

Teller County Planning Commission

File No. CUP-Z19-0010

Dear Planning Commission:

I am the landowner owning the 20 acres north of the property requesting a CUP for a 20 animal kennel. Because of the length and technical aspects of the Staff Report dated July 25, 2019 for this application I sought help from friends on how I should respond to express my concerns. They have helped me prepare this letter. I really have only one concern.

According to the statements of the applicant, Barbara Neiswander, in the past 12 years she has operated the kennel, she has always picked up all dog and cat waste and placed it in plastic bags which are then disposed of in approved Teller County Waste containers. This cleaning is done daily, and no waste, as a practice, is ever disposed of in her OWTS septic system.

This is a practice with which I heartily agree, and assume will continue in the future after the CUP is granted. However, my concern is triggered by the language of Standard 8.3.S.3.b, Environmental Health. The Staff Finding states: "**As conditioned, this standard is met.** Animal waste is bagged and removed from the property on a recurring basis by a Teller County licensed waste removal contractor." My concern arises when I am unable to find exactly where in the process this finding is made a condition of the CUP. Where is the "as conditioned" made a condition?

Conditions of Approval No. 3, Representations, states: "Unless otherwise modified by this CUP, all material representations of the Applicant in her application submittal and in public hearing shall be binding." I consider representations concerning animal waste to be material, but I would not want to have to argue about whether or not it is at some time in the future. I assume that the applicant's representations about animal waste disposal are found in her application, and, pursuant to Standard 8.3.S.3.b, should be considered material to this consideration. However, that is not explicit in my reading of the Staff Report.

As an adjoining property owner on three sides of the subject property, it is a concern to me that none of the animal waste end up affecting my property, either from above or below the ground. If the bagging and removal of the animal waste by a licensed waste removal contractor is made a condition of this CUP, I have no objection to its approval. However, I would like to be assured that if animal waste from the kennel does affect my property in the future, I can point to the specific condition in the CUP and enforce compliance.

I wish Ms. Neiswander well in her new undertaking, and much success in the future with her kennel. I just want to make sure that my property values are not detrimentally affected by her activity. I would appreciate your assurances that my concern is unfounded by pointing me to the location of the language that imposes the removal of animal waste as a condition on this CUP. Thank you for your attention to my concern.

Very truly yours,

Shirley D. Yonce, 9300 Harvest Lane, Wichita, KS, 67212

P.S. I will be sending this in a signed letter by US mail