

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

April 23, 2026

5:30 PM

[IGNORE_INDENT]

1. CALL TO ORDER & ROLL CALL

Steve Fellers
Brian Martin
James Barnaby
Debbra Laforge Scott Leason
Brad Long
Austin Letts
Norman Wilks

2. APPROVAL OF MINUTES

1 - CONSIDERATION OF THE APPROVAL OF THE MARCH 26, 2026 PLANNING COMMISSION MEETING MINUTES.

3. NEW BUSINESS

ITEM NO. 1 - CONSIDERATION OF CASE NO. 26-02-REZ: PUBLIC HEARING TO CONSIDER REZONING 118 & 122 N TAYLOR FROM C-1 GENERAL BUSINESS DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT AND 126, 128, 134 N TAYLOR AND 423 W 1ST AVENUE FROM R-1 RESIDENTIAL LOW-DENSITY DWELLING DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT.

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

ITEM NO. 2 - CONSIDERATION OF CASE NO. 23-03-REZ: PUBLIC HEARING TO CONSIDER REZONING 2825 N MAIN FROM A-R AGRICULTURAL RESIDENTIAL DISTRICT TO R-S RESIDENTIAL SUBURBAN DISTRICT

- A. Presentation of Request
- B. Public Hearing

- C. Discussion by Planning Commission
- D. Motion

ITEM NO. 3 - PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

4. OLD BUSINESS

5. STAFF ITEMS

1 - APPOINTMENT OF A PLANNING COMMISSION MEMBER TO THE EXCESS SALES TAX COMMITTEE.

2 - NEXT MEETING MAY 28, 2026 - VARIANCE TO REDUCE SETBACKS AND THE APPOINTMENT OF CHAIR AND VICE CHAIR

6. ADJOURNMENT

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES-DRAFT

March 26, 2026

5:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Letts called the meeting to order at 5:30 pm.

Members Present

Steve Fellers
Debbra LaForge
Scott Leason
Austin Letts
Brad Long
Brian Martin
Norm Wilks

Staff Present

Scott Rickard

Others Present

Vince Haines
Darren Jackson
Kye Lehr
Amanda McGee
Sarah Hoefgen
Robin Stevens
Becky Flurry
Ben Whiteside
Thomas Green
Rachel Harder
Bayley Allemand
Swain Boyce
Sarah Hinshaw
Roxie Hinshaw
Micah Bayless
Mr. Hart
Dan Miller

2. **APPROVAL OF MINUTES 2/26/26 with corrections.**

3. **NEW BUSINESS**

ITEM NO. 1 – PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS.

A. Presentation of Request

The City is seeing increased interest in newer industrial and infrastructure use types that are not clearly captured in the current zoning regulations. When definitions and use classifications are unclear, it creates unnecessary uncertainty for applicants, staff, neighboring property owners, and decision makers, and makes it more difficult to consistently determine whether a proposed use belongs in the O-I, I-1, or I-2 districts, requires a Special Use Permit, or should not proceed without additional zoning action.

By doing the classification work in advance, the City will be better positioned to respond consistently and efficiently when opportunities arise, while still protecting surrounding areas through predictable standards and, where appropriate, SUP conditions.

Staff is proposing a targeted text amendment that keeps the current zoning structure intact. The concept is an update that adds a limited set of new definitions, adds matching rows to Appendix A so each defined use has a clear allowance path, and adds short, enforceable standards in Article 6 for higher impact uses where expectations should be set in advance.

The amendment is intended to provide clarity and consistency before a project is submitted, rather than relying on case-by-case interpretation after an application is already active. Clear definitions and Appendix A classifications improve predictability for applicants, improve consistency for staff and decision makers, and reduce avoidable confusion in the review process.

From a zoning administration standpoint, certain emerging industrial and infrastructure uses can create impacts that are not well addressed through general zoning language alone, especially when issues of noise, generator testing, outdoor equipment, lighting, utility demands, hazardous materials, industrial wastewater, stormwater management, and compatibility with nearby sensitive uses are involved. Placing baseline expectations in Article 6 gives the City a more consistent starting point, while still preserving the Special Use Permit process as the tool for addressing site specific conditions where additional scrutiny is warranted.

This package also helps the City to be prepared for issues that are often discovered too late in the review process. For example, data centers may involve substantial electric demand, backup generation, fuel storage, cooling systems, and water use. Hydrogen related facilities, battery energy storage, battery recycling, semiconductor manufacturing, carbon capture support facilities, and small modular reactor or microreactor proposals may involve more specialized utility, safety, emergency coordination, wastewater, or decommissioning considerations. Requiring these issues to be identified early improves transparency and supports more informed local decision making.

Mr. Rickard commented that the public's input is important in shaping the zoning regulations. The public hearing will discuss conceptual definitions for the zoning districts O-I, I-1, I-2. El

Dorado is very proactive in marketing its assets of rail, transportation, water and land available which has seen interest from companies. Mr. Rickard noted that the goal is to define emerging industries and what districts they are allowed or prohibited in and most all uses will require a special use permit which protects the city and a special use requires public hearing & review. The supplementary regulations for the new defined uses where the Planning Commission may require noise study, screening, setbacks, noise vibration operation, how utilities & infrastructure will be impacted, hazardous material, containment and conditions can be added. Mr. Rickard stated the city does not want to be put in position with a project that is ready to go and not have the definitions and regulations in place.

Commissioner Fellers inquired if the amendments are new. Mr. Rickard stated the proposed text amendments would be additions to the existing zoning regulations and would be putting regulations in place before items are presented. Commissioner Letts noted that this is spelling out these types of facilities. Mr. Rickard confirmed they are being defined more clearly. Commissioner Letts inquired if these amendments hinder or open the door for these types of facilities. Mr. Rickard noted the amendments clearly lay out the expectation of the process so there is no debate. Mr. Rickard confirmed there is no pending application and amending the regulations has been discussed for some time.

Commissioner Fellers reminded the public that the Planning Commission is an advisory board, and they send their recommendations to the City Commission who makes the final determination.

B. Public Hearing

Commissioner Letts opened the public hearing.

Kye Lehr commented that he understands the city wants to define the uses, however he believes the sections on zoning use the descriptions should be sub-categorized, and he believes the standards in Attachment D lay out provisions to bring in the type of businesses that are being defined even though that is not what the intent is. Mr. Lehr also stated that he does not believe there is enough room inside city limits for one of the industries being discussed and there are many drawbacks to them. Commissioner Fellers inquired what Mr. Lehr's three main concerns were. Mr. Lehr commented that his concerns are noise, lights, water, energy and cooling ability requirements. The facilities in question use a lot of water and he has yet to see a good recycling option listed in the regulations. Commissioner Letts asked for Mr. Lehr's opinion on the environmental side of water usage and recycling. Mr. Lehr stated water rights are a big concern.

Swain Boyce noted his main concern for the community is water and he is afraid supplying these industries with water will leave no drinking water for the citizens. Mr. Rickard stated the proposed regulations lay out the requirements for utility demands.

Commissioner Martin reiterated that every industry being discussed would need to apply for a special use permit except in an I-2 zoning district. Mr. Rickard stated that is correct and only one property is zoned I-2, which is Union Tank Car and a property requesting a rezone would come before the Planning Commission. Commissioner Letts noted that currently there is no talk of any of the industries coming to town.

Mr. Rickard noted that the city and El Dorado Inc are constantly in talks with all kinds of industries to develop and grow the city and how protective of our water everyone is. Mr. Rickard noted that the goal is to define the regulations, as these items do not exist today and they should be in place before a request is presented. Part of the public hearing process is receiving input to help shape the regulations.

Commissioner Letts commented that data centers seem to be the number one focus and inquired if they could be further defined. Mr. Rickard read the proposed data center definition. Commissioner Letts noted additional standards also help enforce.

Rachel Harder stated her main concerns are EMF's (electromagnetic frequencies) that everyone would be exposed to. Mrs. Harder inquired if the benefits of these companies outweigh the danger to the people and how they benefit the community. She believes over time these projects are run by very few people, which is less of a benefit to the economy. The EMF & wildlife are her big concerns. Mr. Rickard commented that the current regulations only state shall not be obnoxious and the new regulations spell out what obnoxious is. Commissioner Letts confirmed the proposed definitions are being more defined. Mr. Rickard stated that is correct.

Mr. Hart commented that his main issue is with data centers and their rights in an I-2 district without restrictions. Mr. Hart also mentioned it is unsustainable for these companies to exist in the future and how they misrepresent what data or water usage they will need and how it is worrying that these volatile industries will have direct right to permit or be easy to come to town.

Commissioner Letts inquired if the size allowed for data centers is defined. Mr. Rickard noted there are setback requirements that would have to be met, and high-power users would need to meet Evergy and KCC regulations. Commissioner Letts stated these types of industries would be required to meet city, county, state, and federal regulations. Mr. Rickard confirmed all regulatory permitting requirements must be met. Commissioner Long inquired if the city is pursuing these industries. Mr. Rickard stated the city is proactively marketing the available land to what fits with the assets of El Dorado. Commissioner Fellers inquired if other communities are also marketing their land. Mr. Rickard stated yes, all communities are trying to increase their tax base to be able to maintain existing infrastructure. Commissioner Fellers noted that all tax base is very important. Mr. Rickard commented communities try to increase their tax base and include feedback with what fits best in the community and not just accept what is presented. In the 80's the city created the Industrial Park, and it was considered a win to build out the lots, and many lessons were learned with that approach. The City and El Dorado Inc have spent many hours with potential prospects while debating if their business would be good for El Dorado. Mr. Rickard also stated that regionally El Dorado has excess water, the great asset of the turnpike and highways that traverse in and out and are served by both class one railroad services, the focus is to find industries that need these assets and fit with El Dorado. Commissioner Wilks noted the process helps identify what is required and it is critical for the process to work.

Micah Bayless feels if these industries are allowed it will be more about weighing profitability over the wellbeing and health of families and he wants to make sure that the town, water, and air is preserved, and families are able to grow up healthy.

Amanda McGee commented on how she believes bringing in these industries is more about how to make a quick buck and not looking at how it will raise utilities, she also commented on where

the unrecycled water will go. Ms. McGee is also worried about how families will be affected, and the documented fact the facilities cause cancer and asthma. Ms. McGee urged the commission to look at the other communities that have data centers and how they no longer have water supply. She also noted that no one wants these industries and mentioned how tired everyone is of increased utilities and property taxes and wants the commission to think about the impact this will have on the future.

Commissioner Letts inquired about the proposed date for adopting the regulations. Mr. Rickard stated if it is recommended to move forward, they would be presented to the City Commission in May.

Vince Haines, president of El Dorado Inc, commented on the proactive work done by El Dorado Inc. that helps vet opportunities when the State of Kansas has projects available. El Dorado Inc's tasks and mission are to assess if business presented are good opportunities for El Dorado and they are actively marketing the excess water we have available. Mr. Haines stated the industries today are technology and this process will better define these industries. El Dorado Inc looks to create opportunities of readiness of our community and to build up base that allows our youth to stay in the community.

Sarah Hinshaw stated that actual events from data center or battery storage fires show evacuation radius of 23 miles which would be the entire town plus. Mrs. Hinshaw also commented on how rapidly technology changes and how long after being built they will last. She also inquired who would clean up the mess the expenses if the taxpayers or the company would be responsible. She stated these industries would not provide long-term employment since there would be no employees. Mrs. Hinshaw urged the commissioners to consider the stresses a fire would put on emergency response, she believes the fire would just have to burn itself out due to air being too toxic to send in personnel and what would seep into the ground water.

Roxie Hinshaw commented that a fire would be terrifying, well water would be destroyed, and she wants the commission to think about the livestock and the people and to consider asking the farmers.

Mr. Rickard stated that any of these industries could come today and there are no protections in place. What the city is attempting to do is to define the potential uses and protections and regulations. Having the commission prepare a checklist to ensure making it a public process and that they are thinking critically about the environment and the impact on the community. Mr. Rickard stated that the city does not want to be in a position where an application is received without having any protections or oversight in place.

Recording did not pick up name and address for citizen who remarked for the board to think of the environmental impact and vandalism as well if there was a malfunction and toxic chemicals and pollutants would be emitted, and to think of the future and these industries are not a good fit.

Bayley Allemand commented that industries in community are bookending the town and the population of El Dorado hasn't changed much over 100 years even with more industry and it seems the people move outside of the town and just work inside city limits at these industries.

Kye Lehr noted that the definitions are a foot hole for way out for proposal and the city should not use the word may but should use the word shall in the guidelines.

Thomas Green read a Facebook post from Robin Stevens which stated the negative impacts a data center would have on El Dorado as well as lawsuits and a massive strain on the water supply and would deplete the aquaphors, wells, have massive electricity use and higher rates and demands. Mr. Green stated El Dorado is a nice community, is close to the lake with good schools and great hospitality from the people.

Sarah Hoefgen, director of El Dorado Inc. stated the city is wanting to protect the community and add regulations as of now there are no safeguards in place. Mrs. Hoefgen also noted that these types of projects are happening all over the nation and the earlier ones had no protections. Kansas is one of the last states to see these developments and there is a state law in place that electric rates can't go up, and these industries are not allowed to receive any electric discounts and these projects must go through a rigorous review with the State of Kansas Attorney General. El Dorado is being thoughtful and proactive on addressing through ongoing conversation it is important to understand adding guidelines to the zoning regulations doesn't get rid of the tool that a special use protect help protects.

Dan Miller noted he's not a resident of El Dorado, but his son lives here and he commented how friendly El Dorado is and he is not for or against the industries and he understands the positive and negative impacts. He also questions how it would impact the community and thinks things can be done responsibly.

C. Discussion by Planning Commission

Commissioner Fellers noted he believes that the claims made during the public hearing need to be reviewed and validated. Commissioner Letts stated during public hearings all sides of the issues are heard. Commissioner Wilks commented on the large amount of space these industries require and how it will work with the ETJ that is shared with the county. Mr. Rickard reviewed how the city has zoning influence outside of the city in the county and these industries would require municipal services and could not be in the county. The city's subdivision and zoning regulations provides a future land use map which is reviewed during cases and the county land located in the ETJ is heavy on agriculture and preserving it as well.

Commissioner Fellers commented that taxes continue to rise on homes, and he wonders what could be done to increase the tax base, increase services and what can be brought to town that is good for the town in a safe manner and to increase the tax base.

D. Motion

Commissioner Leason moved to table the discussion until April 23rd, seconded by Commissioner Wilks.

Motion unanimously approved.

ITEM NO. 2 – CASE NO. 26-02-BZA: PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ISSUING A VARIANCE TO REDUCE THE REQUIRED SETBACKS AT 121 W LOCUST AVE.

A. Presentation of Request

Don's Heating & Air is requesting a variance to reduce the required setbacks to allow for the construction of a 30x40 addition to an existing building in an I-1 zoning district located at 121 W Locust Ave. The property is an industrial zoned tract located within an older developed mixed-use area near the Central Business District, where commercial, industrial, and residential uses are in relatively close proximity and development patterns are more compact than those typically found in newer industrial areas. The existing building is currently unoccupied, and the proposed addition would support reinvestment and reuse of the site.

Currently, the front yard faces Locust Ave., but with the proposed addition the front will functionally face to the south. The applicant is requesting relief to allow the addition to align at a 12-foot setback along Gordy St. due to the constrained lot size, the orientation of the existing building, and the established pattern of development in this portion of the community. As part of any approval, the applicant will still be required to remain out of the street setback and right of way areas associated with Gordy St. and Locust Ave.

B. Public Hearing

Commissioner Letts opened the public hearing. No one was present to speak; the public hearing was closed. Mr. Rickard noted that staff received a comment from Ty Resser located at 535 S Main and his preference would be for the addition to be built within the required setbacks.

C. Discussion by Planning Commission

Commissioner Fellers commented that he does not see an issue with the request. Commissioner Long also stated he does not have an issue. Commissioner Martin inquired if the request would change the setback for the entire property. Mr. Rickard stated the variance is for the front yard facing Gordy Street. Commissioner Martin inquired if Gordy St. has an 80 foot right of way. Mr. Rickard stated Gordy has a wide right of way. Commissioner Long inquired if the business will move into the existing depot building. Mr. Rickard noted he was not sure of the use and had only seen plans for the addition. Commissioner Long inquired about the increase in traffic and where parking would be located. Mr. Rickard stated it is a big lot and there should be plenty of parking space.

D. Motion

Commissioner Leason, moved to approve the setback variance request for 121 W Locust Ave. to allow a 12-foot setback along Gordy St., subject to the condition that the applicant remain out of the street setback and right of way areas associated with Gordy St. and Locust Ave., for the reasons listed in the staff report and heard at the public hearing, seconded by Commissioner Wilks.

ROLL CALL VOTE

Commissioner Fellers	Y
Commissioner LaForge	Y

Commissioner Leason	Y
Chairman Letts	Y
Commissioner Long	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 7-0

4. **OLD BUSINESS**

5. **STAFF ITEMS- NEXT MEETING-April 23, 2026**

R-3 Rezone-N Taylor

R-S Rezone-N Main

Possible Rezone/SUP Transitional Housing

Continuation of zoning amendments for emerging industries

6. **ADJOURNMENT**

The meeting was adjourned at 7:19 pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE:

Wade Wilkinson has submitted a rezoning application for 118 and 122 N Taylor Street from C-1 General Business District to R-3 Multiple Family Dwelling District, and 126, 128, 134 N Taylor Street and 423 W 1st Avenue from R-1 Residential Low-Density Dwelling District to R-3 Multiple Family Dwelling District.

The request is intended to establish one consistent zoning classification across the assembled property to allow redevelopment of the site with two (2) eight-unit apartment buildings. The conceptual layout shows parking generally located on the west side of the proposed buildings. A final drainage plan is expected to be completed as part of the redevelopment process once the existing dental office is demolished.

Evaluation of Rezoning Request

According to the El Dorado Zoning Regulations, Article 13, Amendments, the Planning Commission must make findings of fact to determine whether the proposed zoning change meets the following criteria:

1. Character of the Neighborhood

The surrounding area consists of a mix of zoning classifications and established community uses, including:

- The El Dorado Performing Arts Center and El Dorado High School Extended Campus to the west
- Susan B. Allen Memorial Hospital approximately one block west
- Commercial zoning and church properties to the south
- R-3 zoning one block to the east
- R-1 zoning directly east, behind the proposed development

This area is not a strictly single family neighborhood. It is already characterized by a blend of residential, institutional, and commercial uses. The proposed R-3 zoning fits within that broader development pattern and serves as a reasonable infill housing transition within an area that already contains a variety of land uses and intensities.

2. Consistency with the Comprehensive Plan

The Future Land Use Map designates this area as Institutional. Staff believes the proposed rezoning is consistent with the broader intent of that designation and with the City's housing goals.

The site is located near major community facilities, services, and supporting land uses, including the high school extended campus, performing arts center, hospital, churches, and nearby commercial properties. It is also within an area where a mix of housing types is appropriate. The proposed multifamily development supports the need for additional housing options in El Dorado and aligns with the intent reflected in the City's planning efforts and housing study work.

3. Adequacy of Public Utilities and Services

The property is located within the City and has access to public infrastructure, including water, sanitary sewer, streets, and other typical municipal services. No unusual extension of utilities is known to be required at this time.

Detailed site matters such as drainage, access, parking layout, and utility service connections will still need to be addressed as the project moves forward. Any future multifamily development in the R-3 district will remain subject to applicable site plan review requirements and other zoning standards.

4. Suitability of the Property's Current Zoning

The current split zoning pattern of C-1 and R-1 does not lend itself well to unified redevelopment of the assembled tract. C-1 zoning is intended for general business activity, while R-1 is the City's lower density residential district. Neither classification, standing alone across portions of the site, is particularly well suited for the coordinated apartment development being proposed.

R-3 zoning is more appropriate if the City wishes to allow a cohesive multifamily residential project at this location.

5. Length of Time the Property Has Remained Vacant

The subject area appears to include vacant ground, and a unutilized property. All parcels are vacant, the site has not redeveloped in a coordinated way under the current zoning pattern. The requested rezoning would provide a clearer path for reinvestment and redevelopment of the assembled tract.

6. Compatibility with Nearby Properties

The proposed R-3 district is compatible with nearby properties because the area already includes a mix of residential, institutional, and commercial uses. The development would not be isolated from similar or supporting land uses. Instead, it would tie into an existing pattern that includes nearby R-3 zoning, institutional uses, and service oriented development.

The request also provides a logical transition in intensity. While R-1 zoning is located directly east of the project area, the presence of institutional and commercial uses nearby helps support a multifamily residential project at this location.

7. Impact on Adjacent Properties

The requested zoning change is not expected to create an unreasonable adverse impact on adjacent properties if the site is developed in compliance with City standards. Given the surrounding mix of uses, the proposal is a more natural fit than a purely commercial expansion and should integrate well into the area.

As with any development, final review of drainage, access, parking, lighting, and site layout will still be important, but those items can be addressed through the site plan and permitting process.

8. Relative Gain to the Public Compared to Possible Loss to Nearby Property Owners

The proposed rezoning offers a public benefit by supporting infill housing, encouraging reinvestment in an underutilized area, and establishing a single zoning classification across the full development site. Staff has not identified a disproportionately great loss to nearby property owners relative to that public gain, particularly since future development will still be subject to applicable City review standards.

Staff Recommendation

Based on the findings above, staff recommends approval of Case No. 25-02-REZ to rezone 118 and 122 N Taylor Street from C-1 General Business District to R-3 Multiple Family Dwelling District, and 126, 128, 134 N Taylor Street and 423 W 1st Avenue from R-1 Residential Low-Density Dwelling District to R-3 Multiple Family Dwelling District.

This request is consistent with the surrounding development pattern, supports needed housing opportunities, and fits the broader planning intent for this area of El Dorado.

Suggested Motion

I move to recommend approval of Case No. 25-02-REZ, to rezone 118, 122, 126, 128, 134 N Taylor and 423 W 1st to R-3 Multiple Family Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing.

STOCK PLANS SHOULD ALWAYS BE REVIEWED BY A LOCAL ENGINEER PRIOR TO CONSTRUCTION.

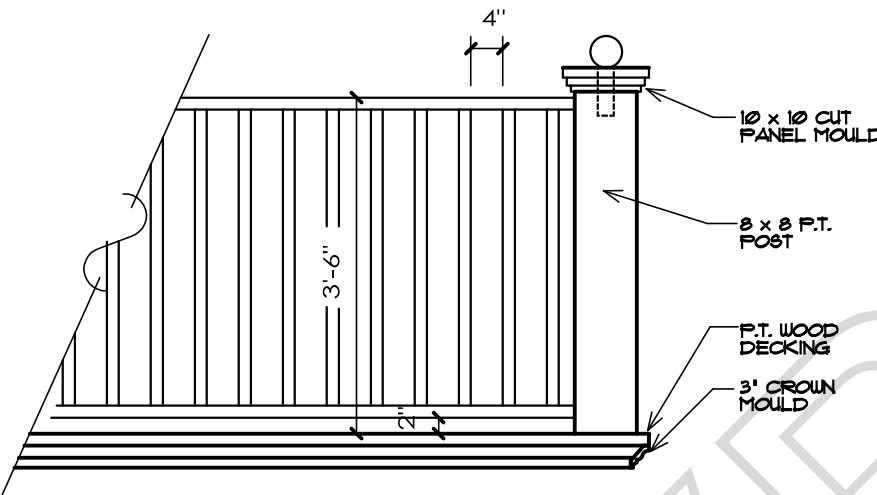


2 LEFT ELEVATION
1/8" = 1'-0"

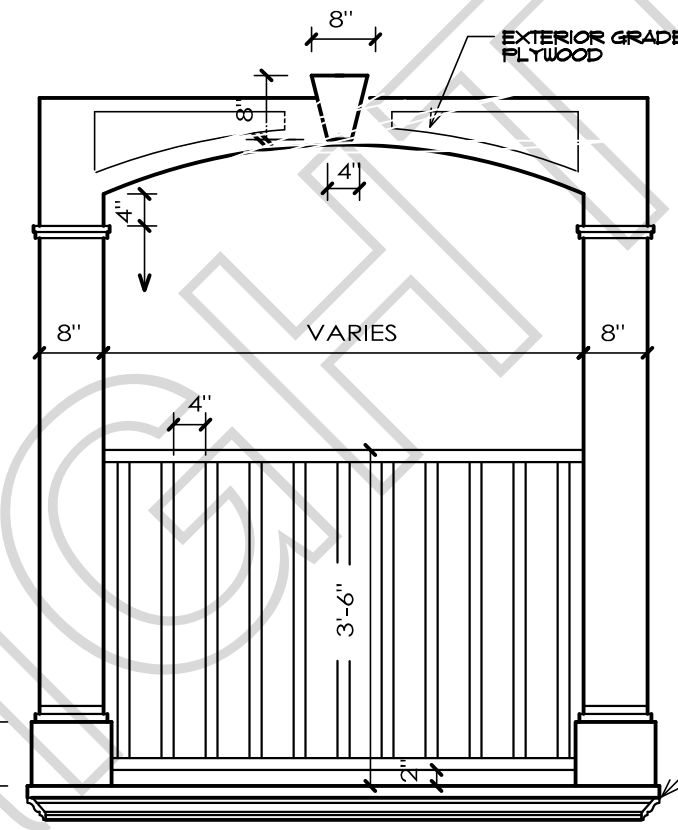
3 REAR ELEVATION
1/8" = 1'-0"

4 RIGHT ELEVATION
1/8" = 1'-0"

Preliminary Elevations
Wilkinson Construction



5 RAILING DETAIL
1/2" = 1'-0"



6 ELEVATION DETAIL
1/2" = 1'-0"

CEILING HEIGHT REQUIREMENTS:

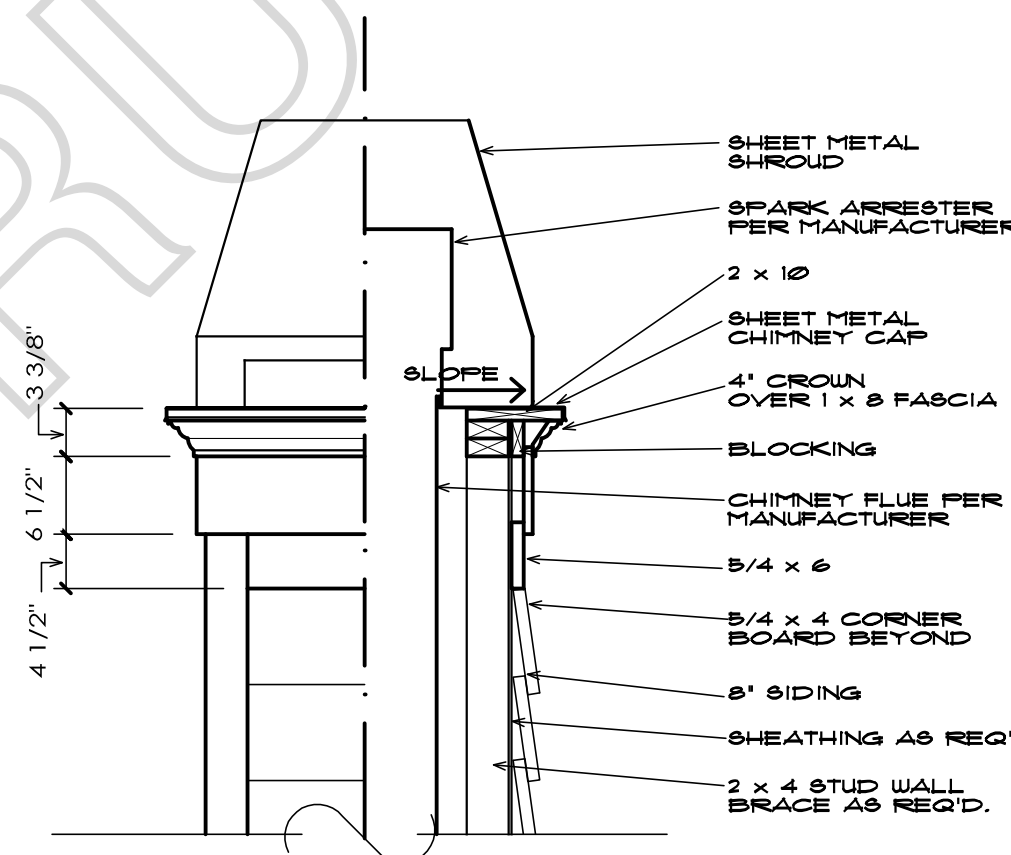
FLOOR TO CEILING HEIGHTS (WALL HEIGHT) IS DESIGNED FOR 9'-0" CEILING, TYPICAL. THE LICENSEE MUST DETERMINE LOCATIONS OF SUSPENDED (8'-0") CEILINGS FOR DISTRIBUTION OF MECHANICAL DUCTS. MOST NATIONAL, LOCAL CODES DO NOT ALLOW DISTRIBUTION OF UTILITIES WITHIN THE RATED FLOOR/CEILING ASSEMBLY.

PROVIDE TEMPERED GLASS IN HAZARDOUS GLAZING LOCATIONS INCLUDING THE FOLLOWING:

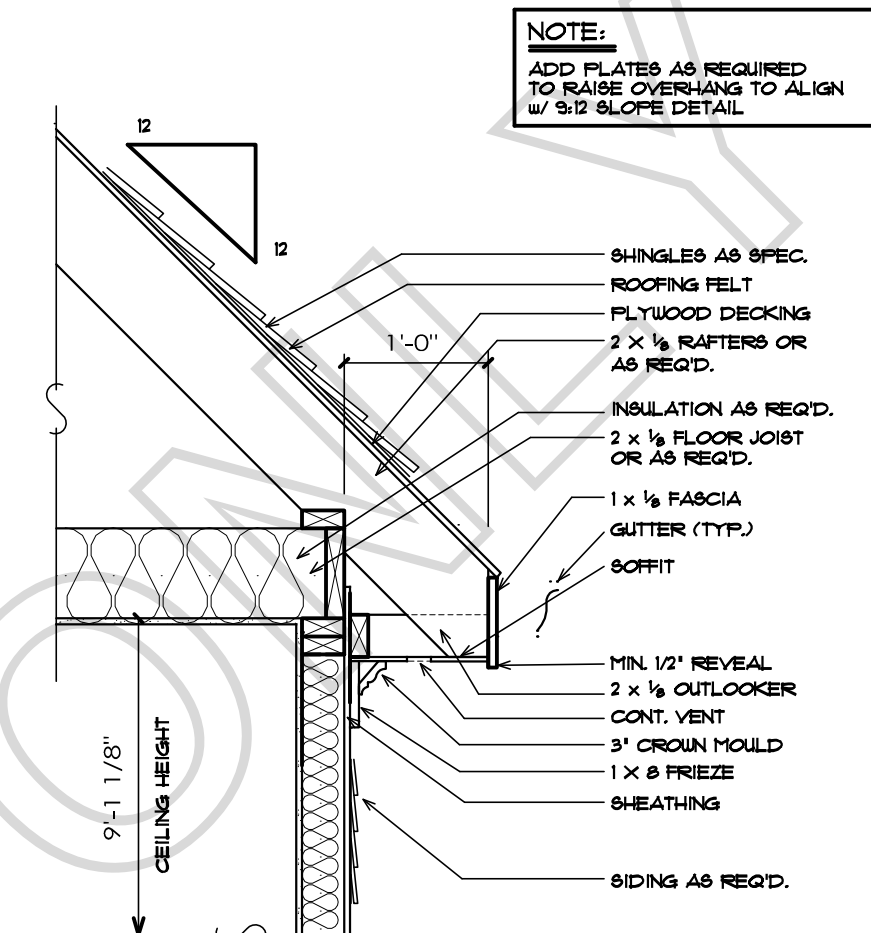
- GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS AND SHOWERS.
- GLAZING WHERE THE NEAREST VERTICAL EDGE IS WITHIN A 24-INCH ARC OF A DOOR IN A CLOSED POSITION AND WHERE BOTTOM EDGE IS LESS THAN 60-INCHES ABOVE THE WALKING SURFACE.
- GLAZING THAT MEETS ALL OF THE FOLLOWING:
 - EXPOSED AREA OF AN INDIVIDUAL PANE GREATER THAN 9 SF.
 - BOTTOM EDGE LESS THAN 18 INCHES ABOVE THE FLOOR.
 - TOP EDGE GREATER THAN 36 INCHES ABOVE THE FLOOR.

PLUMBING NOTE:

PLUMBING CONTRACTOR TO FIELD VERIFY ALL PLUMBING LOCATIONS SHOWN.



7 CHIMNEY CAP DETAIL
3/4" = 1'-0"



8 TYP. OVERHANG DETAIL
3/4" = 1'-0"

FRAMING NOTE:

IF ROOF TRUSSES ARE TO BE UTILIZED IN LIEU OF STICK FRAMING ILLUSTRATED, THE TRUSS DESIGN SHOULD MAINTAIN ALL RELATIONSHIPS & DESIGN INTENT INDICATED WITHIN THIS DESIGN DOCUMENT PACKAGE.

GENERAL ELEVATION NOTES:

- PROVIDE SUPPORT FOR STOOP AND STEPS TO GRADE AS REQUIRED.
- WHEN TWO ROOFS INTERSECT WITH DIFFERENT ROOF PITCHES, BLOCK TOP OF STUD WALLS AS REQUIRED TO ALIGN FASCIA AT A MINIMUM OF 1'-0" OVERHANG.
- ROOF RAFTERS ARE PITCHED FROM TOP OF CEILING JOISTS (TYPICAL).
- ATTIC VENTILATION PER LOCAL CODE AND REQUIREMENTS.
- SPECIFIC SIZE & LOCATION OF GUTTERS & DOWNSPOUTS SHALL BE DETERMINED BY THE LICENSEE ACCORDING TO LOCAL RAINFALL RATES AND LOCAL PLUMBING CODE REQUIREMENTS FOR STORM DRAINAGE.

STANDARD HEIGHTS:

FIRST FLOOR CEILING HEIGHT	9'-1 1/8"
FIRST FLOOR HEADER HEIGHT	6'-11 3/8"
SECOND FLOOR CEILING HEIGHT	9'-1 1/8"
SECOND FLOOR HEADER HEIGHT	6'-11 3/8"

LIABILITY WARNING:

RICK GARNER DESIGNER is responsible for the dimensional coordination of the design intent only. RICK GARNER assumes absolutely no liability for these documents when additions or modifications are made by others. Refer to your Design Document Package Purchase Agreement.



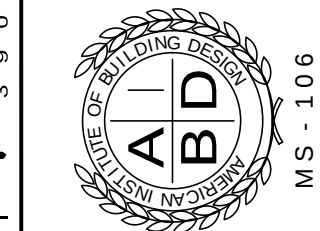
1 FRONT ELEVATION
1/4" = 1'-0"

PROVIDE SUPPORT FOR STOOP AND STEPS TO GRADE AS REQ'D.

PROVIDE RAMP FOR WHEELCHAIR ACCESSIBILITY PER LOCAL CODE REQUIREMENTS FOR WHEELCHAIR ACCESS UNITS.

G A R N E R D E S I G N S

201 GRANDE COVE • BRANDON, MISSISSIPPI 39042 • TEL: 601.594.1255 • EMAIL: RICK@RICKGARNER.COM • WWW.RICKGARNER.COM



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LAST UPDATE: 3/7/09
CHECKED: R.G.
DRAWN: J.D.
PLAN NUMBER: CARTER 1 / A9403A
DRAWING TITLE: Exterior Elevations

SHEET NUMBER: A-2

"THE CARTER I"
APARTMENT STOCK PLAN

Legend



 Subject Properties

 200' Buffer

Zoning 2026

Zone

 C-1

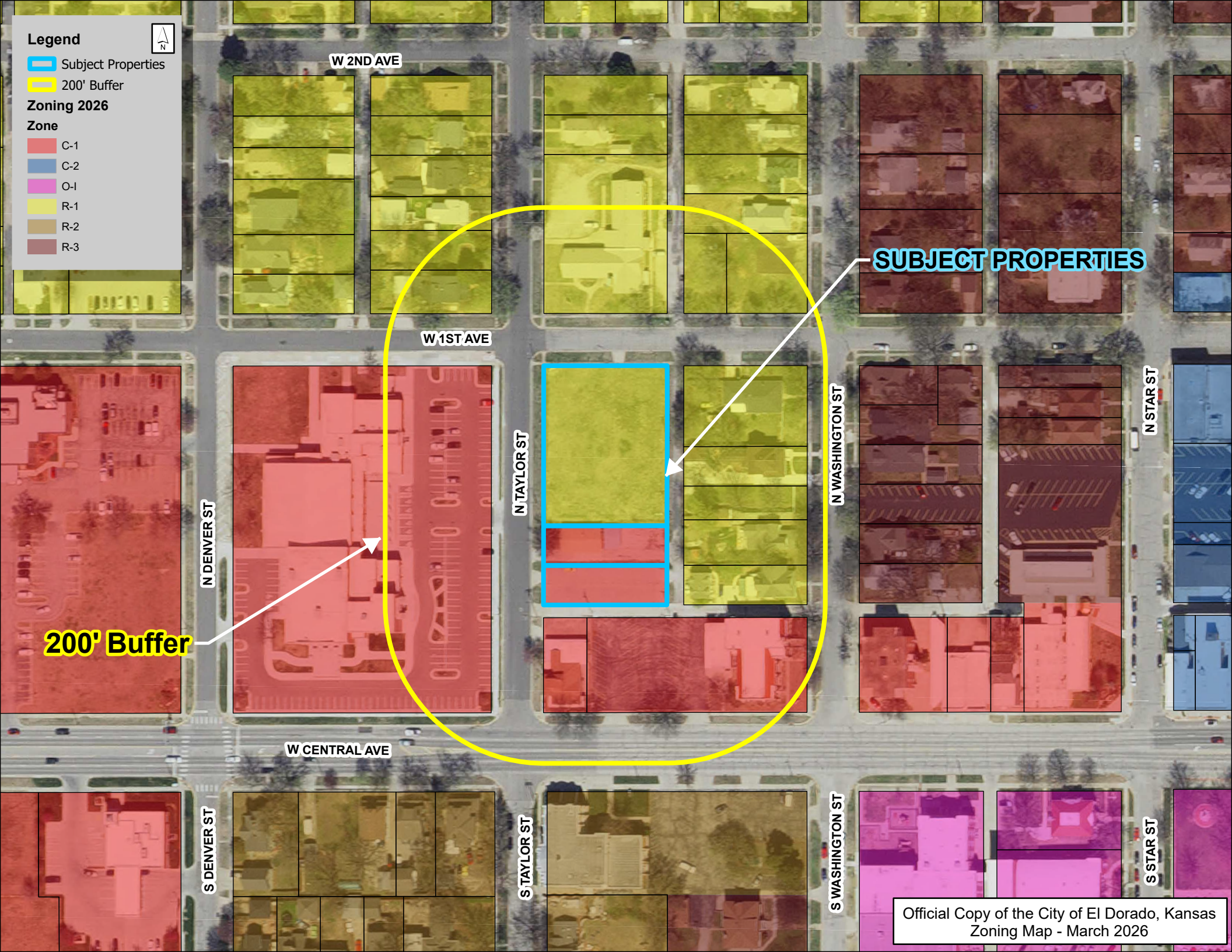
 C-2

 O-1

 R-1

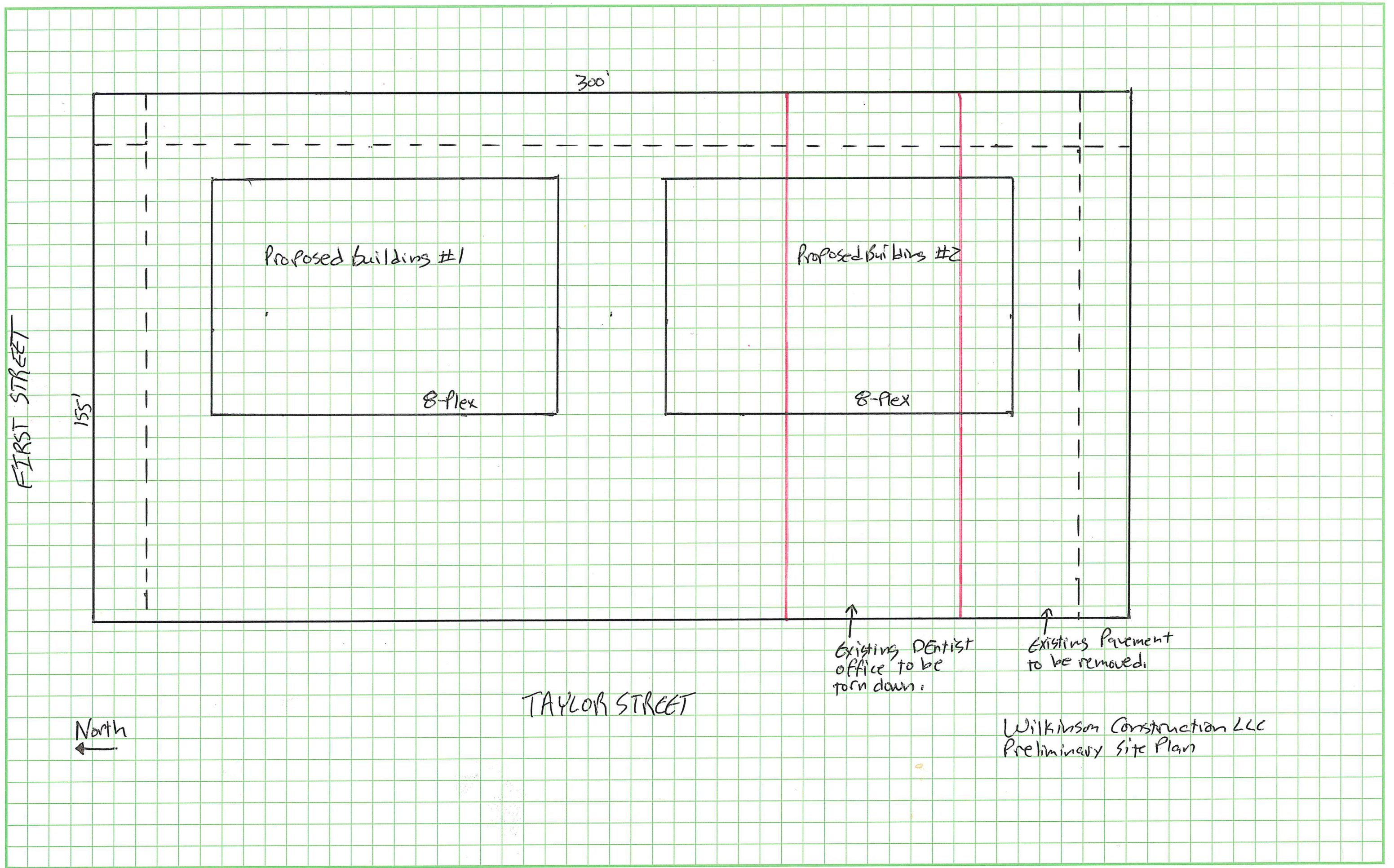
 R-2

 R-3



SUBJECT PROPERTIES

200' Buffer



FIRST STREET

155'

300'

Proposed building #1

8-flex

Proposed building #2

8-flex

Existing Dentist
office to be
torn down:

Existing Pavement
to be removed:

TAYLOR STREET

North
←

Wilkinson Construction LLC
Preliminary Site Plan

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE:

Susan Erikson has submitted a request to rezone approximately 5 acres at 2825 N Main St. from A-R Agricultural Residential District to R-S Residential Suburban District. The request is intended to allow the applicant to split off approximately 5 acres that will include the existing single-family residence on the property. The property in question is being separated from a larger approximately 120-acre parent tract, and the rezoning request is being made so that the resulting residential parcel will not become nonconforming under the current A-R district standards.

The current A-R zoning district is intended for agricultural and very low-density residential areas and generally contemplates much larger tracts. The requested R-S zoning district is intended to accommodate large-lot residential development in areas that remain suburban or rural in character. In this case, the request does not involve a more intense urban style development pattern, but rather a zoning designation that better fits the existing residence and proposed tract size.

This property is located outside the City limits, but within the Extraterritorial Jurisdiction of El Dorado. As such, zoning and land use decisions fall under the City's jurisdiction, while Butler County retains authority over building permits, road matters, and on-site utility provisions in accordance with the applicable interlocal arrangements.

Evaluation of Rezoning Request:

Per Article 13 of the zoning regulations, the Planning Commission must make findings of fact to determine whether the requested zoning district amendment is compatible with the following criteria.

1. Character of the neighborhood

The surrounding area is predominantly rural in character and includes agricultural land, large tracts, and scattered single-family residences. Nearby properties are generally zoned A-R, which reflects the existing low-density pattern in this area. The subject property already contains a single-family residence, and the request is to place that residential area on a zoning classification that more closely matches the size and nature of the proposed tract. Rezoning the property to R-S would maintain a low-density residential character and would not introduce a land use that is out of place with the surrounding area.

2. Consistency with the comprehensive plan and City ordinances

The Future Land Use Map designates this area as Neighborhood Mixed Use and Agricultural. While the area remains largely rural, the proposed rezoning is consistent with the general intent of those land use categories because it allows for a low-density residential arrangement without creating an urban development pattern. The request is limited in scope, applies to an existing residence, and supports orderly land use by placing the property under a district classification that better matches its intended long-term use.

3. Adequacy of public utilities and other needed public services

The property is served in a manner typical for rural residential development. Water service is understood to be available through rural water service, and Butler County also allows private wells where appropriate. Wastewater service is proposed to be handled through an on-site lagoon system or other approved on-site method, subject to County and other applicable regulatory review. The site has direct access from N Main Street, and emergency services can reasonably serve the property. Because this is a low-density residential request involving an existing home site, staff do not anticipate unusual demands on public facilities or services.

4. Suitability of the uses to which the property has been restricted under its existing zoning

The existing A-R zoning is generally intended for agricultural land and very large-lot residential development. While that classification has been appropriate for the broader approximately 120-acre parent tract, it is less suitable for the proposed 5-acre residential tract associated with an existing home. The request is being triggered by the proposed division of the larger parcel, and the rezoning would prevent the resulting residential tract from becoming nonconforming under the current zoning regulations. The requested R-S district is a better fit because it continues to support a low-density residential setting while recognizing a tract size and use pattern that is more residential than agricultural in nature.

5. Length of time property has remained vacant as zoned

The property is not vacant. It contains an existing single-family residence and has functioned as a residential site. The request is not to rezone vacant ground for a new intensive use, but rather to apply a more appropriate zoning district to the portion of the property that contains the residence and is proposed to be separated from the larger tract.

6. Compatibility of the proposed district classification with nearby properties

The proposed R-S zoning is compatible with nearby properties because it maintains a low-density residential form and preserves the rural character of the area. The request does not involve multifamily, commercial, or industrial development. Instead, it allows a large-lot residential tract that is consistent with the pattern of scattered residential use already present in the surrounding area.

7. The extent to which the zoning amendment may detrimentally affect nearby property

Staff do not anticipate that the proposed rezoning will have a detrimental effect on nearby property. The request is limited to approximately 5 acres surrounding an existing home. It does not significantly increase traffic, does not create an incompatible use, and does not introduce substantial infrastructure burdens. The property requesting rezoning is located within the regulated floodplain, and adjacent properties in the area also include floodplain and floodway conditions. As a result, any future development would be subject to significant regulatory compliance, and the property will likely remain in agricultural use for the foreseeable future. Any future development activity on the tract would also remain subject to applicable County permitting and on-site utility requirements.

8. Whether the proposed amendment provides a disproportionately great loss to individual landowners nearby relative to the public gain

The proposed amendment provides a reasonable public benefit by promoting an orderly and practical zoning pattern that better reflects the use of the property. It allows the existing residence to remain on a tract under a zoning district that is more appropriate to its size and function, while still maintaining the low-density and rural nature of the area. Staff have not identified a disproportionately great loss to nearby landowners relative to that public gain.

Staff Recommendation:

Based on the findings above, staff recommend approval of the requested zoning map amendment to rezone approximately 5 acres at 2825 N Main St. from A-R Agricultural Residential District to R-S Residential Suburban District.

Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 25-03-REZ, an application by Susan Erikson to rezone approximately 5 acres at 2825 N Main St. from A-R Agricultural Residential District to R-S Residential Suburban District, for reasons stated in the staff recommendation and heard at this public hearing.

Legend

Subject Property

200' Buffer

Zoning 2026

Zone

C-1

I-1

M-P

O-I

R-1

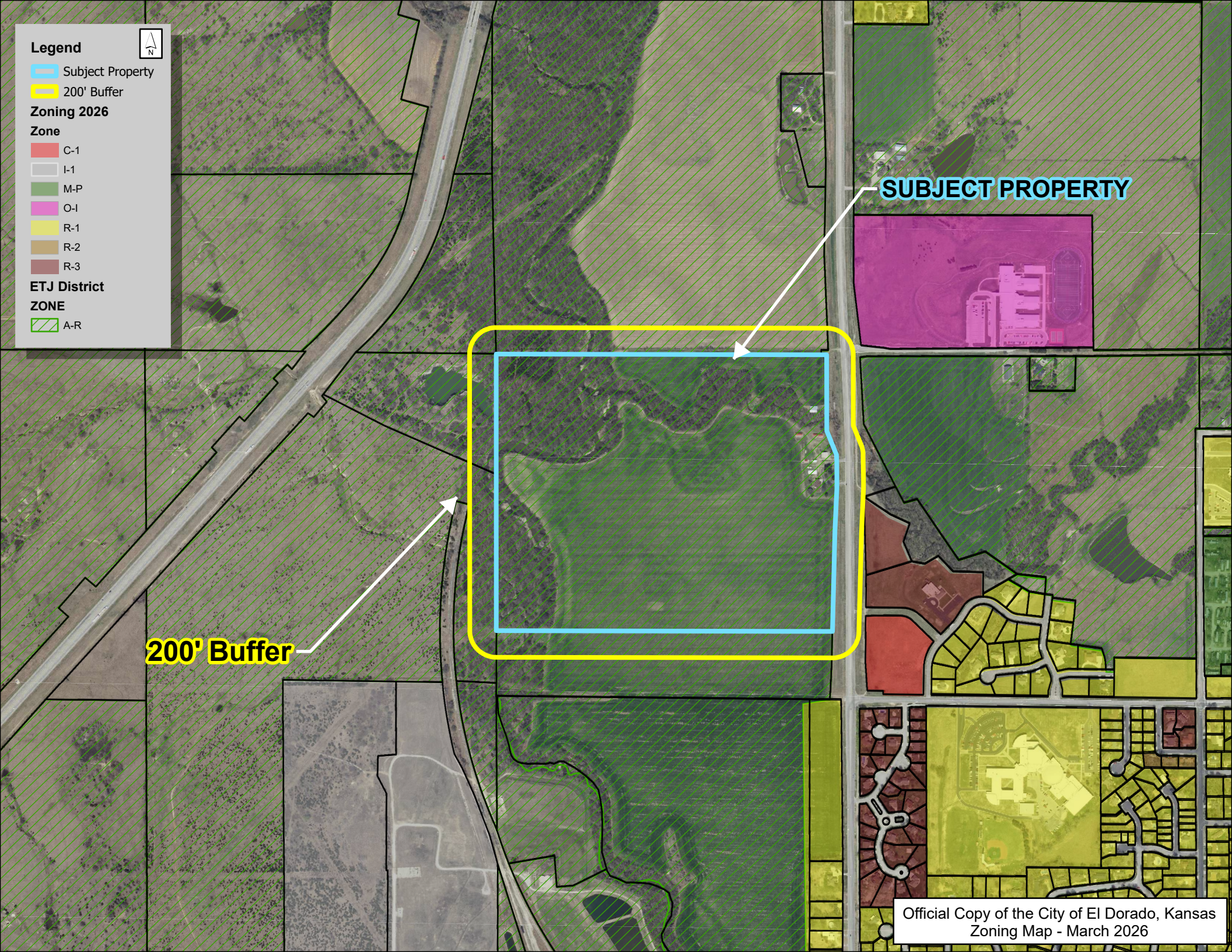
R-2

R-3

ETJ District

ZONE

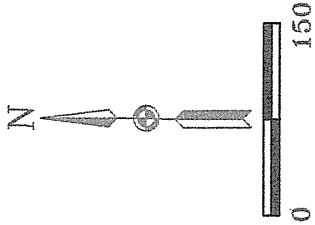
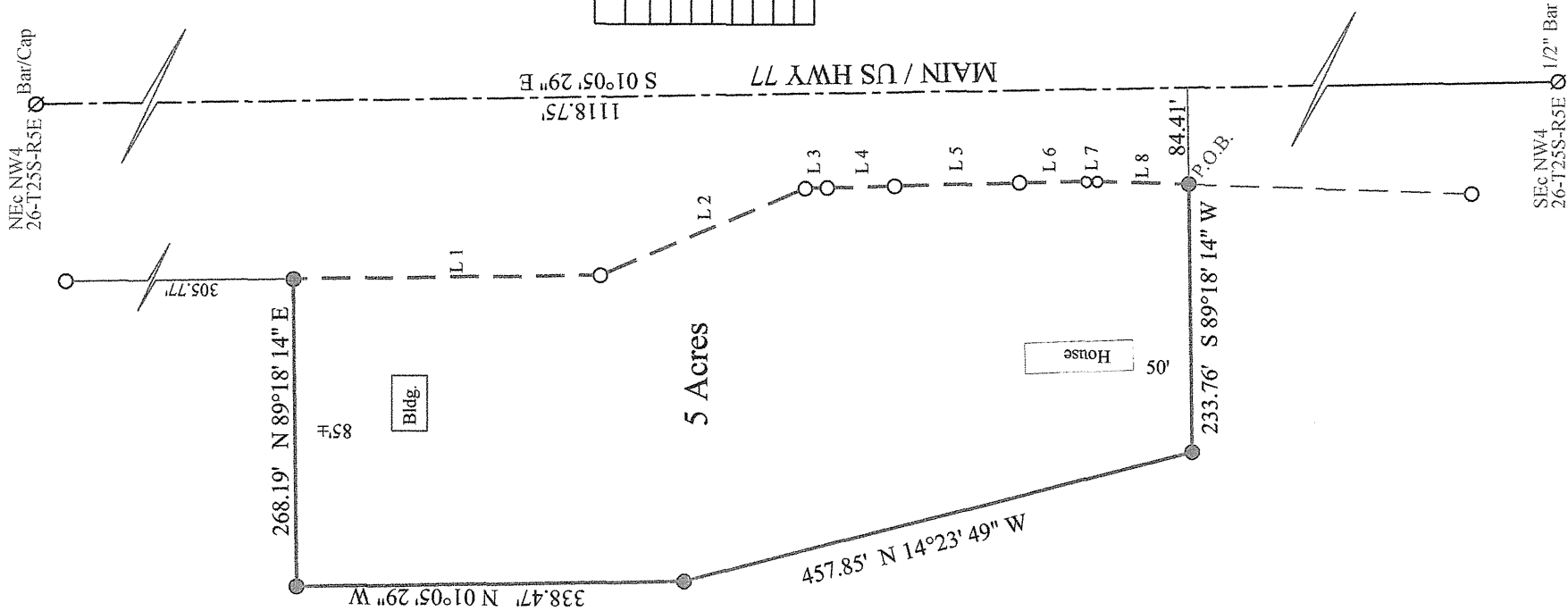
A-R



SUBJECT PROPERTY

200' Buffer

BOUNDARY SURVEY
FOR
SUSAN K. ERIKSON
5 Acre Tract in the Northwest Quarter
Section 26 Township 25 South Range 5 East



KDOT R/W LINE TABLE				Measured/Deed M/D
LINE	LENGTH	BEARING		
L1	268.62'	S 01°00' 28" E		M
L2	195.00'	S 23°03' 43" E		M/D
L3	19.59'	S 02°00' 59" E		M/D
L4	58.76'	S 01°52' 44" E		M/D
L5	107.73'	S 01°35' 12" E		M/D
L6	58.76'	S 01°17' 40" E		M/D
L7	9.79'	S 01°10' 27" E		M/D
L8	79.81'	S 01°42' 49" W		M

- Legend
- = Bar/Cap Set #1160
 - = KDOT R/W Marker
 - ⊗ = Bar/Cap, 1/2 " Bar
- P.O.B. = Point of Beginning
Basis of Bearing From:
Deed Book 1218-Page 01 KDOT
- Reference :
Deed Book 1218-Page 01 KDOT
Survey By Savoy Company 2017

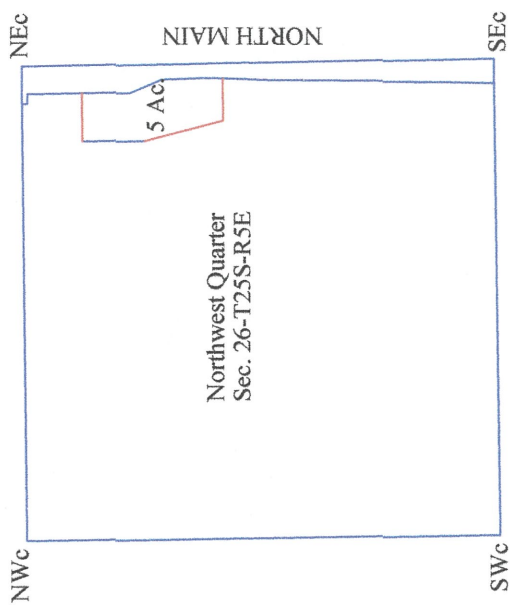
Michael A. Work
1006 Oak St.
El Dorado, KS 67042
(316) 644-4182

BOUNDARY SKETCH

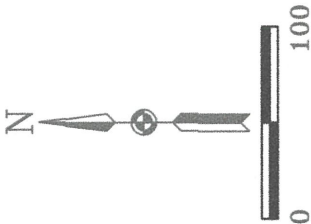
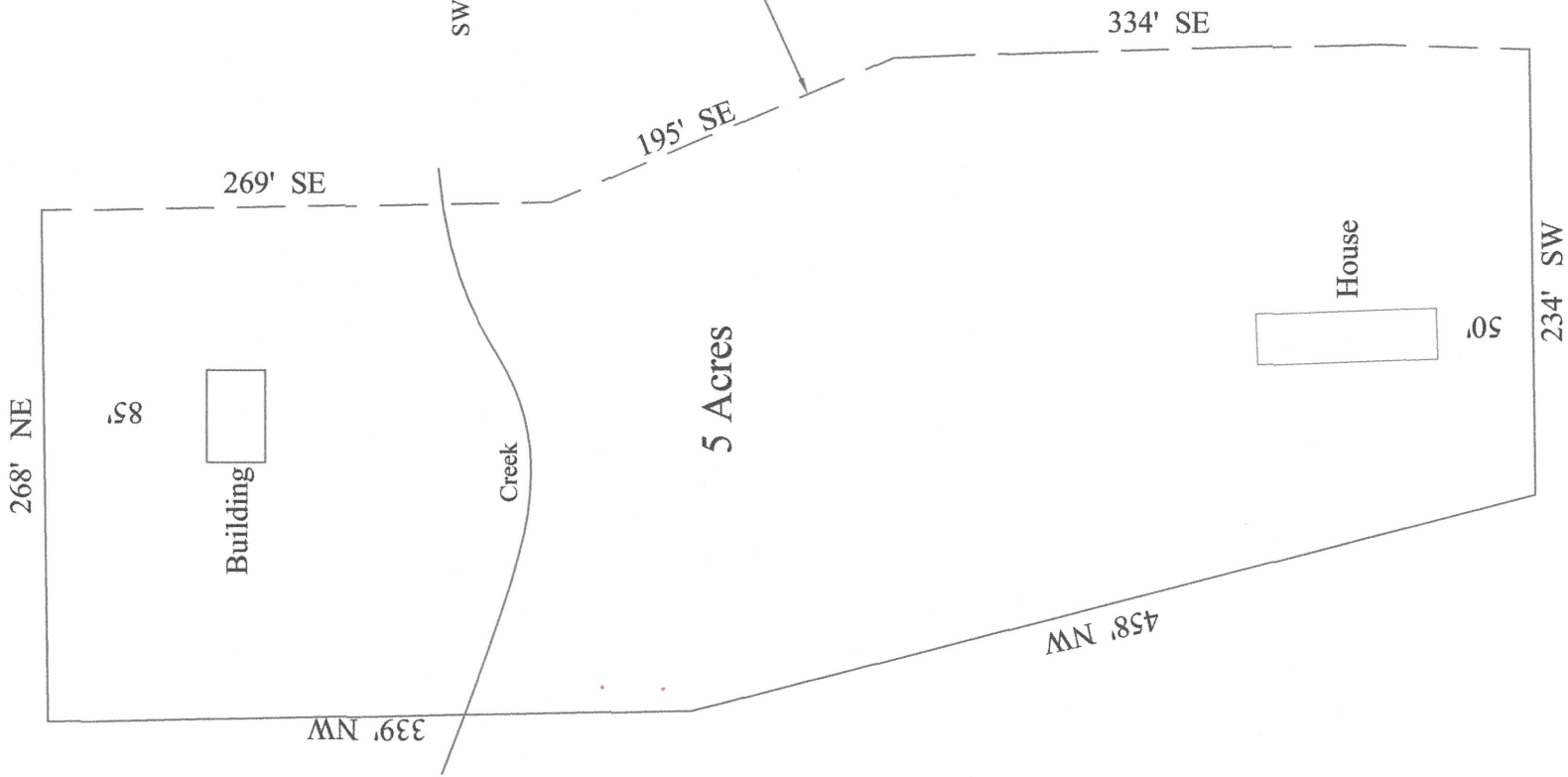
FOR

SUSAN K. ERIKSON

5 Acre Tract in the Northwest Quarter
Section 26 Township 25 South Range 5 East



Vicinity Map



PRELIMINARY

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE:

This item has been before the Planning Commission in prior staff discussions and public hearing review because the City is seeing increased interest in newer industrial and infrastructure use types in Kansas that are not clearly captured in the current zoning regulations. When definitions and use classifications are unclear, it creates unnecessary uncertainty for staff, applicants, neighboring property owners, the Planning Commission, and the City Commission. It also makes it more difficult to consistently determine whether a proposed use belongs in the O-I, I-1, or I-2 districts, whether it should require a Special Use Permit, and what kind of compatibility standards should apply.

The package remains a targeted text amendment intended to keep the current zoning structure intact while improving clarity, and local control before a specific project is submitted. The proposed package is structured in three parts. First, Article 3 would add definitions for emerging use types that are not well defined today. Second, Appendix A would add corresponding use table rows so each defined use has a clear path showing whether it is permitted, requires a Special Use Permit, or is not allowed in a district. Third, Article 6 would add supplementary standards aimed at the issues that most often drive public concern and operational impacts, including noise, generator testing, screening, equipment placement, emergency access, hazardous materials summaries, utility documentation, industrial wastewater review, stormwater and outdoor materials handling, decommissioning, and substantial changes after approval. The intent is to establish baseline expectations in advance, not to rewrite the zoning regulations from the ground up.

ROLE OF THE PLANNING COMMISSION

Under the City's framework, the Planning Commission serves as the chief advisory body to the City Commission on planning and zoning matters. In that role, the Commission is responsible for holding the required public hearing on proposed text amendments, receiving public comment, evaluating the proposal under the City's adopted planning and zoning framework, and forwarding a recommendation to the City Commission.

This is an important distinction. The Planning Commission is not deciding whether a specific project will be built. Rather, it is deciding whether the City's zoning regulations should be updated so that future potential projects can be reviewed under clearer and more consistent local standards. This is a policy decision about how the City should define certain uses, where those uses may be considered, and what standards should apply if they are proposed.

The Commission should also keep in mind that the current zoning regulations already provide the City with key review tools, including district intent statements, site plan review, landscaping and buffering requirements, and the Special Use Permit process. The purpose of this amendment package is not to replace those tools. It is to strengthen them by reducing ambiguity and by stating more clearly what the City expects for certain higher impact uses.

COMPREHENSIVE PLAN CONTEXT

The 2030 Comprehensive Plan remains the City's primary development policy document. It states that planned growth improves land use efficiency, decreases infrastructure and service costs, improves the business climate, sustains a strong tax base, and improves quality of life. It also makes

clear that what is best for the community as a whole must be the basis upon which land use decisions are made.

That policy direction fits this amendment package. The proposed changes are intended to support orderly and sensible growth, protect the public interest, and give the City a clearer framework for evaluating modern industrial and heavy infrastructure uses. The Comprehensive Plan specifically identifies Land Use, Infrastructure and Growth as a major goal area and calls for development patterns that maximize public benefit while encouraging orderly growth. It also calls for sufficient public utilities for the long term growth needs of El Dorado and for infrastructure policies that consider feasibility while minimizing costs to the general public utility customer.

The Comprehensive Plan also contains a clear economic development direction. It calls for responsibly growing the local economy, continuing successful economic development policies, attracting high paying jobs, and ensuring that economic development efforts support the City's long term goals. This amendment is consistent with that approach because it does not guarantee approval of any project, but it does help ensure that the City has a more workable and better informed process when opportunities are presented.

WHY THE CITY IS ADDRESSING THIS NOW

Staff believes the City is better served by addressing these questions before a formal project application is in front of the community. When the code does not clearly define a use or show where it belongs, the City is forced into a reactive posture. Threshold questions that should already be answered by the zoning regulations become points of conflict after an applicant has already invested time and money and after the public has already formed opinions about a specific proposal.

That is not the best time to determine what the rules should be. The City is in a stronger position when it adopts its policy direction first, and then applies those rules consistently when a project is actually proposed. This amendment package is intended to put the City in that position.

WHY GROWTH AND INVESTMENT MATTER TO EL DORADO

This discussion should also be viewed in the larger context of El Dorado's long-term priorities. For many years, economic development and industrial growth have remained central Commission priorities because growth is not simply about adding new buildings. Growth supports the tax base, makes more efficient use of public infrastructure, helps support local employers, creates additional opportunities for residents, and strengthens the City's ability to maintain streets, utilities, public facilities, and services over time.

The City has spent years working to position itself for growth. That does not mean every project is appropriate, and it does not mean the City should relax its standards. It does mean the City should have regulations in place that allow it to evaluate serious opportunities in a structured, informed, and locally defensible manner.

EL DORADO'S COMMUNITY ASSETS

El Dorado has a number of assets that make it appropriate for the City to think proactively about long term industrial and economic growth. As recognized in the Comprehensive Plan, El Dorado benefits from its location in south central Kansas within the Wichita region and from direct access to the Kansas Turnpike, US 54, US 77, K 177, K 254, and K 196. The community also has existing industrial areas, available land for expansion, utility infrastructure in place or capable of extension, rail access, and an airport that supports business and industrial activity. These are meaningful physical and logistical assets for a city of El Dorado's size and are part of the reason the City should have a modern zoning framework in place before major projects are proposed.

Water is one of El Dorado's most important long term development assets. The Comprehensive Plan identifies El Dorado Lake as a major community asset and specifically recognizes the importance of leveraging it as a development tool. Today, the City has approximately 22 MGD of firm yield in El Dorado Lake, with about 9 MGD currently being used, and only about 25 percent of that 9 MGD is used within the City itself. The balance serves other municipalities, rural water districts, and industrial users outside the city limits. In practical terms, that means El Dorado still has substantial available water capacity, including about 13 MGD of drought resilient supply that can support future municipal and industrial growth. That is a significant advantage and one the City should acknowledge as it plans for future investment.

El Dorado also has other strengths that support growth, including its existing industrial base, regional workforce access, utility service, community facilities, and overall quality of life. Those assets do not mean every project is appropriate, but they do mean the City should have clear regulations in place so it can evaluate serious opportunities in a structured, informed, and locally defensible way.

CURRENT REGULATORY CONTEXT

The current zoning regulations already establish differences between the O-I, I-1, and I-2 districts. The O-I district is intended to accommodate a broad range of office and institutional uses, along with a narrower range of related activities. The I-1 district is intended for industrial uses that are not obnoxious due to appearance, noise, emissions, or odor and that can be compatibly developed with adjacent districts through site plan review. The I-2 district is intended to permit a broader range of industrial uses, including uses that may have greater potential for noise, emissions, odor, or intensive land coverage.

Those district intents remain relevant. The issue is that newer industrial and infrastructure uses do not always fit neatly into older land use categories. Some of these uses may have low employment counts and limited daily traffic, but still involve substantial electrical demand, large equipment yards, generator arrays, cooling systems, specialized utility needs, or hazardous materials. The proposed amendment is intended to provide a clearer regulatory framework for those situations while still respecting the current district structure.

OVERVIEW OF THE PROPOSED AMENDMENT

As developed through prior staff discussion and hearing materials, the amendment package has three main parts.

First, Article 3 would add definitions for newer industrial and infrastructure use types that are not clearly defined in the current regulations.

Second, Appendix A would be amended to add corresponding rows so that each new use has a clear classification path in the relevant zoning districts.

Third, Article 6 would be amended to add supplementary standards for common issues and for use-specific issues. These standards are focused on matters such as screening, outdoor equipment placement, setbacks from sensitive uses, lighting, noise, generator testing, utilities documentation, hazardous materials summaries, industrial wastewater review, stormwater and outdoor materials handling, emergency coordination, material changes after approval, and decommissioning.

The overall intent is to separate three different questions that often get mixed together. The first question is what the use is. The second is where the use may be considered. The third is how the use must be reviewed and what information should be provided. By keeping those questions distinct, the City is in a better position to evaluate future proposals consistently.

SPECIAL USE PERMIT PROCESS

A key part of the amendment package is the Special Use Permit process for uses that may be appropriate in a district, but not in every location and not without additional public review. The Special Use Permit process remains one of the City's most important tools because it allows the Planning Commission and City Commission to evaluate site-specific impacts and impose conditions when needed to protect the public interest.

That is especially important for uses that may involve significant utility demand, specialized safety issues, external equipment, generator testing, or compatibility concerns with nearby properties. The amendment package is designed to work with that process by identifying in advance the kinds of technical information and compatibility standards that may be expected for certain higher impact uses.

KEY PLANNING CONSIDERATIONS AND TRADE-OFFS

There are real trade-offs in this discussion, and they should be acknowledged clearly.

On one hand, clearer zoning language can make the City more transparent and better prepared. It can reduce uncertainty for applicants, improve consistency in staff review, and allow decision makers to evaluate proposals against defined standards instead of broad analogies to older land use categories.

On the other hand, if the City is too permissive or too vague, it risks creating approval pathways for uses that may not be compatible with surrounding land uses or that may create demands the community is not prepared to accommodate. Staff believes the amendment package strikes a reasonable balance by improving clarity while preserving discretion where it is still needed, especially through the Special Use Permit process and targeted Article 6 standards.

There is also a practical trade-off between acting now and waiting for a future broader planning effort. While the Comprehensive Plan does not contain detailed policy language for every modern emerging industrial use, it does provide strong direction on orderly growth, infrastructure planning, economic development, public benefit, and leveraging community assets. Staff believes it is better to adopt a focused zoning update now, within that existing policy framework, rather than leave the City without clear standards while waiting for a larger future plan update.

STAFF ANALYSIS

Staff's view is that the proposed text amendments are consistent with the City's current regulations and long-term policy direction. The current zoning code is intended to protect health, safety, and welfare, preserve property values, divide the City into districts, and regulate land uses within those districts. The Comprehensive Plan calls for orderly growth, adequate public utilities, sensible infrastructure financing, and responsible economic development. The City's long-term strategic direction has continued to emphasize economic development and industrial growth.

El Dorado has meaningful assets that support future growth, especially location, transportation access, industrial land, utility systems, and water. For those reasons, it is appropriate for the City to have a more precise framework for evaluating newer industrial and infrastructure uses.

The amendment package does not commit the City to approving any project. Instead, it improves the City's ability to decide. It gives the Planning Commission and City Commission better definitions, clearer district placement, and better baseline review standards. It also allows the City to continue using Special Use Permits, site plan review, buffers, and other existing tools where project specific conditions are warranted. Staff believes that is the right approach for a community that wants growth, but wants it on terms that are understandable, locally defensible, and tied to real infrastructure and

compatibility considerations.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find the proposed emerging industries zoning text amendments to be a reasonable and needed update to the City's zoning regulations. Staff further recommends that the Planning Commission forward a recommendation of approval to the City Commission, together with any modifications the Planning Commission wishes to make based on public comment and Commission discussion.

SUGGESTED MOTION

I move that the Planning Commission recommend approval to the City Commission of the proposed emerging industries zoning text amendments, including amendments to Article 3, Appendix A, and Article 6, based on the findings discussed in the staff memorandum and the record of the public hearing.

TO: Planning Commission
FROM: Scott Rickard, City Engineer
RE: Supplemental Information Regarding Data Centers, State Actions, and Proposed Local Standards
DATE: 4/13/26



I wanted to include this supplemental memo because I understand much of the discussion at the public hearing will likely center on data centers, and I wanted to provide context on that issue for the Planning Commission and the public record. No specific data center project is being approved through the current text amendment. The question before the Planning Commission is whether the City should put clearer definitions, review criteria, and supplementary standards in place before a proposal is submitted.

Public concern on this issue is understandable. Data centers can raise legitimate questions about noise, backup generators, electric demand, water demand, appearance, and overall community fit. At the same time, they are being discussed across Kansas as an economic development issue because they involve major capital investment, utility demand, and potential tax base impacts. The issue before the Planning Commission is not whether a specific project should be approved. The issue is whether the City should have better standards in place if one is proposed.

Kansas has already taken several steps at the state level. SB 98 created a framework for qualified data center incentives. To qualify, a firm must commit at least \$250,000,000 in eligible investment, create at least 20 new full time Kansas jobs, enter into a 10 year electricity purchase commitment, and undertake water conservation, reuse, and replacement practices. SB 98 also requires approval through the Kansas Intelligence Fusion Center Oversight Board before public financial assistance or benefits may be awarded, and it bars discounted economic development electric rates for qualifying data centers.

Kansas has also addressed electric cost shifting. On November 6, 2025, the Kansas Corporation Commission approved the Large Load Power Service rate plan for customers at 75 megawatts or more. The KCC stated that the plan is intended to protect other ratepayers from unfair incremental costs. It requires a minimum 12 year contract, a minimum monthly bill based on 80 percent of contract demand, collateral equal to two years of minimum monthly bills, and an exit fee for early termination. The KCC also stated that the rates are designed to cover the utility's incremental cost to serve these customers so existing customers are not subsidizing them.

The proposed local regulations in the packet would add another layer of review. A data center would require a Special Use Permit. The draft standards would require project specific information on water and cooling, utility demand, backup generation, and related review status. The draft would also require a noise study for facilities with outdoor cooling equipment or backup generation, limit routine generator testing to daytime hours, and require separation or equivalent protection for major outdoor equipment and fuel storage near residential districts and sensitive uses.

In my view, the practical question for the Planning Commission is whether El Dorado should have clearer local standards and more project specific disclosure in place before a data center or similar use is proposed. Given the level of public concern, and given that Kansas has already acted on incentives, security review, water conservation expectations, and large load electric service, I believe that is a reasonable planning step.

TO: Planning Commission
FROM: Scott Rickard, City Engineer
RE: Supplemental Information Regarding El Dorado Lake, Water Supply Capacity, Available Yield, and Current Utilization
DATE: 4/10/26



El Dorado Lake is a major long term public asset for the City of El Dorado. The City holds contract storage through the U.S. Army Corps of Engineers, and that storage is the foundation of the current water supply discussion. At conservation pool, the lake covers about 8,000 acres and stores more than 50 billion gallons. The City's contract storage is commonly described as about 142,800 acre feet, or roughly 46 billion gallons of usable storage after 100 years of sedimentation to deleiver a firm yield of 22.2 million gallons a day (MGD). This is a real and secured supply source that the community spent decades planning for and obtaining.

The development of El Dorado Lake was the result of long term water supply planning. Before El Dorado Lake, the community had already relied on earlier reservoir sources, including the original Lake El Dorado and Lake Bluestem. The present reservoir was first proposed in 1944, Congress approved it in 1964, the City entered into the storage contract in 1972, and the dam was completed and closed in 1981. The lake exists because the community responded to past drought experience and made a long term investment in a larger and more dependable water supply.

Firm yield is one of the most important terms in this discussion, and it should be clearly understood. Firm yield is not the same as the total volume of water stored in the lake. It is not a measure of how much water is present on a normal day. Firm yield is the dependable amount of water the reservoir can sustain through a severe drought under assumed operating conditions. In plain terms, it is a drought planning measure. It is used to estimate what the lake can reliably support during very difficult conditions, not what it can provide during average years.

The technical work on El Dorado Lake has been consistent. Kansas Water Office modeling placed the lake's firm yield at about 22.2 MGD. Consultant work used by the City over the years carried that conclusion forward and placed the yield at about 23.2 MGD. That is the dependable, drought resilient supply range that has been used in the City's water planning. These evaluations also commonly modeled current El Dorado demand at about 9 MGD on a continuous basis, even though actual demand varies seasonally and winter demand is lower. That means the planning basis was conservative.

The lake has also been tested under very conservative drought assumptions. Additional studies confirmed the reservoir could withstand back to back droughts of record and still supply the firm yield through consecutive 1950s style drought conditions. That is a stringent way to evaluate a supply source. Those results support the conclusion that El Dorado's current level of use remains below what the reservoir has been shown capable of sustaining under severe drought conditions.

Separate work also evaluated surplus operating scenarios in addition to firm yield. In the Western Water Supply Study, Black and Veatch modeled existing customer average demand at 9 MGD and limited future customer withdrawals to periods when the lake remained above elevation 1334, which is 5 feet below normal pool. Under that operating approach, the study concluded the lake could provide an additional 30 MGD to future customers about 78 percent of the time while continuing to meet El Dorado's needs. That is not the same as saying firm yield is 39 MGD. It is a separate operating scenario tied to a protective lake level trigger. Even so, it supports the same general conclusion. El Dorado has substantial water supply available beyond present day use.

Current utilization is central to this discussion. Based on 2025 totals, total water use was about 3.2 billion gallons for the year, which is roughly 8.8 MGD on an annual average basis. Of that total, about 1.5 billion gallons went to HF Sinclair as raw water and about 0.3 billion gallons went to Augusta as raw water. Raw water use therefore totaled about 1.8 billion gallons, or roughly 4.9 MGD. Treated water totaled about 1.3 billion gallons, or about 3.6 MGD, with about 0.73 billion gallons, or roughly 2.0 MGD, used inside the city and about 0.60 billion gallons, or roughly 1.6 MGD, used outside the city. In practical terms, about half of the roughly 9 MGD planning level tied to current demand is associated with raw water users, mainly HF Sinclair and Augusta, and the balance is treated water split between customers inside and outside the city.

When current use is compared to the 23.2 MGD firm yield range, the City is operating with meaningful remaining capacity. That comparison is important because much of the public discussion starts from concern that El Dorado is nearing a supply limit. The available technical work does not support that conclusion. The lake's dependable drought supply, as evaluated in multiple studies, remains well above current actual use.

Water marketing is also not a new concept in El Dorado. The City already provides treated and untreated water to other communities and industrial users, and has done so for decades. In that sense, El Dorado has long functioned as a regional provider. For years El Dorado has marketed our resources. The policy issue is not whether the City should ever market water. The City already does. The policy issue is how to manage excess capacity in a way that protects El Dorado first and creates value from a public asset the community has secured and continues to support.

The financial side of the resource should also be recognized. The lake is a major asset, but it is not a free asset. If excess water is not sold in the future, interest continues to accumulate on remaining lake debt associated with the firm yield of 22.2 MGD until storage is activated and payments begin. Surplus water revenues can help support Corps related costs and reinvestment in the lake, the water system, and infrastructure. That is a practical consideration for the community. The City has excess capacity beyond current needs, and it is reasonable to evaluate how that capacity can help support the long term cost of the system while protecting El Dorado's own customers first.

The record also shows the City has planned around lake protection, not just supply use. Recreation, conservation, and stewardship have long been part of the discussion. Surplus supply

scenarios were built around protective drawdown thresholds intended to protect El Dorado's own customers and lake conditions first. The lake has remained full, or within a few feet of full, much of the time since completion, and significant quantities of water have historically passed through the spillway beyond current municipal and industrial use. That record is consistent with managed and conservative use of the resource.

This discussion should also be viewed in the context of the proposed zoning amendments now before the Planning Commission. Nothing in the pending text amendments guarantees approval of any future project. The proposed standards are intended to require better information up front so the City can review actual impacts instead of assumptions. The proposed Article 6 standards require applicants to provide utility and infrastructure documentation, including water demand, peak day demand, cooling type, wastewater characteristics, stormwater considerations, and phasing. For data centers specifically, the proposed standards require a Special Use Permit and require a general water and cooling narrative, utility and energy information, and related impact review. Future proposals would still be reviewed on a case by case basis using project specific information presented to the Planning Commission and City Commission.

El Dorado Lake provides the City with a substantial and drought resilient water supply resource. The lake has real contract backed storage, a proven firm yield, and available capacity beyond what the City is using today. Multiple studies have evaluated that supply under conservative assumptions, including severe drought conditions, and they point in the same general direction. El Dorado has meaningful remaining supply and a valid public interest in managing that asset responsibly. Project specific review remains necessary, but the water discussion should begin with the actual strength of the resource and the actual level of current utilization.

ORDINANCE NO. G-_____

AN ORDINANCE AMENDING ARTICLE 3, APPENDIX A, AND ARTICLE 6 OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, TO ADD DEFINITIONS, USE CLASSIFICATIONS, AND SUPPLEMENTARY REGULATIONS FOR CERTAIN EMERGING INDUSTRIAL AND INFRASTRUCTURE USES.

WHEREAS, the City of El Dorado, Kansas, has adopted zoning regulations pursuant to the laws of the State of Kansas, including K.S.A. 12-741 et seq., and amendments thereto; and

WHEREAS, the City has determined that amendments to its Zoning Regulations are needed to improve clarity, consistency, and local readiness for certain emerging industrial and infrastructure use types that are not clearly addressed in the current regulations; and

WHEREAS, the proposed amendments are intended to preserve the City's existing zoning framework while adding definitions, use classifications, and supplementary standards to better guide future review of such uses; and

WHEREAS, the proposed amendments include revisions to Article 3, Rules and Definitions, Appendix A, Listing of Uses by Zoning District, and Article 6, Supplementary District Regulations; and

WHEREAS, after due notice as required by law, the Planning Commission of the City of El Dorado, Kansas, conducted a public hearing on the proposed amendments on _____, 2026; and

WHEREAS, following the public hearing and consideration of the proposed text amendments, the Planning Commission recommended approval of said amendments to the City Commission of the City of El Dorado, Kansas; and

WHEREAS, the City Commission finds that adoption is consistent with the City's authority to regulate land use and development within its jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EL DORADO, KANSAS:

Section 1. Amendment to Article 3, Rules and Definitions.

Article 3 of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended to add the definitions set forth in Attachment B, attached hereto and incorporated herein by reference as though fully set forth herein. Said definitions shall be inserted alphabetically within Article 3.

Section 2. Amendment to Appendix A, Listing of Uses by Zoning District.

Appendix A of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended to add the use classifications and supplementary regulation references set forth in Attachment C, attached hereto and incorporated herein by reference as though fully set forth herein.

Section 3. Amendment to Article 6, Supplementary District Regulations.

Article 6 of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended by adding Sections 25 through 39, as set forth in Attachment D, attached hereto and incorporated herein by reference as though fully set forth herein.

Section 4. Purpose and Effect.

The purpose of this Ordinance is to clarify the City's zoning regulations as they relate to certain emerging industrial and infrastructure uses, to establish corresponding use classifications within the zoning districts of the City, and to provide supplementary standards for the review and regulation of such uses. Nothing in this Ordinance shall be construed to waive, limit, or replace any other applicable local, state, or federal review, permit, licensing, safety, utility, environmental, subdivision, site plan, building code, fire code, or other regulatory requirement.

Section 5. Attachments Incorporated.

Attachment B, Attachment C, and Attachment D are hereby adopted as part of this Ordinance and shall be maintained with the official copy of this Ordinance on file with the City Clerk.

Section 6. Repealer.

All ordinances, resolutions, regulations, or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, provision, or application of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Commission hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, phrase, and provision hereof, irrespective of the fact that any one or more portions may be declared invalid or unconstitutional.

Section 8. Unchanged Provisions.

Except as expressly amended by this Ordinance, all other provisions of the Zoning Regulations of the City of El Dorado, Kansas, shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect and be in full force from and after its publication once in the official newspaper of the City of El Dorado, Kansas.

PASSED AND APPROVED by the Governing Body of the City of El Dorado, Kansas, this ____ day of _____, 2026.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

DRAFT

ATTACHMENT B
ARTICLE 3
RULES AND DEFINITIONS

The following definitions shall be added to Article 3 and inserted alphabetically:

Advanced Manufacturing Facility: An establishment engaged in advanced or technology-intensive manufacturing processes involving a high degree of automation, precision equipment, robotics, sensors, digital controls, specialized materials, or similar production systems, and including ancillary offices, testing areas, storage, utilities, and support facilities.

Battery Cell Manufacturing Facility: An establishment engaged in the manufacture, assembly, formation, or finishing of rechargeable or nonrechargeable battery cells, modules, or similar electrochemical energy storage components, including associated mixing, coating, drying, calendaring, electrolyte filling, testing, storage, and support areas.

Battery Energy Storage System (BESS), Principal Use: One or more devices, assemblies, containers, or buildings capable of storing energy in order to supply electrical energy at a future time, where the system is the principal use of the site and includes associated batteries, inverters, transformers, switchgear, control systems, thermal management equipment, fire suppression equipment, and accessory structures. This term does not include a battery system that is clearly accessory to another principal use.

Battery Recycling and Critical Minerals Processing Facility: An establishment engaged in the disassembly, sorting, shredding, crushing, recycling, processing, refining, recovery, or transfer of spent batteries, battery materials, black mass, critical minerals, or similar materials, including associated storage, loading, testing, utilities, and support facilities.

Black Mass: Shredded, crushed, separated, or otherwise processed battery material containing a mixture of recoverable metals, minerals, graphite, electrolyte residue, or similar constituents generated through battery recycling or material recovery operations.

Carbon Capture, Compression, or CO2 Support Facility: An establishment or support facility engaged in capturing, compressing, dehydrating, liquefying, storing, transferring, or otherwise handling carbon dioxide or related support streams, including associated compression equipment, storage vessels, loading areas, pipelines, utility equipment, or similar support infrastructure.

Controlled Environment Agriculture Facility: An establishment engaged in crop production within enclosed or partially enclosed structures using controlled lighting, temperature, humidity, nutrients, carbon dioxide, irrigation, or similar environmental controls, including greenhouses, vertical farms, hydroponic, aeroponic, or aquaponic systems, and associated packaging, storage, and support areas.

Data Center: A facility, or portion of a facility, whose principal use is the storage, processing, management, or transmission of digital data using servers, network equipment, and related infrastructure. This use includes associated office areas, security features, cooling systems, switchgear, substations, backup power equipment, fuel storage, battery systems, and other accessory improvements necessary to support digital data operations. This term does not include a customary accessory server room or similar equipment area located within and subordinate to another principal use.

Hydrogen Production Facility: An establishment engaged in producing hydrogen through electrolysis, reforming, cracking, or similar industrial processes, including associated compression, storage, cooling, utility, control, and support equipment.

Hydrogen Storage and Distribution Facility: An establishment engaged in storing, compressing, transferring, blending, distributing, or dispensing hydrogen, including associated tanks, compressors, vaporizers, piping, fueling or loading areas, utility equipment, and support facilities.

Research and Development Facility: An establishment primarily engaged in research, design, testing, analysis, prototyping, pilot-scale development, or similar scientific, engineering, or technical activities conducted within laboratories, offices, testing areas, or pilot facilities. This term may include limited fabrication, assembly, or testing that is incidental to research and development activities, but does not include full-scale general manufacturing or processing unless otherwise expressly allowed.

Semiconductor Fabrication Facility: An establishment engaged in the manufacture of semiconductor wafers, chips, or similar devices through fabrication processes such as deposition, etching, lithography, cleaning, doping, chemical treatment, or similar operations, including associated clean rooms, ultra-pure water systems, chemical storage, utilities, testing, and support areas.

Semiconductor Packaging and Test Facility: An establishment engaged in assembling, packaging, burn-in, testing, reliability testing, thermal testing, or finishing semiconductor devices or components, including associated clean rooms, utilities, storage, and support areas.

Sensitive Use: A residence, residential district, school, day care center, hospital, nursing or convalescent home, assisted living facility, public park, trail, library, house of worship, or similar use where occupants may be more sensitive to noise, vibration, glare, emissions, or emergency events.

Small Modular Reactor or Microreactor Facility: An establishment or site containing a nuclear fission reactor designed for modular deployment or small-scale generation,

together with associated support buildings, security areas, cooling systems, utility systems, storage areas, access controls, and other related infrastructure.

Solar Energy Facility, Utility Scale: A principal use facility designed to generate electricity from solar energy for sale, transfer, or distribution to the electric grid or to off-site users, including solar panels, racking, inverters, transformers, substations, access drives, battery storage when accessory, and other related support facilities.

Solar Panel Manufacturing Facility: An establishment engaged in the manufacture, assembly, lamination, coating, treatment, or finishing of solar cells, solar modules, or solar panel components, including associated storage, utilities, testing, and support areas.

ATTACHMENT C

APPENDIX A

LISTING OF USES BY ZONING DISTRICT

P = Permitted Use

S = Special Use Permit

X = Not Permitted/Not Applicable

Use Description (in alphabetical order)	O-I	I-1	I-2	Supplementary District Regulations
Advanced Manufacturing Facility	S	P	P	Article 6.25, Article 6.32
Battery Cell Manufacturing Facility	X	S	S	Article 6.25, Article 6.33
Battery Energy Storage System (BESS), Principal Use	X	S	S	Article 6.25, Article 6.26
Battery Recycling and Critical Minerals Processing Facility	X	S	S	Article 6.25, Article 6.29
Carbon Capture, Compression, or CO2 Support Facility	X	S	S	Article 6.25, Article 6.30
Controlled Environment Agriculture Facility	S	S	S	Article 6.25, Article 6.34
Data Center	S	S	S	Article 6.25, Article 6.27
Hydrogen Production Facility	X	S	S	Article 6.25, Article 6.28
Hydrogen Storage and Distribution Facility	X	S	S	Article 6.25, Article 6.28
Research and Development Facility	P	P	P	Article 6.25, Article 6.35
Semiconductor Fabrication Facility	X	S	S	Article 6.25, Article 6.36
Semiconductor Packaging and Test Facility	S	S	S	Article 6.25, Article 6.39
Small Modular Reactor or Microreactor Facility	X	S	S	Article 6.25, Article 6.31
Solar Energy Facility, Utility Scale	X	S	S	Article 6.25, Article 6.37
Solar Panel Manufacturing Facility	S	S	S	Article 6.25, Article 6.38

ATTACHMENT D
PROPOSED ARTICLE 6 STANDARDS
(EMERGING INDUSTRIAL USES)

25. Emerging Industrial Uses: Common Supplementary Regulations

A. Applicability:

These standards apply to development, expansion, or establishment of the following defined uses when permitted as a permitted use or approved by Special Use Permit:

- (1) Advanced Manufacturing Facility.
- (2) Battery Cell Manufacturing Facility.
- (3) Battery Energy Storage System (BESS), Principal Use.
- (4) Battery Recycling and Critical Minerals Processing Facility.
- (5) Carbon Capture, Compression, or CO2 Support Facility.
- (6) Controlled Environment Agriculture Facility.
- (7) Data Center.
- (8) Hydrogen Production Facility.
- (9) Hydrogen Storage and Distribution Facility.
- (10) Research and Development Facility.
- (11) Semiconductor Fabrication Facility.
- (12) Semiconductor Packaging and Test Facility.
- (13) Small Modular Reactor or Microreactor Facility.
- (14) Solar Energy Facility, Utility Scale.
- (15) Solar Panel Manufacturing Facility.

Where a conflict exists between these standards and another applicable provision of these regulations, the more restrictive requirement shall apply. These standards supplement, and do not replace, site plan review, Special Use Permit review, subdivision requirements, adopted construction and fire codes, utility review, drainage review, and any other applicable local, state, or federal requirements.

B. Outdoor Equipment, Screening, and Setbacks:

Outdoor equipment, including generators, fuel tanks, transformers, switchgear, battery containers, compressors, cooling equipment, transfer equipment, tanks, process support equipment, and similar equipment shall be:

- (1) Located and oriented to minimize visibility from public streets and from adjacent residential districts and sensitive uses.
- (2) Screened using a combination of opaque fencing, walls, berming, landscaping, or building placement.
- (3) Organized so that loading, service, and equipment yards are located to the maximum extent practical away from residential districts and sensitive uses.

When the subject site abuts a residential district or is located within 500 feet of a residential district boundary or sensitive use, outdoor mechanical equipment and emergency generators shall be placed to the maximum extent practical away from that boundary and shall incorporate enhanced screening and noise control measures.

Where outdoor equipment is proposed adjacent to a residential district or other sensitive use, the City may require, through site plan review or the Special Use Permit process, increased setbacks and enhanced buffering, including relocation of equipment, acoustic enclosures, or full enclosure within a building.

C. Noise, Vibration, and Operational Impacts:

Uses with significant mechanical equipment shall be designed and operated to minimize off-site noise and vibration impacts. The City may require an acoustic study prepared by a qualified professional to demonstrate anticipated sound levels and identify mitigation measures. When required, the study shall address tonal and low-frequency characteristics where applicable.

For uses with emergency generators or routine testing, the City may require, through site plan review or the Special Use Permit process:

- (1) A testing schedule, including limits on overnight or weekend testing, except during emergencies.
- (2) Maximum sound levels at the property line and, where applicable, evaluation methods that account for low-frequency noise.
- (3) Equipment mufflers, acoustic enclosures, barriers, or building-based screening.
- (4) A designated local contact for complaints and response coordination.

D. Lighting and Glare:

Exterior lighting shall be designed to minimize spillover and glare, with fixtures directed downward and shielded where appropriate. Lighting shall not create a hazard to public streets or adjacent properties.

Security lighting shall be designed to provide safety while minimizing impacts to adjacent properties, including the use of full cutoff fixtures and motion activation where appropriate.

E. Utilities and Infrastructure Documentation:

Applicants shall provide documentation sufficient for staff and decision makers to understand utility demands and service feasibility, including:

- (1) Electric demand characteristics, planned utility interconnections, and standby power configurations.
- (2) Water demand, if applicable, including average day, peak day, process water, and fire flow needs.

- (3) Cooling type, if applicable, including air-cooled, water-cooled, evaporative, or other major cooling system descriptions.
- (4) Wastewater discharge characteristics, if applicable, including expected discharge source, volume, and general pollutant characteristics.
- (5) Stormwater management and any containment needs for equipment yards, storage yards, loading areas, or process areas.
- (6) Phasing or staging of utility needs where development is proposed in phases.

For higher-intensity uses, the City may require utility provider letters, system impact documentation, or phased service plans as part of site plan review or the Special Use Permit process.

F. Hazardous Materials Summary, Emergency Coordination, and Containment:

Where a proposed use involves hazardous materials above ordinary commercial quantities, the applicant shall provide a hazardous materials summary sufficient for local review. The summary may be conditioned or expanded through site plan review or the Special Use Permit process and shall include, as applicable:

- (1) General identification of chemical or material types and maximum on-site quantities.
- (2) General description of storage method and location.
- (3) Confirmation that current safety data sheets will be maintained and made available to emergency responders as required by law.
- (4) Emergency contact information for the owner, operator, and facility manager.
- (5) A general statement describing whether the facility anticipates state or federal hazardous chemical inventory reporting.
- (6) A spill prevention and containment narrative for fuels, oils, process chemicals, electrolytes, solvents, liquid reagents, gases, slurries, or similar materials, including drainage controls, curbing, berming, or containment areas where applicable.

Nothing in this section requires public disclosure of proprietary formulas or trade secrets beyond what is reasonably necessary for zoning, life safety, and emergency coordination review.

G. Industrial Wastewater and Pretreatment Review:

Where a proposed use involves process wastewater or has the potential to affect the public sewer system, the City may require an industrial wastewater narrative as part of site plan review or a Special Use Permit application. The narrative may include:

- (1) General description of process flows and wastewater sources.
- (2) Estimated flow volumes, including average and peak discharge where known.
- (3) General pollutant characteristics and whether pretreatment may be required.
- (4) Slug discharge or batch discharge risks, if applicable.
- (5) Proposed equalization, pretreatment, or containment measures.

(6) Any anticipated need for separate agreements, permits, or wastewater review before connection or discharge.

H. Stormwater, Outdoor Materials Handling, and Housekeeping:

Where outdoor storage, loading, staging, processing, or scrap handling is proposed, the City may require a stormwater and outdoor materials handling narrative that identifies:

- (1) Areas for outdoor storage, loading, unloading, or transfer.
- (2) Materials proposed to be stored or handled outdoors.
- (3) Housekeeping, containment, covering, drainage, and spill response measures.
- (4) Whether stormwater pollution prevention planning, industrial stormwater permitting, or other stormwater controls may be required before operation.
- (5) Measures to prevent discharge of dust, sediment, oils, chemicals, black mass, residues, nutrients, or other pollutants to public drainage systems.

I. Fire Access, Emergency Response, and Safety Documentation:

Projects shall be designed to support safe emergency access, including fire lanes, turning radii, hydrant spacing, and equipment clearances as applicable under adopted codes and Fire Department standards.

Where the use involves higher-risk systems or hazardous materials, the City may require, through site plan review or the Special Use Permit process, documentation addressing:

- (1) Emergency response coordination and pre-incident planning.
- (2) Hazard mitigation plans and spill or release prevention measures.
- (3) Operational contacts and on-site safety measures, including posted emergency shutdown information.
- (4) Identification of restricted access areas, security measures, and emergency entry procedures.
- (5) Staging areas for emergency apparatus where warranted by the scale of development.

J. Material Change After Approval:

A substantial change to an approved emerging industrial use shall require review by the Zoning Administrator to determine whether an amended site plan, an amended Special Use Permit, or both are required. Substantial change may include, but is not limited to:

- (1) A significant increase in generating capacity, battery capacity, hydrogen storage volume, compression pressure, or reactor size.
- (2) A change in battery chemistry or other technology that materially changes the hazard profile of the site.
- (3) A major increase in generator count, fuel storage, or testing regime.
- (4) A material increase in process water demand, wastewater discharge, or stormwater exposure risk.

(5) A change in the location or scale of outdoor equipment, storage, transfer areas, or loading facilities.

(6) The addition of carbon dioxide storage, compression, transfer, or pipeline interconnection not shown on the approved plan.

(7) Any other change determined by the Zoning Administrator to materially affect compatibility, utility demand, public safety, or environmental review.

K. Decommissioning and Removal:

For uses with significant fixed infrastructure, including BESS principal use sites, utility scale solar facilities, carbon dioxide support facilities, data centers, and other uses designated by the City through Special Use Permit approval, the City may require a decommissioning, removal, and site restoration plan.

The plan may address:

(1) Trigger events for decommissioning, including end of useful life, abandonment, or cessation of operations for 12 consecutive months, unless extended by the City for good cause shown.

(2) Removal of equipment, foundations, pads, tanks, fencing, access drives, and other improvements not intended to remain.

(3) Restoration of grades, surfacing, and drainage.

(4) Management, recycling, or disposal of any regulated or hazardous materials.

(5) Responsible parties and contact information.

(6) Schedule for removal and restoration.

(7) Financial surety where warranted through the Special Use Permit process. The City may require periodic review of the surety amount to account for inflation, technology changes, or revised removal costs.

26. Battery Energy Storage System (BESS), Principal Use: Specific Supplementary Regulations

A. The application shall identify battery chemistry, total rated energy capacity, total rated power, number and type of containers or enclosures, inverter and transformer layout, and the location of emergency access points.

B. The system shall be designed and installed in compliance with all adopted building and fire codes and applicable standards, including the International Fire Code and NFPA 855, as amended.

C. The City may require, through site plan review or the Special Use Permit process:

(1) Fire department access and staging areas.

(2) Fencing and controlled access.

(3) Signage and emergency shutdown information.

- (4) Remote monitoring, thermal detection, smoke detection, fire detection, or similar system information.
- (5) Thermal runaway mitigation documentation.
- (6) Minimum setbacks, separation distances, or enclosure requirements where warranted by site conditions.
- (7) A decommissioning plan and financial surety.

D. Prior to final occupancy, the City may require confirmation that emergency response information has been provided to the Fire Department, including emergency contacts, shutoff information, and site access instructions.

27. Data Center: Specific Supplementary Regulations

A. A Data Center shall require a Special Use Permit in any zoning district where the use is allowed.

B. Backup power systems, generator placement, fuel storage, substations, switchgear, and cooling equipment shall be designed and arranged to minimize noise, vibration, visual impacts, and operational impacts on adjacent property, particularly when near residential districts or other sensitive uses.

C. The application shall include a general inventory of stationary engines and turbines, if any, including unit count, estimated size, fuel type, anticipated non-emergency testing hours, and whether the equipment is intended solely for emergency backup, peak shaving, demand response, or any other operational purpose.

D. The application shall include a general water and cooling narrative, if applicable, identifying the cooling method, expected process or cooling water use, estimated average day and peak day demand, any anticipated blowdown or chemical treatment discharge requiring wastewater review, and whether non-potable, reclaimed, or reused water sources are proposed.

E. The application shall include a general utility and energy narrative identifying estimated peak electric demand in megawatts, planned utility interconnections, proposed phasing, any on-site generation or energy storage, and any known need for substation, transmission, or major distribution improvements.

F. The application shall include information identifying whether the project has completed, initiated, or will be required to complete the screening process through the Kansas Intelligence Fusion Center and, if so, the status of the review and any non-confidential results available at the time of application.

G. The application shall identify whether the applicant has engaged, completed, or enrolled in Evergy's Path to Power process, if applicable, or any successor large-load

interconnection, delivery point, or service-feasibility review required by the serving electric utility, and shall provide any non-confidential correspondence or results available at the time of application.

H. The application shall identify whether additional air permitting, emissions review, or other regulatory review is anticipated for backup generation, turbines, boilers, or other stationary equipment before final permits are issued.

I. A noise mitigation plan, including an acoustic study prepared by a qualified professional, shall be required for any data center with outdoor cooling equipment, outdoor mechanical equipment, or stationary backup generation. The study shall address normal operations, routine testing, tonal and low-frequency characteristics, and recommended mitigation measures.

J. Non-emergency generator testing shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, unless otherwise approved through the Special Use Permit process. No routine generator testing shall occur on Sundays or City-observed holidays, except during emergencies or when required to address an imminent reliability or safety issue.

K. Where a data center site abuts a residential district or is within 500 feet of a residential district boundary or other sensitive use, outdoor generator yards, cooling yards, substations, and bulk fuel storage shall be located at least 500 feet from that district boundary or sensitive use, unless the Planning Commission and Governing Body find that an alternative arrangement, together with buffering, screening, enclosure, and noise mitigation, will provide equivalent or greater protection.

L. The City may require, through the Special Use Permit process:

- (1) Generator test hours, frequency, and duration beyond the baseline requirements of this section.
- (2) Maximum sound levels at the property line and post-construction verification testing.
- (3) Outdoor equipment screening, placement, and enclosure.
- (4) Truck routing and delivery access, where applicable.
- (5) Fuel storage screening, secondary containment, and emergency access.
- (6) A designated local contact for complaints and emergency coordination.
- (7) Decommissioning, removal, and restoration requirements for outdoor equipment, fuel storage, or dedicated utility infrastructure not intended to remain.

28. Hydrogen Production Facility and Hydrogen Storage and Distribution Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal hydrogen-related processes proposed, including production, storage, compression, transfer, filling,

blending, or distribution functions, and shall identify the location of storage vessels, compressors, transfer areas, fueling or loading areas, and safety setbacks.

B. Outdoor storage, compression equipment, and transfer areas shall be designed with safety setbacks, emergency access, controlled access, and equipment separation appropriate to the use and consistent with adopted codes.

C. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, if applicable, wastewater characteristics, if applicable, major process or storage volumes, and any anticipated air permitting or other regulatory review before operation.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Fire department access and emergency response coordination.
- (2) Fencing, controlled access, and security measures.
- (3) Signage and emergency shutdown information.
- (4) Separation distances, setbacks, and buffering from residential districts or sensitive uses.
- (5) Truck access, loading, unloading, or fueling operations.
- (6) Screening and placement of tanks, compressors, vaporizers, and related equipment.
- (7) Hazard mitigation and spill, release, or venting documentation where warranted.

29. Battery Recycling and Critical Minerals Processing Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal recycling, dismantling, shredding, sorting, leaching, refining, separation, or recovery processes proposed on site and shall identify the location of outdoor storage, indoor storage, processing areas, transfer points, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of batteries, black mass, recovered materials, scrap, waste, or similar materials shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Fire prevention and emergency response coordination.
- (2) Hazardous materials summaries and emergency contacts.

- (3) Wastewater and pretreatment review.
- (4) Outdoor storage, screening, and housekeeping.
- (5) Dust, odor, fumes, and nuisance mitigation.
- (6) Truck routing, truck queuing, and loading area design.
- (7) Setbacks and buffering from residential districts or sensitive uses.
- (8) Limits on outdoor dismantling, shredding, crushing, or similar activities.

30. Carbon Capture, Compression, or CO2 Support Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal carbon capture, compression, dehydration, storage, transfer, pipeline interconnection, or related support functions proposed on site and shall identify major equipment, tanks, compression areas, transfer areas, and pipeline connection points.

B. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, if applicable, wastewater characteristics, if applicable, process support needs, and any anticipated regulatory review before operation.

C. Where carbon dioxide storage, compression, transfer, or pipeline support infrastructure is proposed, the application shall identify emergency access, controlled access, venting or pressure relief areas, where applicable, and general separation concepts from adjacent uses.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of compressors, tanks, pipe racks, and related equipment.
- (2) Emergency coordination and operational contacts.
- (3) Setbacks and buffering from residential districts or sensitive uses.
- (4) Truck access, transfer operations, and loading design, where applicable.
- (5) Decommissioning, removal, and restoration of support facilities not intended to remain.
- (6) Hazard mitigation and release response documentation where warranted.

31. Small Modular Reactor or Microreactor Facility: Specific Supplementary Regulations

A. A Small Modular Reactor or Microreactor Facility shall require a Special Use Permit.

B. The application shall identify, at a general level, the proposed reactor technology, generating capacity, support facilities, cooling approach, security features, emergency planning framework, and the location of all major facilities and restricted areas proposed on site.

C. Nothing in this section shall be interpreted to waive, replace, or supersede any applicable federal or state licensing, siting, safety, security, environmental, or emergency planning requirements.

D. The City may require, through the Special Use Permit process, narratives or documentation sufficient to understand:

- (1) Site access and security.
- (2) Emergency coordination and public safety planning.
- (3) Utility, water, wastewater, and cooling implications.
- (4) Decommissioning concepts and long-term site restoration assumptions.
- (5) Hazard mitigation and restricted access procedures.

E. The City may require, through the Special Use Permit process:

- (1) Setbacks and buffering from residential districts, public facilities, or other sensitive uses.
- (2) Access control, perimeter security, and screening of support facilities.
- (3) Emergency coordination with local responders.
- (4) Utility and infrastructure phasing.
- (5) Decommissioning and removal of non-reactor support facilities to the extent permitted by law.

32. Advanced Manufacturing Facility: Specific Supplementary Regulations

A. The application shall include a general description of the principal manufacturing processes proposed on site, the major raw materials and finished products, and the location of production areas, loading areas, storage areas, and major mechanical or utility equipment.

B. Where the use involves significant utility demand, process water, process wastewater, bulk material storage, or outdoor equipment, the application shall include utility and operations information sufficient to understand electric demand, water demand, wastewater characteristics, stormwater exposure risks, and major service needs.

C. Outdoor storage, staging, loading, and service areas shall be shown on the site plan and shall be screened and arranged to minimize visibility from public streets and from adjacent residential districts and sensitive uses.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Truck routing, truck queuing, and delivery access.
- (2) Screening and placement of outdoor equipment, tanks, loading areas, and service yards.

- (3) Utility, wastewater, and stormwater documentation.
- (4) Dust, odor, glare, vibration, or nuisance mitigation where warranted by the proposed operations.
- (5) Setbacks and buffering from residential districts or sensitive uses.
- (6) Limits on outdoor processing, outdoor storage, or hours of operation where warranted by site conditions.

33. Battery Cell Manufacturing Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the battery chemistries proposed, major production processes, major solvent or electrolyte systems, dry room or controlled-atmosphere areas, if applicable, and the location of major production, storage, loading, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying estimated electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of raw materials, off-spec products, waste materials, or chemical containers shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Hazardous materials summaries and emergency coordination.
- (2) Wastewater and pretreatment review.
- (3) Outdoor storage, screening, and housekeeping.
- (4) Dust, odor, fumes, or nuisance mitigation measures.
- (5) Truck routing, truck queuing, and loading area design.
- (6) Setbacks and buffering from residential districts or sensitive uses.
- (7) Limits on outdoor dismantling, staging, or waste handling activities.

34. Controlled Environment Agriculture Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal production type proposed, including greenhouse cultivation, vertical farming, hydroponic, aeroponic, aquaponic, or similar controlled-environment systems, and shall identify any accessory processing, packaging, storage, or retail components proposed on site.

B. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, wastewater or nutrient discharge characteristics, if applicable, proposed backup power systems, hours of operation, and the location of major mechanical equipment.

C. Where supplemental lighting is proposed, site and building design shall minimize off-site glare and light spillover through shielding, screening, orientation, fixture selection, or building design.

D. Where the use is located within 500 feet of a residential district or sensitive use, the City may require a lighting plan identifying expected light levels and proposed mitigation measures.

E. Where carbon dioxide enrichment, fertilizer storage, nutrient mixing, pesticides, or similar materials are proposed above ordinary commercial quantities, the applicant shall provide a general hazardous materials and storage narrative consistent with Section 25.

F. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of greenhouses, mechanical yards, tanks, pumps, chillers, and backup generators.
- (2) Lighting hours, shielding, and glare mitigation.
- (3) Odor, humidity, and ventilation controls where warranted by site conditions.
- (4) Wastewater, nutrient solution, or process discharge documentation and pretreatment review.
- (5) Loading, delivery access, and truck routing.
- (6) Setbacks and buffering from residential districts or sensitive uses.

35. Research and Development Facility: Specific Supplementary Regulations

A. This section is intended to address principal research and development campuses, laboratories, prototype facilities, and pilot-scale operations, and is not intended to regulate customary accessory laboratory or testing areas subordinate to another principal use.

B. The application shall identify, at a general level, the principal research, testing, prototype, pilot production, or laboratory activities proposed and whether the project includes outdoor testing areas, prototype yards, pilot-scale manufacturing, or major utility or mechanical equipment.

C. Where the proposed use involves hazardous materials above ordinary commercial quantities, process wastewater, outdoor testing, or pilot-scale production, the applicant shall provide narratives consistent with Section 25 regarding hazardous materials, wastewater, stormwater, and emergency coordination.

D. Outdoor testing areas, prototype yards, bulk storage areas, and major equipment yards shall be shown on the site plan and screened or buffered where necessary to protect adjacent property.

E. The City may require, through site plan review:

- (1) Screening and placement of outdoor testing, prototype, or service areas.
- (2) Noise, glare, vibration, or nuisance mitigation where warranted by site conditions.
- (3) Utility, wastewater, and hazardous materials documentation.
- (4) Limits on outdoor testing, demonstration activities, or hours of operation where warranted.
- (5) Setbacks and buffering from residential districts or sensitive uses.

36. Semiconductor Fabrication Facility: Specific Supplementary Regulations

A. The application shall include a general process narrative identifying whether the proposal involves wafer fabrication, etching, deposition, cleaning, lithography, chemical treatment, or other principal semiconductor manufacturing functions, and shall identify any clean room, ultra-pure water, chemical storage, gas storage, bulk chemical delivery, or process exhaust systems proposed.

B. The application shall include a general utilities narrative identifying estimated electric demand, water demand, anticipated ultra-pure water or process water needs, wastewater discharge characteristics, and any anticipated need for industrial pretreatment, air permitting, or other regulatory approvals before operation.

C. The application shall include a general hazardous materials narrative identifying, at a general level, the types of acids, solvents, gases, reagents, slurries, dopants, or other process materials proposed to be stored or used on site, together with general storage and containment methods.

D. The City may require utility provider letters, industrial wastewater review materials, or phased service plans where the scale of the facility warrants additional confirmation of service feasibility.

E. The City may require, through site plan review or the Special Use Permit process:

- (1) Industrial wastewater and pretreatment review.
- (2) Screening and placement of tanks, gas cabinets, scrubbers, exhaust systems, cooling equipment, transformers, and loading areas.
- (3) Hazardous materials management and emergency coordination.
- (4) Truck routing, delivery windows, and access design.
- (5) Setbacks and buffering from residential districts or sensitive uses.
- (6) Limits on outdoor storage or outdoor transfer of chemicals, gases, or production materials.
- (7) Air emissions, exhaust, or stack location information sufficient to support local compatibility review.

37. Solar Energy Facility, Utility Scale: Specific Supplementary Regulations

A. The application shall include a site plan identifying panel fields, inverter and transformer locations, substations, access drives, perimeter fencing, stormwater features, maintenance access, and any accessory battery storage or related equipment proposed on site.

B. Any Battery Energy Storage System proposed as part of a Utility Scale Solar Energy Facility shall comply with Section 26 in addition to this section.

C. The application shall identify whether the facility will interconnect to an existing or new substation, whether off-site utility improvements are anticipated, and whether a decommissioning or restoration plan is proposed as part of the project.

D. When the site abuts a residential district or sensitive use, the City may require enhanced setbacks, fencing, berming, landscaping, or other screening measures for inverter pads, substations, transformers, or maintenance yards.

E. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of substations, transformers, inverters, and maintenance yards.
- (2) Setbacks and buffering from residential districts, public roads, or sensitive uses.
- (3) Stormwater management, erosion control, and site stabilization.
- (4) Vegetation management, groundcover, and weed control.
- (5) Glare or reflectivity information where warranted by site location.
- (6) Decommissioning, removal, site restoration, and financial surety.

38. Solar Panel Manufacturing Facility: Specific Supplementary Regulations

A. The application shall include a general manufacturing narrative identifying whether the operation includes glass handling, cell production, lamination, coating, chemical treatment, assembly, packaging, or other major process elements, and shall identify the location of production, storage, loading, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying estimated electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of raw materials, waste materials, scrap, packaging materials, or chemical containers shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Hazardous materials summaries and emergency coordination.
- (2) Wastewater and pretreatment review.
- (3) Outdoor storage, screening, and housekeeping.
- (4) Dust, odor, fumes, glare, or nuisance mitigation where warranted.
- (5) Truck routing, truck queuing, and loading area design.
- (6) Setbacks and buffering from residential districts or sensitive uses.
- (7) Limits on outdoor staging, storage, or waste handling activities.

39. Semiconductor Packaging and Test Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, whether the proposal involves semiconductor packaging, assembly, burn-in, reliability testing, thermal testing, or other related activities, and shall identify any clean room, controlled environment, process utilities, loading areas, or outdoor equipment proposed.

B. The application shall include a general utilities and operations narrative identifying electric demand, water demand, if applicable, wastewater characteristics, if applicable, and whether hazardous materials above ordinary commercial quantities are proposed.

C. Where the applicant demonstrates that the proposed facility will not involve wet-process fabrication, significant process wastewater, or substantial hazardous material inventories, the City may determine that a reduced level of application detail is sufficient.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of major mechanical equipment, tanks, loading areas, and service yards.
- (2) Utility, wastewater, and hazardous materials documentation where warranted.
- (3) Truck routing and loading area design.
- (4) Setbacks and buffering from residential districts or sensitive uses.
- (5) Limits on outdoor storage, testing, or transfer activities where warranted by site conditions.



Outlook

RE: Urgent Community Concern: Data Center Proposal

From Scott Rickard <srickard@eldoks.gov>**Date** Tue 3/31/2026 6:31 AM**To** Bethany Bergen <bethbergen92@gmail.com>

1 attachment (4 MB)

3_26_26 Planning Commission Agenda Packet.pdf;

Bethany,

Thank you for taking the time to reach out and share your concerns. I appreciate hearing from El Dorado residents on community issues, especially when the discussion is still in its early stages.

You raised a broad and thoughtful set of questions. Technology based projects are becoming a larger part of the modern economy, much like tools such as AI are becoming part of everyday life and work. That does not mean every project is right for every community or every location. What the City is trying to do right now is get ahead of that reality by making sure our zoning regulations are clearer before a project is ever filed, so there is a more thoughtful process in place for review and public input.

At this time, there is not a specific project application in front of the Planning Commission. The item currently before the Planning Commission is a public hearing on zoning ordinance amendments, not the approval of a particular data center, battery facility, hydrogen facility, solar project, or other industrial development. The purpose of the proposed amendment is to better define certain newer uses, identify where they may be considered, and establish standards so the City and the public have a clearer process if an application is ever submitted.

If and when a specific project or application is submitted, that is when the City and the public would have a real proposal to review and discuss in more meaningful detail. At that stage, there would be actual information to evaluate regarding water demand, energy use, traffic, noise, emergency response, site design, and other project specific impacts. Right now, I cannot give you specific numbers or answers on those items because there is not a specific project or application before the City for review.

In simple terms, the City is reviewing whether the zoning regulations should more clearly define certain newer uses, identify where they may be considered, and establish standards so there is a more predictable and transparent process if an application is ever submitted. Part of the reason for doing this now is that the zoning regulations do not clearly address many of these conceptual or emerging uses today. That lack of clarity is exactly why the City is going through this process now, so there is a clearer framework in place before a specific project is ever brought forward.

That is really why zoning exists in the first place. Zoning is intended to promote public health, safety, and general welfare, protect property values, and guide where different land uses may occur. For uses that may be appropriate in some places, but not every place, the Special Use Permit process allows for public review and gives the City the ability to place conditions on issues such as traffic, utilities, setbacks, lighting, screening, equipment placement, emergency access, and noise.

I have attached the March 26 Planning Commission agenda packet so you can review exactly what the Planning Commission is considering. I would also encourage you to sign up on the

City's website for agenda alerts so you can be notified when new agendas are posted and stay informed on what is actually coming before the City.

Thank you again for reaching out and for staying engaged. Thoughtful public input is important, and it helps inform the discussion as the City works through these issues carefully.

Scott

!! Please note my Email Address has changed: srickard@eldoks.gov !!

Scott Rickard,

CITY ENGINEER

City of El Dorado, Kansas

226 N. Vine St. | El Dorado, KS 67042

Office: (316) 322-4451

EL DORADO

K A N S A S

We're going .gov!

Beginning the week of **July 13, 2025**, all City of El Dorado email addresses will transition from **@eldoks.com** to **@eldoks.gov**. Please be sure to change your address book to reflect this change. Please also note that our City website will be accessible at [\[www.eldoks.gov\]](http://www.eldoks.gov)www.eldoks.gov.

From: Bethany Bergen <bethbergen92@gmail.com>

Sent: Monday, March 30, 2026 9:22 PM

To: Scott Rickard <srickard@eldoks.gov>

Subject: Urgent Community Concern: Data Center Proposal

Dear Scott Rickard,

I am writing as a concerned resident of El Dorado, KS. I strongly urge you to reject the introduction of Data Centers, Battery, Hydrogen Facility, Solar development, or any industrial manufacturing projects that could put our community's health, safety, and natural resources at risk.

The long term cost of the developments far outweigh any short term or localized benefits. My concerns include excessive water usage and pollution, increased strain on our power grid, environment noise and pollution, air quality, large scale land disruption, and minimal long term job creation.

Data Centers, in particular, often operate for 10-20 years before requiring major upgrades, coinciding with the expiration of tax incentives leaving communities to deal with aging infrastructure and reduced economic return.

As Kansans, we take pride in our prairie, our land, and our quality of life. People come here to enjoy that. The projects threaten to permanently alter the character of our community and prairie.

I am especially concerned about:

- Increased water demand and potential shortages
- Rising utility costs for residents
- Fire risks, particularly in an agricultural region already prone to such hazards
- Potential long term health impacts on residents and children

Before any decisions are made, I request clear, transparent answers to the following:

Land Use & Zoning:

- What zoning changes or variances are being requested?
- Are residential or mixed-use areas being rezoned to accommodate them?
- How does this align with the city's long-term development or comprehensive plan?
- What is the projected footprint of current and future facilities?

Power & Grid Impact:

- How much electricity will these data centers consume at full capacity?
- Will this strain the local grid or increase outage risks for residents?
- Are upgrades to substations or transmission lines required—and who pays?
- Will residents or small businesses see higher utility costs as a result?

Water Usage:

- How much water will be used for cooling systems annually?
- What is the source of this water (municipal, groundwater, reclaimed)?
- How will usage impact drought resilience or existing water supply?
- Are there requirements for water recycling or conservation?

Environmental Impact:

- Has an environmental impact assessment been completed and made public?
- What are the expected emissions (including backup generators)?
- How will noise pollution from cooling systems be managed?
- What measures are in place to protect local ecosystems and wildlife?

Economic Benefits vs. Reality:

- How many permanent jobs will be created, and at what wage levels?
- What tax incentives or abatements are being offered to developers?
- What is the projected tax revenue after incentives expire?
- How do these benefits compare to alternative land uses?

Infrastructure & Traffic:

- How will construction and ongoing operations impact traffic?
- Are road expansions or repairs needed—and who funds them?
- Will there be increased heavy truck traffic in residential areas?

Risk & Emergency Preparedness:

- What fire risks are associated with these facilities, and how are they mitigated?
- Are local fire departments trained/equipped for data center incidents?
- What happens during extended power outages or system failures?

Community Impact & Transparency:

- How are residents being informed and involved in decision-making?
- Will there be public hearings before approvals are granted?
- Are community benefit agreements (CBAs) being considered?
- What accountability mechanisms exist if promises aren't met?

Long-Term Planning:

- What happens to these facilities after their lifecycle ends?
- Are there plans to limit clustering or over-concentration in one area?
- How will this affect future housing, schools, and local development?

Big Picture Questions:

- Who truly benefits most from these developments—residents or corporations?
- What are we giving up (land, water, power) in exchange for what we're getting?
- How does this decision affect the city 10–20 years from now?

At its core, this issue comes down to one question: who truly benefits from these developments?

Our community deserves responsible, sustainable growth that prioritises residents, protects our natural resources, and preserves the character of El Dorado.

I urge you to listen to your constituents and reconsider these proposals.

One of the most enduring principles of medicine is ‘**do no harm**.’ It is a commitment to protect patients from actions that could cause lasting damage. Community leaders carry a similar duty, to safeguard the health, safety, and future of their residents. Not to support projects that may put them at risk.

Sincerely,
Bethany Bergen

635 N Bluestem Dr
El Dorado, KS 67042



Outlook

Subject: Proposed Data Center in El Dorado or Butler County

From laurieklein@associatedoffices.com <laurieklein@associatedoffices.com>

Date Tue 3/31/2026 9:51 AM

To Scott Rickard <srickard@eldoks.gov>; Kendra Wilkinson <kwilkinson@eldoks.gov>; Leon Leachman <lleachman@eldoks.gov>; Syndee Scribner <slscribner@eldoks.gov>; Andrew Tipton <atipton@eldoks.gov>; Bill Young <byoung@eldoks.gov>; David Dillner <ddillner@eldoks.gov>; Emerald Veatch <eveatch@eldoks.gov>; Julie Clements <jclements@eldoks.gov>; DJackson@bucoks.com <DJackson@bucoks.com>; JMasterson@bucoks.com <JMasterson@bucoks.com>; MMurphy@bucoks.com <MMurphy@bucoks.com>; DWoydziak@bucoks.com <DWoydziak@bucoks.com>; KHerzet@bucoks.com <KHerzet@bucoks.com>

March 31, 2026

Subject: Strong Opposition to the Proposed Data Center in El Dorado or Butler County – Request for Transparency and Rejection of Rezoning

Dear Mayor, City Engineer, City Commissioners, City Manager, Butler County Commissioners, and Residents of El Dorado and Butler County,

I am writing to express my deep concerns about the proposed development of a data center in El Dorado or Butler County. I am equally troubled by the lack of transparency and misleading manner in which this project has been presented to our community.

I support responsible economic development that brings jobs, infrastructure, and relief to local taxpayers while accommodating population growth. However, such progress must never come at the expense of our residents' health, our environment, our water and energy resources, or our quality of life.

Although I was unable to attend the initial public meeting in person, I reviewed the full recording. The meeting was framed solely as a routine review and update of zoning definitions, including noise standards. Yet it soon became evident that this characterization was inaccurate. Residents were assured that "there is no talk of any of these industries coming into El Dorado currently." In reality, members of organizations such as El Dorado Main Street and Eldo Inc. had already participated in work sessions and informational meetings in Sedgwick County, and several community members had been privately approached about the data center well before the public was informed. This approach has understandably eroded trust among residents.

Several critical questions remain unanswered: Who stands to benefit most financially from this project? Are there any conflicts of interest among decision-makers? Any perception that private financial gain could influence public policy raises serious concerns that the long-term interests of our citizens, community, and environment are not being placed first.

My opposition is grounded in well-documented issues that have arisen with data centers across the country, including recent proposals in Kansas. These include:

1. **Massive strain on water resources** — Data centers require enormous volumes of water for evaporative cooling, often millions of gallons per day. This can significantly deplete local aquifers and municipal supplies, particularly in rural areas like ours. Claims that “El Dorado has plenty of water” do not adequately address the added burden this facility would impose.
2. **Huge electricity demand and increased utility costs** — A single large data center can consume as much power as tens of thousands of homes. This risks driving up electricity rates for all residents and placing unsustainable stress on our local grid.
3. **Noise, light pollution, and diminished quality of life** — The constant 24/7 hum from cooling systems and backup generators, combined with intense lighting, would disrupt the peace and rural character of our community and negatively affect enjoyment of the lake and surrounding areas.
4. **Loss of productive farmland and rural heritage** — These facilities permanently convert large tracts of agricultural land into industrial sites, undermining our local economy and way of life.
5. **Environmental and public health risks** — Increased air pollution from backup generators, along with high energy consumption and other impacts, could harm local ecosystems and residents’ health.
6. **Limited long-term economic benefits** — While construction creates temporary jobs, data centers typically employ few permanent local workers. Generous tax abatements often reduce the net fiscal benefit to the community, leaving residents to bear most of the burdens.
7. **Long-term sustainability risks** — These projects require substantial land (often 40+ acres). If advancing technology reduces the need for such large facilities in the future, our community could be left with abandoned industrial sites and ongoing cleanup or maintenance costs.

Communities throughout the Midwest and across the nation—including several recent cases in Kansas—have raised similar concerns, resulting in strong public opposition, lawsuits, withdrawn projects, and calls for moratoriums. In many cases, residents and experts have concluded that the costs to local resources, infrastructure, and quality of life far outweigh any potential benefits.

I respectfully urge you to prioritize the long-term well-being of El Dorado and Butler County residents above all else. Please provide full transparency regarding the project’s true intentions, timeline, and involved parties. Moving forward, open and honest communication will be essential to rebuilding community trust.

I ask that you reject any rezoning or development proposals that would allow a data center in our community.

Thank you for your time and for your service to our community. I look forward to your thoughtful response and to continued dialogue on this important issue.

Sincerely,

Laurie Klein, RN

Owner and Administrator of Associated Homecare

317 Race Street

El Dorado, KS

laurieklein@associatedoffices.com

(316) 641-4947



Outlook

Request for moratorium

From Emily Craig <bossbrek3@gmail.com>**Date** Mon 4/13/2026 9:55 AM**To** Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you,

Emily Craig

1108 McCollum Rd, El Dorado, KS 67042



Outlook

Request for Moratorium on Data Center and Emerging Technology Zoning

From Lori Michelle Gioso <lgiosomba@gmail.com>

Date Mon 4/13/2026 11:02 AM

To Scott Rickard <srickard@eldoks.gov>

To the El Dorado Planning Commission,

My name is Lori Michelle Gioso, and I live at 1012 South High Street, El Dorado, Kansas 67042.

I'm writing to ask that you slow down any decisions related to zoning or ordinances that could allow data centers or similar emerging technologies in our community. I strongly support putting a temporary moratorium in place until there has been more time for public awareness, discussion, and careful evaluation.

This is not a small or easily reversible decision. Developments like data centers can have long-term impacts on infrastructure, utilities, land use, and the overall character of a community. Once those doors are opened, it is very difficult to walk things back.

I say this not just out of concern, but from personal experience. I lived in Prineville, Oregon in 2016, where data centers were introduced into a small community. As of today, those facilities use roughly 10% of the city's water allotment, totaling around 68 million gallons of water per year. This is in a town that at one time had fewer than 10,000 people.

The strain on resources and the long-term impact on that community have been significant. It's not something that can be easily undone once it's in place.

I ask you to take that seriously and really examine what this could mean for El Dorado before moving forward. Right now, it feels like these conversations are moving faster than the public can reasonably keep up with, and many residents are only just becoming aware of what's being considered.

A moratorium would be a responsible step that gives the city time to:

- Fully assess the potential impacts
- Gather meaningful input from residents
- Decide whether this aligns with the long-term vision for our community

I care deeply about this town and its future. Please take a cautious, measured approach and give this the time and transparency it deserves.

Thank you for your time and consideration.

Sincerely,

Lori Michelle Gioso

1012 South High Street
El Dorado, Kansas 67042

lgiosomba@gmail.com
720-724-4026



Outlook

Regarding the upcoming public hearing on April 23, 2026

From Madeleine Carter <madeleine.li.carter@gmail.com>

Date Mon 4/13/2026 10:45 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Regarding the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you!

Madeleine Carter

512 Simpson Rd, El Dorado, KS 67042



Outlook

Proposed zoning rules for data centers

From Greg Joyce <gjoyce8698@sbcglobal.net>

Date Fri 4/10/2026 12:04 PM

To Scott Rickard <srickard@eldoks.gov>

Scott: I am writing to extend my support for rules that could govern what's acceptable and what's not when it comes to land use that could include data centers in our communitiy.

I'm not at all opposed to data centers in our area. They can provide a positive economic contribution to our area, especially if they pay property taxes or payments in lieu of property taxes, or both.

We have a perfect opportunity here to capitlaize on the prudent use of our water resources, and utiize the areas around our community for positive economic growth.

Please circulate this note amonst the Planning Commission members, and count me as one in favor of courting data center(s) in our area.

Gregory P. Joyce, OD

Drs. Joyce & Hursh, LLC

201 N Vine St

El Dorado, KS 67042

316-321-4020



Outlook

Public Hearing April 23, 2026

From Erica Rowland <iailwg06@yahoo.com>

Date Mon 4/13/2026 9:17 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you,
Erica Rowland
1511 NW Hunter Rd
Towanda, KS 6714



Outlook

Possible Addition of Toxic Industries to ELDO

From LeAna Mitchell <ll_mitchell@yahoo.com>

Date Mon 4/13/2026 11:37 AM

To Scott Rickard <srickard@eldoks.gov>

To the City Manager, Mayor and Commissioners of El Dorado KS.

Re: Possible Toxic Industries in ELDO

My name is LeAna Mitchell

My address is 1032 Clark Ave. #7 El Dorado

Phone 620-363-4463

I respectfully come to you today to request a temporary moratorium on toxic industries being established in ELDO, if not an outright ban. Specifically data centers, battery manufacturing recycling & storage, micro nuclear reactors and carbon collection.

I heard through the grapevine that some on the board are not considering letters that don't include facts about toxic claims. I hope that isn't true. There isn't alot known about these industries so where are their facts? My concerns are the impact this would have on health and environment that is not nurturing to life. Butler county already has the highest percentage of lung cancer in the state of Kansas. Which is why we need create boundaries that protect all of us and our fertile land , air and water we are stewards of. \$\$ for a new park or reparations and fees after the fact are unacceptable replacements.

It seems we are putting our trust in the hands of the very companies who stand to benefit. While our benefits are few. They try to hold all the cards through secrecy and deceit . I would also like to see a ban on NDA's and anyone who has signed one or has any affiliation with these industries recuse themselves or be banned from voting or having a say. Until that time I find it hard to trust The Kansas Department of Commerce, The Greater Wichita Partnership , Butler County Commision, and ELDO Inc.

Even the state, county and city's fidiciary duties are in question. All these tax breaks, incentives, special permits, rezoning, with nothing in return? Pyramid scheme comes to mind. It really doesn't take that much searching to find cities and residents experiences with this same thing. I hope you implement many boundaries to protect us all. That is your job. It is also your responsibilty to listen to your constituents. I am including something I found that has a few guidelines. I hope you find it informative. Thank you for your consideration.

[Yahoo Mail: Search, Organize, Conquer](#)



Outlook

Please Slow Down!

From Mason <murray.mason.mm@gmail.com>

Date Mon 4/13/2026 11:11 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you
Mason Murray
921 W Olive
El Dorado KS 67042



Outlook

Planning Commission - Zoning Reg Updates

From Vince Haines <haines@gravityworks-architecture.com>**Date** Mon 4/13/2026 10:12 AM**To** Scott Rickard <srickard@eldoks.gov>

To the El Dorado Planning Commission,

First, I want to extend my thanks to you for your volunteer work and passion for the City of El Dorado. I appreciate your willingness to serve and respect the time you give.

I am writing to you from many perspectives. Lifelong resident, business owner and employer, community volunteer, and former Mayor. I am acutely aware of the challenges that Cities like El Dorado face. Opportunity for valuable economic development is a marathon and not a sprint. We have successes and the assets to be more.

I am writing today to express my support for the updates to the Zoning Regulations to address Emerging Industries. I see in my profession, as well as my work with El Dorado, Inc., the importance for municipalities to be prepared for these discussions. The proposed changes clearly set the stage so earnest discussions with potential projects can proceed with confidence. Both from the City's perspective, and the Developer / Project perspective. Uncertainty is the quickest way to lose opportunity.

I ask that you stay focused on the task at hand and proceed with the zoning updates. They are important as we consider future opportunities in our new world of industrial prospects.

Thank you again for your time and consideration.

Sincerely,

Vince Haines AIA, NCARB

Principal Architect

Gravity::Works Architecture

(316) 321-4774 :: C (316) 323-2535

haines@gravityworks-architecture.com

101 S. Star | El Dorado, KS 67042 | gravity::works



Outlook

Please slow down!

From Kathy Rowland <kstr6280@gmail.com>**Date** Mon 4/13/2026 1:57 PM**To** Scott Rickard <srickard@eldoks.gov>

To the commissioners of The planning and zoning committee. Please step back and take time to really research for yourselves about data centers. Not listen to someone else, but find good reliable resources and look for yourself. We are requesting a 90 day moratorium on any definitions, ordinances or zoning to give the citizens a chance to also research and learn if this is something they want in their community. Please remember this will affect you and your family too. Including the negatives which seem to far outweigh the positives.

Thank you.

Kathy S. Rowland
1507 NW Hunter Rd.
Towanda, Ks 67144

Sent from my iPhone

Sent from my iPhone



Outlook

Planning & Zoning - Data Center

From Stephanie Heinz <stephanieheinz499@gmail.com>

Date Mon 4/13/2026 1:17 PM

To Scott Rickard <srickard@eldoks.gov>

To the El Dorado City Commissioners,

We may not live in the city of El Dorado, but we do live in Butler County. Since El Dorado is the county seat, action you take can substantially impact your neighbors!!

We are completely opposed to any action by the Planning Committee that might advance any area of Butler County becoming an industrial site for any Data Center, Battery Manufacturing Facility, or any other business or facility that could negatively impact the regions natural resources or potentially create pollution or hazardous waste.

We are requesting that the Planning Committee enact a three year (minimum) moratorium on changes to current planning/zoning to allow complete and thorough investigation of potential impacts & allow residents (your constituents) to have a real voice in their community.

Thank you,

Marvin & Stephanie's Heinz
10571 SW 114th Terrace
Augusta, KS 67010



Outlook

Planning Commission-Zoning Updates

From Gerald and Elsie Haines <nvrhome0@gmail.com>

Date Mon 4/13/2026 10:41 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Mr. Rickard,

Please share my support to the Planning Commissioners for the emerging industries zoning updates. I am aware that Data Centers and other technology companies are the reason and the target for these zoning updates.

As a lifelong resident and retired elementary principal of USD 490 for over 40 years, I have watched El Dorado change and wrestle with many issues of change. We are again at a crossroad. While I am not currently in the know of details, I am certain that without proper constraints and definitions, we stand to be taken advantage of--or simply disregarded.

I commend the City and the Planning Commission for the foresight to consider zoning changes ahead of any rush.

My observations from recent public hearings and public forms...Please do not let a hypothetical scenario cloud proper preparation and good policy for the betterment of our community.

Again, please share with the Planning Commission my support for approving the proposed zoning regulations updates.

Respectfully,
Gerald Haines
321 N. Gordy



Outlook

Please Slow Down on Decision Affecting Our Children and Communities for Years to Come

From Danica Dickson <danicadickson18@gmail.com>

Date Mon 4/13/2026 9:46 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you

Danica Dickson
921 W Olive Ave
El Dorado, KS 67042



Outlook

No Data Centers!

From henryhanes12 <henryhanes12@gmail.com>

Date Mon 4/13/2026 11:56 AM

To Scott Rickard <srickard@eldoks.gov>

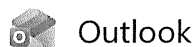
Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you,
Henry Hanes
921 W Olive Ave
El Dorado, KS 67042

Sent from my Galaxy



FW: Attn Planning Commission

From Scott Rickard <srickard@eldoks.gov>
Date Tue 4/14/2026 6:42 AM
To Amanda Stalnaker <astalnaker@eldoks.gov>

To put on Bens Comment

!! Please note my Email Address has changed: srickard@eldoks.gov !!

Scott Rickard,
CITY ENGINEER
City of El Dorado, Kansas
226 N. Vine St. | El Dorado, KS 67042
Office: (316) 322-4451
EL DORADO
K A N S A S

We're going .gov!

Beginning the week of **July 13, 2025**, all City of El Dorado email addresses will transition from **@eldoks.com** to **@eldoks.gov**. Please be sure to change your address book to reflect this change. Please also note that our City website will be accessible at [www.eldoks.gov]www.eldoks.gov.

From: Ben Whiteside <dbnjamnn@outlook.com>
Sent: Monday, April 13, 2026 8:30 PM
To: Scott Rickard <srickard@eldoks.gov>
Subject: Re: Attn Planning Commission

2710 NW Ohio St Rd
Towanda, KS 67144

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Scott Rickard <srickard@eldoks.gov>
Sent: Monday, April 13, 2026 6:38:45 PM
To: Ben Whiteside <dbnjamnn@outlook.com>
Subject: Re: Attn Planning Commission

Ben, could you please give me your mailing address

Sent from my Verizon, Samsung Galaxy smartphone
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From: Scott Rickard
Sent: Monday, April 13, 2026 5:08:29 PM
To: Ben Whiteside <dbnjammn@outlook.com>
Subject: RE: Attn Planning Commission

Received, I will pass this on to the Planning Commission.

!! Please note my Email Address has changed: srickard@eldoks.gov !!

Scott Rickard,
CITY ENGINEER
City of El Dorado, Kansas
226 N. Vine St. | El Dorado, KS 67042
Office: (316) 322-4451

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

From: Ben Whiteside <dbnjammn@outlook.com>
Sent: Monday, April 13, 2026 4:30 PM
To: Scott Rickard <srickard@eldoks.gov>
Subject: Attn Planning Commission

Hello Scott.

I am in support of the proposed zoning updates related to emerging industries. I feel that it is very important that we pave the way that clarifies how these industries can come to El Dorado in a way that enhances our community.

Thank you for your consideration and work on these zoning updates that will allow industrial growth that safely utilizes our resources, grows our tax base and strengthens El Dorado and surrounding communities.

Ben Whiteside

Sent from my iPad



Outlook

Written Comments for April 23, 2026 Planning Commission Public Hearing — Proposed Emerging Industries Zoning Amendment

From Scott Trembly <scott@trembly.us>

Date Mon 4/13/2026 11:25 PM

To Scott Rickard <srickard@eldoks.gov>

Dear Members of the El Dorado Planning Commission,

My name is Scott Trembly. I live in Butler County and work in critical infrastructure and AI systems. I want to start by saying I'm not opposed to data centers or economic development in El Dorado. I build AI systems for a living (I'm probably the last person who's going to tell you technology is bad). But I've spent the last few weeks reading this amendment, the staff memos, and the meeting packets, and I have some real concerns that deserve attention before you vote.

I've tried to be thorough here, so this is longer than a typical public comment. I'd rather give you too much information than not enough.

THE I-2 BY-RIGHT PROBLEM

I went through the proposed Appendix A use table line by line. There are 15 emerging industrial uses listed, and the amendment itself defines 13 of them as what I'll call the heavy-impact category, the uses that are subject to the Article 6 baseline performance standards for setbacks, screening, noise, decommissioning, and hazardous materials. That list includes Data Center, Battery Energy Storage, Hydrogen Production, Semiconductor Fabrication, Small Modular Reactors, and nine others.

Of those 13 heavy-impact uses, 12 require a Special Use Permit in every zone where they're allowed. Only one gets by-right status anywhere in the city. That one is Data Center, permitted by-right in I-2.

Three uses in the broader table get by-right treatment in I-2: Research and Development Facility (permitted by-right in all three industrial zones), Advanced Manufacturing (SUP in O-I, by-right in I-1 and I-2), and Data Center (SUP in O-I and I-1, by-right in I-2). R&D and Advanced Manufacturing are not on the Article 6 heavy-impact list. They're general-purpose industrial categories, so their broader by-right treatment makes sense.

Data Center is different. It is on the Article 6 heavy-impact list. It is the only use on that list treated as a Special Use Permit in two zones and permitted by-right in the third. It is the only heavy-impact emerging industrial use in the entire amendment that can be built anywhere in El Dorado without a public hearing.

Battery storage? SUP in I-2. Hydrogen production? SUP. Semiconductor fabrication? SUP. Solar farms? SUP. Small modular nuclear reactors? SUP. But a data center (which can draw millions of gallons of water a day and hundreds of megawatts of power) gets by-right in I-2 with no public hearing at all.

I honestly don't understand the rationale for that. If someone on the commission or staff can explain why a data center deserves less public scrutiny than a solar panel manufacturing facility, I'd genuinely like to hear it.

I also want to point out something that confused me. On April 9, the City Engineer emailed Protect the Heartland and told them the draft regulations "would require that use to go through a Special Use Permit process." But the use table in the actual amendment gives data centers a P in I-2. Those two things can't both be true. Either data centers require an SUP or they don't. Which is it?

I understand zoning is forward-looking, and I get that the heaviest uses typically go by-right in the heaviest zones. But right now, the only I-2 land in El Dorado is the Union Tank Car property. Every other industrial parcel (including the sites people are actually talking about for data center development) is I-1. So either this by-right provision is for a 33-acre parcel that's too small for a data center facility, or the plan is to rezone I-1 land to I-2 later. If that's the case, putting data centers by-right in I-2 today sets up the ability to strip the public of the SUP process tomorrow through a separate rezoning action. That's a concern worth addressing tonight.

WHY THIS MATTERS MORE THAN IT LOOKS

Here's the thing that really bothers me about the I-2 exception, and I think it gets overlooked. Almost every standard in the proposed Article 6 uses discretionary language. "The City may require an acoustic study." "The City may impose conditions." "Where warranted by the Special Use Permit process."

Those are good standards. I actually think the Article 6 framework is well thought out for SUP projects. The commission gets a real toolkit (noise studies, decommissioning plans, hazardous materials review, truck routing, and financial surety). That's solid work.

But all of that is tied to the SUP process. If there's no SUP, there's no hearing, no site-specific conditions, and no mechanism to apply the discretionary standards. A data center built by-right in I-2 would have no mandatory noise study, no mandatory decommissioning bond, no mandatory water disclosure beyond what the applicant volunteers, and no public input at all. The only standards that apply are the baseline "shall" provisions in Section 25, and there aren't many of those.

So the commission is adopting a really strong set of protections and simultaneously creating a path for the one use that needs them most to bypass all of them. That doesn't make sense to me.

A PROCEDURAL QUESTION ABOUT CONFLICTS

I want to raise this carefully because it's not a personal attack on anyone. It's a question about process.

Commissioner Fellers serves on both this Planning Commission and the El Dorado Inc. Board of Directors. El Dorado Inc. co-owns about 104 acres on Boyer Road with the city (land that's been discussed in the context of data center development).

I know that serving on a volunteer board might seem like it shouldn't create a conflict. But on December 15, the City Manager gave the City Commission conflict of interest training. The training materials specifically say that a "perceived interest could exist if a Commissioner sits on the board of a nonprofit or civic group requesting funding, incentives, or approvals from the City." The same day, the

commission adopted Resolution 3035 (the Advisory Board and Committee Policy), which requires board members to file Statements of Substantial Interest when required.

I'm simply asking whether the Planning Commission holds itself to the same ethical standard the City Manager established for the City Commission. Has Commissioner Fellers received information about data center development through his EDC board service? Has he filed a disclosure? If he has, great. If he hasn't, I think recusal is the right call tonight.

A QUESTION ABOUT THE AUTHOR'S CREDENTIALS

Again, I want to be respectful here. I'm not questioning anyone's experience or dedication. Scott Rickard has served this city for decades and holds a long list of legitimate professional certifications. This isn't about competence.

It's about a specific legal definition. The city's own minutes consistently call him "City Engineer." His email signature at srickard@eldoks.gov reads "Scott Rickard, CITY ENGINEER, City of El Dorado, Kansas." In an April 3 email to Protect the Heartland, he wrote in his own words, "I need to stay within my responsibilities and duties as City Engineer." Staff memos in several recent meeting packets, including the December 15, 2025 and March 16, 2026 agendas, are signed "FROM: Scott Rickard, City Engineer." The municipal code defines that title as requiring "a licensed professional engineer employed by the city."

A PE license is a specific credential from the Kansas State Board of Technical Professions. It's different from a Certified Associate Constructor, a Certified Flood Manager, or a Certified Public Manager (all of which are valuable, but none of which is a PE). I checked the KSBTP database this week and couldn't find a PE license on record.

This amendment establishes quantifiable engineering standards (noise thresholds, setback calculations, utility requirements, and stormwater management). Those are engineering determinations, not just policy choices. The dual title of Planning Director doesn't resolve the question because a planning director can't establish engineering standards without an engineering credential.

If the city has documentation that this requirement is met, tonight would be a good time to show it. If it doesn't, the commission should think carefully about adopting engineering standards that may rest on an uncredentialed foundation.

The municipal code also requires all appointed officers to file an oath of office under Section 2.16.020. I'd appreciate confirmation on the record that an oath is on file for this position. If one isn't, that's a separate issue, but it compounds the concern.

WHAT I SUPPORT

I want to be clear about what I'm for. I support the idea of establishing clear standards and a review process for emerging industries. The staff memo is right that unclear definitions create uncertainty for everyone. I support a framework where data centers go through a real public process with enforceable conditions on water, noise, power, decommissioning, and community impact.

What I don't support is a framework where data centers are the only heavy-impact use that gets to skip that process. Fix that one cell in the table, and I think you've got a solid amendment.

WHAT I'M ASKING FOR

Change Data Center from P to S in I-2 (same as every other high-impact use in every zone). This doesn't kill anything. It just ensures the public gets a seat at the table.

Address the conflict disclosure and credential questions on the record before voting. If there are good answers, put them on the record. If there aren't, table the amendment until there are.

If these can't be resolved tonight, table the amendment. There's no emergency here. By the city's own testimony, there's no pending plan or proposal, this is just forward-looking. Getting it right matters more than getting it done fast.

Thank you for reading this. I know it's a lot. I appreciate your time and your service.

Sincerely,

Scott Trembly
3878 NE 2nd St
El Dorado, KS 67042
scott@trembly.us
14 April 2026



Outlook

Moratorium on zoning and ordinance changes

From Julie Pirtle <pirtlejulie01@gmail.com>

Date Mon 4/13/2026 7:09 PM

To Scott Rickard <srickard@eldoks.gov>

Dear El Dorado Planning Commission:

I am emphatically requesting a moratorium (or a complete abandonment) of any permanent zoning and ordinance changes that might draw emerging data centers to the community of El Dorado and/or Butler County. The residents of Butler County don't seem to have been given any information about or decision making power in regards to this issue before plans already look like they are underway. This is still a Constitutional republic and it is still WE THE PEOPLE who should bear the weight in important decisions such as this.

We do not live in El Dorado, but we shop in and frequent the city, and our family works there. We live in Butler county near Leon.

We do not believe a data center would be good for this community or for Butler County. This county already suffers from a lack of water resources, and we already experience electrical outages yearly. A data center would draw on our already limited resources, and would inevitably draw them away from rural customers like my family. More metropolitan areas like Wichita or Topeka are better suited places for such industry.

Jason and Julie Pirtle
16261 SE Cole Creek Rd.
Leon, KS 67074
(405) 623-9154



Outlook

No Data Center

From Lauren McLaughlin <laurenkm27@gmail.com>

Date Mon 4/13/2026 6:55 PM

To Scott Rickard <srickard@eldoks.gov>

Hello,

My name is Lauren Eddy, I am currently residing at 6501 N Hydraulic Ave, Park City Ks, 67219. However I have lived just outside of El Dorado for the majority of my life.

I read that a concern for the town is the lack of opportunity. I believe that El Dorado has the opportunity to be better, more community oriented, small business friendly, and much more, I think it already is.

I believe that a data center will wreck any and all chances of a living town. Not only will there be no growth, there will be no housing market, lost residents, families moving away and schools dwindling down - all due to lack of water pressure, lack of clean drinking water, noise pollution, air pollution, and so, SO much more if you chose artificial life over real human life.

To the catalysts in this disgusting development proposal, ask yourself if you would want to live with that. Ask yourself if you want to watch your health and the health of those you love dwindle away because of one of the most UNNECESSARY projects known to man. Ask yourself if you're happy to stay up at night because it never really goes dark in your house anymore, or if you have to save rain water just to take a shower.

Ask yourself if you're okay with your intelligence and mental capacity dwindling because you don't have to think for yourself anymore. Do you believe this is a good proposal for developing children to have access to?

Do you believe that we can have greedy, apathetic, ignorant and inconsiderate leaders at a state level, a community level, when at a federal level it's already clear there is no care for us?

YOU are the people that we look to to create change. YOU are the ones we can depend on. YOU are the ones responsible for making our voices, our concerns, our NEEDS heard.

Ask yourself if you're okay with the guilt that comes as you watch your community die.

Do better,
Lauren Eddy



Outlook

No To Data Centers in El Dorado

From Nicholas McDaniel <thegreat_havok@hotmail.com>

Date Mon 4/13/2026 3:11 PM

To Scott Rickard <srickard@eldoks.gov>

Hello My name is Nicholas Tong, and I Reside at 1017 Clark Ave, El Dorado , KS
After reviewing countless articles upon the subject, I do not feel that data centers serve our community's interests, Many of us in the community have already expressed various concerns in regards to our opposition, So like Many I am requesting a SLOW DOWN (called a Moratorium) any permanent zoning and ordinance changes that might inadvertently help welcome any harmful emerging industries (like data centers) into the city or county.



Outlook

Attn Planning Commission

From Ben Whiteside <dbnjamn@outlook.com>

Date Mon 4/13/2026 2:29 PM

To Scott Rickard <srickard@eldoks.gov>

Hello Scott.

I am in support of the proposed zoning updates related to emerging industries. I feel that it is very important that we pave the way that clarifies how these industries can come to El Dorado in a way that enhances our community.

Thank you for your consideration and work on these zoning updates that will allow industrial growth that safely utilizes our resources, grows our tax base and strengthens El Dorado and surrounding communities.

Ben Whiteside

Sent from my iPad



Note of Support

From Kirkhart, Chandler <chandler@sw-advisers.com>

Date Mon 4/13/2026 2:43 PM

To Scott Rickard <srickard@eldoks.gov>

Good afternoon, Scott!

Just reaching out to say that I am in support of adding zoning amendments that clarify what these industries would have to follow if they wanted to come to El Dorado.

Thanks or all you do.

Chandler E. Kirkhart, M.B.A.
Financial Adviser
117 S. Main
El Dorado, KS 67042
O: 316.321.3132
F: 316.348.8388
E: chandler@sw-advisers.com

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Outlook

Data Center Project comments ATTN Planning Commission Secretary

From Rhonda Morrison <kirkandgirls@hotmail.com>

Date Mon 4/13/2026 2:46 PM

To Scott Rickard <srickard@eldoks.gov>

Hello,

As a lifelong Butler County resident, I would like to submit comments for the El Dorado Planning Commission.

My husband and I live 7 miles south of Leon but we get our water from Butler Rural Water district #6 (Eldorado lake water) and our electricity from Butler Rural Electric Coop Association so we have legitimate concerns about future water and electric needs and costs. I have a Butler County Times Gazette from Saturday April 4th. On the front page is one article about Data Centers and right next to it is an article titled Future of Water: Farmers, Policy Leaders Confront Growing Crisis Across the Plains. As a Butler Rural Electric customer, we get a monthly magazine called Kansas Country Living...there have been several articles over the past few years talking about how it's going to be difficult to keep up with the electricity demands in the future. My husband and I watched a lengthy documentary about Data Centers a few years ago. Besides massive electric and water usage, the hum of the center drove property values down and what seemed like a good thing at first became a terrible thing for homeowners and town residents. I've seen articles where commission members in other areas are signing NDAs and I don't believe that is appropriate. I have concerns about the mayor owning a tech company so is a data center being pushed so he can benefit?

All it takes is a quick Google search and you can find many, many negatives to building a data center. Please do research and due diligence during this time. These big companies will promise you the moon to get their foothold into our county. Full Transparency and a county wide vote would be the right thing to do!

Respectfully submitted,

Rhonda Morrison
16992 SE Bluestem Rd
Atlanta, KS 67008 (In Butler county on 170th Street.)



Outlook

Support for Zoning Updates

From Luke Stenzel <luke.stenzel@ibhc.com>

Date Mon 4/13/2026 12:46 PM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission Members,

I'm writing to support the proposed zoning updates related to emerging industries, including data centers. The interest in El Dorado today reflects years of intentional effort to position the community for growth. Through the work of El Dorado Inc, this has been a strategic approach focused on strengthening the tax base and attracting sustainable investment.

These updates are an important next step. They provide clear expectations and a consistent framework to evaluate opportunities while balancing growth with community priorities and maintaining competitiveness.

Projects like data centers can deliver meaningful benefits through property taxes, utility revenues, and water sales, often with limited impact on city services. Modern facilities are also designed to operate efficiently and responsibly.

This effort is about being prepared for future opportunities, not reacting to a single project. Continued planning and clear standards are key to long-term success.

Thank you for your time and consideration, and I encourage you to move these updates forward.

Best,

Luke Stenzel
120 N Main St. Suite 3 El Dorado, KS 67042



Outlook

zoning regulation letter of support

From Ryan Liess <Ryan.Liess@INTRUSTBANK.COM>**Date** Mon 4/13/2026 12:30 PM**To** Scott Rickard <srickard@eldoks.gov>

Scott,

I am writing as a citizen of El Dorado to express support for the City's consideration of reviewing and, if appropriate, updating our zoning regulations.

As our community competes with other Kansas cities for investment and job creation, it's important that our policies reflect today's economic landscape. Zoning regulations written years ago may not always provide the flexibility or clarity needed to position El Dorado competitively. Taking time to review them could help ensure our framework supports long-term, sustainable growth.

This note is not an endorsement of any specific project or proposal, nor is it written on behalf of my employer. Rather, it is offered in support of a thoughtful discussion about whether our current regulations best serve the future of our community and position us better for consideration for industry and investment.

Thank you for your time and continued service to El Dorado.

Respectfully,

Ryan T Liess | Community Bank President

OFFICE 316-321-8910 | **MOBILE** 316-641-6169 | **FAX** 316-321-8950 | **NMLS ID** #671395

INTRUST Bank | 100 S Main | El Dorado, KS 67042 | intrustbank.com

Classified as Confidential



Outlook

Comments for the El Dorado Planning Commission

From Rachel Harder <rachelharderphoto@gmail.com>

Date Mon 4/13/2026 12:21 PM

To Scott Rickard <srickard@eldoks.gov>

Reading for the upcoming public hearing on April 23, 2026:

Dear Planning Commission,

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you,

Rachel Harder
2757 NE Grant Rd.
El Dorado, KS 67042



Outlook

El Dorado - Support for Zoning Amendments

From Mike Kelso <Mike.Kelso@pec1.com>**Date** Mon 4/13/2026 12:13 PM**To** Scott Rickard <srickard@eldoks.gov>

Mr. Rickard and Planning Commission Members -

I am writing to express my support for the proposed zoning updates related to emerging industries, including data centers. These updates are critical to ensuring the community is prepared. They provide clarity, establish expectations, and create a consistent framework to evaluate opportunities—protecting the community while enabling the El Dorado area to remain competitive. Successful economic development requires planning ahead, setting clear standards, and leading with intention.

Thank you for your efforts and consideration. I encourage you to move this forward.

Thank you,
Mike Kelso
5849 SW 30th
El Dorado, KS 67042

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Outlook

April 23, 2026- Planning Meeting Comment- Data Center Concern Comment

From Bluestem Acres, Llc- Towanda, KS <bluestemacresks@gmail.com>

Date Mon 4/13/2026 11:13 AM

To Scott Rickard <srickard@eldoks.gov>

Mr. Rickard,

Please see my comment below regarding Data Centers. My address is included at the end of my comment, with my signature. Thank you for your service to the El Dorado community.

Regards,

Samantha Kessler

To the members of the El Dorado Planning Commission,

Hello, my name is Samantha Kessler, and I am a resident of Butler County, District 3 and a regular patron of El Dorado businesses. I ask today that you please take the time to consider my comment, voicing my direct opposition to the allowance or any type of zoning clarification that would make it easier for hazardous industry to move into El Dorado and the surrounding county area without proceeding with extreme caution. I am sure that you have received several communications of this type over the last few weeks. It is my hope that adding one more to the pile can help convince you that these types of industry are not something we want to see in our communities.

As a county resident in District 3, there are multiple municipalities that I could choose from to do my regular shopping and commerce functions. I don't live in Butler County because I want access to amenities. I live in Butler County because it's the furthest out that I could justify going at a time in my life when I needed regular, daily access to my employer in Wichita. That chapter of my life has closed, and if we could afford to move further out, we would do so, but that's not where we are right now. Instead, I consistently choose to drive to El Dorado versus going to Wichita or Andover for my groceries, gas, livestock feed and banking needs. I chose to go to a smaller town because that's what suits me. El Dorado offers less traffic, convenient business locations and a peaceful and quiet atmosphere. The bustle and noise of city life is present, but at a much lower level than what is found in the larger communities of Wichita and Andover. I appreciate the quiet nature of El Dorado. El Dorado feels safe, it feels gentle, it feels small, and that's a good thing. The lack of hazardous industry in El Dorado helps to create that feeling. It is my personal opinion that maintaining the small town feel is in the best interest of El Dorado. I'd like to see further development of small, boutique business and a focus on curating a little "tourist town" to take advantage of the proximity to El Dorado Lake, instead of a focus on bringing big tech and emerging industry.

The group name for the type of industry most closely associated with Data Centers speaks for itself- hazardous industry. Hazardous isn't referring to the effect on the local economy, as I recognize that there are some lucrative financial possibilities for the community should a facility come to town. Hazardous refers to the effects these types of industry have on the local environment and the ripple of that negative effect out to the local community. Our environment

is everything we interact with to complete the daily functions of life. This includes the necessary resources and the convenient resources. We must consider the effects of hazardous industry on our air, water, noise, and light.

Yes, El Dorado does have light, noise and air pollution already since the refinery is in operation at the south end of town, but that doesn't mean that we should pave the way for more. The refinery has become an integral part of the community, providing hundreds of jobs and giving back philanthropically to many local programs. We, as residents, accept HF-Sinclair as a partner in the community, but acceptance does not mean we would not oppose another refinery company moving to town.

Water is a large concern of mine. Usage may not be the tens of thousands of gallons a day that the early types of data center facilities required, but even if the volume of usage is minor and the facility utilizes a closed loop cooling system, what risk does one of those systems hold if a leak were to occur into our local groundwater? El Dorado is surrounded by an accessible aquifer. Many rural homesteads have well water access, as well as well service to fill watering opportunities for the livestock raised on the surrounding acreage. Is the tax revenue gained for the community of El Dorado worth risking the water source for the surrounding county areas?

I know that these facilities are being marketed as "the best thing" and an absolute requirement right now as the AI industry booms by the companies that want to build them, but I urge you all to consider the wishes of your constituents before you pave the way for a facility with a hazardous industry classification to arrive in El Dorado. Please proceed with extreme caution. El Dorado has so much to offer, let's not give it away to a big business just because it makes a difference in the bottom line of the city budget.

Sincerely,

Samantha Kessler
10790 SW 15th St
Towanda, KS 67144



Outlook

Data center exploration

From Carol Blakeman <caroljoblakeman@outlook.com>

Date Mon 4/13/2026 10:24 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Regarding the upcoming public hearing on April 23, 2026:

Since many citizens of our community have concerns about the environmental and health impacts that a data center could have on our community, I join with others to request a 90 day moratorium on zoning, definition and ordinance recommended by the commission so that we as citizens can further study the possible ramifications and come to a consensus with you.

Thank you,
Carol Blakeman
203 South Denver
El Dorado



Outlook

Zoning Consideration(s)

From Bryan Coons <Bryan.Coons@INTRUSTBANK.COM>

Date Mon 4/13/2026 10:16 AM

To Scott Rickard <srickard@eldoks.gov>

Scott,

This note is being submitted to support consideration for revising current zoning policies or adding zoning requirements for new or emerging industries that could consider El Dorado, KS as a location for their business operations.

- This would help these companies and all other parties know what to expect when considering El Dorado, KS.
- This note is more conceptual to help be prepared.
 - This note does pledge support for any specific project on behalf of myself (personally) or INTRUST Bank.

I would also encourage the municipality (City of El Dorado) to allocate time to determine what value added items the City of El Dorado and its citizens could potentially request newer companies or industries to help the City with as opportunities come forth.

- IE: Along the lines of new companies to the community wanting to be a good partner and helping with infrastructure improvements, community projects, etc.

Regards,

Bryan Coons

Senior Commercial Relationship Manager

OFFICE 316-321-8914 | **MOBILE** 316-640-1923 |

INTRUST Bank | 100 S. Main | El Dorado, KS 67042 |



Outlook

Planning Commission - Zoning Reg Updates

From Vince Haines <haines@gravityworks-architecture.com>

Date Mon 4/13/2026 10:12 AM

To Scott Rickard <srickard@eldoks.gov>

To the El Dorado Planning Commission,

First, I want to extend my thanks to you for your volunteer work and passion for the City of El Dorado. I appreciate your willingness to serve and respect the time you give.

I am writing to you from many perspectives. Lifelong resident, business owner and employer, community volunteer, and former Mayor. I am acutely aware of the challenges that Cities like El Dorado face. Opportunity for valuable economic development is a marathon and not a sprint. We have successes and the assets to be more.

I am writing today to express my support for the updates to the Zoning Regulations to address Emerging Industries. I see in my profession, as well as my work with El Dorado, Inc., the importance for municipalities to be prepared for these discussions. The proposed changes clearly set the stage so earnest discussions with potential projects can proceed with confidence. Both from the City's perspective, and the Developer / Project perspective. Uncertainty is the quickest way to lose opportunity.

I ask that you stay focused on the task at hand and proceed with the zoning updates. They are important as we consider future opportunities in our new world of industrial prospects.

Thank you again for your time and consideration.

Sincerely,

Vince Haines AIA, NCARB

Principal Architect

Gravity::Works Architecture

(316) 321-4774 :: C (316) 323-2535

haines@gravityworks-architecture.com

101 S. Star | El Dorado, KS 67042 | gravity::works



Outlook

Re: No AI Data Center in El Dorado

From Laura Collins <lauracollins60194@yahoo.com>**Date** Mon 4/13/2026 10:08 AM**To** Scott Rickard <srickard@eldoks.gov>

Scott:

Per your request below is a copy and paste of the information in the word document.

Negative effects of AI Data Centers

AI data centers generate significant negative impacts by driving massive energy demand (equivalent to 100,000 households per center), leading to increased greenhouse gas emissions. They consume millions of gallons of water daily for cooling, threatening water scarcity, while causing localized noise pollution, increased utility costs for residents, and hazardous e-waste.

- **Water Depletion:**

Data centers use vast amounts of water to cool computers, potentially exhausting local water supplies.

Environmental and Safety Impacts

- **Groundwater Contamination:** Studies have shown that wastewater from cooling processes, when used for irrigation or disposed of on nearby land, can seep into the ground, leading to dangerous levels of nitrates in well water, particularly in areas like the Umatilla Basin in Oregon.
- **Reduced Water Quality:** Even in small amounts, these additives can degrade water quality, as seen with PFAS that have been linked to server equipment and cooling systems.
- **High Water Usage:** AI systems require vast amounts of fresh water for cooling, often affecting local water supply security and the surrounding ecosystem.

Yes, chemicals from AI data center cooling systems can be toxic to water sources and, if managed improperly, can pose risks to public health and the environment. Data centers often release chemical-laden wastewater containing biocides, corrosion inhibitors, and "forever chemicals" (PFAS), which can contaminate local water supplies and groundwater.

("Forever Chemicals"): Used in cooling systems, semiconductors, and cables, these chemicals are linked to serious health problems, including cancer.

- **Biocides:** Chemicals like bromine or chlorine dioxide, used to prevent algae and bacteria growth in cooling towers, can kill aquatic life if released.
- **Corrosion Inhibitors:** Substances such as nitrates, nitrites, and azoles used to protect piping can pollute water sources.
- **Ethylene Glycol:** A toxic component found in some cooling systems.



- **Concentrated Salts/Contaminants:** Evaporative cooling increases the concentration of existing chemicals, creating hazardous waste that can leach into groundwater.

- **Rising Utility Costs:** Increasing energy demand from data centers can lead to higher electricity bills for local communities.

AI data centers increase residential utility bills primarily by driving up demand that outstrips power supply, forcing costly grid upgrades—such as new power lines and substations—that are funded by raising rates on all customers, including households. These facilities, which often use as much energy as small cities, create high demand that spikes market prices.

Environmental and Energy Study Institute (EESI) +3

Here is how AI data centers raise residential utility bills:

- **Infrastructure Cost Sharing:** Utilities spend billions building new transmission lines, substations, and power plants to serve power-hungry data centers. Under standard utility regulations, these capital costs are often passed on to all ratepayers, not just the tech companies.
- **Surging Electricity Demand:** The sheer volume of electricity required for AI, which is projected to consume up to 12% of total U.S. electricity by 2028, puts tremendous strain on the grid, leading to higher electricity prices.
- **Market Price Spikes:** When electricity demand exceeds supply, utility companies must purchase more expensive power, driving up the average cost of electricity for everyone.
- **Subsidized Costs:** In some cases, data centers negotiate lower electricity rates, leaving residential, small business, and commercial customers to cover the remaining costs of utility infrastructure improvements.

The rapid development of AI infrastructure, often referred to as a "data center frenzy," is leading to record-high utility rate increase requests to support this growth, directly impacting consumer bills

- **Noise Pollution:** The constant hum from cooling fans and servers can reach 80 dBA, leading to sleep disruption, high stress, and cardiovascular issues for nearby residents.

AI data centers are increasingly receiving massive tax incentives—offered by 36+ states—exempting them from sales and property taxes, which often results in lost local revenue for schools and services while raising utility costs for residents. These incentives, meant to attract jobs, often yield low employment, leading to growing public backlash, stalled projects, and state-level efforts to roll back exemptions.

Key Data Center Tax Incentive Issues:

- **Widespread Tax Exemptions:** Over 36 states offer incentives, such as sales tax exemptions on equipment and construction materials, to lure data centers.
- **Impact on Residents:** These exemptions reduce revenue for local services and schools. Additionally, high energy consumption by AI data centers can increase electric bills for local residents.
- **Low Employment Returns:** Tax breaks per job can be extremely high, in some cases over \$1 million. For example, in Connecticut, a \$17 million rebate was given for only five new jobs.
- **Growing Backlash:** Due to fiscal concerns, states like Michigan, Ohio, and Washington are considering limiting or removing these tax breaks.
- **Clawback Policies:** Advocates suggest requiring 20-year operational commitments with penalty "clawbacks" to ensure communities get returns on investment.

Thank You
Laura Collins

On Monday, April 13, 2026 at 11:24:29 AM CDT, Scott Rickard <srickard@eldoks.gov> wrote:

Laura,

Could you please do me a favor and include the text from your attachment into the email body, that way I don't have a separate Word document.

Thanks Scott

!! Please note my Email Address has changed: srickard@eldoks.gov !!

Scott Rickard,
CITY ENGINEER
City of El Dorado, Kansas
226 N. Vine St. | El Dorado, KS 67042
Office: (316) 322-4451

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From: Laura Collins <lauracollins60194@yahoo.com>
Sent: Monday, April 13, 2026 11:14 AM
To: Scott Rickard <srickard@eldoks.gov>
Subject: No AI Data Center in El Dorado

Attached is a pdf of some of the negative effects of an AI Data Center. I do NOT want an AI Data Center in El Dorado.

In addition to all the negative effects of an AI Data Center this would also allow these companies to control our elections. They have billions of dollars to spend to get whoever they want elected. This would have a HUGE impact on our community.

Thank you for your time and consideration.

Laura Collins
1310 Skyview Drive
El Dorado, KS 67042-4121
224-329-7089 Cell #
316-600-5052 Home Ph#
lauracollins60194@yahoo.com Email



Outlook

Support Note

From Jared Haury <Jared.Haury@communitynational.net>

Date Mon 4/13/2026 9:37 AM

To Scott Rickard <srickard@eldoks.gov>

Scott,

I am in support of adding zoning amendments that clarify what these industries would have to follow if they wanted to come to El Dorado.

Jared M. Haury

President

301 N. Main St., P.O. Box 223

El Dorado, KS 67042

Business: (316)320-2265, Ext 40516

Cell: (316)323-8798

NMLS #1811767



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Outlook

Zoning changes

From Regina Zaro <reginazaro@hotmail.com>

Date Mon 4/13/2026 9:30 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission,

In regards to the hearing April 23, because of the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, I would like to request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by the group so that other concerned community members have more time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve El Dorado. Thank you for your attention on this matter.

Regina Jurgens
431 N Taylor St
El Dorado KS, 67042



Outlook

Written comments for Planning Commission

From Amy Gardner <gardner.amy@gmail.com>

Date Mon 4/13/2026 8:02 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you

Richard and Amy Gardner
7246 NW Kiowa Rd
El Dorado, KS. 67042



Outlook

April 23rd Commission Meeting

From Jordan Friesen <jjfreeze87@gmail.com>

Date Mon 4/13/2026 8:39 AM

To Scott Rickard <srickard@eldoks.gov>

Dear Planning Commission -

Reading the upcoming public hearing on April 23, 2026:

With the extent of concern regarding the possible health and environmental effects of various emerging industries, including data centers, on a community, we request a 90 day moratorium on any definition, ordinance, and zoning recommendations made by this group so that the citizens have ample time to provide you with recommendations for what definitions, ordinances, and zoning changes would best serve our community going forward.

Thank you

Jordan Friesen
425 S Arthur St, El Dorado, KS 67042

~Jordan Friesen~

"Seek first the kingdom of God and His righteousness and all these things shall be added to you." Matthew 6:33



Outlook

FW: AI data center in El Dorado, KS

From Scott Rickard <srickard@eldoks.gov>
Date Wed 4/1/2026 12:12 PM
To Amanda Stalnaker <astalnaker@eldoks.gov>

!! Please note my Email Address has changed: srickard@eldoks.gov !!

Scott Rickard,
CITY ENGINEER
City of El Dorado, Kansas
226 N. Vine St. | El Dorado, KS 67042
Office: (316) 322-4451
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From: David Dillner <ddillner@eldoks.gov>
Sent: Wednesday, April 1, 2026 2:11 PM
To: Scott Rickard <srickard@eldoks.gov>
Subject: FW: AI data center in El Dorado, KS

For the record.

David

###

Good morning Commisioner Tipton,

I understand there is currently consideration for having an AI data center in El Dorado, KS
I want to point out some of the cons of such a facility and why I would recommend not having one in or near El Dorado, KS

- ? **Increased power demand** — Data centers consume large amounts of electricity, which can strain local grids and raise energy costs for residents and businesses.
- ? **Higher water use** — Many cooling systems use substantial water, potentially stressing local water supplies or wastewater systems.
- ? **Noise and light pollution** — Backup generators, cooling systems, and 24/7 operations can increase noise and nighttime light near the facility.
- ? **Traffic and infrastructure wear** — Construction and ongoing deliveries (equipment, maintenance) increase heavy-vehicle traffic and road wear.
- ? **Land use and local development pressure** — Large facilities can consume valuable land and change zoning/use patterns, possibly reducing green space or agricultural land.
- ? **Heat island effect** — Waste heat discharged can raise local temperatures, affecting microclimates.
- ? **Economic displacement** — Rising property values and taxes near new investment can pressure lower-income residents or small businesses.
- ? **Environmental risks** — Potential for chemical spills (coolants, batteries), increased carbon footprint if power is fossil-fuel based, and challenges with electronic waste disposal.
- ? **Security and privacy concerns** — Perceived risk of becoming a target for cyber attacks or physical security threats; local residents may worry about data-handling practices.
- ? **Limited local job creation** — After construction, operational staff needs are often relatively small and specialized, so long-term local employment gains may be limited.
- ? **Regulatory and permitting burden** — Local governments may need to respond to complex regulatory, zoning, and emergency-planning requirements.

Thanks for your time and attention to this matter.

Frank Collins
1310 Skyview Dr.
El Dorado, KS 67042-4142



Outlook

Data Centers

From Melissa Hamilton <melissa@hamiltonfarmsks.com>

Date Mon 3/30/2026 7:28 AM

To Engineering <Engineering@eldoks.gov>

Good Morning,

I was recently made aware that El Dorado is considering changing the zoning laws to allow for data centers to be built.

I am against data centers being built due to their high demand of resources and the negative impacts they have on local communities.

Data centers do not belong in the flint hills of Kansas.

I hope that you are listening to the community regarding this matter.

Thank you,

Melissa Hamilton

OFFICES OF
CONNELL & CONNELL
AN ASSOCIATION OF ATTORNEYS
318 WEST CENTRAL, P. O. BOX 6
EL DORADO, KANSAS 67042

O. J. CONNELL, JR.
(1914-2000)

RAY L. CONNELL
RAY@CONNELLANDCONNELL.COM

TIM CONNELL
TIM@CONNELLANDCONNELL.COM

TEL: (316) 321-4300

FAX: (316) 321-1530

DATE: April 10, 2026

MEMO TO: Scott Rickard, Community Development Director, City of El Dorado
City of El Dorado Planning Board: James Barnaby
Steve Fellers
Lawrence Fischetti
Debbra Laforge
Scott Leason
Brad Long
Austin Letts
Norm Wilks
City of El Dorado City Commission: Mayor Bill Young
Commissioner Andrew Tipton
Commissioner Syndee Scribner
Commissioner Leon Leachman
Commissioner Kendra Wilkinson

MEMO FROM: Ray L. Connell

RE: Zoning for Data Centers

Scott, Planning Board Members, Mayor, and City Commissioners:

By way of introduction, I am Ray Connell with the Law Firm of Connell & Connell. My family have been residents of Butler County since the early 1900's. My father practiced law for over sixty (60) years in El Dorado, I am starting my fifty-first (51st) year as an attorney practicing here in Kansas, and my brother Tim, whom I practice with, started his forty-fifth (45th) year. We raised our children here in El Dorado. My wife Carolyn and I have been active participants and supporters of creation of the YMCA Facility and the BG Products Football, Soccer, and Track Facility. I actively participated in recruiting Barton Solvents and BG Products, Inc. to the El Dorado Industrial Park. El Dorado, Butler County have been and continue to be very important.

Over thirty-five (35) years ago, I was retained by Butler County Commission to represent the County in the zoning for the El Dorado Correctional Facility. At those Planning Board meetings, we heard opposition state:

1. The prisoners will escape on a weekly basis.

2. When they escape, they will go to the houses in Prospect and El Dorado and cause physical harm to our families, steal our vehicles and property.
3. That real estate values in Prospect and El Dorado will significantly reduce in value because of the Correctional Facility.

Those of you that were here may recall the emotion that was involved in those Zoning and Planning meetings. After more than thirty-five (35) years, I can accurately report that in that time period:

1. There has only been one (1) escape from the Correctional Facility and those two (2) inmates got as far away from the Facility as possible in the shortest period of time. They were captured in Arizona.
2. There have been no families harmed by any of the inmates at the Correctional Facility in those thirty-five (35) years.
3. The values of the real estate have not diminished because of it.
4. The income from the employees at the Correctional Facility have been a steady reliable source of economic base for our community.

Which leads me to the reason for this letter.

I support a Data Center, being constructed in Butler County with the help of the City of El Dorado. I do so for the following reasons:

1. It is a clean industry.
2. I personally at my own expense, went to Atlanta last week. I took a tour of three (3) Data Center Facilities, two (2) of which were in operation, and had zero (0) noise. The third one was under construction and it was very well made with a large number of contractor employees.

Full disclosure, I have been retained by Beltline and Butler Rural Electric Cooperative to assist in the location of a Data Center in the Butler Rural Electric Cooperative service territory. I have been involved in the meetings with the City and County Administration and I know firsthand about the following:

1. Water: Living in El Dorado and being a taxpayer, I know of the debt obligation of the City to the United States Corp of Engineers for the water in the reservoir. A Data Center would use water from the reservoir and pay the City of El Dorado for that resource, which would be assistance in servicing the debt to the Corp of Engineers. That water will be recycled in the Data Center and not negatively affect the water rates for the citizens of El Dorado. (These facts could be verified through Scott Rickard and David Dillner, with the City.)
2. Electricity: I serve as General Counsel for Butler Rural Electric Cooperative and know, as a matter of fact, that providing electric power to a Data Center will not negatively affect

those current or future Benefit Unit users of Butler Rural Electric power. Their electric power for the Data Center would be a separate designated line and it would more probably reduce the cost of power from Butler Rural Electric to its current users. (This information could be verified from the CEO of Butler Rural Electric, Kevin Brownlee.)

3. There is no offensive noise associated with the current Data Center operations. (This fact can be verified by those in the attendance in Atlanta touring the facilities last week: William Johnson, County Manager; Kevin Brownlee, CEO of Butler Rural Electric; Vince Haines, past Mayor of the City of El Dorado and President of El Dorado, Inc.; Sarah Hoefgen, El Dorado, Inc. Executive Director, that personally saw and heard Data Centers in operation.)
4. I also know for a fact on the Data Center that is being proposed in Butler County, any and all costs associated with providing services to that facility, either for City water or Butler Rural Electric improvements would be paid for by the Data Center developer and not those entities or the public.
5. There will be significant tax contribution benefits to the City and County in addition to more employment.

In closing, I would encourage the Planning Board and the Commission to simply state that any Data Center application would require a Special Use Permit rather than a zoning change. In the Special Use Permit, the City can confirm in writing that there will be no noise above a certain decibel level, that there will be no light escaping the perimeter of the site, that there will be no traffic in excess of so many vehicles a day, that any road to the facility would be improved at owner's expense.

I am available for any and all questions. I attended the open protest meeting April 7th. I can for a fact say that the information shared with the public at that meeting was not based on objective facts. Please review the Letters of Opposition in that light. Please do not let "Not in My Backyard" make your decision.

Had the County Commission allowed that to be the determining factor thirty-five (35) years ago, El Dorado / Butler County would not have benefited from the economic revenue of the Correctional Facility.

Sincerely,

A handwritten signature in cursive script that reads "Ray L. Connell". The signature is written in dark ink and is positioned above the printed name.

Ray L. Connell

Dear Planning Commission,

I am writing you today as a concerned resident of El Dorado to respectfully request that the planning commission adopt a citywide moratorium on the permitting and approval of new or expanded “data center or emerging technology” facilities.

While I understand the need for economic development, the rapid growth of these industries brings unique, high-intensity impacts that our current zoning regulations are not equipped to handle. A temporary pause is a responsible, proactive measure to allow the Planning Commission time to update our city code and ensure proper protection for our community and resources.

My concerns, which are shared by many residents, include:

- **Unprecedented Water & Power Consumption** – The enormous energy demands of new data centers threaten to drive up local utility rates and strain our electrical grid and water resources.
- **Environmental & Quality of Life Impacts:** Potential noise pollution from cooling systems, heat generation, the large footprint of the warehouses, significant water usage for cooling, and the potential for PFA contamination are all potential issues that have not been adequately addressed. Even so-called “closed-loop systems” put a significant strain on resources and have not only not been addressed but have been touted as a “safe” option for cooling.
- **Need for Comprehensive Zoning Requirements:** Current discussions have been centered around ‘potential’ benefits of these data centers and no realized or concrete benefits to the community have been proposed. We need to create regulations that adequately address community concerns and that ensure that the potential benefits are regulatory and not based on things that “might happen”.
- **Effectiveness of proposed “alternate cooling methods:** During the last working session, community members and commission members heard alternative cooling methods proposed such as “closed loop systems” and “air cooled” systems. These methods were presented as cutting-edge methods that negated water consumption issues. However, these methods are not a magic fix for the problems data centers create. Closed loop systems are only truly closed loop in laboratory settings. In reality and in practice these systems still put a tremendous strain on resources and also use large amounts PFAS (aka Forever Chemicals). These systems frequently leak, potentially exposing our community and resources to these chemicals. The generation of heat is also a major concern. There are already studies showing that data centers create heat islands, raising surrounding temperatures significantly.

A moratorium is not anti-development; it is a necessary step to ensure our city is not locked into long term infrastructure issues by rushed and poorly considered approvals.

I urge you to pass an 18-24 month pause to allow for a thorough evaluation and to ensure that any future data centers are developed with proper, transparent, and strict regulations in place

Thank you for your service and for your time in considering this urgent request

Jarod Rutliff

1439 Lawndale Ave

El Dorado, KS 67042



An Economic Development Partnership

April 7, 2026

Dear Planning Commission Members,

I'm writing to express my strong support for the proposed zoning updates related to emerging industries, including data centers.

El Dorado is not here by accident. The interest we are seeing today is the result of years of proactive, intentional work to position our community for opportunity. Through the efforts of El Dorado Inc, we have been preparing in a way that is both strategic and sustainable, with a clear focus on attracting investment that strengthens and grows our tax base.

With that momentum comes responsibility.

These zoning updates are a critical next step. They create clarity, establish expectations, and ensure that as opportunities come forward, we are evaluating them within a framework that protects the community while allowing us to compete.

It is also important to recognize the level of impact these types of investments can have. Projects like this can significantly contribute to our community through property taxes, electric franchise fees, and water sales, all while having minimal impact on city services. Modern facilities are designed to be environmentally responsible and good neighbors within the community.

El Dorado, Inc. would never advocate for projects that would be a detriment to our community. Our focus is on responsible growth: growing our tax base, expanding jobs and payroll, creating opportunities for high-paying careers, and supporting long-term growth for our schools, and community as a whole.

This is not about reacting to a single project. This is about being ready.



An Economic Development Partnership

Communities that succeed in economic development are the ones that plan ahead, set clear standards, and lead with intention. That is exactly what this work represents.

I appreciate the time, effort, and thoughtful consideration that has gone into these updates, and I encourage you to continue moving this forward. El Dorado is consistently in the conversation for larger opportunities. It is important that we are prepared to meet that moment.

If you have any questions or need additional information to help inform your decision, please don't hesitate to reach out.

Sincerely,

SARAH HOEFGEN | *Executive Director of El Dorado, Inc.*

shoefgen@eldorado-inc.com