regulations. He concluded by saying C&D landfills contain construction materials such as concrete, rebar and lumber not blowing trash.

ALDRICH asked Mr. Kaplan if they would consider flood control levees around the proposed site to mitigate some of the drainage issues.

KAPLAN responded yes, that they wanted to be good neighbor.

ALDRICH asked about possible heights.

KAPLAN said a berm can be built to any height as long as they have the 4-1 ratio. He said they have to screen anyway. He asked if they could earth and screen instead of providing fencing.

ALDRICH asked if they would be willing to do both.

KAPLAN said he didn't think there is a provision in the Code for that.

ALDRICH asked about hours of operation.

KAPLAN said they are willing to accept reasonable conditions and suggested 8:00 a.m. until 5:00 p.m. He said his client Mr. Dugan was not opposed to additional conditions beyond those staff has suggested as long as they are reasonable.

MARNELL asked what affect berming would have on the flow of water and the proposed ditch drainage system.

KAPLAN said this proposal went to Golder and Associates in 2008, who prepared an extensive report on drainage which was the basis for Baughman's drainage work.

KURTH said they haven't looked at it fully. He said it could possibly be done on the east side but he would not recommend berming on the west side where the offsite drainage from other properties comes into play. He mentioned that there was a small pipe at the corner of 55th Street South and Ridge Road that goes under Ridge Road that takes the drainage east but primarily the site all drains to the south through three culverts. He said there is a lot of drainage from the west coming onto the property on the south half. He said they want to keep the retention on the south half of the property. He added that slope of the landfill was also a concern, but said that when they vegetate around the landfill the water should soak in like a sponge. He said when the plan goes to KDHE for review, additional detention and water quality requirements will be added to the plan.

MARNELL commented that berms might be counterproductive and work against a proper drainage plan.

KURTH said he agreed.

SHEETS asked how the loads will be inspected and how are they going to be able to tell what is in the loads. He asked who will be liable if materials other than C&D materials are included in the loads and how is it monitored.

KURTH said KDHE has strict requirements and although he does not know the full process, operators must inspect loads or they will have fines levied against them.

KAPLAN said KDHE periodically inspects C&D landfills to insure all materials are C&D waste. He said there will be full-time, on-site supervision.

SHEETS asked if someone goes out to dump with the load to monitor what is being off loaded.

KAPLAN said he has not personally watched the operation but knows they have to comply from a regulatory stand point and that the material is inspected. He said most contractors are legitimate in their endeavor to only dispose of C&D materials. He said there are issues and nothing is perfect, but it is well regulated. He said any violations of the conditions must be remediated to the satisfaction of KDHE.

SHEETS asked about current traffic counts, the projected increase and how the increase will be handled.

KAPLAN responded that they have not run traffic counts on the existing traffic. He said he would have to go back to the 2008 application, but added that part of the attraction of the site was its accessibility.

SHEETS asked how deep the detention was going to be built; what will be the depth of the detention area.

KURTH said they plan on leaving the existing southern portion of the site "as is." He said they will remove some soil but that it will be approximately one-foot deep over six acres. He said County staff requested, and they agreed, that the southern half of the site currently acts as retention now and they did not want to change that. He said it is not a perfect system out there but they are not making it worse. He said 55th Street South does overtop during high rain events and the hydrology shows that it will continue to do that.

KAPLAN introduced **SUSAN ERLLENWEIN** from **SEDGWICK COUNTY ENVIRONMENTAL RESOURCES** who he said was present to answer any questions.

SHEETS asked Ms. Erlenwein to explain how the project is monitored. He asked is there a log, do people do an inventory, and do people watch people unload materials.

ERLENWEIN explained that there is a scale at the gate which is how the loads are charged. She said after that they go to a tipping area where someone from the C&D landfill is there called a "spotter" who witnesses what is dropped from the truck. She said obvious items such as tires are pulled out immediately; however, she admitted that items hidden in a sack might be missed. She said by law someone from the facility has to be present watching what is being dumped. She added that the County makes weekly inspections of the facilities and she believed they are inspected semi-annually by the State of Kansas.

FOSTER mentioned that there would not be a liner for the landfill and asked Ms. Erlenwein to describe the process if there is not a liner, what kind of sub base is provided for this type of landfill.

ERLENWEIN said current KDHE regulations do not require liners for C&D landfills, but added that they are looking at that for future regulations. She said Sedgwick County requires either a liner or monitoring wells for C&D landfills. She said the liner would be made of impermeable clay material with a combination of plastic and she would be the approving authority for the proposed liner or location and number of the monitoring wells.

FOSTER asked about the base condition on the two landfills located in the northwest part of the City.

ERLENWEIN said the estimate on Brooks Landfill is 10 years and the Cornejo site north of 37th Street, which just recently expanded to the west, is 30 more years. She said there are many variables depending on the amount of materials taken to the site, the economy and if there are storms in the area.

FOSTER asked if the C&D landfill south of K-96 had a liner or did it use monitoring wells.

ERLENWEIN replied that it used monitoring wells.

FARNEY asked if any of the monitoring wells in any areas have come up with any contaminants.

ERLENWEIN replied no. She said Brooks Landfill had an issue before the C&D facility but the Richey and Cornejo sites have not shown any contaminate hits.

FARNEY asked if the wells were installed at the commencement of the landfill operations.

ERLENWEIN replied yes, as per regulations.

FOSTER asked Ms. Erlenwein to address the CCA leaching mentioned by one of the speakers. He asked what was the current information on that issue?

ERLENWEIN said treated lumber is allowed in C&D landfills. She said there have been problems across the nation with dry wall and the sulfur from the gypsum being found in the water and also some of the heavy metals.

FARNEY mentioned the private well within one-mile of the landfill, and asked what are the regulations about that?

ERLENWEIN said there are no regulations on private wells near a C&D landfill but added that there were regulations about public water supply wells which are defined as serving 25 people for at least 60 days a year. She said if Occidental has a public water well that serves their plant, she assumed that would qualify as a public water well. She said there are State Regulations prohibiting public water wells within ½-mile of a C&D landfill and the County's regulation prohibits a well within one-mile of a C&D landfill. She said in both cases the applicant can appeal to the governing bodies to grant an exception.

DENNIS mentioned the liner versus monitoring wells. He said a liner prevents something from happening, but a monitoring well tells you after the fact that something has happened. He said if the ground water is already contaminated, what happens, how is that fixed?

ERLENWEIN said they have the ability to shut the facility down. She added that liners and wells are totally different. She said sandy soil would not work for a liner system and added that clay would have to be brought in. She said a lot depends on the soil conditions at the site as to what would work best.

DENNIS said he is still confused as to what happens once the groundwater is contaminated. He asked who is responsible for the cleanup. He asked is it the responsibility of the County or State. He said he worked in the former Union of Soviet Socialist Republics (USSR) and mentioned that he wore a badge whenever he was around nuclear waste which he said all it was going to do was tell his next of kin why he died.

ERLENWEIN said the company would be responsible for the cleanup of any contaminants found in the monitoring wells which would probably require putting in a remediation system but it would depend on what the chemicals were that were found in the system. She said it could require shutting down the facility.

DENNIS said he was concerned that this is all “after the fact.” He said they could end up with an ecological problem in the area and they won’t know it until it is already there.

ERLENWEIN said she can’t disagree with that.

JIM WEBER, SEDGWICK COUNTY PUBLIC WORKS DEPARTMENT said he wanted to clarify the comments about the drainage plan. He said a plan has been submitted and County staff agrees with the plan but they don’t normally approve plans until they come with a plat. He said they will grant approval based on this drainage plan once it is submitted with the plat. He said he is concerned about just arbitrarily adding berms to the perimeter of the site. He said the entire site is the low spot in the area and the south half is the lowest part but all the surrounding water needs to get over the lip into the dip system. He said a berm along Ridge Road would be the least problematic; however, he would not want to arbitrarily say let’s do that.

MARNELL clarified as part of the review of the drainage plan, if the County felt it was necessary to add berms, they would add them.

WEBER said that was correct.

MCKAY asked Mr. Weber to comment on the impact on the traffic along Ridge Road and K-42 highway. He said the staff report mentions farm traffic; however, there will be a lot more traffic if this becomes a landfill.

WEBER said he can’t speak to K-42 because it is a State Highway and they expect it to have a high capacity. He said he didn’t have the traffic count map but he seems to recall it was between 2,500-3000 cars along Ridge Road. He said the County has been taking care of Ridge Road for decades and that it feeds down into an industrial area where several plants are located. He said they are not expecting problems with either the structure of the road or the increased traffic. He said they don’t believe the increased traffic will be significant enough to make a difference.

FOSTER asked Mr. Weber to describe the slope condition.

WEBER said the soil is heavier and tighter in this part of the County and that is part of the issue with the drainage. He referred to the map of the area and said the entire south part of the site is under an elevation of 1,308. He said where they plan on building the cell is a little above 1,308 so there will be a large, flat detention basin that will not be disturbed. He said it should be a maintenance free detention pond. He said the grass cover on the cells should slightly reduce the runoff that will come from the north part of the site.

ALDRICH asked if it was a requirement that loads be covered because he sees them all the time with no cover.

WEBER said he thinks all loads are required to be covered and that law enforcement should be issuing citations.

MITCHELL said he would like Mr. Weber to reinforce that runoff will flow over 55th Street, just like it does now.

WEBER said water runs over 55th Street now and will continue to run over 55th Street.

FOSTER asked what type of liner would be required to insure control of leaching.

ERLENWEIN said a certain thickness of clay and plastic according to specifications. She added that any water or rainfall that comes into contact with the C&D waste has to be collected on site. She said there is a whole set of KDHE regulations and design standards including separate basins to hold waste contact water, etc.

DOWNING asked if the Commission would be getting into the environmental resource business if they added a requirement of a liner rather than monitoring wells to the conditions for approval of the application.

ERLENWEIN explained that regulations require one or the other (liner or monitoring wells). She said if the Commission feels the site would be better protected one way than the other that would be appropriate for the Commission to specify the requirement.

FARNEY asked if rain comes down on the site, how they can keep the rain on site if it is currently running over 55th Street.

ERLENWEIN said the regulations require that water that comes in contact with the working face of the landfill be contained. She said it is a relatively small area where the trash is actually being deposited. She said water that comes in contact in that area will need to be collected separately and taken to a different collection area. She said that is not in any of the designs yet, that will come into play during the permitting stage with the State.

SHEETS asked if they have performed any borings in the area to find out what kind of soil is currently at the site.

ERLENWEIN responded not to her knowledge.

FOSTER asked Mr. Bergkamp to come to the microphone since he believed his family had a good understanding of the soil and percolation in the area because of their farming operation.

BERGKAMP said there is slow percolation in the area and he can't see where the rate of runoff, not the quantity but the rate, wouldn't be increased where it comes through his property and Occidental Chemical's property. He said they flood irrigate the quarter section to the south and west and it seals off. He said it always goes through the south quarter a lot faster this time of year than the west quarter. He asked if he could comment on an experience he had last fall regarding debris going into C&D landfills.

CHAIR MILLER STEVENS said he was present to answer questions only.

FOSTER asked Mr. Bergkamp to relate his experience.

BERGKAMP said when they built a new house they tore their old house down. However, before they could do that they obtained a hazardous waste disposal permit because it had asbestos siding. He said they wrapped the asbestos siding in a tarp and went to the landfill. He said when he got there and paid his fee and showed the permit they told him to go to the “spotter” who would tell him where to dump his load. He said before he was even done unloading, another vehicle pulled up beside him and unloaded regular trash not related to hazardous waste. So it was his experience that hazardous waste was not kept separate from other trash which does not tie into what they are hearing today.

MOTION: To approve subject to staff recommendation.

MITCHELL moved, **MCKAY** seconded the motion.

MARNELL asked if the motion included the requirement for a liner instead of well monitoring.

MITCHELL responded “no, it does not.”

ALDRICH said shouldn't the requirement for a liner versus monitoring wells be based on soil samples from the area.

MCKAY asked wasn't the Commission just told that they could require a liner.

DOWNING confirmed that Ms. Erlenwein said she would not oppose a liner if that is what the Commission requested.

DENNIS commented that he would not vote in favor of this in its current format. He said as one speaker pointed out there is a lot at stake. He said he is a person that believes landowners should use their property to its highest and best use.

SUBSTITUTE MOTION: To approve subject to staff recommendation with the addition of a liner.

MARNELL moved, **ALDRICH** seconded the motion, and it failed (5-6-2).

DEMOS, FARNEY, FOSTER, HENTZEN, MILLER STEVENS, MITCHELL –
No. KLAUSMEYER and SHERMAN - Abstained.

FARNEY said he does not believe they will be able to contain the run off or the contaminants. He said there are already issues south of 55th Street and if there is a problem using monitoring wells that will only alert people after the situation has happened. He offered the following substitute motion.

SUBSTITUTE MOTION: To deny the application.

FARNEY moved, **DENNIS** seconded the motion.

MARNELL said he was going to oppose the substitute motion. He said it appears that the Commissioners are attempting to substitute their opinions for the knowledge of the experts that regulate this type of operation including KDHE who will be the ultimate authority to put requirements on the landfill and to gauge the site for suitability. He said what the Planning Commission needs to be looking at is land use. He said he does not believe the Planning Commission is the experts or should hold themselves out to be experts.

MITCHELL said he agreed with Commissioner Marnell.

FOSTER said his main purpose was to come to the hearing and listen very carefully to the environmental concerns. He said he still has those concerns so he will be supporting the motion.

The **SUBSTITUTE MOTION** failed (4-7-2). **ALDRICH, DOWNING, MCKAY, MITCHELL, HENTZEN, MARNELL, MILLER STEVENS** – No. **KLAUSMEYER** and **SHERMAN** - Abstained.

The **ORIGINAL MOTION** carried (7-4-2). **DENNIS, FARNEY, FOSTER, SHEETS** – No. **KLAUSMEYER** and **SHERMAN** – Abstained.

CASE # ZON2011-00014 AND CON2011-00017 - CORRESPONDENCE FROM WOODS.TXT

From: Dennis Woods [wdw@sktc.net]
Sent: Thursday, June 23, 2011 11:34 AM
To: Crockett, Maryann; donald.sherman@westarenergy.com;
jjohnson@sjcf.com; hoythillman@sbcglobal.net;
millerstevens911@sbcglobal.net; donk@klausmeyer.com;
john@casadomckay.com; bhentzen@cox.net;
kansashuskers@sbcglobal.net; dtdennis@swbell.net;
mitchditch@cs.com; gvanfleet@cox.net; marnell@cox.net;
sfarney@farneys.com
Subject: Case # ZON2011-00014 and CON2011-00017

We are aware that Resource Recovery Management, LLC has requested a county zone change (from SF-20 Single-Family Residential to RR Rural Residential) and a County Conditional Use (to permit a Construction and Demolition landfill) for the property northwest of the intersection of south Ridge Road and West 55th Street South.

As adjacent landowners, my brother (Mike Woods) and I want to formally go on record in opposition to this change, since this land is in an environmentally compromised area. This is aside from the possibility of reduced land values, increased truck traffic, and general appearance of a dump site.

Should any of you have any questions or need to reach me, I can be contacted at 620-545-7124.

Your due consideration would be greatly appreciated.

Sincerely,

Dennis and Mike Woods

CASE NO ZON2011-00014 AND CON2011-00017.TXT

From: John Thome [jthome2@cox.net]
Sent: Sunday, June 26, 2011 2:48 PM
To: Crockett, Maryann
Subject: Case NO: ZON2011-00014 AND CON2011-00017

To whom it may concern.

I grew up near this corner of Ridge Road and 55th St. So., where Resource Recovery Management, LLC is requesting a zoning change from SF-20 Single Family Residential to a RR Rural Residential and County Conditional Use.

I must admit that because I grew up near there, there are several emotional concerns that come to mind.

However, because these types of changes are not typically decided by emotions, let me express some common sense types of concerns.

This area is extremely flat and as such does not drain well. In the past, when I worked for the township, taking care of the roads and ditches was an extreme challenge because of the standing

water. On several occasions the tangent farmers were challenged to get their crops either in the field or out of the field depending on the time of the year, never mind just trying to work the ground.

while there have been some improvements over the years, I believe you have already seen pictures of water that still stands after a rain, with no place to drain.

If an 80' mound of debris were built on this NW quarter. The old flooding, water logged fields and muddy roads will return. The current concept of "catch ponds" cannot handle the rain

water in many of our Kansas downpours. Additionally, where will the water from the ponds be pumped, if it is to be pumped.? Onto the already water logged fields and roads.? Or the neighbors fields? which

would only serve to exacerbate their farming challenges. Perhaps causing them to lose more crops.

Another item that confuses me and strikes me as a little bizarre, is the reasoning for the change. Is

this an appropriate change, to consider putting a dump site so near existing and future urban

growth? Because the area is currently zoned as residential, obviously the City and/or County has

planned for urban growth to include the corner of Ridge Road and 55th. Isn't this counter

productive? Isn't this a step backward for the Planning Commission? And why a conditional use

permit.? Isn't there a better opportunity for some lesser productive ground to be dedicated to a

dump site.?

what is the future plan for the 80' hill when it becomes surrounded by residents? Or probably more

to the point, what is the plan for the 80' hill when no one wants to build anywhere near the debris?

Shouldn't a wichita growth plan keep dump sites away from residential growth areas? will it be a

perpetual mound of weeds and volunteer trees? will it be the "home base" of countless thousands

of birds? will there be site-fill debris blowing to the 4 winds? will the water wells and nearby creeks

become contaminated? Is this a good plan to put a dump site near 2 creeks?

JOHN THOME,

CASE NO ZON2011-00014 AND CON2011-00017.TXT

658 Wetmore
Wichita, Ks. 67209
Formerly from 55th St. So. and Maize road.

RE: Case # ZON2011-00014 & CON2011-00017

June 29, 2011

Members of the Metropolitan Area Planning Commission,

In 2008 the MAPC approved the zoning change for a C&D landfill requested by Resource Recovery Management, LLC by one vote at the 2nd meeting, (Bill Johnson who previously abstained due to having done work for John Dugan). At that time there was a 76% opposition of neighboring land owners and residents against this zoning change. People from all over the city and county put pressure on the County Commissioners to stop building landfills and start recycling. The application was withdrawn at that time due to pressures from citizens to the Commissioners to Resource Recovery Management LLC. The citizens still have not changed in their opposition concerning the problems of this particular site.

It is important that the MAPC is made up primarily of people that know and understand building and development. We wouldn't want Machinists and Lawyers planning out our future city development plans. However these members, members that are builders would logically like to have a place close to haul the debris from their construction projects. This is a direct conflict of interest. But you know the cost of C&D waste disposal is actually passed on by the builder to the consumer the builder is working for so we the consumers would like the elected officials to listen to our requests. In the last 20 years I have listened to citizens make these same requests at meetings in Clonmel, St.Marks and Furley about landfills they ask for recycling, energy generation, remote locations that affect minimal people from toxic leach potentials, etc.

Most of Northeast Kansas sends all of its (MSW) Municipal Solid Waste and C&D Waste to the Hamm Quarry near Lawrence Kansas. I called and was told the State of Kansas wants this quarry to be filled back up to ground level and it has the capacity to take all of waste from the entire state for 80 years and would like to have Wichita's waste. The Railroad runs from Wichita right by the quarry and only a spur would be required and maybe special cars. So there are other options.

It is a fact of life societies produce all types of waste that must be dealt with. We all understand that, but we would like our elected and appointed leadership officials consider viable options that the majority of the people want them pursue. These issues and problems will never be solved until they do. There is usually a few private businesses that stand to gain a lot financially thus make applications to the city and county to start or grow their private businesses but some businesses can do much damage to other citizens financially and potential poisons from leaching to underground water supplies.

The laws of the State of Kansas regulating C&D Waste Landfills do not currently require them to be lined but you should look at the cities and municipalities that have their ground water contaminated from C&D landfill leaching and now require the pressure treated lumber to be sorted off and sent to lined landfills. This is a problem just starting to be realized and expected to peak around the year 2030. I have extensive amounts of material on this problem. Much of it is from the Henkle Center that funds over a million dollars a year for sound research on landfills that large corporations, municipalities and law makers can use in making good decisions for society concerning MSW and C&D waste.

I am writing this letter so you are aware of our concerns before the meeting where you will be asked to vote. If you would like more information call me at (316) 640-2296.

Also the Kansas laws governing C&D waste landfills require that they are not unsightly to the public. This location would allow all air travel passengers to look right in the top of the landfill close enough to see the trucks unloading when looking to the east. This would be a bad first impression of our city.

Sincerely,
Dr. Greg Seiler

CONSTRUCTION AND DEMOLITION LANDFILL.TXT

From: Judy Thome [jlthome77@hotmail.com]
Sent: Monday, June 27, 2011 10:28 PM
To: Crockett, Maryann
Subject: Construction and Demolition Landfill

MAPC Board Members:

I live on the property that adjoins the Site for the proposed C & D Landfill. I always felt lucky to live in the Country, where it is quiet, clean, and safe, and a great place to raise a family. Now I have my doubts. With the proposal of a C & D Landfill, aka "Trash Dump" to go in adjoining my property, I don't feel it will even be safe for my Grandchildren to visit and play outside. If a C & D Landfill were to go in straight east of my property, the value of my land and home will be decreased. If I ever wanted to sell my property and home, I can't think of anyone who would want to live next to a trash dump. The trash dump site is a natural water shed for most of Section 21, and should be left that way. There also is the issue of pollution, should the site over-flow and it will. Look at what is happening along the Missouri and Mississippi Rivers. We ask that you recommend to the MAPC, that they deny re-zoning for a C & D Landfill. Think about it. Do we really need another C & D Landfill?

Thank You.

Larry Thome

From: Dennis Woods [mailto:wdw@sktc.net]

Sent: Thursday, June 23, 2011 11:34 AM

To: Crockett, Maryann; donald.sherman@westarenergy.com; jjohnson@sjcf.com; hoythillman@sbcglobal.net; millerstevens911@sbcglobal.net; donk@klausmeyer.com; john@casadomckay.com; bhentzen@cox.net; kansashuskens@sbcglobal.net; dtdennis@swbell.net; mitchditch@cs.com; gvanfleet@cox.net; marnell@cox.net; sfarney@farneys.com
Subject: Case # ZON2011-00014 and CON2011-00017

We are aware that Resource Recovery Management, LLC has requested a county zone change (from SF-20 Single-Family Residential to RR Rural Residential) and a County Conditional Use (to permit a Construction and Demolition landfill) for the property northwest of the intersection of south Ridge Road and West 55th Street South.

As adjacent landowners, my brother (Mike Woods) and I want to formally go on record in opposition to this change, since this land is in an environmentally compromised area. This is aside from the possibility of reduced land values, increased truck traffic, and general appearance of a dump site.

Should any of you have any questions or need to reach me, I can be contacted at 620-545-7124.

Your due consideration would be greatly appreciated.

Sincerely,

Dennis and Mike Woods

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Dear MAPC Board Members,

RE: ZON2011-00014 & CON2011-00017

I strongly oppose Resource Recovery Management's request for rezoning.

I question the request to change zoning from SF-20 Single-Family Residential to RR Rural Residential. The application area is located within the City of Wichita's 2030 Urban Growth area and this "spot zoning" does not fit into the overall comprehensive plan for the area. If the rezoning is allowed and the current project moves forward the land and home values in the area will decline. This decision would affect all current residents and landowners in the area adversely. If rezoning is not allowed the current owner/applicant could continue to farm the 160 acres and it would provide economic return. I remind the board members that the County's Comprehensive Plan contains an objective that states the intention to enhance and encourage agricultural activities within Sedgwick County, recognizing that viable agricultural land exists within the county, this is viable agricultural land.

What is Kansas law in regard to public water sources in close proximity of a landfill? I believe there is a public water source 1/2 mile north of this site.

I fly in and out of Wichita using Mid Continent Airport and I can just see it now on both departing and arriving the first thing I and everyone else will see is a landfill. The location of this proposed landfill will be very visible and no one will be able to mistake it for anything else than what it is – a dump. Welcome to Wichita!

Creating a landfill seems to be an easy decision but it's a fact that decisions to create landfills have environmental consequences for many years to come. There is much written about ground water contamination from arsenic leached from treated lumber in landfills. I would ask each board member to research this topic. This landfill will be created for the benefit of those needing such a facility e.g. builders and construction companies, no doubt people working together to find a solution for themselves while creating problems and adversely affecting others. There are already existing landfills that would accommodate debris from here we just have to take it there.

In closing I would like ask you to consider denying this zoning request. The environmental issues need to be evaluated and determined. Also the public opposition is very high and should not be dismissed.

Diane Seiler
3920 S. 215th St. West
Goddard, KS 67052
dks.seiler@gmail.com

Metropolitan Area Planning Board Members

RE: Case#: ZON2011-00014 & CON2011-00017

My name is Gary Thome of Clearwater, KS, and I strongly oppose Resource Recovery Management's request for rezoning for several interdisciplinary reasons.

Resource Recovery Management wants to site the landfill on what is now a 160 acre grain farm at 55th St. South & Ridge Rd., the area residents and adjacent landowners are vehemently opposed to this proposal, because of environmental dangers from air pollution spread by Kansas winds and the likely groundwater risk due to the mixing of runoff from this facility with existing surface water. The combination of poor drainage in the area with limited clearance between the dump and the water table could spell disaster. The existence of such a landfill also would reduce area property values, degrade the quality of life for the entire area and eliminate any future alternative land development.

This specific request does not support the city of Wichita's urban growth plan being located in Wichita's 2030 Urban Growth Area. "Spot zoning", as this is does not fit into the overall comprehensive plan for the area and is in direct opposition to the County's Comprehensive Plan that includes an objective to "enhance and encourage agricultural activities within Sedgwick County", recognizing that viable agricultural land exists within the county.

From a geographic perspective, this proposed site is in Cowskin Creek basin, an area that the NOAA's National Weather Service states: "The Cowskin Creek, located across Western Sedgwick County, has a history of flooding ... Urban expansion has modified the drainage basin, so that the creek can undergo extensive flooding with as little as six inches of rain..." Building a simple waterway on site will not remedy run-off, neither during operation or once it's an 80-foot high pile of contamination for such a low laying area.

Researchers from the University of Miami, the University of Florida and Florida International University found that arsenic from treated lumber used in decks, utility poles and fences leaches into the soil and threatens groundwater.

According to Excel Water Technologies, mercury and benzene are found in landfill runoff, which causes kidney damage and leukemia, respectively. The EPA recognizes that PCBs (polychlorinated biphenyls), a chemical found in many industrial applications, does indeed cause cancer. PCBs can be found in landfill runoff and discharge of waste. Undisclosed asbestos particles, cement & concrete dust will be carried by those fantastic Kansas winds, causing lung damage, and the Center for Disease Control sites asphalt as a cancer hazard. What happens when asphalt particles leach into your water? Or in the water for livestock that will end up being the steak you pick up a Dillon's for tonight's dinner?

I have a few questions that I would like answered:

- 1. Has an Environmental Impact Study been done in the proposed dump area? If so, is it available for review? If not, why not?
- 2. How does an 8' fence control much of debris being blown by the four winds in all directions? This from an ever increasing pile of trash to reach 80'.
- 3. Who will guarantee and inspect loads 24/7 and be held liable?
- 4. Is this not really two separate votes, the first being the rezoning and the second the conditional use permit?
- 5. Public water & sewer. Why not? Are there not going to be employees on hand and won't the trucks require a hose down before they enter the highway again, or is it because there already is a public water source ½ mile to the north. According to Kansas law there should be no public water source within a mile of a landfill.

Thank You,
Gary Thome
gary.j.thome@gmail.com
Clearwater, KS

CORRESPONDENCE FROM JAMES ROBINSON.TXT

From: Jim Robinson [bsrob2@yahoo.com]
Sent: Monday, July 04, 2011 6:59 PM
To: Crockett, Maryann
Subject: Case #ZON2011-00014 AND CON2011-00017

Little over 3 years ago we built a new home on Ridge Ct. We fought this landfill back then and we are opposed today. This is a residential area and should remain as such. Most residents in this area are on well water. Who is going to pay for our lost property value, who is going to clean the trash from the roadway, how is Wichita going to replace all the jobs that may be lost if it becomes a problem for OxyChem. I have said in the past there has to be a better way to determine where landfills are permitted. Local government must find a new process.
Thank You
James Robinson
4332 S Ridge Ct

June 28, 2011

To: Wichita Planning Department and Metropolitan Area Planning Commission

Re: Case No. ZON2011-00014 and CON2011-00017

Resource Recovery Management, LLC (John Dugan) again proposes to locate a construction and demolition landfill at Ridge Road and 55th Street South. Three years ago we went through the MAPC process regarding this issue before the applicant withdrew the case. During those three years he has had time to alter his proposal, but the facts in opposition to this issue are unchanged. Modifications to the proposal cannot change the fact that the location of a landfill in this area is environmentally uncontrollable and is universally opposed by area residents for many valid reasons.

A representative from OxyChem spoke at one of the hearings in 2008 of his concern about the alteration of the existing flow of surface and groundwater that would result if this facility were to be approved. OxyChem was right to be concerned because they and previous owners, Vulcan Chemical and Frontier Chemical, suffered the results of failed attempts to prevent the mixing of natural runoff and chemical pollutants. The result is massive groundwater pollution that must be controlled and monitored to this day. This is an example of the best efforts of chemical and environmental scientists, plant designers and engineers that failed to foresee and control the natural flow of surface water and the mixing of pollutants in a commercial facility. Their experience should be a red flag to everyone.

Property values will be adversely affected if construction of a C&D landfill is allowed. This area is within Wichita's 2030 Urban Growth Area. No business would consider a move to the area with this monstrosity as a neighbor. Would it not be wise to consider the type and number of businesses that could eventually locate in this area if one landfill is not allowed to halt future development?

There is enough information available to the Planning Department and to the MAPC board members for you to make responsible decisions regarding this issue if you will carefully consider the environmental, drainage, property values and neighborhood opposition issues. Concerned citizens in the community are of the opinion that anyone who would be in favor of this C&D landfill proposal is either uninformed or involved for personal gain.

Board members, please take the time to review all facts and opinions sent to you by the people you are appointed to represent.

Since the terms of several MAPC board members expire on June 30, please forward all information submitted regarding this issue to incoming members.

Thank you for your time.

Jolene (Thome) Toman

CORRESPONDENCE FROM MARY GROGAN.TXT

From: Mary Grogan [mary@tecu.org]
Sent: Tuesday, June 28, 2011 9:59 AM
To: Crockett, Maryann

Dear Board Members,

We are writing to voice our concerns on Case #Zon2011-00014 and CON2011-00017 for the Construction and Demolition landfill. It will devalue the property considerably in this area with this landfill. We do think with standing water problems in this area would cause more problems and also are worried about the water and land contamination it may cause. We already know of this ground contamination so why would you want to add more problems to this area and then it will be hard to say who caused what and nothing will ever be done and the families that live in the area will have to deal with it. People/Companies always say well it will be able to handle this water issues and not cause problems but not any of us can make that assumption because you will never know how much rain will come at one time. Also, with this being in the Wichita Municipal Airport flight landing pattern that causes concerns for me with all the birds and geese in the area of the water retentions ponds at the landfill. Also, a while back in the Wichita Eagle the airport was concerned about another pond being built not too far from this area and they had voiced their concerns in the paper about too many water ponds/retention areas being in this area because of the birds/geese in the flight plan.

We know none of us want a landfill in any of our areas so let us move it to an area where we know one lives and it can be done.

CORRESPONDENCE FROM MICHAEL WILLIAMS.TXT

From: Mike Williams [mdwilliams@sktc.net]
Sent: Tuesday, July 05, 2011 10:17 PM
To: Donald.Sherman@westarEnergy.com; JJohnson@sjcf.com;
hoythillman@sbcglobal.net; Kansashuskers@sbcglobal.net;
dtdennis@swbell.net; millerstevens911@sbcglobal.net;
rmarnell@cox.net; sfarney@farneys.com;
donk@klausmeyer.com; mitchditch@cs.com;
gvanfleet@cox.net; john@casadomckay.com;
bhentzen1@cox.net; Crockett, Maryann
Subject: Case Number ZON2011-00014 and CON2011-00017

My name is Michael D. Williams and I live at 14721 West 55th Street South, Clearwater, KS 67026-8528. My wife is Susan C. Williams. I am 62 years old and have lived at my current address since June of 1979. I am a retired John Deere Dealer Owner/Manager.

It has been brought to our attention that a request is in for a County Zone change from SF-20 Single-Family Residential to RR Rural Residential and County Conditional Use to permit a Construction and Demolition landfill. We live within 4 miles of where this landfill would be located. We understand the Applicant is Resource Recovery Management, LLC.

We want to let you know that we are not in favor of this Zone change for a landfill this close to our residence. We don't feel it is necessary and having studied somewhat on landfills we are afraid of the environmental implications a landfill would have for not only us but other residents in and around the proposed site. At a time when we want to clean up and make our county greener and environmentally safe for our grand kids this we feel is something that should not happen this close to where people live. Surely we can do better than this and come up with some alternatives to a landfill in and around where people have invested life and made their homes for many many years.

Our major concern is with the environment and what a landfill has the potential to do in harm to the area.

We ask you please consider our request and vote NO for this County Zone Change.

Thank you for listening,

Respectfully,

Michael D. Williams
14721 West 55th Street South
Clearwater, KS 67026-8528
620-545-7568
Cell is 316-655-6494

DUGAN LANDFILL.TXT

From: Gwen Ast [granny_gwen@yahoo.com]
Sent: Monday, June 27, 2011 2:50 PM
To: Crockett, Maryann
Subject: Dugan Landfill

To Whom It May Concern:

As a native of that area and having many relatives and friends I voice the opinion that this landfill should go somewhere else. Dugan owns land in many area. This area already deals with the complications of the vulcan Chemical Co. now you want to add more concerns. Good farm ground has been compromised by the chemical plant and the dump will do the same. why not locate it on land that is owned by Dugan or one of his many kids and see how they welcome it in their backyard. They voted it down once, that should tell you something!!!

Gwen Thome Ast

FW DUGAN LANDFILL.TXT

From: Sherry Simon [gsimon918@hotmail.com]
Sent: Tuesday, June 28, 2011 5:12 PM
To: Crockett, Maryann
Subject: FW: Dugan Landfill

To Whom It Concerns:

I feel we have enough contamination in our area. I live on 47th St. South & Maize Rd. I have lived in this area all my life. I personally called John Dugan Sr. about this landfill and asked him to reconsider this area. I told him I worry about ground and water contamination and he said there will be no contamination!! There is no way to be 100% sure that chemicals will not be dumped here. I asked him to put in close to his children's homes or his and he said no, the ground around them is in good condition, it needs to go where the chemical plant already has raised concerns. I have cancer and know that ground and water contamination can do to the people around it. This was voted down once before because no one wanted it here. Please vote that way again

Sherry Thome Simon

GARY THOME'S CONCERNS.TXT

From: Dennis Woods [wdw@sktc.net]
Sent: Wednesday, June 29, 2011 8:42 AM
To: Crockett, Maryann
Subject: Re: Case # ZON2011-00014 and CON2011-00017

Thank you Maryann:

As a point of interest I received a call from Gary Thome this morning. Mr. Thome indicated that he had grown up on the parcel directly west of this site (and is a part owner of such) and that this has always been a low lying, flat parcel which made it difficult to drain. Gary asked that I forward his concerns to you.

Should you need to reach Gary, his home phone is 620-545-7358,

Regards;

Dennis Woods

----- Original Message -----

From: Crockett, Maryann
To: Dennis Woods
Cc: Longnecker, William
Sent: Thursday, June 23, 2011 1:13 PM
Subject: RE: Case # ZON2011-00014 and CON2011-00017

Dennis and Mike Woods:

This is to acknowledge receipt of our e-mail regarding the above case, which is scheduled to be heard by the Metropolitan Area Planning Commission on Thursday, July 7, 2011 at 1:30 p.m. in the Planning Department Conference Room, 10th Floor, City Hall, 455 N. Main, Wichita, KS. This is a public hearing and you are welcome to come and speak to the Commission on the issue.

The Planner handling the case is Bill Longnecker and he may be reached at 268-4421 or wlongnecker@wichita.gov. A copy of your correspondence will be provided to the Planning Commission and will become a permanent part of the record.

I have also enclosed a formal Protest Petition for your use.

Maryann Crockett
Wichita-Sedgwick County Metropolitan
Area Planning Department
455 N. Main, 10th Floor
Wichita, KS 67202
PH: 316-268-4421
Fax: 316-268-4390
<http://www.wichita.gov>

From: Dennis Woods [mailto:wdw@sktc.net]
Sent: Thursday, June 23, 2011 11:34 AM
To: Crockett, Maryann; donald.sherman@westarenergy.com; jjohnson@sjcf.com; hoythillman@sbcglobal.net; millerstevens911@sbcglobal.net; donk@klausmeyer.com; john@casadamckay.com; bhentzen@cox.net; kansashuskers@sbcglobal.net; dtdennis@swbell.net;

GARY THOME'S CONCERNS.TXT

mitchditch@cs.com; gvanfleet@cox.net; marnell@cox.net; sfarney@farneys.com
Subject: Case # ZON2011-00014 and CON2011-00017

We are aware that Resource Recovery Management, LLC has requested a county zone change (from SF-20 Single-Family Residential to RR Rural Residential) and a County Conditional Use (to permit a Construction and Demolition landfill) for the property northwest of the intersection of south Ridge Road and West 55th Street South.

As adjacent landowners, my brother (Mike Woods) and I want to formally go on record in opposition to this change, since this land is in an environmentally compromised area. This is aside from the possibility of reduced land values, increased truck traffic, and general appearance of a dump site.

Should any of you have any questions or need to reach me, I can be contacted at 620-545-7124.

Your due consideration would be greatly appreciated.

Sincerely,

Dennis and Mike Woods

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LANDFILL .TXT

From: lwilken@kwch.com
Sent: Monday, June 27, 2011 4:31 PM
To: Crockett, Maryann
Subject: Landfill

To whom it may concern,

This email is in regards to the proposed landfill at 55th and Hoover.

Here we go again. We just addressed this issue a few years back. It is really in the best interest to put a landfill were the residents surrounding this area are already dealing with ground water contamination. My friends and neighbors already have to have their water tested periodically throughout the year that is the few left remaining not have not yet been bought out by Oxi-Chem.

I strongly urge you to consider the long term affects of this landfill. Please help us to preserve the farm ground and the residential establishments.

Ask yourself:

- 1) Would you want to worry everyday as to when your drinking water will be contaminated?
- 2) Would you like it if someone built and unsightly landfill in your backyard?
- 3) Do you think someone will pay to have the roads repaired once they have huge potholes from the large trucks driving over them daily?

Please help us to stop this landfill.

Thanks
Lynn Wilken

MAPC CASE ZON2011-00014 AND CON2011-00017.TXT

From: McKibban, Bill [bill.mckibban@spiritaero.com]
Sent: Tuesday, June 28, 2011 7:59 AM
To: Crockett, Maryann
Subject: MAPC Case ZON2011-00014 and CON2011-00017

MAPC Board Members,

In regards to Case ZON2011-00014 and CON2011-00017, we are rural residents residing on 47th Street South, north of the subject property. We are adamantly opposed to the request to permit a construction and demolition landfill at the northwest corner of Ridge Road and 55th Street South.

We have lived at our home for well over 20 years. We enjoy the quiet, natural setting. We have invested our lives and our monetary resources to care for our property and our home where we have raised our children. With the prevailing south wind, one can easily predict the dust and noise we would be subjected to if a landfill was to be permitted. Our residence sits in a valley north of the subject property and I can only imagine the drainage issues that will transpire as a result of the landfill.

There are obviously others in the general area that will be greatly affected if the Case is approved. The additional heavy traffic and noise alone will serve to create a much less than desired environment for daily living. I travel along K-15 and 31st Street South in Wichita frequently and am well experienced on the traffic, noise and dust such activity as a construction landfill can produce.

This community has taken on its share of obligations - a trash transfer station one mile east, a steam generation electrical facility east of the subject property and the chemical plants directly south of the property. The addition of a landfill even closer to our residence will obviously not only lower our property value, but will run abruptly in the face of the very reasons we chose to live in this area.

Please reject the request of Case ZON2011-00014 and CON2011-00017.

Bill & Beverly McKibban
8026 W. 47th St. S.
316-529-2564
Home Email: stopnthink@hughes.net

MAPC HEARING: ZON2011-00014 AND CON2011-00017

July 7, 2011

This landfill will be relatively close to a metropolitan area. It will not have a synthetic liner to protect the ground water from contamination. In it will be going CCA pressure treated lumber (Chromium Copper Arsenic). Chromium and Arsenic are heavy metals. The Arsenic causes acute and chronic disease usually neurologic, it also causes lung, skin and bladder cancers. It is illegal to burn this wood in all states because the smoke is so toxic. Some countries have banned CCA lumber completely.

The lumber industry lobbied the United States law makers not to ban the CCA lumber as it has a 30-50 times longer life span as regular wood which has been very useful for all of us. Industry agreed to phase out the sale of most of the CCA lumber around 2006. Many playgrounds built with CCA lumber have been removed because the levels of arsenic leaching out of the wood onto skin and into the soil are too high. The problem now is all that lumber sold for the last 40 years is now reaching its life span and is now going to landfills at accelerating rates and being concentrated into a very small area.

The Hinkley Center allocates over a million dollars a year for sound research on landfills that industry, states, municipalities and disposal companies can use in making guidelines, regulations and laws to protect ground water supplies and people. Recent research by Dr. Townsend's group shows the old CCA lumber is still leaching as much arsenic as newly treated lumber. They expect the rate of CCA lumber coming into landfills to peak around 2016 then start its decline , however it is now concentrated and a much greater risk of leaching into ground water for many more years to come. Many municipalities are aware of the growing problem and are establishing guidelines and regulations that will sort CCA lumber off and send it to lined landfills.

We believe this is a poor location for a C&D landfill as it will put so many people at risk for so many years to come.

Thank You,

Dr. Greg Seiler

My name is Jolene Toman and today I represent the Roman and Helen Thome family. The land adjacent to the west side of the proposed landfill site has been owned and farmed by our family for more than 60 years. While all land has a history, the history of this general area deals with far more than family attachments. This area already has an extensive history of dealing with environmental abuse from past mistakes and misjudgments. These problems combine to make the proposed site a very poor candidate for the additional risk and uncertainty connected to this landfill proposal.

No less than six chemical companies have operated and continue to operate chemical production facilities within one-half mile of the proposed dump site. Without going into great detail, the groundwater flowing near this site has been polluted to the point that currently, under an EPA mandated plan, a widespread network of sampling wells keeps track of pollution trends. In addition, 10 extraction wells have pumped continuously for 30 years at rates of up to 440 gallons per minute. During this period billions of gallons of groundwater have been pumped from beneath this area to keep current levels of pollution from spreading to an even larger part of the county. This water is pumped into deep level injection wells also allowed by the EPA. Approval was extended in 2007 and any additional sources of pollution must be evaluated as a part of the overall plan.

Area residents are well aware that the proposed site has long been the drainage area for most of Section 21. The area is subject to flows of large quantities of natural surface water. Recent news has made clear that even the best plans to control flooding carry no guarantees.

The combination of an already polluted groundwater system, a proposed site historically subject to uncontrollable surface flooding and a landfill certain to contain numerous toxic materials makes this proposal wishful thinking at best. Consider that proposals submitted for approval never admit to unsolvable problems and never highlight issues that are far too expensive to address when plans fail. In this case, we already have an area that is subject to a complicated and delicate balancing act maintained only through major efforts to keep existing pollution from becoming even worse.

In short, this area cannot afford to take the chance on additional pollution. The opinions of the EPA, KDHE and the chemical companies under their regulation will likely confirm this opinion.

Make no mistake; this proposal is not a humanitarian effort, it is a commercial development, submitted by a commercial developer. He is not a landfill operator, he is creating a product. Once approved, his product can be sold. The responsibility and liability for operation of this facility may then pass to those who work for maximum profit and know how to work the regulatory system to their benefit. The main question here is this: Can this facility guarantee that over 33 years of its construction and operation that it will not further degrade the environment? To vote yes you will have to believe that this facility can make that guarantee. Ask yourself how many others have failed?

My family and local residents here today are firmly opposed to this proposal because it will be another threat to an area already dealing with the mistakes of the past. These problems will never be cleaned up, only controlled. No additional risk should be placed here. There are many locations that can better accommodate the stresses of such a facility. While there is no "best" place to put a landfill, we are sure that for many reasons--- this place is one of the worst.

ZONING CHANGE CASE # ZON2011-00014 AND CON2011-00017.TXT

From: mjdeeter@cox.net
Sent: Monday, June 27, 2011 11:58 PM
To: Crockett, Maryann
Subject: zoning change case # zon2011-00014 and con2011-00017

To whom it may concern:

I live in wheatland Addition at McArthur & Hoover and am strongly opposed to another construction & demolition landfill or any other construction site after the one in Oatville was allowed. Our roads and bridge are in the poorest condition Ive ever seen because of all the truck traffic and there will be even more trucks with this one. We are also a residential community with children and animals. Although we all try to keep animals confined and children out of the streets they do occasionally cross the streets and suce and I fear there will be many more family pets hit by the trucks. We already have an excessive amount of traffic and I dont believe the city kept its promise to keep up with the wear & tear the Oatville site created. Many people will consider moving if this new site is allowed. PLEASE DONT ALLOW IT TO RUIN OUR NEIGHBORHOOD!!!!

Signed: Frustrated with construction in our neighborhood

JULY 7, 2011

CON2011-00017 AND ZON2011-00014
RESOURCE RECOVERY MANAGEMENT, LLC
(JOHN E. DUGAN)

Robert W. Kaplan (#05220)
Klenda, Mitchell, Austerman & Zuercher
1600 Epic Center
301 N. Main Street
Wichita, KS 67202-4814
Phone: 316-267-0331
E-mail: rkaplan@kmazlaw.com

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- 2 LETTERS OF SUPPORT

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DEVELOPED CONDITIONS
DURING OPERATIONS CONDITIONS



Wichita Airport Authority

May 15, 2011

Robert Kaplan, Esq.
Klenda Mitchell Austerman & Zuercher LLC
1600 Epic Center
301 N. Main Street
Wichita, KS 67202-4816

Subject: ZON 2011-14
CON 2011-17

Dear Mr. Kaplan:

Thank you for meeting with my staff and me on May 12, 2011, to brief us on the above referenced application(s) for zoning change and conditional use of the Dugan property generally located south of Mid-Continent Airport, west of Ridge Road and north of 55th Street South.

In our meeting the consulting group advised us that this proposed project will fully comply with all relevant requirements of Federal Aviation Administration *Advisory Circular 150/5200-33B – Hazardous Wildlife Attractants on or Near Airports*. More specifically, you advised us that there is proposed to be no introduction of new open bodies of water, other than for stormwater retention and draining in less than 48 hours, no food source or new habitat attractive to migratory water fowl.

Based upon the information you and the consulting team presented to us, the Wichita Airport Authority will have no cause or basis to oppose these applications and the subsequent operation of a construction & demolition (C&D) landfill.

Respectfully,

Victor D. White, A.A.E., Director of Airports

CC: Dale Miller, MAPD
Tom Winters
Ben Sciortino
Phillip Meyer, Baughman Company

2173 Air Cargo Road • Wichita, Kansas 67209-1958

T 316.946.4700 F 316.946.4793

www.flywichita.com



H.D. MILLS & SONS



SALVAGE - DEMOLITION

316-942-2031

6-29-2011

TO: The Board of Sedgwick County Commissioners
The Metropolitan Area Planning Commissioners

Our company offers demolition services for both home and business. We have been in operation since 1966. I am writing to support the proposed C&D landfill northwest of the intersection of South Ridge Road and 55th street South.

A lot of our work is in the south part of the county. WE have only one place to take our C&D material, and it is way up north. Fuel is a big cost to us, and if there was a place on the south side of Wichita, it would help our small business a lot. A safe, regulated C&D landfill located there would be a good thing.

Thank You

Greg Mills

FREDERICK WATERPROOFING & ROOFING

1901 N. Topeka
Wichita, KS 67214
(316) 269-9200
Fax: (316) 269-9203

July 1, 2011

TO: The Board of Sedgwick County Commissioners

The Metropolitan Area Planning Commissioners+

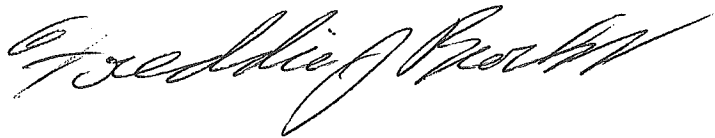
We are a fully-licensed Wichita business, in operation since 1975. We install and repair roofs, and perform all types of waterproofing. We are only one of such companies operating in Wichita, and all are generating truckloads of waste from our types of work. We are concern about C & D landfill capacity here in Sedgwick county.

We support the C&D landfill proposal northwest of the intersection of south ridge road and 55th street south. It is needed so that all businesses that perform the types of work we do can dispose of our debris in a safe and timely manner.

We hope you approve this project.

Mr. Fred Burks owner

Mr. Freddie J Burks VP

A handwritten signature in black ink, appearing to read "Freddie J Burks". The signature is written in a cursive, flowing style with some loops and flourishes.

June 28, 2011

To: The Board of Sedgwick County Commissioners
Metropolitan Area Planning Commissioners

Our company has operated in Sedgwick County since 1962. We specialize in Design-Build, Pre-Engineered Building Systems and Roof & Wall Retrofit Systems.

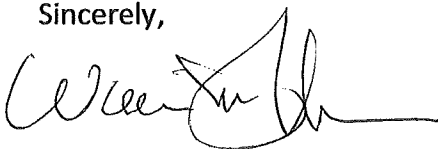
I am writing in support of a proposed landfill northwest of the intersection of South Ridge Road and 55th Street South. Due to our normal business operations, we regularly have construction and demolition debris that we need to dispose of. As you know, at the proposed site there are several industrial operations including a Westar generation power plant, a large DeBruce grain storage facility, and an OxyChem chemical plant.

We need a C&D landfill on the south side of Sedgwick County and this site would save time and fuel consumption for any project work south of Kellogg. These savings could be passed on to our customers and clients.

With C&D debris banned from the Transfer Stations, there is a definite need for additional C&D landfill space. We would suggest that every construction company in Sedgwick County could potentially save fuel, time and be more efficient in their operations if this were approved.

Thank you very much for your consideration.

Sincerely,



William M. Johnson
President

WMJ/kf



WASTE MANAGEMENT OF WICHITA

4330 W. 31st South
Wichita, KS 67215



June 28, 2011

RE: South End Construction & Demolition Landfill and Recycling Center

Dear Sedgwick County Commissioners & Planning Commissioners,

It has been brought to our attention that a construction & demolition (C & D) landfill may be considered on the south end of Wichita, Kansas. The addition of a second C & D disposal facility has the ability to foster an open and competitive market, which is generally favorable to our customers. Additionally, it may provide consistent and competitive rate structures along with decreased transportation cost and fuel consumption.

Waste Management also supports additional recycling opportunities this additional facility may offer to the residents & businesses in the area.

Thank you for the opportunity to share our perspective.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Black', written over a white background.

Gary Black
Waste Management of Kansas, Inc. - Wichita
4330 W 31st S
Wichita, KS 67215
316-945-4849 X 213
gblack@wm.com

From everyday collection to environmental protection, Think Green®. Think Waste Management.

Protest Petition

This is a protest petition for a Metropolitan Area Planning Commission item in:

Wichita Sedgwick County (unincorporated)

RECEIVED

JUL 21 2011

The undersigned property owners protest the proposed:

Rezoning, Case # CON 2011-00017 a change from SF-20 to RR
(Zoning District) Sedgwick Co. Clerk

Conditional Use, Case # 2011-00017 Planned Unit Development, Case # _____

a request for a county zone change / on property zoned _____
Construction and Demolition land fill (Conditional use)

Protestor's Name and Property Description (Must Be Completed)

A. Full legal description of your property:
(Legal description can be attached to the petition.)

See attached sheet
Front and back

B. Address: _____

C. Name(s) of protestor(s):

Signature

Signature

Type or Print Name

Type or Print Name

RECEIVED

Additional protest signatures can be attached and made a part of this petition as necessary.

METROPOLITAN PLANNING
ROUTE _____

Name	Address	Signature
SHACKMORE	3700 S. HOWE	Shackmore
LoESDONI	3650 HOOKER CT	Kevin Escher
Chavez	5310 W 44th St. S.	Cleopatra Chavez
M. Downing	1911 E. Stafford	M. Downing
Richard A. Cole	6030 W 35th St	Richard Cole
Wayne Koch	3725 FAIRLAWN	Wayne L. Koch
James E. Weber	5900 W. 35th St. South	James E. Weber
Eddie Strutt	5715 W 41st S. Ck	Eddie Strutt
James Kuff	4531 S Flann	James Kuff
Jeff	7708 K 42	Jeff
CHRIS MUNDY	3662 SO HOWARD ST	Chris Mundy
Matt Wytman	6116 W. York	Matt Wytman
Jay Linn	3749 S. Arapaho	Jay Linn
Mike Rausch	6100 W. 55th	Mike Rausch
Joyce Deeter	6109 W. 38th Sts	Joyce Deeter
Mark Deet	6109 W. 38th St South	Mark Deet
Gary Kratzer	4309 W 48th St. So.	Gary Kratzer
Andy LAUER	4105 W 47th St S.	Andy Lauer
RONA R. MARCELLUS	5700 W. 40th St. So.	Rona R. Marcellus
Paul R. Smith	5611 W. 40th St. So.	Paul R. Smith
Bill	6105 W 38th St. S	Bill
Kathy Mies	8120 W 47th S	Kathy Mies
Mark Young	3747 S. ARAPAHO	Mark Young
CLINT STRONG	6911 103rd St W. Clearwater, Ks	Clint Strong
Kelly Menth	3741 S. FAIRLAWN	Kelly Menth
Jennifer Pritchard	1202 W. York St.	Jennifer Pritchard

Ralph E. Hughes	538 N. Florence Wichita	Signature
Anthony A. Hamilton	3836 S Beech	Anthony A. Hamilton
Joel Vanatta	3900 S Arapaho	Joel Vanatta
Anthony P. John	5707 W 37th St S	Anthony P. John
Yuta Vertig	4037 S Boyd	Yuta Vertig
Alanna Patten	4147 S Boyd	Alanna Patten

Signature Page

Name	Address	Signature
CA Haskin	2719 W. 44th St	CA Haskin

Protest Petition

SECTION I

This is a protest petition for a Metropolitan Area Planning Commission item in:

RECEIVED

Wichita Sedgwick County (unincorporated)

JUL 21 2011

The undersigned property owners protest the proposed:

Sedgwick Co. Clerk

Rezoning, Case # CON 2011-00017
and 2011-00014 a change from SF-20 to RR
(Zoning District)

Conditional Use, Case # 2011-00017 Planned Unit Development, Case # _____

a request for a county zone change / on property zoned SF-20
Construction and demolition landfill (conditional use)

SECTION II

Protestor's Name and Property Description (Must Be Completed)

A. Full legal description of your property:
(Legal description can be attached to the petition.)

see attached sheet

B. Address: _____

C. Name(s) of protestor(s):

Signature

Signature

Type or Print Name

Type or Print Name

RECEIVED

Additional protest signatures can be attached and made a part of this petition as necessary.

JUL 21 2011

Name	Address	Signature
Pamela S. Koester	2051 S 31 th W Clearwater, KS 67030	Pamela S Koester
Mary L. Grogan	5627 S. Tyler Clearwater, KS	Mary L. Grogan
John Vaughn	6425 Madison Ct Wichita, KS 67217	John Vaughn
Lynn M Wilken	3902 W 79 th So Lynn M Wilken Haysville KS 67064	Lynn M Wilken
Gwendolyn A Ast	367 N. Hermita Wichita, KS	Gwendolyn Ast
Jim F Simon	8081 W 79 th So Clearwater, KS	Jim F Simon
Peggy L Simon	8021 W 75 th S Clearwater, KS	Peggy L Simon
Jamie Klausmeyer	102 Susie Wichita, KS 67215	Jamie Klausmeyer
Angie Shahan	1114 W. 47 th St. S. Clearwater, KS 67026	Angie Shahan
Jeanette Blasi	14024 W MacArthur Wichita 67221	Jeanette Blasi
Frank Blasi	1402	Frank Blasi
Ricky J Thome	9900 W 47 th St S CLEARWATER	Ricky J Thome
BILL GORGES	15823 HIGH VIEW DR GODDARD KS 67052	BILL GORGES
Elmer R Fischer	4034 N WICHITA ST Clearwater	Elmer R Fischer
David Schoenecker	12611 W 47 th St So Clearwater	David Schoenecker
Nicholas Simon	1111 W. 47 th St. S. Clearwater	Nicholas Simon
Adam Klausmeyer	8135 S 114 th Clearwater, KS	Adam Klausmeyer
Doris Dugan	3857 S. Maize Rd Wichita, KS 67215	Doris Dugan
Lawrence Dugan	" " " "	Lawrence Dugan
Joni Vaughn	6425 Madison Ct Wichita, KS 67217	Joni Vaughn
Gene Mills	16210 SW Blvd Clearwater, KS 67026	Gene Mills
Paula Duling	3545 So. 183 rd W. Goddard KS 67052	Paula Duling
Elsie May	10218 W Alamo Ct Wichita, KS 67212	Elsie May
	9600 SW Blvd Wichita, KS 67215	
Sherry Simon	1111 W 47 th St So Clearwater, KS 67026	Sherry Simon
DIANE SELLER	3920 S 215 th W Clearwater	Diane Seller
ALLEN THOMAS	4542 SMAITZ RD CLEARWATER	Allen Thomas

Greg Seiler	Greg Seiler	3920 S., 215 th W Goodland KS 67059
Pat Thome	Pat Thome	4542 S. Mainz RD, CLEARWATER, KS 67026
Dan Dugan	Dan Dugan	5630 S 183 rd W Viola KS 67149
Vedra Dugan	Vedra Dugan	5630 S 183 rd W, Viola, KS 67149
	Signature	Page

Jim Ruch	23500 W. 119 St	
Karla Schmitz	Conway Spgs KS	Karla Schmitz
	67031	
Joel Baalman	2517 S. Mainz Rd. Wichita, KS	Joan Baalman
Mary Welters	13050 S. W. Blvd. Clearwater	Mary Welters

Protest Petition

This is a protest petition for a Metropolitan Area Planning Commission item in

RECEIVED

Wichita Sedgwick County (unincorporated)

JUL 21 2011

The undersigned property owners protest the proposed:

Sedgwick Co. Clerk

Rezoning, Case # CON 2011-00017 a change from SF-20 to RR
(Zoning District)

Conditional Use, Case # 2011-00017 Planned Unit Development, Case # _____
a request for a county zone change / _____ on property zoned SF-20
construction and demolition landfill (conditional use)

Protestor's Name and Property Description (Must Be Completed)

A. Full legal description of your property:
(Legal description can be attached to the petition.)

See attached sheets (6)

B. Address: _____

C. Name(s) of protestor(s):

Signature

Signature

Type or Print Name

Type or Print Name

Additional protest signatures can be attached and made a part of this petition as necessary.

RECEIVED

JUL 21 2011

METROPOLITAN PLANNING
ROUTE _____

Name (printed)	Address	Signature
Michelle Sorenson	35410 S. Ridge Rd, WKS 67215	Michelle Sorenson
Paul Sorenson	35716 S. Ridge Rd, WKS 67215	Paul Sorenson
Bernetta P Sorenson	8200 W. MacArthur Rd, Wichita, KS 67215	Bernetta P Sorenson
Paul B Sorenson	8200 W. MacArthur Rd, Wichita, KS 67215	Paul B Sorenson
Carol Sorenson	8301 W. MacArthur Rd, Wichita, KS 67215	Carol Sorenson
NANCY Sorenson	8201 W. MacArthur Rd, Wichita, KS 67215	Nancy Sorenson
Veronica Lauer	8101 W. MacArthur Rd, Wichita, KS 67215	Veronica Lauer
Ambrose Lauer	8101 W. MacArthur Rd, Wichita, KS 67215	Ambrose Lauer
Lloyd Stearns	3810 S. Ridge Rd, WKS 67215	Lloyd Stearns
Carol Stearns	" " " " " "	Carol Stearns
Jean Hanson	7110 W. 37th St, South	Jean Hanson
Jerome F Weber	3750 S. Prairie Road	Jerome F. Weber
Gayle A Weber	3750 S. Prairie Rd.	Gayle A. Weber
Nora Alliston	7114 W. 36th S.	Nora Alliston
Jean Alliston	7114 W. 36th S.	Jean Alliston
Jean Alliston	7114 W. 36th S.	Jean Alliston
Dobias WARD	7101 W. 36th S.	Dobias WARD
Frank Adams	7025 W. 36th St S.	Frank Adams
Mariorie Adams	7025 W. 36th St S.	Mariorie Adams
Margaret L. Marquardt	7016 W. 36th St S.	Margaret L. Marquardt
Dorothy Muehler	" " " "	Dorothy Muehler
Norbert M Porsch	6931 W. 36th St S.	Norbert M Porsch

Name (printed)	Address	Signature
DELVINA BSECH	6934 W36 th SO. WICHITA KS. 67215	Delvina Bsech
Mattie McCuiston	6935 71, 36 th So. Wichita, Ks. 67215	Mattie McCuiston
Susan Sanders	6500 W. 36 WICHITA 67215	Susan Sanders
MARILYN BAUMGARDNER	6900 HOLLYWOOD 67215	Marilyn Baumgardner
WILLIAM BAUMGARDNER	6800 HOLLYWOOD 67215	William Baumgardner
Rick A. Walton	6926 HOLLYWOOD 67215	Rick A. Walton
Deborah M. Walton	6926 W HOLLYWOOD 67215	Deborah M. Walton
Selma Caperske	6936 W HOLLYWOOD 67215	Selma Caperske
Richard W. Hester	6947 W, HOLLYWOOD 67215	Richard W. Hester
ATTIEN THOMAS	7024 W. HOLLYWOOD 67215	Attienn Thomas
Doreen Jones	7001 Fortuna 67215	Doreen Jones
Dawn Jones	7001 W. Fortuna 67215	Dawn Jones
PATRICIA JOHNSON	7121 W. 35 th 67215	Patricia Johnson
James L. McPhilly	3554 S RIDGE RD 67215	James L. McPhilly
BLY, MIDDLE, THOMPSON	7161 W. 35 th St. So. 67215	Bly Middle Thompson
DANIELA L. McNEAL	7021 W 35 th ST South 67215	Daniela L. McNeal
Susan McNeal	7801 W 35 th South 67215	Susan McNeal
Randy Weisand	7000 W 35 th South 67215	Randy Weisand
Shaun Robinson	6924 W Fortuna 67215	Shaun Robinson
Dawn Robinson	6924 W Fortuna 67215	Dawn Robinson
Sharon Franzen	6900 W Fortuna 67215	Sharon Franzen
Angela Tankard	6909 W. Fortuna 67215	Angela Tankard

Name (printed)	Address	Signature
Mark Darland	6205 W, 71st S, Haysville	Mark Darland
Kari E. Darland	6205 W, 71st S, Haysville	Kari E. Darland
George Palmer II	7101 S, 103rd St, W. Clewiston	George Palmer II
Kimberly Palmer	7101 S, 103rd St, W. Clewiston	Kimberly R. Palmer
Dawn D. Darland	6205 W, 71st S, Haysville	Dawn D. Darland
Tyler Darland	6205 W, 71st S, Haysville	Tyler Darland
Chad Darland	6205 W, 71st S, Haysville	Chad Darland
Amanda Palmer	7101 S, 103rd St, W	Amanda Palmer
Stephanie Grogan	5027 S, Tyler Clearwater	Stephanie Grogan
Chris Grogan	5627 S, Tyler Rd, Clewiston	Chris Grogan
Sharon A. Bell	8956 S, 133rd St, W. Clewiston	Sharon A. Bell
Paula A. Bell	3108 S, 119th St, W. Wichita KS	Paula A. Bell
Alfred Bell	3083 S, 119th St, W. Wichita KS	Alfred Bell
Donna Bell	6602 S, 119th St, W. Clewiston	Donna Bell
Kathleen Wilken	5601 W, 76th St, So. Haysville, Mo.	Kathleen Wilken
Chris Wilken	5601 W, 76th St, So. Haysville, Mo.	Chris Wilken
Jason Wilken	5601 W, 76th St, So. Haysville, Mo.	Jason Wilken
Kirk Wilken	3902 W, 79th St, So. Haysville	Kirk Wilken
Mike Darland	11602 W, Murdock	Mike Darland
Chad Wilken	5601 W, 76th St, S, Haysville	Chad Wilken
Bobbie McCarty	4100 E Maple, Wichita, KS	Bobbie McCarty
Uncle Megan	7141 S, Tyler Clearwater, KS	Uncle Megan

Name (printed)	Address	Signature
Ronald Towland	6907 W. Fortuna Wichita KS	Ronald Towland
Ralph E. PSHAW	6826 W Fortuna Wichita	Ralph J. Pshaw
Karen Beal	6800 W. Fortuna 67215	Karen Beal
Rufus J Komp	4308 S Ridge RD 67215	Rufus J Komp
Doris Komp	" " " "	Doris Komp
Jeanie Zeller	4316 S. Ridge, Ct. 101K 67215	Jeanie Zeller
Eugene Zeller	4316 S. Ridge Ct. 101K 67215	Eugene Zeller
JAMES ROBISON	4332 S Ridge ct. 67215	James R
MUDA ROBISON	4332 S. Ridge Ct. 67215	Muda R
John A Martin	4324 S. Ridge Ct 67215	John A Martin
Lisa Martin	4324 S Ridge A. 67215	Lisa M Martin
Reynold CLASEN	405 HARVEST 67212	Reynold Clasen
Donna Clasen	405 Harvest 67212	Donna Clasen
Donna Eke	19200 W Central 67052	Donna Eke
Bob HARRIS	3235 S S + Clair 67217	Bob Harris
PAT HARRIS	3235 S. St Clair 67217	Pat Harris
HARVEY HADSELL	3700 S S Childa 67215	Harvey Hadsell
MAGGIE HADSELL	3533 S DOWNTOWN 67217	Maggie Hadsell
Jessica Ryland	701 W S SWIRSE NR 67217	Jessica Ryland
Wile Scott	3020 S Bennett 67217	Wile Scott
Chelsea Scott	3020 S. BENNETT 67217	Chelsea Scott
Bob Mitchell	1401 N. Cowland 67204	Bob Mitchell

Name (printed)	Address	Signature
LARRY MITCHELL	60224 W 47th So	LARRY MITCHELL
STEVE MITCHELL	60724 W 47th So	Steve Mitchell
Dylan Mitchell	6724 W 47th So	Dylan Mitchell
DAN MITCHELL	7011 S 189 W	DAN MITCHELL
DAVID MITCHELL	6328 W 47th So	BETTY VANDERHOFF
ALBERT W. VANDERHOFF	6220 W 47th So.	ALBERT W. VANDERHOFF
ALBERT W. VANDERHOFF	4750 S Ridge Ad	ALBERT W. VANDERHOFF
Valerie Spaulson	4750 S. Ridge Rd.	Valerie Spaulson
Elsie Mitchell	3401 N. Garland	Elsie Mitchell
Conrad Thompson	5324 S. Oak	Conrad Thompson
Susan Thompson	5321 S. Oak	Susan Thompson
Joe Schneider	11503 W. Burton	Joe Schneider
Candi Wheeler	11 503 N. Burton	Candi Wheeler
Cynthia Queler	902 N Elder	Cynthia Wheeler
Sandy SIMON	12515 E Betty Prairie Rd Mt Hope	Sandy Simon
Ted SIMON	12515 E Betty Prairie Mt Hope	Ted Simon
Jessie Goldsmith	322 Greenwood Ct Chevy 67025	Jessie Goldsmith
Steve Goldsmith	322 Greenwood Ct Chevy 67025	Steve Goldsmith
Tim Grogan	5627 S 19th Clearwater KS 67616	Tim Grogan

