

**EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of:	January 19, 2022
Item No.:	5.b.
Staff:	Matthew Aselage

CONDITIONAL USE PERMIT

FILE NUMBER: CUP21-0005/Rapha Cattery

APPLICANT/OWNER: Alan and Greta Strong

REQUEST: Conditional Use Permit (CUP) to allow operation of a small home-based cattery business consisting of no more than 15 pedigree ragdoll cats.

LOCATION: Located on the southeast side of Fernwood Drive, approximately 2500-feet south of the intersection with Farrell Road, in the Shingle Springs area, Supervisorial District 2 (Exhibit A).

APN: 109-450-007 (Exhibit B)

ACREAGE: Five-acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)

ZONING: Residential Estate – Five-acres (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines (New Construction or Conversion of Small Structures).

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find the project Exempt under Section 15303 of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP21-0005, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The proposed project includes a CUP to allow a small home-based cattery business consisting of no more than 15 pedigree ragdoll cats. Keeping and raising of cats will occur on site; however, sales of cats will occur off-site via online transactions. Operation of a cattery is an allowed use with approval of a CUP on this property under the zoning designation of Residential Estate – Five-acre (RE-5) consistent with the General Plan land use designation of Low Density Residential (LDR).

BACKGROUND/HISTORY/EXISTING CONDITIONS/SITE CHARACTERISTICS

The project parcel is located within the Royal Equestrian Estates residential subdivision of Shingle Springs. The site is relatively flat and contains oak tree canopy throughout. There are no riparian features on site. The site includes one single-family residence built in 2005, one in-ground pool, and two wells. All site developments are located in the northern half of the site. No additional development exists on site, nor is any development proposed as part of this current proposal. Neighboring residential properties to the east, north, and west are similarly zoned and developed as RE-5; to the south is an undeveloped Residential Estate – 10-Acre (RE-10) zoned parcel (Exhibit D).

PROJECT DESCRIPTION

The proposed project includes a CUP request for the operation of a small home-based cattery (Rapha Cattery) housing up to 15 pedigree ragdoll cats located at 5635 Fernwood Drive, Shingle Springs, CA. The cattery would not entertain sales on-site and would include the homeowner as the only employee. The hours in which cat(s) may be taken off-site for sale, would occur during typical business hours of 9am to 5pm. This entitlement scope includes only a use with no additional site development. Rapha Cattery is registered with the International Cat Association (TICA) and will follow their best practices which include retrovirus testing, genetic testing, dental care, nutrition and weight management, parasite control, vaccinations, microchipping, and disaster preparedness and estate planning.

This use would include the use of large 64-inch by 36.5-inch pet cages which can be obtained from typical department/pet stores. Nursing kittens will be housed within the same large cage with their mother, with the exception of time in the house for socialization of the kittens. Mothers and potential mothers (referred to as Queens) will be kept inside the home or garage for most of the day and allowed to play, eat, and sleep freely. Queens will be placed in cages for sleep. For birthing and nursing purposes, queens will be placed in individual large 16.25-square-foot cages. Queens will be given at least two-hours daily while nursing to walk and strengthen their legs. Kittens will be placed in a six-foot by six-foot cage in the garage or brought into the home to socialize them. All litters will be kept separate for health reasons.

The sale of cats would occur offsite and may be arranged via online transactions. Due to health issues, customers will not be allowed to enter the residence to choose a kitten. Operation of a cattery is an allowed use in the RE-5 zone with the issuance of a CUP. No expansion of or

addition to site developments are proposed as part of this project. Additionally, no signs, landscaping, parking, or exterior lighting are being proposed as part of this project. Further, a cattery use must be in compliance with El Dorado County Title 6 regarding animals and requires the acquisition of a business license subject to review by the County Tax Collector's Department.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions) and Policy 6.2.3.2 (adequate access for emergencies). Further details are discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned RE-5 and the project has been analyzed in accordance with all applicable development standards for this zone district. Further details are discussed in the Findings section below.

AGENCY COMMENTS:

The project was distributed to all applicable local and state agencies for review and comment. Comments were received from the County's Animal Services and the County's Environmental Management Department (EMD). Animal Services provided comments which indicate this site cannot include more than 15-cats at a time and must comply with El Dorado County Title 6 regarding Animals. EMD provided confirmation of no comments or issues. The County's Department of Transportation (DOT) did not require a traffic study and or other study as traffic generated by this proposed project would be less than significant.

ENVIRONMENTAL REVIEW:

Conditional Use Permit CUP21-0005 has been found Categorical Exempt pursuant to Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines. The proposed use would result in no expansion of the existing structures and would not expand the former or existing use. Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location/Vicinity Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....General Plan Land Use Designation Map

Exhibit D.....Zoning Map

Exhibit E.....Site Plan

FINDINGS

Conditional Use Permit CUP21-0005/Rapha Cattery Zoning Administrator/January 19, 2022

1.0 CEQA FINDINGS

- 1.1 Conditional Use Permit (CUP) CUP21-0005 has been found Categorically Exempt pursuant to Section 15303, New Construction and Conversion of Small Structures, of the California Environmental Quality Act (CEQA) Guidelines. The proposed use would result in no expansion of and would not require substantial exterior modifications to the existing structures on site.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. Lands designated as LDR can be located in Community Regions, Rural Centers, and Rural Regions.

Rationale: Operation of a cattery is consistent with this policy with the issuance of a CUP. This project does not propose any changes to the land use designation applied to the site. Therefore, the proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is developed with a single-family residence and accessory structures. The adjoining properties are similarly zoned and developed as residential estate properties. No land use conflicts are anticipated as the cattery use will be conducted entirely within existing structures. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The existing residence on site will include the cattery use. No change in the use of water, sewer, and or electrical services is proposed beyond what is currently being utilized on the project site. Therefore, the project will not result in impacts to utility services.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The current project includes the added cattery use which will not result in a substantially increased need for water or fire protection services. The project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: El Dorado County Fire Protection District currently provides fire protection service to the project site. There will be no changes to the current site water supply, storage, conveyance, or site access. Therefore, the site will remain in compliance with this policy.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: There will be no changes to site access as all changes proposed will result in interior renovations only. Therefore, the project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.030.

Section 130.24.030 (Residential Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the RE-5 Zone District.

Rationale: The proposed operation of a cattery is allowed within the Residential Estate – Five-acres (RE-5) zoning designation with approval of a CUP.

CONDITIONS OF APPROVAL

**Conditional Use Permit CUP21-0005/Rapha Cattery
Zoning Administrator/January 19, 2022**

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit ESite Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The proposed project includes a CUP request for the operation of a small home-based cattery (Rapha Cattery) housing up to 15 pedigree ragdoll cats located at 5635 Fernwood Drive, Shingle Springs, CA. This entitlement scope includes only a use with no additional site development. Rapha Cattery is registered with The International Cat Association (TICA) and will follow their best practices.

This use would include the use of cages. Mothers and potential mothers (referred to as Queens) will be kept inside the home or garage for most of the day and allowed to play, eat, and sleep freely. Queens will be placed in cages for sleep. For birthing and nursing purposes, Queens will be placed in individual large 16.25-square-foot cages. Queens will be given at least two hours daily while nursing to walk and strengthen their legs. Kittens will be placed in a six-foot by six-foot cage in the garage or brought into the home to socialize them. All litters will be kept separate for health reasons.

The sale of cats would occur offsite and may be arranged via online transactions. Due to health issues, customers will not be allowed to enter the residence to choose a kitten. Operation of a cattery is an allowed use in the Residential Estate – Five-acres (RE-5) zone with the issuance of a CUP. No expansion of or addition to site developments are proposed as part of this project. Furthermore, no signs, landscaping, parking, or exterior lighting are being proposed as part of this project.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and Conditions of Approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Division

2. **Permit Implementation:** In Compliance with County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24-months of approval of this CUP or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
4. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

5. **Change in Ownership:** In the event of any change of ownership of the subject parcel (APN: 109-450-007) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this CUP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.
6. **Days of Operation:** There shall be no on-site sales. All sales shall be conducted online and transfer of cat(s) and any associated items shall be handled off-site. Cat support services required for the health and safety of the cats may be conducted on site and can include the presence of employees not living on site.
7. **Noise Generation:** No adverse noise impacts to the adjacent residents are anticipated with implementation of the project due to the distance to adjacent residences and also the fact that cattery operations will be conducted inside. However, if noise complaints are received by the County, the project applicant will hire a certified acoustical professional to conduct noise measurements to ensure that County noise thresholds are not being exceeded as a result of cattery operations. These measurements shall be presented to the County for review and approval.

8. **Business License:** Prior to operation of the cattery business, a business license must be acquired. This will require coordination with and review by the County's Tax Collector's Department.