

SKYLINE RECYCLING AND DISPOSAL FACILITY

APPENDIX IIB

LAND USE ANALYSIS

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LAND USE ANALYSIS
Skyline Landfill
Type I--Expansion
MSW 42D

April 5, 2012

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Preface

This report was prepared specifically to address those portions of TCEQ rules pertaining to land use compatibility. The relevant rule portions, as excerpted from 30 TAC 330.61, are:

(g) Land-use map. This is a constructed map of the facility showing the boundary of the facility and any existing zoning on or surrounding the property and actual uses (e.g., agricultural, industrial, residential, etc.) both within the facility and within one mile of the facility. The owner or operator shall make every effort to show the location of residences, commercial establishments, schools, licensed day-care facilities, churches, cemeteries, ponds or lakes, and recreational areas within one mile of the facility boundary...

(h) Impact on surrounding area. A primary concern is that the use of any land for a municipal solid waste facility not adversely impact human health or the environment. The owner or operator shall provide information regarding the likely impacts of the facility on cities, communities, groups of property owners, or individuals by analyzing the compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest. To assist the commission in evaluating the impact of the site on the surrounding area, the owner or operator shall provide the following:

(1) if available, a published zoning map for the facility and within two miles of the facility for the county or counties in which the facility is or will be located. If the site requires approval as a nonconforming use or a special permit from the local government having jurisdiction, a copy of such approval shall be submitted;

(2) information about the character of surrounding land uses within one mile of the proposed facility;

(3) information about growth trends within five miles of the facility with directions of major development;

(4) the proximity to residences and other uses (e.g., schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.) within one mile of the facility. The owner or operator shall provide the approximate number of residences and commercial establishments within one mile of the proposed facility including the distances and directions to the nearest residences and commercial establishments. Population density and proximity to residences and other uses described in this paragraph may be considered for assessment of compatibility...

List of Figures

LU-1	Metropolitan Context
LU-2	Zoning—Two Miles
LU-3	Land Use—One Mile
LU-4	Population Change—Metropolitan Region
LU-5	Population Change—Five Miles

Introduction

The existing Skyline Landfill (MSW 42C) is a Type I landfill permitted in 1995. The proposed expansion of the Skyline Landfill (MSW 42D) consists of a net change of 2.2 additional acres to the limit of fill, from 286.4 acres to 288.6 acres. The permit boundary will actually be reduced by approximately 5 acres, from 667 acres to 662 acres. There is no change to the maximum permitted elevation of 688 feet-msl.

The Skyline Landfill is entirely within the municipal limits of the City of Ferris and it straddles the Dallas-Ellis County line, approximately 18 miles southeast of downtown Dallas.

Zoning

The property within the permit boundary of the landfill is zoned IM (Industrial-Manufacturing), by the City of Ferris. In 1992, the City of Ferris passed Ordinance No. 288 granting a Special Use Permit (SUP) for landfill operations and related uses. In 1998, the SUP was amended by Ordinance No. 349, extending the operating hours. Both ordinances are included in an appendix to this report.

In addition to the City of Ferris, the City of Wilmer is within two miles of the permit boundary. Both cities have zoning ordinances and maps, as indicated in Figure LU-2.

Character of Surrounding Land Uses

“Open” land is the predominant land use within one mile of the permit boundary, comprising 83% of the land area within one mile (refer also to Figure LU-3). Most of the open land is agricultural pasture lands, including land within the floodplain of Ten Mile Creek, immediately north of the permit boundary.

Land use within one mile is specifically characterized as follows:

Land Use	Acreage	Percentage	Remarks
Open	4003	83	
Residential	439	9	889 residences
Public/Quasi-public	289	6	refer to text
Industrial	70	1	12 establishments
Commercial	37	<1	78 establishments
Total	4838 ac.	100%	

Source: Field Inventory, September 26 and 27, 2011

With the exception of one multi-family structure (16 units) in the city of Ferris, all of the “Residential” land is single family residential or duplexes. Residential land uses consist of 889 residences and represent an estimated 9% of the land area (439 acres) within one mile.

“Public/Quasi-public” land use is a broad and diverse category of land uses, including municipal buildings, utilities, recreational uses, cemeteries, schools and churches. Public/quasi-public land uses represent 289 acres, or approximately 6% of the land within one mile of the permit boundary.

“Industrial” land uses (twelve establishments) make up slightly more than 1% of the land area within one mile. “Commercial” land uses (78 establishments) make up less than 1% of the land area within one mile.

There are approximately 110 acres of water bodies (stock tanks and clay quarry pits) within one mile of the permit boundary, representing approximately 2% of the area within one mile. (Note: water bodies are not tallied separately in the table above, but rather included with their underlying land use.)

Growth Trends

The Skyline Landfill is in the city of Ferris, approximately 18 miles southeast of downtown Dallas. The growth trends of the Dallas-Fort Worth Metropolitan Planning Area (MPA) are the dominant influence on growth trends within five miles of Skyline. Generally, from 2000 through 2010, the fastest growing cities in the 12 county Dallas-Fort Worth MPA were all north or west of Ferris and the Skyline Landfill. Refer to Figure LU-4. (Source: *North Central Texas Council of Governments (NCTCOG), 2011 Population Estimates, April 2011*).

The growth trends of the five cities within five miles of the Skyline Landfill are indicated below. See also Figure LU-5.

Population Growth Trends within Five Miles, by City

City	1970	1980	1990	2000	2010	2000-2010%
Ferris	2180	2228	2212	2175	2436	12.0
Hutchins	1755	2837	2719	2805	5338	90.3
Lancaster	10552	14807	22117	25894	36361	40.4
Red Oak	767	1882	3124	4301	10769	150.4
Wilmer	1992	2367	2479	3393	3682	8.5

Source: *NCTCOG, Census Population by City*

This table indicates that the strongest historical growth trends within five miles of the permit boundary are in the cities of Red Oak, Hutchins, and Lancaster, all north and west of Skyline Landfill. Clearly, the growth of the MPA has not yet reached Ferris or Wilmer, both of which are slow-growing and remain relatively small. To the extent that growth is occurring south of Dallas, it is occurring along I-35 rather than I-45.

Within Ferris, most new residential growth is expected to occur in the developing Shaw Creek Ranch subdivision on the west side of Ferris, approximately 1500 feet south of the permit boundary and 2700 feet south of the edge of fill.

Proximity

Regarding proximity generally, the proposed northward expansion of the landfill does not cause the limit of fill to get closer to any neighboring land use because it essentially fills a "gap" in the existing limit of fill and eliminates two northerly projections.

As of September 2011, there are an estimated 889 residences within one mile of the permit boundary. The most proximate residence is on Nolan Road, estimated to be approximately 109 feet west of the permit boundary and approximately 865 feet west of the limit of fill. Refer to Figure LU-3.

There are an estimated 90 industrial and commercial establishments within one mile of the permit boundary. The business establishment that is closest to the permit boundary is an auto repair service, on the east side of North Central Street, approximately 1035 feet southeast of the permit boundary. The establishment closest to the limit of fill is a storage facility on FM 664, approximately 2450 feet south of the limit of fill.

The Texas State Historical Commission lists two historic markers within one mile of the permit boundary. One is for the City of Ferris generally, and the other is for the First Presbyterian Church of Ferris located at 210 North Church Street, approximately 2000 feet south of the permit boundary.

There are 18 churches, 2 daycare centers, 4 cemeteries and 3 schools within one mile of the permit boundary. Refer to Figure LU-3.

Conclusions

The expansion of the Skyline Landfill represents a compatible land use because:

1. Landfill operations have been permitted at this site since 1976 and the current permit (42-C) was issued in 1995.
2. The expansion is minimal—the limit of fill will expand by 2.2 net acres (from 286.4 acres to 288.6 acres), an increase of less than 1%. (The permit boundary will actually be reduced by 5 acres, from 667 to 662 acres.)
3. The maximum permitted elevation of 688 feet-msl do not change.
4. Skyline Landfill is zoned IM (Industrial-Manufacturing) and has Special Use Permits (SUP) for landfill operations and related uses, issued by the City of Ferris.
5. Most (83%) of the land within one mile of the permit boundary is classified as open and most of that open land is to the north, where the expansion is proposed to occur.
6. With respect to proximity, the proposed northward expansion of the landfill does not cause the limit of fill to get closer to any neighboring land use because other (more northerly) limits of fill will be eliminated.
7. The proximity of the nearest residence, the nearest business establishment and all churches, schools, cemeteries and historical markers are unchanged as a result of the expansion.

Special Use Permits issued by City of Ferris:

Ordinance No. 288

Ordinance No. 349

ORDINANCE NO. 288

AN ORDINANCE OF THE CITY OF FERRIS, ELLIS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE SO AS TO GIVE THE NEWLY ANNEXED PROPERTY DESCRIBED ON EXHIBIT "A" A CLASSIFICATION OF "IM" WITH A SPECIAL USE PERMIT FOR "SANITARY LANDFILL" AND "EARTH EXCAVATIONS;" DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; AND PROVIDING A SAVINGS CLAUSE, A SEPARABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the Zoning Ordinance No. 71, as amended, of the City of Ferris, and after due notice of public hearing, the Planning and Zoning Commission has made recommendation to the Ferris City Council that the Zoning Ordinance be supplemented or changed; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and the laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Ferris, Texas, at least fifteen (15) days prior to the time set for such hearing as is all shown by the publisher's affidavit, attached to this Ordinance; and

WHEREAS, the City Council of said City pursuant to such notice, held its public hearing and heard all persons wishing to be heard, both for and against the aforesaid change in the Zoning Ordinance; and

WHEREAS, the City Council of the City of Ferris, Texas, further considered among other things the character of the districts and their peculiar suitability for particular uses and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and,

WHEREAS, the City Council of the City of Ferris believes that such classification is consistent with the City's comprehensive zoning plan and is designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide for adequate light and air, prevent overcrowding of land, avoid undue concentration of population and facilitate adequate provision of transportation, water, sewers, solid waste disposal facilities, schools, parks and other public requirements;

IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS:

wm/zoning.ccl



SECTION 1. Zoning Ordinance No. 71 is hereby amended so as to give the property as described on the attached Exhibit "A" and incorporated herein for all purposes a classification of "IM."

This restricts such property to the use provided under the Zoning Ordinance of the City of Ferris, as amended.

SECTION 2. A special use permit is hereby granted for "sanitary landfill" and "earth excavation" and related uses on the property described on the attached Exhibit "A." The special use permit requires any owner and occupier of said property to comply with the following restrictions and requirements:

1. Waste filling operations on the subject property shall not be conducted outside of the following hours: Monday through Friday, 7:00 a.m. to 7:00 p.m.; Saturday, 7:00 a.m. to 3:00 p.m.; Sunday, no waste filling operations.

2. A sanitary landfill operated on the described property shall be required to apply a daily cover of a six-inch layer of soil. Only in the event of extremely inclement weather, alternative daily cover, with prior permission of the Mayor of the City of Ferris, may be allowed; provided further that such alternate daily cover is in full compliance with the requirements of the Texas Water Commission, or successor agency with regulatory jurisdiction over sanitary landfill operations. The Mayor shall not unreasonably withhold permission to use alternative daily cover.

3. Visual screening of the sanitary landfill operation shall be required. Visual screening shall consist of landscaping and vegetation and shall be of the type and in the manner proposed by Trinity Valley Reclamation, Inc., in connection with its application for special use permit. The City of Ferris or its designee shall review the visual screening to determine its compliance with this requirement.

SECTION 3. Ordinance No. 71, as amended hereby, is declared to be valid and enforceable in all respects.

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, solid waste disposal facilities, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5. The repeal of any ordinance or part thereof effectuated by enactment of this Ordinance shall not be construed as abating any action now pending under or by virtue of such ordinance or as abating or modifying any penalty for violation thereof or as affecting the liability of any person, firm or corporation or waiving any right of the City of Ferris under any ordinance in effect at the time of passage of this Ordinance.

SECTION 6. It is the intention of the City Council that this Ordinance and each provision hereof shall be considered separable and the invalidity of any section, clause or provision or part thereof shall not affect the validity of any other part of this Ordinance or Ordinance No. 71.

SECTION 7. The fact that the City Council amends Ordinance No. 71 as it deems necessary for the health, safety, morals, welfare, preservation of property values and the best and most orderly community and land development for the City of Ferris creates an emergency affecting the general welfare of the community; therefore, this amendment to the comprehensive zoning plan is adopted and placed in full force and effect upon publication of the descriptive caption.

PASSED AND APPROVED this the 5th day of October, 1992.


JIMMIE BIRDWELL, MAYOR

ATTEST:


Donna Batchler, City Secretary

APPROVED:

William M. McKamie, Special Counsel

ORDINANCE NO. 288

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING SUBSECTION 1 OF SECTION 2 OF CITY OF FERRIS ORDINANCE NO. 288 TO CHANGE THE HOURS OF WASTE FILLING OPERATIONS UNDER A SPECIAL USE PERMIT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS:

SECTION ONE: That subsection 1 of Section 2 of the City of Ferris Ordinance No. 288 is hereby amended to read in its entirety as follows:

"1. Waste filling operations on the subject property shall not be conducted outside of the following hours: Monday through Friday, 5:00 a.m. to 7:00 p.m.; Saturday, 5:00 a.m. to 3:00 p.m.; Sunday, no waste filling operations."

SECTION TWO: That all other sections, subsections and other provisions, except as expressly amended hereby, of said Ordinance No. 288 are declared valid and enforceable in all respects.

SECTION THREE: That if any section, subsection, sentence, clause, phrase or any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION FOUR: That this Ordinance shall be effective from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Ferris, Texas on this the 19th day of October, 1998.



ATTEST

[Signature]
CITY SECRETARY

[Signature]
JIMMIE BIRDWELL, MAYOR

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ATTACHMENT A

**FIGURE LU-2
 ZONING - 2 MILE**


Legend

- CITY OF FERRIS**
 A - Apartments
 COM - Commercial
 IM - Industrial/Manufacturing
 LR - Local Retail
 PUD - Planned Unit Development
 R1 - Residential
 R2 - Residential
 R3 - Residential
 SUP - Special Unit Permit

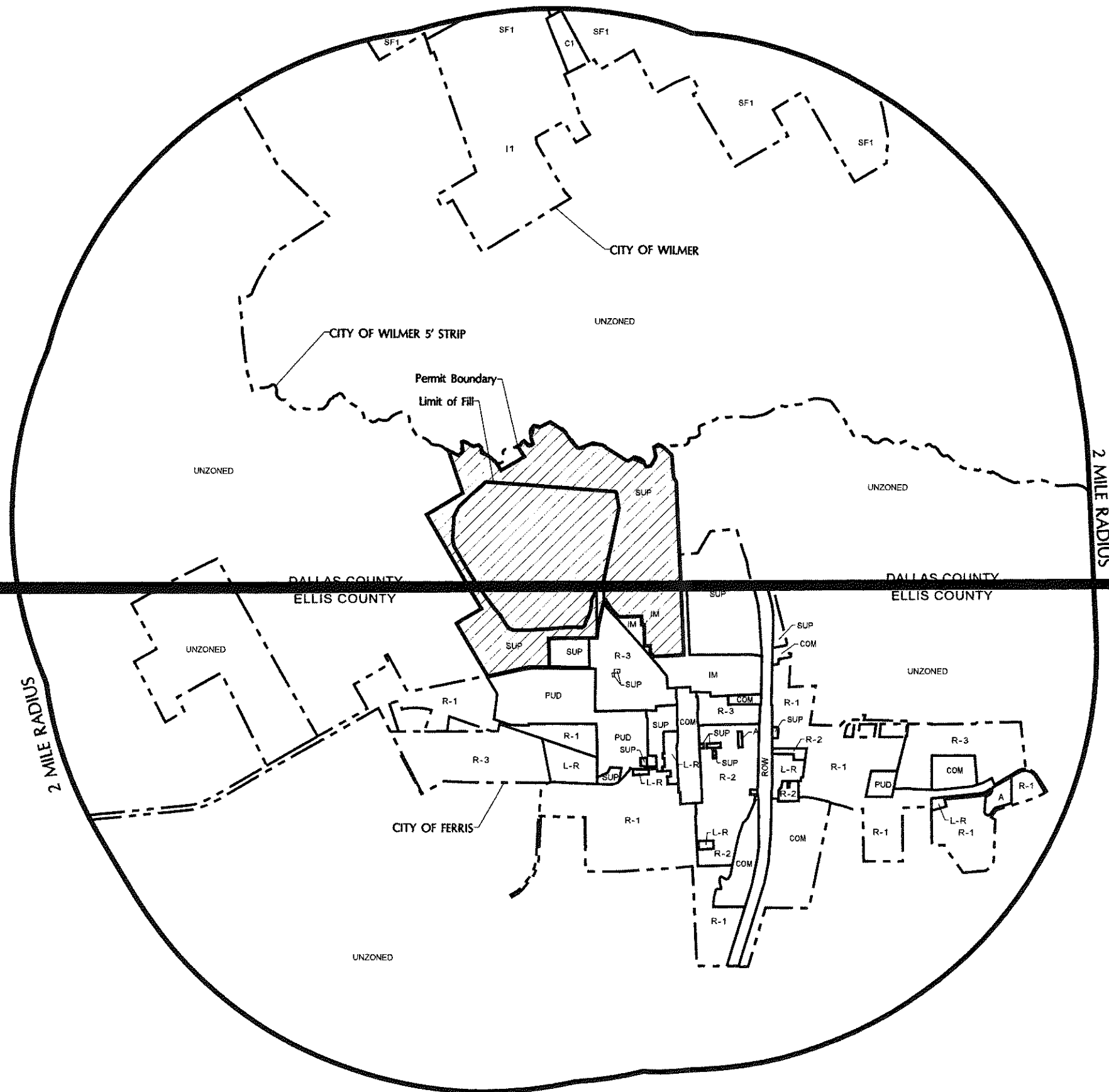
- CITY OF WILMER**
 SF1 - Single Family Residential
 C1 - Restricted Commercial
 I1 - Light Industrial

-  Proposed Permit Boundary
 City Limit
 County Line

**LAND USE ANALYSIS
 SKYLINE LANDFILL**


 NORTH
 SCALE: 1:36,000
 0 1500 3000 6000
 Graphic Scale: Feet

DATA SOURCES:
 City of Ferris Existing Zoning Map
 Date: 2007
 City of Wilmer Zoning Map
 Date: February 2006



**FIGURE LU-3
 LAND USE**

Legend

LAND USE

-  Open (includes rights-of-way, vacant, and undeveloped land)
-  Public/Quasi-Public
-  Residential
-  Industrial
-  Office/Commercial
-  School
-  Day Care
-  Church
-  Cemetery
-  Water Body
-  Proposed Permit Boundary

Note: Refer to Drawings IA.6, IA.7, IIA.13, and IIA.14 for drainage, pipeline and utility easements.

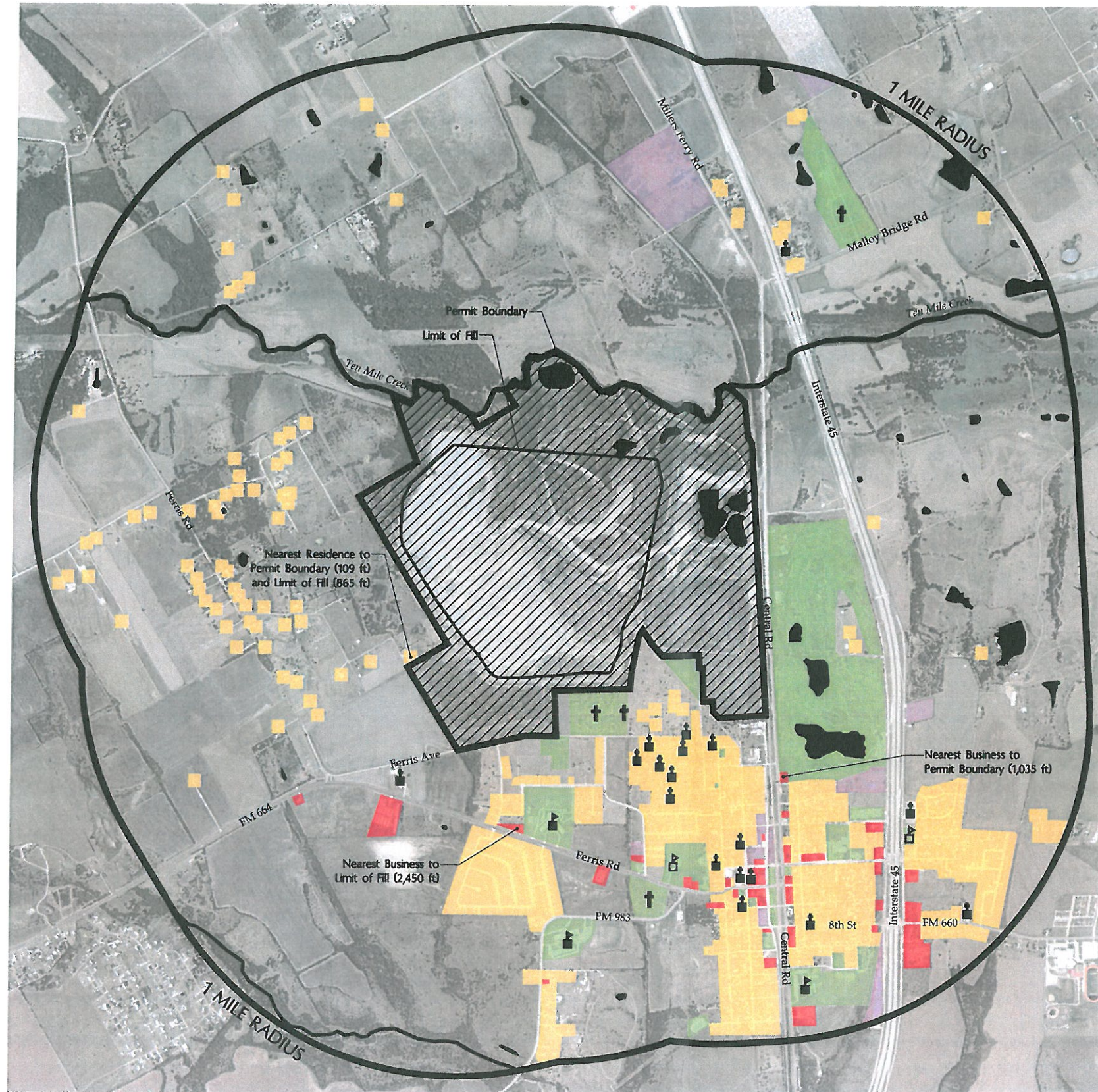
**LAND USE ANALYSIS
 SKYLINE LANDFILL**



NORTH
 SCALE: 1:24,000

DATA SOURCES:
 Field Inventory, September 26, 2011

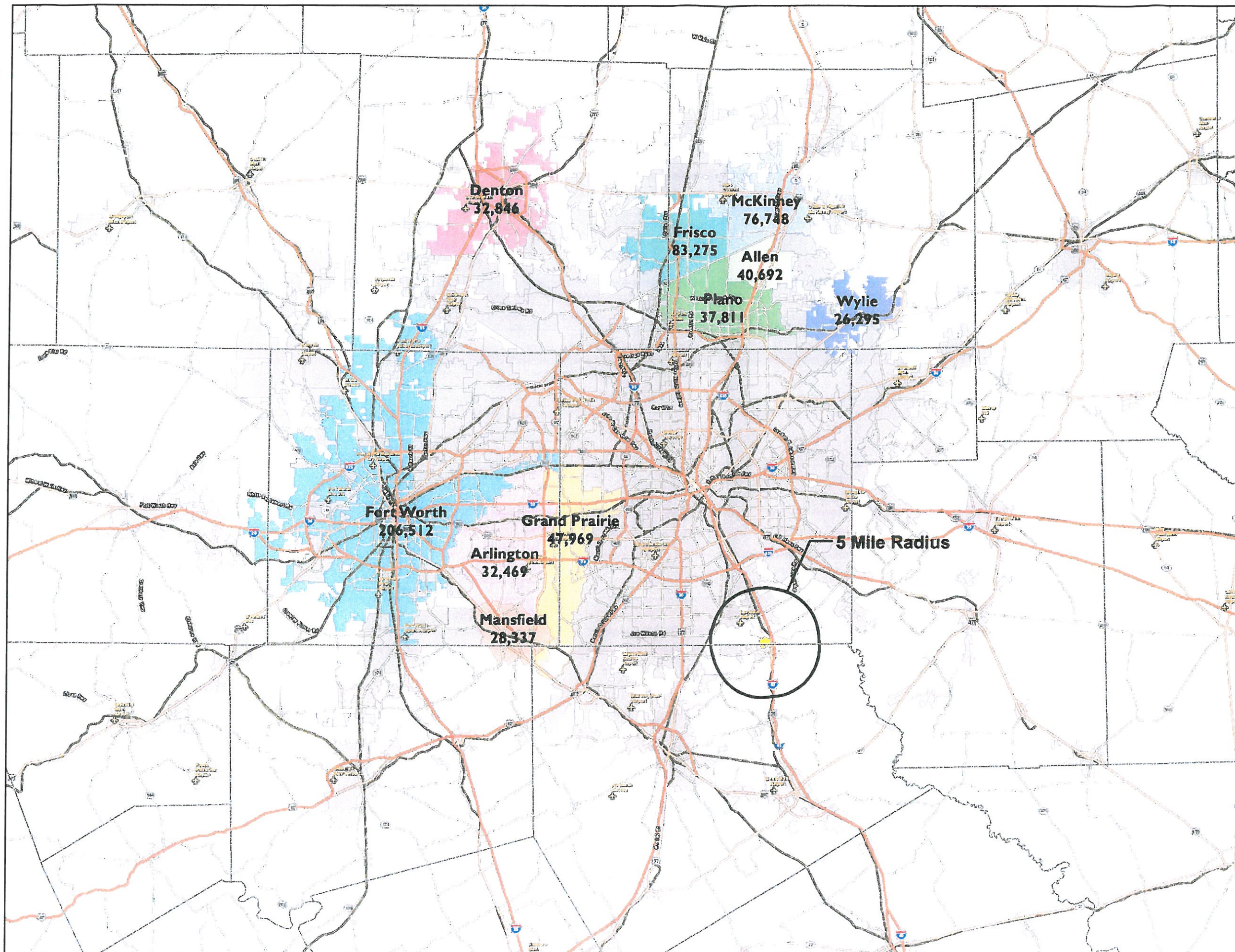
AERIAL PHOTOGRAPHY:
 July 18, 2010





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FIGURE LU-4
POPULATION CHANGE
2000-2010
TOP GROWTH CITIES OF
DALLAS-FORT WORTH MPA



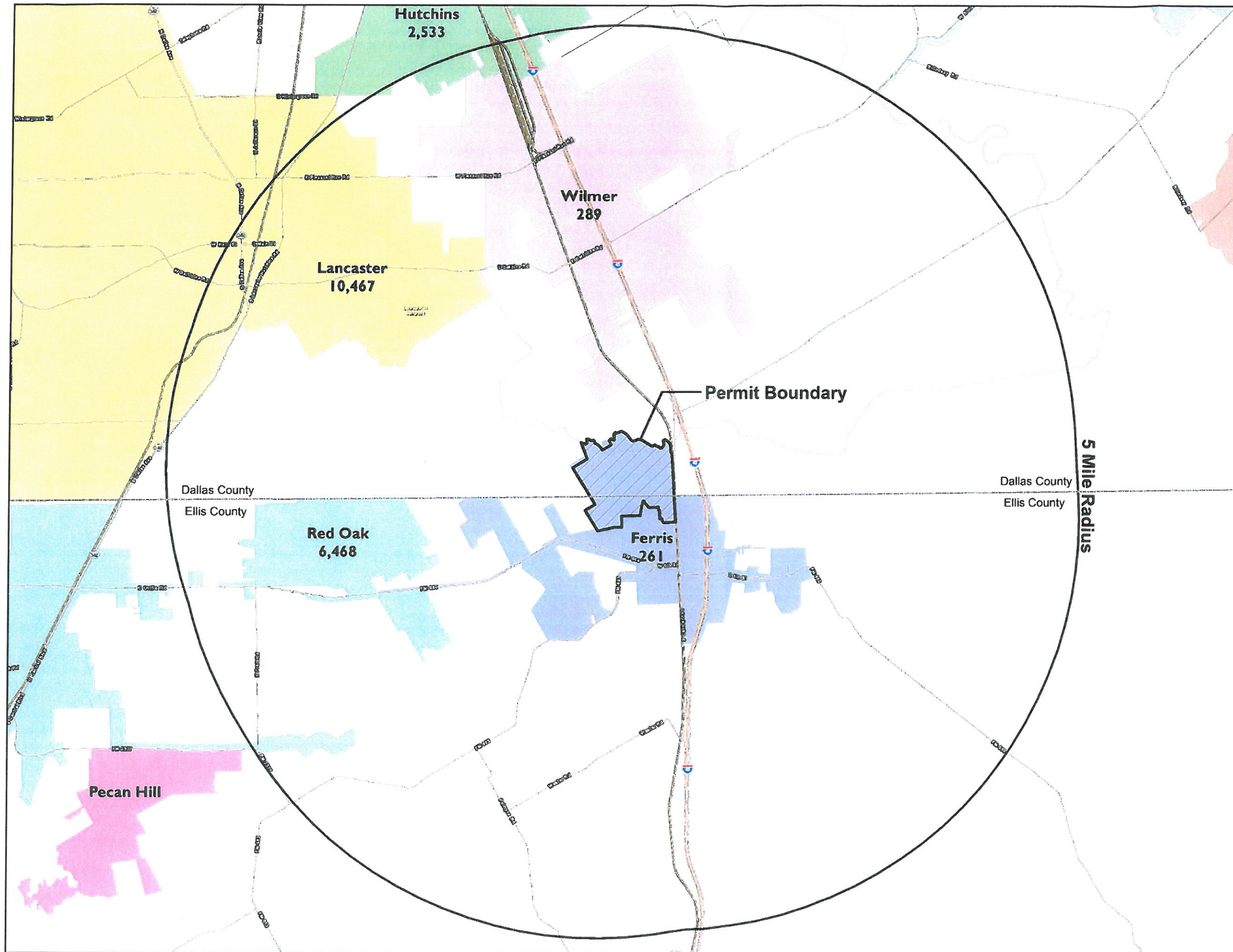
LAND USE ANALYSIS
SKYLINE LANDFILL



NORTH

SCALE: 1:600,000

DATA SOURCES:
North Central Texas Council of Governments




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FIGURE LU-5
POPULATION CHANGE
2000-2010, 5 MILE RADIUS


Permit Boundary

5 Mile Radius

Dallas County
Ellis County

Dallas County
Ellis County

LAND USE ANALYSIS
SKYLINE LANDFILL


NORTH
 DATA SOURCES:
 North Central Texas Council of Governments
 SCALE: 1" = 6000'
 0 3000 6000 12000