

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931 TELEPHONE (530) 872-6291 FAX (530) 877-5059 www.townofparadise.com

## **Management Staff:**

Craig Baker, Community Development Director Susan Hartman, Assistant Planner

# PLANNING DIRECTOR MEETING AGENDA REGULAR MEETING – 10:00 AM – August 31, 2016

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk. Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

# **CALL TO ORDER**

# 1. APPROVAL OF MINUTES

1a. Approval of minutes form the June 30, 2016 Planning Director meeting.

# 2. CONTINUED PUBLIC HEARING - None.

# 3. PUBLIC HEARING

Items determined to be exempt from environmental review.

3a. Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 1.26 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3) located at 7191 Pentz Road, Paradise, CA, AP No. 050-040-145.

# 4. ADJOURNMENT

STATE OF CALIFORNIA )	SS.
COUNTY OF BUTTE )	
	at I am employed by the Town of Paradise in nat I posted this Agenda on the bulletin Board I on the following date:
TOWN/ASSISTANT TOWN CLERK	SIGNATURE



5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931 TELEPHONE (530) 872-6291 FAX (530) 877-5059 www.townofparadise.com

# Town Staff:

Craig Baker, Community Development/Planning Director Susan Hartman, Assistant Planner Dina Volenski, Assistant Town Clerk

# PLANNING DIRECTOR MEETING MINUTES

**REGULAR MEETING - 10:00 AM - June 30, 2016** 

# CALL TO ORDER

# 1. APPROVAL OF MINUTES

Community Development/Planning Director Craig Baker called the June 30, 2016 Planning Director meeting to order at 10:01 a.m.

Mr. Baker approved of the Minutes of the May 31, 2016 Planning Director Hearing as presented.

# 2. CONTINUED PUBLIC HEARING - NONE

# 3. PUBLIC HEARING

RIVERA SITE PLAN REVIEW PERMIT (PL16-00148) APPLICATION: Request for site plan review permit approval to sanction and expand a multiple family land use that is existing but legal non-conforming on a +1.26 acre property zoned Community Commercial (CC) located at 5571 Skyway, AP No. 052-250-078.

Assistant Planner Susan Hartman reported to the Planning Director that the project applicant is seeking to permit an existing, legal nonconforming multiple family land use located at 5571 Skyway involving 4 dwelling units which includes the demolition and rebuild of one of the four dwellings. This project is exempt from the California Environmental Quality Act (CEQA) requirements, is consistent with the goals and land use policies of the current 1994 paradise General Plan, as conditioned, and will not be detrimental to the public health, safety and general welfare. Staff recommends that the Planning Director adopt the three findings and approve the project as conditioned with the twelve conditions of approval.

Martin Rivera stated that he is the property owner and project applicant, has reviewed the project's conditions of approval and has no objections.

Planning Director Baker did inquire of the owner about one of residences on the site plan being shown as located partially across a property line. Mr. Rivera stated that the residence was there when he bought the property. Assistant Planner Hartman pointed out to the owner that there was a general condition on the site plan review permit that in the future, that unit cannot be enlarged or rebuilt over the property line.

Community Development/Planning Director Baker adopted the required findings below and approved the Rivera Site Plan Review permit application (PL16-00148) for property located at 5571 Skyway, sanctioning multiple family land use consisting of four dwelling units subject to the following conditions of approval:

# **REQUIRED FINDINGS FOR APPROVAL:**

- a. The proposed project is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301, (Class 1) of the CEQA guidelines
- b. Find that, as conditioned, approval of the Rivera Site Plan Review permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise General Plan because project approval would promote the replacement of a legal nonconforming structure for which evidence of record exists to demonstrate that it was lawfully established in its previous location.
- c. The proposed project, as conditioned by the Town of Paradise, will not be detrimental to the public health, safety and general welfare.

# **GENERAL CONDITIONS OF PROJECT APPROVAL**

- If any land use for which a site plan review permit has been granted and issued
  is not established within three years of the site plan review permit's effective
  date, the site plan review permit may become subject to revocation by the Town
  of Paradise.
- 2. Any work within the Skyway public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.
- Any existing dwelling unit nonconforming as to yard setback may not be added onto or enlarged unless the dwelling is first brought into compliance with current setback requirements.

# CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT(S)

# **SITE DEVELOPMENT**

- 4. Secure a demolition permit through the building division for the removal of the existing structure.
- 5. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations including Wildland Urban Interface construction requirements.

# SANITATION

 Complete the requirements of the Town Onsite Sanitary Official concerning application, final system design, and the issuance of permit approvals for installation of a sewage treatment and disposal system to serve the proposed project. Provide evidence thereof to the Town Development Services Department (building division).

# **UTILITIES**

7. Any relocation or rearrangement of PG&E facilities to accommodate this project will be at the developer/applicant expense. There shall be no facilities construction allowed over or under any existing PG&E facilities or inside any PG&E easements affecting this property.

# **OTHERS**

8. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.

# CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATE OF OCCUPANCY

# SITE DEVELOPMENT

- 9. Complete the requirements of the Fire Marshal regarding plans submittal for an Automatic Fire Sprinkler System for the proposed residential dwelling.
- 10. All flammable vegetation shall be removed at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less.
- 11. Complete the project as per the Town of Paradise adopted California Building Standards and Town of Paradise approved plans and specifications.

# **SANITATION**

12. Meet the requirements of Town onsite sanitation staff regarding inspection and approval for the construction and final design of the onsite sewage disposal system.

# 4. ADJOURNMENT

Community Development/Planning Director adjourned the meeting at 10:07 a.m.
Date approved:
By: _

# TOWN OF PARADISE PLANNING DIRECTOR PLANNING STAFF REPORT

MEETING DATE: August 31, 2016, 10:00 a.m.

FROM: Susan Hartman, Assistant Planner AGENDA NO. 3(a)

**SUBJECT:** Barocas Use Permit Application (PL16-00216)

**DATE:** August 26, 2016 **AP** 050-040-145

# **GENERAL INFORMATION:**

Applicant: Robin Barocas

7191 Pentz Road, #B Paradise, CA 95969

Location: 7191 Pentz Road, #B

Requested Action: Use permit application approval to legally sanction a private

indoor dog kennel in an existing single-family residence.

Purpose: To allow eight family-owned dogs to be kept on the

premises.

Present Zoning: Rural Residential – 2/3 acre minimum

General Plan

Designation: Rural Residential

Existing Land Use: Two-family residential

Surrounding

Land Use: North: Low density residential

East: Pentz Road

South: Medium density residential

West: Vacant

Parcel Size: <u>+</u>0.86 acre

CEQA Determination: Categorically Exempt - CEQA Section 15301 (Class 1

exemption)

Other: An appeal of the Planning Director's decision can be made

within seven (7) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE

OR THE PLANNING DIRECTOR MAY NOT TAKE ACTION ON THIS

**APPLICATION** 

Barocas Use Permit PL16-00216 Page 2

### SPECIAL INFORMATION:

The project applicant is seeking authorization from the Town of Paradise to permit an existing indoor private dog kennel for the long-term keeping of up to eight family-owned dogs. The ±0.86 acre property is located at 7191 Pentz Rd and is currently developed with two single-family dwellings and two accessory structures. Zoning assigned to the site is Rural Residential-2/3 acre minimum (RR-2/3).

If approved, dogs would be kept within one of the existing single family residences on the project site and would be taken outside to a small fenced area for brief periods as necessary. No interior or exterior changes are proposed for the residence.

# **ANALYSIS:**

This project has been determined by planning staff to belong to a class of projects which are categorically exempt from environmental review, pursuant to the requirements of the California Environmental Quality Act (CEQA Section 15301 Class 1 *Existing Facilities*).

Paradise Municipal Code (PMC) Section 17.12.200 (*Permitted and conditional uses*) provides that an indoor dog kennel, defined as any premises whereon five or more dogs are kept, can be established within the RR-2/3 zone subject to town approval of a use permit. site plan review permit. Hence, submittal of the Rivera site plan review permit application is consistent with zoning regulations assigned to the project site. In addition, PMC Chapter 5.15 (*Kennels*) requires the issuance of a town-approved kennel license to authorize the keeping of five or more dogs on a single site.

The eight dogs are all small and no evidence of noise disturbances due to barking has been documented. In addition, the premises has been inspected by town Animal Control staff and found to be in a clean, sanitary condition. No other dogs are currently kept on the property.

# **ANALYSIS CONCLUSION:**

Based upon the circumstances outlined above and the neighboring properties of predominantly single family residential land uses, staff submits that town authorization to establish a private dog kennel for up to eight family-owned dogs is reasonable and appropriate. Therefore, staff recommends Planning Director approval of the Barocas use permit, based upon the following findings:

# **REQUIRED FINDINGS FOR APPROVAL:**

a. The proposed project is categorically exempt from environmental review under

Barocas Use Permit PL16-00216 Page 3

the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301, (Class 1) of the CEQA guidelines

- b. Find that, as conditioned, approval of the Barocas use permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise General Plan and in compliance with the RR-2/3 zoning assigned to the project site.
- c. The proposed project, as conditioned by the Town of Paradise, will not be detrimental to the public health, safety and general welfare.

# **RECOMMENDATION:**

Adopt the required findings for approval as provided by staff, and approve the Barocas use permit application (PL16-00216) for property located at 7191 Pentz Road (AP 050-040-145), requesting authorization to establish an indoor dog kennel for up to eight family-owned dogs, subject to the following conditions of approval:

# CONDITIONS OF INDOOR KENNEL APPROVAL

- 1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, or if compliance with use permit conditions of approval is not achieved and maintained, the use permit may become subject to revocation by the Town of Paradise.
- 2. Schedule an inspection of the indoor kennel by town Animal Control staff and meet any resulting requirements within thirty (30) days of the effective date of this use permit. Provide evidence thereof to the town Development Services Department.
- 3. Secure the issuance of a town-approved kennel license within thirty days of the effective date of this use permit.
- 4. Maintain current rabies vaccinations for all dogs kept at the indoor kennel and meet all dog licensing requirements of the Town of Paradise.
- 5. Excepting brief periods of outdoor activity necessary for sanitation purposes and/or transport off of the site, all dogs shall be kept indoors at all times. Any outdoor activity shall be limited to the 25' x 24.5' fenced area adjacent to the indoor kennel.
- 6. All areas of the indoor dog kennel shall be kept in a clean and sanitary condition

Barocas Use Permit PL16-00216 Page 4

free from any accumulation of animal waste. Properly dispose of all animal waste.

- 7. The indoor kennel shall be operated in compliance with the requirements of PMC section 6.12.030 (*Nuisances-designated*), particularly with regard to noise disturbances.
- 8. The indoor kennel shall be subject to all requirements of PMC Chapter 6.28 (*Kennels/pet shops*).
- 9. The indoor kennel shall be limited to the keeping of no more than eight small dogs of any age. No other dogs may be kept upon the property for the term of the indoor kennel land use.

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### NOTICE OF PUBLIC HEARING: PARADISE PLANNING DIRECTOR

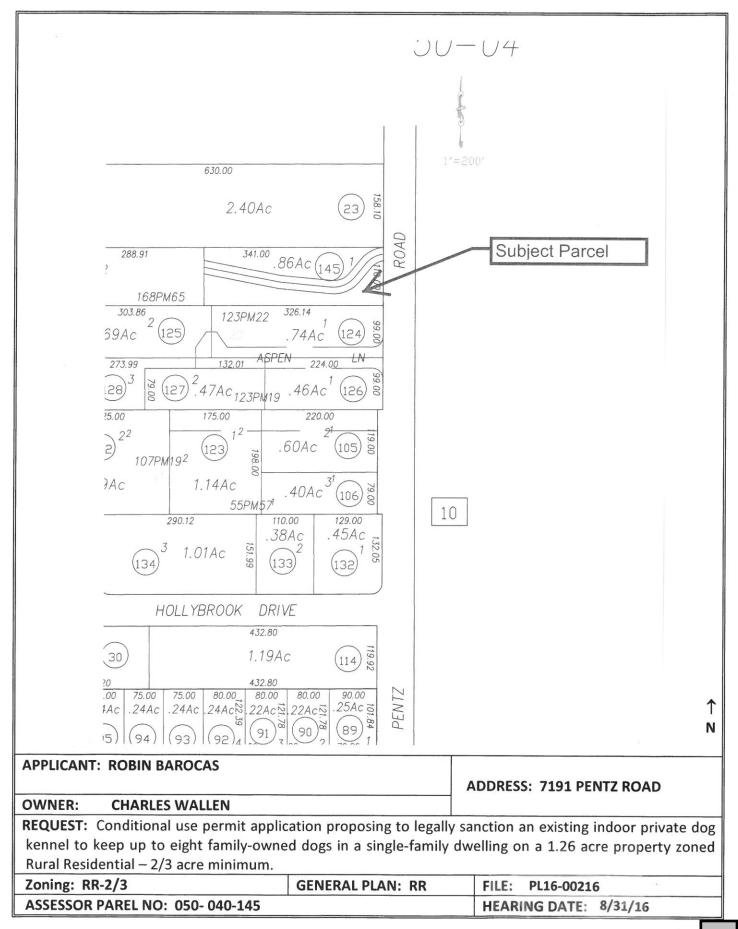
**NOTICE IS HEREBY GIVEN** by the Planning Director that a public hearing will be held on **Tuesday, August 31, 2016 at 10:00 a.m.** in the Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

a. Item to be determined to be exempt from environmental review

BAROCAS CONDITIONAL USE PERMIT (PL16-002016) APPLICATION: Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 1.26 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3), AP No. 050-040-145.

The project file is available for public inspection at the Development Services Department, Town of Paradise, Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Planning Director at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291 x114.

CRAIG BAKER, Planning Director



050-040-145-000 COULOURES PETER A & ANNE V 101 ARROYO CT #3 SAN MATEO CA 94402

050-040-146-000 COULOURES PETER & ANNE REVOCABLE TRUST ETAL 101 ARROYO CT #3 SAN MATEO CA 94402

050-013-062-000 BOYNTON ARNOLD L & CYNTHIA M PO BOX 1706 PARADISE CA 95967

050-013-061-000 MAHLING MONTE C & MAHLING RHONDA R 1611 CONNERS CT PARADISE CA 95969

050-040-122-000 NAAB WILLIAM G & LORETTA 7157 PENTZ RD PARADISE CA 95969

050-100-003-000 KING RICHARD D & ANITA M 7190 PENTZ RD PARADISE CA 95969

050-040-126-000 BILLEDEAUX BASEY K & DANA M 1694 ASPEN LN PARADISE CA 95969

050-090-045-000 LESAGE WILSON FAMILY TRUST 8345 LAKE FOREST DR SACRAMENTO CA 95826

050-040-125-000 HAWKINS RONALD & SHANNON REVOCABLE LIVING TRUST 1657 ASPEN LN PARADISE CA 95969

050-100-138-000 LESAGE WILSON FAMILY TRUST 8345 LAKE FOREST DR SACRAMENTO CA 95926

050-100-147-000 FRASER DENNIS TRUST 18008 MALLARD ST WOODLAND CA 95695

050-100-105-000 LABOSKY PHILIP SR & MICHELE 6845 PENTZ RD PARADISE CA 95969

050-040-105-000 ROBISON DAVID W & GLORIA E 7155 PENTZ RD PARADISE CA 95969

050-040-124-000 TUELL PAULA J 7181 PENTZ RD PARADISE CA 95969

050-040-127-000 KIEFER GREGORY A & SHELLY L 1678 ASPEN LN PARADISE CA 95969

Barocas, Robin 7191 Pentz Road PARADISE CA 95969 050-040-023-000 HAYNES BARBARA JOANNE P O BOX 2016 PARADISE CA 95967

050-013-060-000 SUIHKONEN STEVEN & MINDY 1621 CONNERS CT PARADISE CA 95969

050-013-059-000 ADAN MICHAEL A III PO BOX 1455 **BOYES HOT SPRINGS CA 95416** 

050-040-128-000 HAWKINS RONALD & SHANNON REVOCABLE LIVING TRUST 1657 ASPEN LN PARADISE CA 95969

050-040-123-000 THOMSEN TRAVIS JR 7159 PENTZ RD PARADISE CA 95969

050-100-106-000 SWANGLER ANTHONY A & IDALIA M 723 BILLE RD PARADISE CA 95969

050-100-122-000 ROSS MICHAEL L & DEBRA K 7172 ARANY CT PARADISE CA 95969

Paradise Unified School District 6696 Clark Road Paradise, CA 95969

Paradise Ridge Chamber of Commerce 5550 Skyway Paradise, CA 95969

Butte County Planning Courier

Butte Environmental Council 116 W. 2<sup>nd</sup> Street #3 Chico, CA 95928 Paradise Irrigation District 6332 Clark Road Paradise, CA 95969

Paradise Board of Realtors 6178 Center Street Paradise, CA 95969

Paradise Cemetery District 980 Elliott Road Paradise, CA 95969

Pacific Gas & Electric Laird Oelrichs, Land Agent 350 Salem St. Chico, CA 95928 Paradise Recreation & Park Dis 6626 Skyway Paradise, CA 95969

Paradise Downtown Business Ass. c/o Fir Street Gallery/Pam Funk 6256 Skyway Paradise, CA 95969

Butte Co. Air Quality Mgmt. Dist 629 Entler Ave., Suite 15 Chico, CA 95928

14

AVERY® Address Labels

# Barocas

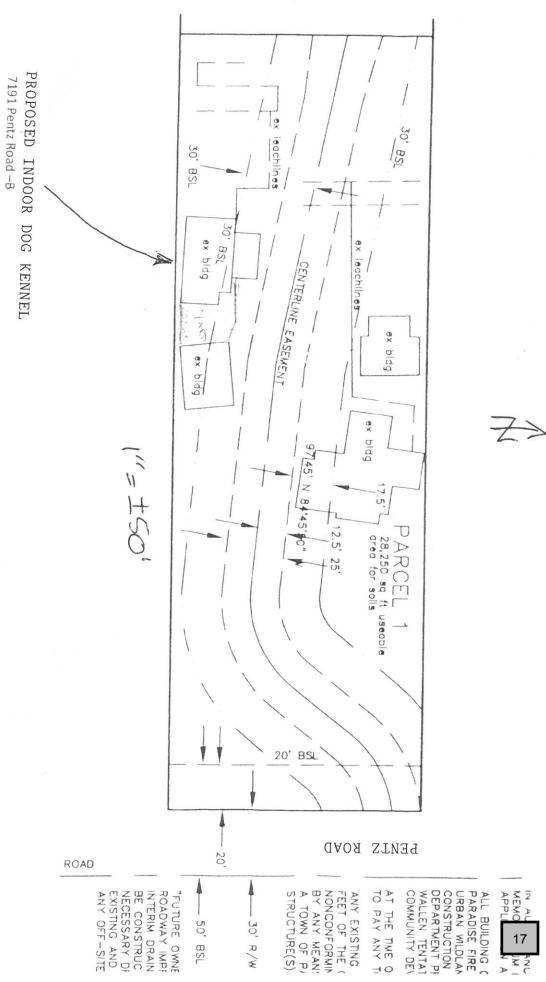
apn	owner	street_address	city_state_zip
050-040-145-000	COULOURES PETER A & ANNE V	101 ARROYO CT #3	SAN MATEO CA 94402
050-040-125-000	HAWKINS RONALD & SHANNON REVOCABLE LIVING TRUST	1657 ASPEN LN	PARADISE CA 95969
050-040-023-000	HAYNES BARBARA JOANNE	P O BOX 2016	PARADISE CA 95967
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050-100-147-000	FRASER DENNIS TRUST	18008 MALLARD ST	WOODLAND CA 95695
050-013-059-000	ADAN MICHAEL A III	PO BOX 1455	BOYES HOT SPRINGS CA 95416
050-013-061-000	MAHLING MONTE C & MAHLING RHONDA R	1611 CONNERS CT	PARADISE CA 95969
050-100-105-000	LABOSKY PHILIP SR & MICHELE	6845 PENTZ RD	PARADISE CA 95969
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050-100-122-000	ROSS MICHAEL L & DEBRA K	7172 ARANY CT	PARADISE CA 95969
050-090-045-000	LESAGE WILSON FAMILY TRUST	8345 LAKE FOREST DR	SACRAMENTO CA 95826
	Barocas, Robin	7191 Pentz Road	PARADISE CA 95969

PROJECT NAME: ROBIN BAROCAS CONDITIONAL USE PERMIT

# TOWN OF PARADISE DEVELOPMENT SERVICES DEPARTMENT

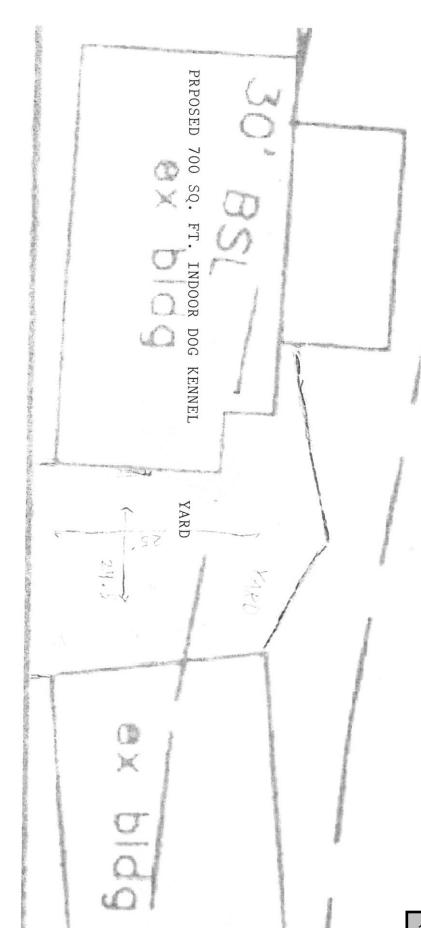
# **DEVELOPMENT REVIEW REQUEST**

TO:	Butte County Health Dept., Anim	al Control		
FROM:	Craig Baker, Community Development Director			
REQUEST:	Review and Comment			
DESCRIPTION OF PROJECT:	Conditional use permit application proposing to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 1.26 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3).			
LOCATION:	7191 Pentz Road	NEGEWER		
AP NO:	050-040-145	AUG 0.8 20th		
APPLICANT:	Robin Barocas	TOWN OF PARADISE		
CONTACT PHONE:	(916) 218-5535	COMMUNITY DEVELOPMENT DEFT.		
RETURN DATE REQUESTED:	Thursday, August 11, 202	<u>16</u>		
DATE DISTRIBUTED:	Thursday, July 26, 2016			
**************************************				
YES	$\swarrow$ yes, with conditions	NO (EXPLAIN BELOW)		
COMMENTS AND/OR RECOMMENDED CONDITIONS (attach additional sheets if necessary):				
I HAVE BEDUTO THE HOME AND SEEN THE YARD AREA; WHICH DID SEEM TO				
BE KEPT CIEAN, HOWER I WOULD LIKE TO SETHE CONDITIONS THE DOGE				
WILL BE LIVING IN, INSIDE THE HOME. ALGO, I WOULD LIKE TO SEE THE ACTUAL DISTANCE BETU				
NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.				
PLEASE MAKE A COPY FOR YOUR RECORDS.  THE PROPERTY TO RESURE THERE IS ENOUGH DISTANCES.  - JEND STANCES.				
YOU MAY FAX (877-5059) OR FMAIL (chaker@townofparadise com) YOUR COMMENTS IF YOU WISH				



Paradise , CA . 95969

July 26, 2016



7191 Pentz Road –B Paradise , CA . 95969

July 26, 2016

July 26, 2016

Robin Barocas 7191 Pentz Road B. Paradise, CA 95969

916-218-5535

Dear Mr. Craig Baker:

Spoke to my neighbors in house A and asked if they had a dog or any pets and they do not.

**Robin Barocas** 

July 14, 2016

# Supplement to Incomplete Application (P:16-00216) Robin Barocas AP# 052-040-145

# Missing Items:

1. Provide the number of dogs for which the kennel license and use permit is being requested:

8

Need to mention the the litter of **3** that was discussed with Animal Control Officer Jen Robbins while she was here, are still residing in my home.

2. Provide any details regarding how the kennel will be operated in terms of sanitation and waste disposal.

Right now I am disposing the waste in the trash. I spoke to the Fire Department and asked if this is okay and he said yes. I am 24/7 except for when I leave to go shopping or an appointment. When I do, I use the pads for them until I arrive home. I try not to be gone more than a couple of hours. Monitoring their "bathroom" time is easy for me. Also- On my shopping list I have an item called the Super Dooley Digester:

All food is prepped in a clean environment. I have worked in the baking industry and understand about proper sanitation and food handling as well as keeping chemicals out of the area. I have raised 4 children and received most of my knowledge from being a parent. I am very conscientious about germs and bacteria.

I pick up everything every single day on from the yard. I spray down and mop the concrete area by the front door as well. Everything seems to amount to one big dog since these guys are very little.

- 3. Provide a new site plan revised to show the following:
- a. Indicate which building(s) on the property will be used for the indoor kennel:

I am using the house itself, which is 700 square feet.

- 1. Provide a new site plan revised to show the following:
- a. Indicate which building(s) on the property will be used for the indoor kennel:

I am using the house itself, which is 700 square feet.

The inside of my house is used for my dogs living space except for when they need to go to the bathroom. The front door is kept open all day and sometimes in the night as well since we are in a safe protected area. They spend most of their time under my feet while I am on the computer or sit on the chair. In the night time we all go to the bedroom and some guys sleep on the bed while others prefer their little beds on the floor. All their food and water is available 24/7. They do not have any enclosures where they are penned or caged. They are free to walk around as they please. There is one little space that I have where I use the protective gates to form a little environment when each one has to eat their heartworm medicine one by one without being interrupted.

b. Indicate the location and dimensions of any outside enclosure that will be used to confine the dogs during short periods when they are outside.

The front yard is enclosed by a wooden fence, a wall from a carport, a wire chain link style fence and the house itself. At the widest point (because theres' a tiny curve in the wooden fence) measures <u>25 feet</u>. The length is <u>24 ½ feet</u> which includes the small concrete porch all the way to the front door. Fencing – Wood Fence is <u>5 feet tall</u>. Carport is <u>7 ½ feet tall</u>. Chain Link Fence is <u>5 ½ feet tall</u>. Then the rest is the house itself.

The front yard is right outside of the living room of the home. There are no cages or enclosed pens for them except for their little play tent which has an opened flap for them to come and go as they please. Coton's love to run as much as they can especially in the morning.

 I do not know my neighbors very well yet and I do not know if they have a little dog or not. I thought I heard some barking one day. From where I am located, I only see what appears to be a sunroom to the outdoors where they go out once in a while.