

March 22, 2023

VIA EMAIL

Calaveras County Planning Commission
Attn: Michelle Plotnik, Chair
891 Mountain Ranch Road
San Andreas, CA 94529
c/o PlanningCommClerk@co.calaveras.ca.us

**Re: 2023-010 Appeal of Administrative Use Permit AUP 2022-060 for Jonathan
and Allyson Niemuth dba Niemuth Manor
APN: 057-001-048**

Dear Chair Plotnik and Commissioners:

Abbott & Kindermann, Inc. (“**A&K**”) represents Niemuth Manor LLC (“**Niemuth**” or “**Applicants**”) in the above matter. On December 9, 2022, Applicants filed an application with Calaveras County (“**County**”) for an Administrative Use Permit (“**AUP**”) for five (5) events at 769 Dogtown Road, in Angels Camp (“**Property**”). The application was deemed complete on January 12, 2023. On February 7, 2023, the County denied the application and on February 21, 2023, the Applicants filed an appeal of the Planning Director’s denial. The County’s denial was based on the Planning Director’s determination that the use of the Property as a commercial wedding venue is not similar to any other use(s) permitted by right or conditionally permitted in the Rural Residential Zone (“**RR**”), and therefore the proposed events requested in the AUP do meet the definition of a Special Event as defined in Calaveras County Municipal Code (“**CCMC**”) Section 17.06.1807. Applicants will demonstrate that the proposed uses are consistent with the definition of a “Special Event,” the County’s General Plan (“**GP**”), and Zoning Code (“**Code**”), and respectfully request that the County Planning Commission reverse the denial of the AUP.

Applicants request the Planning Commission make the following determinations and approve the following entitlements:

1. Make a finding and determination that the weddings and other private events are consistent with the General Plan and Zoning Code in accordance with the definition of “Special Event” in the CCMC §17.06.1807 and are a compatible use. The definition of “Special Event” requiring the “public invited to watch, listen or participate” does not limit Special Events to only those events open to the general public. By this rationale, the site could host a festival, music concert or other event with thousands in attendance, but could not host a wedding party, birthday party or other smaller event of one hundred (100) people or less.

- Therefore, the proposed uses requested in the AUP are consistent with the GP and Code;
2. Approve AUP for one (1) Special Event on March 25, 2023, and ratify the Special Events held on February 25, March 11 and 18, with conditions of approval to protect the public health, safety, and welfare. The conditions of approval address traffic, parking, noise, code enforcement hours, catering and are attached **Attachment 1**. A Resolution approving Appeal 2023-010 and reversing Planning Director's denial of AUP Application 2022-060 to host one (1) Special Event and ratified the three (3) Special Events held on February 25, March 11 and 18 at 769 Dogtown Road, Angels Camp (APN 057-001-048); and
 3. Schedule an agenda item for the Planning Commission meeting of April 27, 2023, to recommend that the Board of Supervisors amend the CCMC's definition of "Special Events," to specifically include weddings and other similar events. Attached hereto is a copy of the proposed changes the Applicant is requesting the Planning Commission recommend to the Board of Supervisors. (**Attachment 2**, Draft Ordinance to amend definition of "Special Event.")

This letter is organized as follows to address each of the issues:

- I. BACKGROUND**
- II. THE REQUESTED AUP IS IN COMPLIANCE WITH THE GENERAL PLAN AND ZONING CODE**
- III. WEDDINGS ARE SPECIAL EVENTS AS THEY ARE OPEN TO THE PUBLIC**
- IV. THE COUNTY'S INTERPRETATION OF "SPECIAL EVENT" WILL BAN WEDDINGS IN ALL OF UNINCORPORATED CALAVERAS COUNTY**
- V. DRAFT RESOLUTION TO APPROVE THE PROJECT WITH CONDITIONS OF APPROVAL AND DRAFT ORDINANCE TO AMEND CALAVERAS COUNTY MUNICIPAL CODE**
- VI. CONCLUSION**

I. BACKGROUND

Niemuth is a 24-acre parcel with a GP designation of Rural Transition B, and a Zoning designation of RR. It contains a private residence, a five (5) acre lake on the back of the Property and four (4) acres of vineyard. The address is 769 Dogtown Road, Angels Camp, California. The Property is five (5) minutes from downtown Angels Camp and ten (10) miles from Murphys. Applicants Jonathan Niemuth and Allyson Niemuth, live in the 2,500 square foot residence. Mrs. Niemuth occasionally must travel overnight for her job but her primary residence is the Property, and it is the primary residence for Mr. Niemuth. Applicants request to utilize part of the Property as a Special Events venue for Calaveras County.

The Property is surrounded by large lots ranging in size from 1.88 acres to forty-seven (47) acres. Besides the one (1) Property that is 1.88 acres, all the adjacent neighboring lots are 9.99 acres or more in size. All the parcels are zoned RR. Applicants held several weddings in 2022 as they were not aware of the need for an AUP. Additionally, the Applicants held one last wedding on February 25, 2023, but it was for a friend. In early January 2023, Applicants met with County representatives on the Property to address the issues on the Property and to come within full compliance with the CCMC. The Building Officials and Planning Department attended the site visit at the Property at which Applicants and the County discussed how they could comply with the CCMC, and any other rules and regulations. Efforts were made to immediately correct the grading violation identified by Public Works. Applicants have cooperated with all departments of the County to come within full compliance with all rules and regulations. This included the submission of the AUP application.

II. THE REQUESTED AUP IS IN COMPLIANCE WITH THE GENERAL PLAN AND ZONING CODE

The AUP is in compliance with the General Plan as the Property's primary use is a single-family residence and the Special Events requested in the AUP are compatible with the Zoning for the Property.

General Plan Consistency

The AUP complies with the GP's land use designation of Rural Transition B and the Zoning designation of Rural Residential (RR X) as the Property is in a rural residential zone and its primary use is residential. The Rural Transition designation allows for small commercial uses with minimal potential conflicts for the community. (GP, page LU-6-7.) The GP designation allows properties of five (5) to ten (10) acres, and is similar to GP designation Rural Transition A, but on a smaller scale. The Property is twenty-four (24) acres, which far exceeds the standard lot sizes in the designation. Rural Transition A allows properties of ten (10) to twenty (20) acres, and the Applicants' Property is twenty-four (24) acres, larger in size than both designations. Furthermore, the Applicants cultivate grapes on the Property for agricultural purposes, as provided in the GP designation (typical activities include small farming, berry farms, vineyards, vegetable farms, chicken/egg operations, orchards, tree farms, and animals for personal or small-scale commercial use).

Use of the Property as requested in the AUP will encourage and benefit economic development and local businesses in Calaveras County consistent with GP Policies LU 5.2, LU 5.3, LU.5.6 and LU 5.7. The weddings are catered to by local vendors (Perfect Day Catering, Lila and Sage, etc.) and the Applicants recommend local wineries for wine tasting for their wedding receptions. The wedding parties supply their own alcohol as required per Applicants' contract to hire a licensed and insured bartending service. The wedding parties also visit local restaurants, shops, wineries, tasting rooms and stay in local hotels, motels and Airbnbs. The wedding parties use local vendors, including but not limited to, makeup artists, photographers, hair stylists, wedding planners and coordinators, DJs and musicians, caterers and bartenders, rental supplies (tables, chairs, etc.), officiants, bakers for cakes, videographers, florists, shutter

services and bridal shops. The use, with conditions of approval, will contribute to the County's economic growth and will be compatible with the surrounding land uses, as a twenty-four (24)-acre property adjacent to large parcels. Therefore, the use of the Property as requested in the AUP is consistent with the GP policies encouraging and benefiting economic development.

Zoning Consistency

The Property's Zoning is RR X. This designation provides lands for personal ranches where residential uses are the primary land use (CCMC § 17.22.010). Among the permitted uses of the Property by right are:

Processing and manufacturing of winery (small) oil press or cider mill;
Tasting room; and
Special Events, subject to the provisions of CCMC Chapter 17.87.

As demonstrated below, Special Events, including weddings, are a permitted use with the Zoning Code, subject to an AUP or Conditional Use Permit. The RR X zone clearly authorizes Special Events and as stated below weddings are included in the definition of Special Events.

Compatible Uses are Allowed

Weddings are a compatible use with the Zoning Code and the definition of a Special Event pursuant to CCMC § 17.07.1807 because weddings are public events on private Property. Weddings are more consistent with the definition of Special Events than many of the items listed as examples in the Zoning Ordinance because they are limited to a finite number of guests with limited impacts on the adjoining properties.

The purpose of CCMC Chapter 17.87 is to provide for a review to consider activities or uses which may be compatible with other permitted uses within a zone district, but due to their nature may have an impact on the environment or the public health, safety, and welfare of the community. In other words, the requested AUP with conditions would be compatible and would address the concerns of the neighbors. The Planning Director, Planning Commission or Board of Supervisors, as applicable, are authorized to issue permits for Special Events pursuant to the procedures set forth in CCMC § 17.87020.C. In this case, the Planning Director has denied the Special Use Permit largely on his interpretation of the definition of Special Events for public gatherings, concluding that they do not include weddings and a wedding is not a public event.

CCMC § 17.06.1807 defines "Special Event" as an organized activity, assembly, or event to which the public is invited to *watch, listen, or participate*, for which compensation may be made, for the use of the site and facilities *if held on private Property*. Examples of "Special Events" include, but are not limited to:

1. Races - pedestrian, bicycle or motorized;
2. Carnivals, circuses, parades, fairs, festivals, car shows, or similar activities;

3. Concerts or musical events that are acoustic, amplified, recorded, or hosted by a disc jockey;
4. Health or educational fairs;
5. Arts and crafts exhibits;
6. Flea markets;
7. Farmers markets;
8. Any event with mechanized amusement rides; and
9. Any event that will take place on a public right-of-way within the boundaries of the County other than the exemptions listed in Section 17.87.030.

CCMC § 17.06.1807 states these are examples of Special Events, but the list is not exhaustive. Several of these examples are events when some, but not all the public will be invited to watch, listen, or participate, depending on who the sponsor is, and the targeted audience might be. This includes fairs, exhibits, and even concerts or musical events that normally require an admission fee to be able to watch, listen or participate. The public in general is not permitted to listen, watch, or participate in many of these events since by definition they are being held on private Property. The definition recognizes that at many of the events, compensation may be required to attend. This contrasts with an event held in a public park or building.

Also noteworthy is that wedding use requested in the AUP is far more benign in terms of impacts than all of the uses detailed in the ordinance.

Furthermore, CCMC § 17.87.030 defines funeral processions by a licensed mortuary or funeral home as Special Events but exempts them from CCMC Chapter 17.87. Weddings are similar, as only a segment of the public will attend or be invited.

Therefore, the AUP is consistent with the GP and CCMC as the Property will remain primarily residential. Pursuant to the AUP, the proposed wedding and event uses are compatible. The Conditions of Approval will ensure that there are no conflicts with the adjacent properties and will minimize significant environmental impacts. The AUP should be granted Conditions of Approval to protect the public health, safety, and welfare of the community.

III. WEDDINGS ARE SPECIAL EVENTS AS THEY ARE OPEN TO THE PUBLIC

Weddings are a permitted use in the Rural Residential Zone with an AUP pursuant to the conditions of CCMC Chapter 17.87 and are compatible with the definition of Special Events in the CCMC.

The CCMC defines “Special Events” as an organized activity, assembly, or event to which the public is invited on private Property. Weddings are Special Events as defined in CCMC § 17.06.1807, as weddings are open to the public, normally comprised of family members, friends and other invited guests, similar to funerals. A wedding or funeral is not a “public” event as being interpreted by the County since they are only open to a segment of the

public. However, the definition in CCMC § 17.06.1807 does not make this distinction that the County is making in their interpretation. By the County's interpretation, the Applicant could have a large event, like a carnival with thousands of attendees, but not a wedding of 150 guests or fewer. Furthermore, a wedding could be open to the general public if the couple opens it up to the public generally, but that is not the normal case, and it would not be the case for this one (1) wedding. The Applicants' weddings would be limited to one hundred fifty (150) guests or fewer and any impacts to community would be limited by the Conditions of Approvals. The wedding will not be a large elaborate affair attended by many people in the community. Like most weddings, the wedding will be open to a segment of the public and attended by family members, friends and invited guests.

Carnivals, circuses, parades, fairs, festivals, and other similar events conditionally permitted may be limited to a segment of the public due to certain restrictions or regulations that make them age restricted, require tickets or reservations, or have rules regarding behavior or dress code. This is also true for health and education fairs, depending on whether the fair is organized by a private organization or a public institution, government agency or a nonprofit. The fair may be open to a limited segment of the "public" or open to the public generally.

Therefore, weddings are Special Events as defined by CCMC §17.06.1807 as an organized activity, assembly, or event to which the public is invited to watch, listen, or participate for which compensation may be made, for the use of the site and facilities, and held on private Property. Weddings are a compatible use with an AUP in the RR Zone, subject to CCMC Chapter 17.87 and Conditions of Approval to minimize any potential impacts on the community.

IV. THE COUNTY'S INTERPRETATION OF "SPECIAL EVENT" WILL BAN WEDDINGS IN ALL OF UNINCORPORATED CALAVERAS COUNTY

The County's Notice of Application Denial, dated February 7, 2023, relies on the language in the definition of Special Events stating that a Special Event is "an organized activity, assembly, or event *to which the public is invited to watch, listen, or participate*, and for which compensation may be made, for the use of the site and facilities if held on private Property. (See Letter of February 7, 2023, **Attachment 3**) However, "public" for an event on private Property does not necessarily mean the event is open to the public generally, but may be a specific segment of the public, such as members of a particular organization or people with a particular interest in the events subject matter. There are many "Special Events" that are limited to people with a particular interest in the event, whether racings, festivals, car shows, health or education fairs, arts and crafts, and amusement rides.

The County's interpretation of the phrase "public invited to watch, listen or participate" is overly restrictive and effectively bans all weddings in the unincorporated area of Calaveras County, as all zoning districts require a Special Event permit pursuant to CMCC Chapter 17.87. For instance, in the RR zone, CCMC §17.22.020.6.d allows for a Special Event, subject to the provisions of Chapter 17.87. Rural Commercial (RC) Zone, Limited Commercial (LC), General Commercial (GC), Professional Office (CP), MI- Light Industrial, M2 General

Industrial, M4 Business Park, REC Recreation, PS Public Service, R1 Single Family Residentials and R2 Two Family Residential all permit Special Events subject to Chapter 17.87.¹ The only zoning districts slightly different are RA – Rural Agriculture, Agriculture Preserve (AP) and General Agriculture (A1) which made Special Events a permitted condition use subject to a conditional use permit.

Even in the RA Zone, the County uses the definition of “Special Event” as set forth in CCMC § 17.06.1807, which in the interpretation challenged here, is being defined as excluding weddings as private events. It is difficult to determine where a wedding venue is permitted (with or without a use permit) in the County, but there are numerous wedding venues advertised on <https://www.gocalaveras.com>, most of which are prohibited at their existing locations due to the County’s interpretation of “Special Event.” A quick review of the wedding venues shows approximately eight (8) in the RR Zone, as is Applicant’s zoning, and another nine (9) wedding venues in the A1 Zone or RA Zone. The purpose of this appeal is not to bring attention to other venues, but to demonstrate that weddings have traditionally been considered and licensed as Special Events under the CCMC Chapter 17. (**Attachment 4**, List of Wedding Venues in Calaveras County, with zoning designation; **Attachment 5**, Business License issued by the Calaveras County Treasurer.)

Applicants desire to comply with the requirements of the CCMC and obtain an AUP. The Applicants in good faith met with Planning staff and other departments to comply with the rules and regulations. In addition, Applicants received a business license for an event venue from the County, with no questions being asked by staff. The Planning Commission must determine that weddings are a use permitted subject to the requirements of CCMC Chapter 17.87 as the weddings will be an “organized activity, assembly, or event to which is the public is invited.”

Applicants request the Planning Commission reverse the restrictive and currently unenforced interpretation of a “Special Event” as determined by the County in the Planning Director’s letter of February 7, 2023. The Planning Commission must determine that weddings are a use permitted on the Property subject to CCMC Chapter 17.87.

V. THE CONCERNS OF THE NEIGHBORS ARE ADDRESSED IN THE CONDITIONS OF APPROVAL

The Staff Report does not include any recommended (or draft) conditions of approval. Applicants have drafted conditions of approval that address the eight (8) letters from Applicants’ neighbors and the concerns raised by the City of Angels Camp (see **Attachment 4** of the Staff Report). These concerns include road impacts (traffic), noise, tent permitting loss of property values, character of neighborhood and use not being permitted. All of the issues,

¹ All of the uses allow for special events pursuant to CCMC Chapter 17.87 – Zone RC §17.30.020.I., Zone LC §17.34.020.H., Zone GC §17.36.020.I., Zone CP §17.38.020.M., Zone M1 §17.40.020.H., Zone M2 §17.42.020.D., Zone M4 §17.44.020.H., Zone REC 17.46.020, Zone PS 17.48.020.E., Zone R1 § 17.24.020.G. and Zone R2 § 17.26.020.I.

and others, are addressed in the proposed Conditions of Approval for the AUP (see **Attachment 1**). The Planning Director and now the Planning Commission have the authority to impose conditions that will reasonably protect the public health, safety, and welfare. (CCMC § 17.98.020) Applicants are agreeable to conditions of approval that address the neighbors' concerns and the public health, safety, and welfare of the community.

For example, Chapter 9.02 of the CCMC addresses Noise Control and limits the noise pursuant to standards set forth in CCMC section 9.02.030. The Applicants will also comply with the Code provisions and additional conditions required to limit the impact of noise on the neighbors, their pets, and livestock. In the summer of 2022, Applicants planted seventy (70) evergreen and cedar trees to mitigate any potential impacts expressed by neighbors concerning the noise, view, and dust. If Applicants receive any complaints from neighbors that the music is too loud, they will immediately reduce the volume as they have done previously before the trees were planted. The Applicants will work closely with the County and neighbors to minimize any excessive noise from the music.

CCMC § 17.70.040 allows for the Planning Commission to impose minimum parking standards to require all parking be on-site (CCMC § 17.87.060.C.2). Applicants will agree to conditions to minimize the traffic impacts on neighbors as guests enter and leave an event on Dogtown Road and access Highway 49. Applicants are one (1) of three (3) venues on Dogtown Road, with the Applicants average wedding size being between 100 to 150 guests, with an average of thirty (30) to fifty (50) cars per wedding. There is also a hay supplier further down Dogtown Road that has customers visiting daily and they have weekly deliveries from semi-trucks full of hay, both coming and going, that impact the condition of the road. All parking of cars will be on-site subject to a plan approved by the County. The goal of the Applicants to work cooperatively with the County and neighbors to minimize any impacts on the character of the neighborhood.

The Applicants agreed to have the tent permitted prior to any Special Events. The event tent was permitted at the time of the Application and is fire-proof as documented in the initial approval for the tent. The tent has four (4) fire extinguishers per the requirements of the Fire Department. The Permit was issued on February 16, 2022, and valid for one year, not ninety (90) days as stated in the Staff Report. (**Attachment 6**, Fire Permit.) The permit has since expired as the Fire Department will not issue a new one until the current Application is resolved. This would include any soundproofing as may be reasonably required. The tent structure will be structured for stability and have proper exiting.

The Applicants will also fence the pool as required by the County. The pool is not intended to be part of any Special Event (weddings), but the Applicants fully understand the need to fence the pool, so no accidents happen if there are wedding at the site. Applicants are working with the Building Official and will send him documentation for the pool fence approval before they purchase and install the fence.

Applicants will also obtain the required Alcoholic Beverage Control (“**ABC**”) license as needed. Applicants will work closely with the Calaveras County Building Department, Fire

Department and Sheriff's office to ensure that everything is code-compliant for electrical, plumbing, and mechanical elements on the site. Based on the above discussions, all of the concerns of the neighbors and the City of Angels Camp are addressed in the attached Resolution and Conditions of Approval (**Attachment 1**) and the AUP should be approved by the Planning Commission as it is a compatible use.

VI. DRAFT RESOLUTION TO APPROVE THE PROJECT WITH CONDITONS OF APPROVAL AND DRAFT ORDINANCE TO AMEND CALAVERAS COUNTY MUNICIPAL CODE ARE ATTACHED FOR THE PLANNING COMMISSION TO APPROVE THE AUP AND MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON AMENDING THE CCMC.

The draft Resolution Approving Appeal 2023-010 and Reversing Planning Director's denial of AUP Application 2022-060 with conditions of approval are submitted for the Planning Commission consideration. (See **Attachment 1**.) The Conditions of Approval address the concerns raised by the neighbors to minimize any impact on their properties include such impacts from noise, hours, traffic, on-site parking, fire code compliance catering, alcoholic licenses, and environmental health requirements. There may be additional conditions that the Planning Commission desires to add, but Applicant has provided an excellent basis to address the concerns. The permit is limited to one (1) additional event, and it would expire by its terms no later than May 1, 2023. If Applicant desires to host Special Events, including wedding long-term, the Applicant will have to file a new AUP or a Conditional Use Permit to be considered by the Planning Commission. (See **Attachment 1**)

Applicant has attached a copy of the draft Ordinance to amend the definition of "Special Event" pursuant to CCMC § 17.06.187. The definition makes clear that weddings, anniversaries, birthdays, and other similar public events are a permitted use in accordance with Chapter 17.87 of the CCMC. (**Attachment 5**, Draft Ordinance to amend definition of "Special Event.")

VII. CONCLUSION

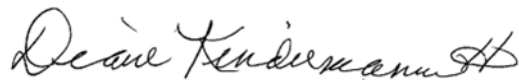
Based on the foregoing, Applicants respectfully request the following:

1. Make a finding and determination that the weddings and other private events are consistent with the General Plan and Zoning Code in accordance with the definition of "Special Event" in the CCMC §17.06.1807 and are a compatible use. The definition of "Special Event" requiring the "public invited to watch, listen or participate" does not limit Special Events to only those events open to the general public. By this rationale, the site could host a festival, music concert or other event with thousands in attendance, but could not host a wedding party, birthday party or other smaller event of one hundred (100) people or less. Therefore, the proposed uses requested in the AUP are consistent with the GP and Code;

2. Approve AUP for one (1) Special Event on March 25, 2023, and ratify the Special Events held on February 25, March 11 and 18, with conditions of approval to protect the public health, safety, and welfare. The conditions of approval address traffic, parking, noise, code enforcement hours, catering and are attached **Attachment 1**. A Resolution approving Appeal 2023-010 and reversing Planning Director's denial of AUP Application 2022-060 to host one (1) Special Event and ratified the three (3) Special Events held on February 25, March 11 and 18 at 769 Dogtown Road, Angels Camp (APN 057-001-048); and
3. Schedule an agenda item for the Planning Commission meeting of April 27, 2023, to recommend that the Board of Supervisors amend the CCMC's definition of "Special Events," to specifically include weddings and other similar events. Attached hereto is a copy of the proposed changes the Applicant is requesting the Planning Commission recommend to the Board of Supervisors. (**Attachment 2**, Draft Ordinance to amend definition of "Special Event.")

Your time and consideration of this Appeal is appreciated. We look forward to answering any questions at the hearing.

Very truly yours,



Diane Kindermann
and Patrick Enright
of Abbott & Kindermann, Inc.

DKH/rmo
Enclosures

cc: Clients
Barmaper & Associates
Holloway Land Company
Gabriel Elliott, Director of Planning – Gelliott@co.calaveras.ca.us
Below c/o: PlanningCommClerk@co.calaveras.ca.us
Amanda Folendorf, District Supervisor
Julie Moss-Lewis, County Counsel
Robert Pachinger, County Surveyor & Public Works Director
Doug Oliver, Building Official
Sabrina Cable, Code Compliance
Katherine Stefani, Planner I

ATTACHMENT 1

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-004

A RESOLUTION APPROVING APPEAL 2023-010 AND REVERSING PLANNING DIRECTOR'S DENIAL OF AUP APPLICATION 2022-060 TO HOST ONE (1) SPECIAL EVENT AND RATIFIED THE THREE (3) SPECIAL EVENTS HELD ON FEBRUARY 25, MARCH 11 AND 18 AT 769 DOGTOWN ROAD, ANGELS CAMP (APN 057-001-048)

WHEREAS, on December 9, 2022, the Planning Department of the County of Calaveras received an application for a Special Events Administrative Use Permit (AUP) from Allyson and Jonathan Niemuth for five (5) events, including four (4) weddings and a Firemen's Ball on a 24-acre property zoned RR-X; and

WHEREAS, the proposed events will be held on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 057-001-048 and located at 769 Dogtown Road, a portion of Section 20, 21, T3N, R13E, MDM ("**Property**"); and

WHEREAS, on February 7, 2023, the Planning Director denied the application for the reasons described in the staff report and its attached exhibits, which are incorporated by reference herein; and

WHEREAS, on February 21, 2023, Appeal 2023-010 was filed by Allyson and Jonathan Niemuth challenging the Planning Director's denial of AUP 2022-060; and

WHEREAS, during a noticed public hearing on March 23, 2023, the Planning Commission considered all of the information presented to it, including but not limited to a staff report and attachments, information and evidence presented in advance by staff and the project's proponents and opponents, and information and evidence presented at the meeting.

NOW THEREFORE BE IT RESOLVED that the Planning Commission approve Appeal 2023-010 subject to Attachment A, Conditions of Approval, and reverse Planning Director's denial of AUP 2022-060, based on the following findings:

1. The Administrative Use Permit must be granted because the proposed use or activity is consistent with the County's Zoning Ordinance as required by 17.83.020.A.

Evidence: The proposed activity or use is consistent with the General Plan and Zoning Ordinance. The Property is zoned Rural Residential which permits special events pursuant to Chapter 17.87 of the Zoning Code. Calaveras County Municipal

Code (“CCMC”) permits special events subject to the provisions of Chapter 17.87. (CCMC § 1722.020.A.6.d.) CCMC § 17.87.020 allows special events to be held on any lands located within the unincorporated boundaries of the county subject to approval and validation of the appropriate use permit. Special Event is defined in CCMC § 17.06.1807 as an organized activity, assembly, or event to which the public is invited to watch, listen, or participate, and for which compensation may be made, for the use of the site and facilities if held on private property. CCMC § 17.87.040 that when a special event is not specifically listed in this chapter, the planning director shall determine whether the special event is similar in nature to listed special events and shall establish the appropriate permit required. Weddings are not specifically listed in the CCMC and therefore the Planning Director, and now the Planning Commission, must determine if weddings are a “special event” as defined in the CCMC.

The Planning Commission hereby determines that weddings and other similar special events, like anniversaries, birthdays, fundraisers are special events for the following reasons:

- a. Weddings are an organized activity, assembly, or event to which the public, in the form of family members, friends, guests etc. are invited to attend to watch, listen or participate. Compensation will normally be made to the property owner for the use of the site and facility if held on private property to public family members, friends, invited guests and others.
- b. There is no requirement that all of the public be invited to the special event, whether that is the entire County of Calaveras or any other set of the population.
- c. The uses listed in the definition of “special event” is not exhaustive and the Planning Director has the discretion to determine if similar uses are special events.

2. The subject property is adequate in land area to accommodate proposed activity or use within the meaning of CCMC § 17.83.020(B).

Evidence. The parcel is an approximately twenty-four (24) -acre parcel that includes a vineyard operated under separate management, a five (5) -acre pond, a permitted tent, swimming pool, a residence, glamping sites and other miscellaneous structures. The property is surrounded by ranches. The Property is of sufficient size to hold weddings subject to a use permit and Conditions of Approval to address Development and Operational Standards set forth in CCMC 17.87.060 and the findings required for an administrative use permit or conditional use permit. The Conditions of Approval will adequately address the ingress and egress to the proposed events, the hours of operation and any amplified music will be compliance with the County’s Noise Ordinance. The applicant is requesting four (4) events at this time, and the subject property will remain primarily for residential use.

3. The proposed activity or use for which the permit is sought will not potentially affect the public health, safety, and general welfare as described in 17.83.020(C).

Evidence: The proposed use will not affect the public health, safety, and general welfare of the community. There are complaints from neighbors, but the conditions of approval will address the concerns of noise, traffic, parking, hours and fencing for swimming pool, permits for tent and any other structures and any other mitigation measure to reduce the impacts on the neighbors to less than significant, if any.

The request is for one (1) special event to held on Saturday, March 25, 2023, and if the Applicant desires to hold events on a regular basis in future years, they will need to obtain an AUP or conditional use permit with more detailed findings and future environmental review. Conditions applied to the administrative use permit are necessary to protect the environmental and the public health, safety, and general welfare.

4. The Administrative Use Permit will impose conditions of approval to protect the environmental and public health, safety and general welfare to resolve the concerns raised about the proposed events in the staff report, attachments, or at the hearing.

Evidence: The Conditions of Approval as approved by the Planning Commission will protect the environmental and public health, safety, and general welfare. The Conditions of Approval address any concerns regarding noise, number of events, hours, parking, compliance with environmental health, including permitting and regulations for catering and sale of alcoholic beverages, compliance with Fire Code and all County Codes and ingress and egress to the Property. With the Conditions of Approval, the AUP will have minimal, if any, impacts on the health, safety, and general welfare to the community.

5. The AUP is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines § 15304(e).

Evidence: This project is categorically exempt from CEQA pursuant to CEQA guidelines section 15304(e), as a minor temporary use of land having negligible or no permanent effect on the environment which exempts disapproved projects from CEQA.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 23, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Planning Commission: _____

ATTEST:

Gabriel Elliott,
Director of
Planning

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

ATTACHMENT A
CONDITIONS OF APPROVAL

1. No permanent structures will be erected in conjunction with special events. Any use of existing structures shall comply with current building code and posted occupancy.
2. Accessible parking, path of travel, restrooms, and other accommodations shall be provided by applicant.
3. All traffic laws shall be obeyed. Any traffic management issues shall be referred to Calaveras County Sheriff Department and/or California Highway Patrol.
4. Call 9-1-1 for Police, Fire, and Medical Services.
5. Emergency access to the event site shall remain unobstructed.
6. Parking shall be strictly enforced. There shall no parking off-site and applicant shall strictly enforce no parking on Dogtown Road and ensure that access to and from neighboring properties is not obstructed. No parking shall be permitted within fifty (50) feet of any neighbors' property line.
7. No parking allowed in the County Right of Way.
8. The subject property must be in full compliance with Building Code regulations, Fire Code regulations and Hazardous Materials regulations prior to occupancy of the building and use of the property without written approval by the Fire Code official.
9. A fire inspection shall be conducted by the Calaveras County Fire Prevention Division to determine if the subject property is currently in full compliance with applicable building regulations, Fire Code Regulations and Hazardous Materials regulations.
10. Applicable Fire Code operational permits shall be obtained prior to the initiation of any activity where an operational permit is required by the California Fire Code as adopted and amended by the Calaveras County Municipal Code.
11. The facility operator shall develop an emergency response plan approved by County. Fire safety plans, emergency procedures, and employee training programs shall be approved by the Fire Code official.
12. Comply with conditions of Environmental Health and Consumer Protection regarding food and beverage service.
13. Catering services shall be used.
14. All food vendors must have a valid Calaveras County license and permits require by the County.
15. Food vendors are required to follow, if any, the food-handling guidelines that have been provided to the event organizer. Any alcohol service will require an ABC permit.

16. Safe, portable water supply shall be provided at each event.
17. Provide at least one portable toilet per 100 people. Portable toilets must be serviced by a licensed company. Portable toilet shall be equipped with hand washing sinks at a ratio of one hand washing sink for every six (6) toilets. Sinks shall be stocked with liquid soap, single use towels, and a trash container for towel waste.
18. Provide an adequate number of solid waste receptable and provide for litter pick-up.
19. Noise shall be controlled in accordance with the Calaveras County Noise Ordinance pursuant to CCMC Chapter 9.02 and specifically section 9.02030 on sound level limitations. All indoor and outdoor events must meet the noise limits at property lines during daytime and nighttime hours.

NOTE: ANY AMPLIFIED SOUND OR LOUDSPEAKERS SHALL BE CONTROLLED SO THAT THE IMPACT TO SURROUNDING PROPERTIES WILL BE MINIMIZE. ORIENTATION OF SPEAKERS SHALL BE AWAY FROM ANY NEIGHBORING RESIDENCES. VOLUMES SHALL ALSO BE MONITORED TO MEET COUNTY STANDARDS AT ALL TIMES. ALL AMPLIFIED SOUND AND MUSIC SHALL CEASE AT 9:00 P.M.

20. If any complaints are received regarding these events, the applicant may have to cease these activities based upon the investigation by the County.
21. This permit is for an Administrative Use Permit for four (4) events to occur on or prior to October 31, 2023, and permanently expire on November 1, 2023. Any future permits shall be subject to the Planning Director's approval and/or Planning Commission.
22. The hours of any special events from _____ p.m. to _____ p.m.
23. The special events shall be limited to a maximum of one hundred fifty (150) guests.
24. Signage associated with the events must comply with County Sign Regulations.
25. This permit shall be subject to revocation or modification by the Planning Commission if:
 - a. The Commission finds that there has been noncompliance with any of the conditions or
 - b. The Commission finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing notice and heard in accordance with CCMC 17.87.120 and Chapter 8.06 of the CCMC.

ATTACHMENT 2

17.06.1807 – Special Event.

“Special Event” means an organized activity, assembly or event to which the public is public is invited to watch, listen or participate, and for which compensation may be made, for the use of the site and facilities if held on private property. “Public” means that the event is open to the public generally or a specific segment of the public, such as members of a particular organization or people with a particular interest in the event’s subject matter. Examples of special events include but are not limited to:

1. Races – pedestrian, bicycle or motorized;
2. Carnivals, circuses, parades, fairs, festivals, car shows, or similar activities;
3. Concerts or musical events that are acoustic, amplified, recorded or hosted by a disc jockey;
4. Health or educational fairs;
5. Arts and craft exhibits;
6. Flea markets;
7. Farmers markets;
8. Any event with mechanized amusement rides;
9. Political and charitable fundraising activities;

10. Corporate events;

9. 11. Weddings, anniversaries, birthdays and similar public events; and

9. 12. Any event that will take place on a public right-of-way within the boundaries of the county other than the exemptions listed in Section 17.87.030.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal, No bullets or numbering

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal, Indent: Left: 0.25", No bullets or numbering

(Ord. No. 3020, § 1, 2-12-2013)

Editor’s note – Ord. No. 3020 § 1, adopted Feb. 12, 2013, deleted the former § 17.06.1807, and enacted a new s; 17.06.1807 as set out herein. The former § 17.06.1807 pertained to special event, private and derived from Ord. 2859 § 2(part), 2005.

17.06.1807 - Special event.

"Special event" means an organized activity, assembly or event to which the public is invited to watch, listen or participate, and for which compensation may be made, for the use of the site and facilities if held on private property. Examples of special events include but are not limited to:

1. Races - pedestrian, bicycle or motorized;
2. Carnivals, circuses, parades, fairs, festivals, car shows, or similar activities;
3. Concerts or musical events that are acoustic, amplified, recorded or hosted by a disc jockey;
4. Health or educational fairs;
5. Arts and crafts exhibits;
6. Flea markets;
7. Farmers markets;
8. Any event with mechanized amusement rides; and
9. Any event that will take place on a public right-of-way within the boundaries of the county other than the exemptions listed in Section 17.87.030.

(Ord. No. 3020, § I, 2-12-2013)

Editor's note— Ord. No. 3020, § I, adopted Feb. 12, 2013, deleted the former § 17.06.1807, and enacted a new s; 17.06.1807 as set out herein. The former § 17.06.1807 pertained to special event, private and derived from Ord. 2859 § 2(part), 2005.

ATTACHMENT 3



County of Calaveras Department of Planning

Gabriel Elliott, Director of Planning
Phone (209) 754-6394 Fax (209) 754-6540
Website: www.co.calaveras.ca.us

February 7, 2023

Jonathan Niemuth
769 Dogtown Road
Angels Camp, CA 95222

**RE: Notice of Application Denial
AUP 2022-080 Niemuth Manor**

Dear Mr. Niemuth,

The Calaveras County Planning Department received a special events application from you on December 9, 2022, proposing to hold five (5) events at 769 Dogtown Road (APN 057-001-048) in Angels Camp as described in an attachment to that application. The application was deemed complete on January 13, 2023, when issues with the indemnification agreement were resolved.

Upon review of the application and relevant facts, I am informing you pursuant to Chapter 17.83.030(C) of the Calaveras County Municipal Code (CCMC) that your application is denied.

Specifically, Chapter 17.83.020(A) of County Zoning Code requires that the proposed activity or use is consistent with the General Plan and Zoning Ordinance. The subject property, located at 769 Dogtown Road with APN 057-001-048, is zoned Rural Residential (RR), the stated purpose of which is to provide lands for personal ranches in which residential use is the primary land use (Chapter 17.22.010 CCMC). While the purpose statement in this section does not alone conclusively preclude a commercial use from being proposed on an RR-zoned property, it must be considered when evaluating an application. Furthermore, any commercial uses approved pursuant to a use permit application would need to be consistent with other permitted or conditionally permitted uses in the RR zone; otherwise, the use is prohibited (see 17.04.010 CCMC).

The use of an RR-zoned property as a commercial wedding venue is not similar to any use permitted either by right or conditionally in the RR zone. The proposed events, which include four weddings (and we understand from correspondence you provided after the application was filed that additional weddings are now also being proposed). While "special events, subject to the provisions of Chapter 17.87", are a permitted use in the RR zone, the weddings proposed in the AUP are not "special events". The term "special events" is defined in CCMC 17.06.1807 to mean "an organized activity, assembly or event to which the public is invited to watch, listen or participate, and for

which compensation may be made, for the use of the site and facilities if held on private property". With the potential exception of the fireman's ball, this application proposes a series of "private" weddings that would not be open to the public at large. All the "examples" of special events described in CCMC 17.06.1807 are types of events that are typically open to the public (whether free of charge or not). Therefore, the application cannot be reviewed as an application for "special events" under CCMC Chapter 17.87.

Given the existence of a vineyard onsite, I did consider whether the proposed use could qualify as "agritourism activities not otherwise specified, >75 people", which requires a Conditional Use Permit in the RR zone. Agritourism activities involving more than 75 guests can be conditionally permitted in the RR zone *if the use would be "an incidental or accessory use to a bona fide agricultural operation"*. While the vineyard may be a "bona fide agricultural operation", the proposed use of the property as a commercial wedding venue is not "incidental" or "accessory" to the vineyard. The use of the property as a wedding and event venue with hundreds of guests, hundreds of cars, rental lodging, and live music does not require the existence of a working vineyard on the property and, as proposed, would result in an ongoing, standalone, and far more intensive commercial use of the property.

Given that the proposed use of the property is not consistent with any permitted or conditional use in the RR zone, I am unable to make the zoning consistency finding required by CCMC 17.83.020(A)

Additionally, although the parcel is large enough to accommodate the proposed events, the impact of the proposed uses coupled with their proposed frequency and intensity has the potential to disturb the general peace and welfare of the surrounding neighborhood. The proposed weddings over the course of five consecutive weekends and their associated impacts, such as the number of additional vehicles proposed to be traveling on Dogtown Road to park at the venue and the many hours of live music intended for these events, would place undue burden on the health, safety, and general welfare of the neighboring residences and personal ranches. Therefore, the proposed uses are also inconsistent with CCMC Chapter 17.83.020(C), which requires me to make a finding that the proposed use not potentially affect the public health, safety, and general welfare before approving an AUP. I cannot make this finding.

While perhaps this is peripheral to my decision concerning this particular application, you have also made it clear that this application is just the beginning and that you intend to apply for permits for an additional series of weddings in the spring and summer, these applications being stepping stones towards your investment in a much larger proposed use of the property as a permanent year-round event venue with expanded lodging and activities - an intended use that is even less consistent with the RR zone. The use of property for the types of activities you are proposing are conditionally allowed in the REC zone, which suggests that the Board of Supervisors thought about where these types of uses should and shouldn't be allowed and intentionally prohibited them in the RR zone.

While this application is denied, I would be willing to consider a standalone use permit application for the Fireman's Ball as a proposed special event under CCMC Chapter 17.87 if it is accompanied with evidence that this event will be open to the public.

Pursuant to CCMC 17.98.020, the decision of the Planning Director may be appealed to the Planning Commission by following the appeal procedures in CCMC Chapter 17.98.070 and submitting a written request, accompanied by the appropriate fee (\$500.00), within fifteen (15) calendar days from the date of the staff decision.

Should you have any questions regarding the items listed in this letter, please let me know. My email address is GElliott@co.calaveras.ca.us. You can also reach me by telephone at (209) 754-2850.

Sincerely,



Gabriel Elliott
Director of Planning

Cc: Amanda Folendorf, District Supervisor
Julie Moss-Lewis, County Counsel
Robert Pachinger, County Surveyor & Public Works Director
Doug Oliver, Building Official
Sabrina Cable, Code Compliance
Katherine Stefani, Planner I

Calaveras County Treasurer-Tax Collector's Office
CALAVERAS COUNTY BUSINESS LICENSE
891 Mountain Ranch Road, San Andreas CA 95249

Mailing Address:
DBA: H. Smith Maror
Alyson Blenis
769 Doughton Rd
Angels Camp, CA 95222

VALID Physical location:
Address: 769 DOG TOWN RD
City: ANGELS CAMP
APN: 057001043

License #: BL-0019172

PLACE THIS LICENSE IN A CONSPICUOUS PLACE

Valid From: 2/25/2023

Valid To: 12/31/2023

Date Paid: 1/24/2023

Amount Paid: \$75.00

Business Type: MISCELLANEOUS

Conditions:

DISCLAIMER

Subject to Revocation by Board of Supervisors - A business license is hereby issued in conformity with provisions of an ordinance adopted by the Board of Supervisors of Calaveras County.

ATTACHMENT 4

RR Zone

Lakeside Wedding & Events - <https://www.lakesideweddingevents.com>

1253 Lakeside Dr.
Angels Camp, CA 95222
7.69 Acres - Zoned RR

Courtwood Inn - <https://courtwoodinn.com/>

2081 Ponderosa Way
Murphys, CA 95247
4.94 Acres - Zoned RR

Venticello - <https://www.gocalaveras.com/business/wedding-venues/venticello/>

2500 Folendorf Rd
Murphys, CA 95247
20.08 Acres - Zoned RR

Broll Mountain Weddings

745 Anrey Ct
Murphys, CA 95247
19.01 acres - Zoned RR

Prospect 772

772 Appaloosa Rd
Angels Camp, CA 95222
24.73 acres - Zoned RR

Anderson Christmas Tree Farm

1645 Mustang Road
Murphys, CA 95247
5.34 acres - Zoned RR

Val du Vino

634 French Gulch Road
Murphys, CA 95247
15.82 acres – Zoned RA-5/RR-5

Wild Oak Estate

644 Crestview Drive
Murphys, CA 95247
20.96 acres – Zoned RR-5

A1 Zone

Magari Estate - <https://magariestateweddings.com/>

3897 Dickanson Ct.

Burson, CA 95225

12.4 Acres - Zoned A1

Vida Buena Farm - <https://vidabuenafarm.com>

3286 Vallecito Bypass Rd.

Vallecito, CA 95251

19.91 Acres - Zoned A1

Clondaire Vineyard - <https://www.clondaire.com>

7965 Pool Station Rd.

Angels Camp, CA 95222

31 Acres - Zoned A1

Dodasa Ranch/Rusty Spurs Ranch

5059 Carol Lane

Valley Springs, CA 95252

41.73 Acres – Zoned A1

The Old Power House

1391 Utica Powerhouse Road

Murphys, CA 95247

20 acres – Zoned A1

Airola Road Vineyards

8330 Airola Road

Murphys, CA 95251

73.15 acres – Zoned A1

Spanish R Ranch

5208 Hwy 4

Vallecito, CA 95222

20.21 acres – Zoned A1

Aloria Vineyards

8050 Airola Road

Angels Camp, CA 95222

61.76 acres – Zoned A1

Ironstone Vineyards

1894 6 Mile Road

Murphys, CA 95247

257.11 acres – Zoned A1-20

RA Zone

The Barn at Unity Ranch - <https://www.thebarnatunityranch.com/>

512 Hogan Dam Rd.
Valley Springs, CA 95252
13.45 Acres - Zoned RA

Quartz Hill Estate - <https://www.quartzhillestatesweddings.com/>

8970 Center St.
Mokelumne Hill, CA 95245
18.52 Acres - Zoned RA

Brice Station

3353 Ca-4
Murphys, Ca 95247
91 Acres – Zoned RA

Ohana Grove

15381 Jesus Maria Road
Mokelumne Hill, CA 95245
24.97 acres – Zoned RA

Quartz Hill Estates

8970 Center Street
Mokelumne Hill, CA 95245
18.52 acres – Zoned RA-13

C1 Zone

Arnold Black Bear Inn

1343 Oak Circle
Arnold, CA 95223

Dunbar House Inn

271 Jones St
Murphys, CA 95247
0.47 acres - Zoned C1

Hotel Leger

8304 Main Street
Mokelumne Hill, CA 95245
0.33 acres – Zoned C1

C2 Zone

Avery Hotel

4573 Moran Road
Avery, Ca 95224
1.24 acres – Zoned C2

Pickle Patch

577 W St Charles St.
San Andreas, CA 95249
0.77 acres – Zoned C2

The Dorrington Hotel

3431 Highway 4
Dorrington, CA 95223
3.69 acres – Zoned C2

Other Zoning

Historic Douglas Flat Schoolhouse

1330 Main St
Douglas Flat, CA 95229
1.52 acres - Zoned PS (public service)

Dalton Ranch

6005 Dogtown Road
San Andreas, CA 95249
57 acres – Zoned AP (Agriculture Preserve)

Twisted Oak Winery

4280 Red Hill Rd
Vallecito, CA 95251
114 acres – Zoned AP

Utica Mansion

1103 Bush Street
1090 Utica Lane
Angels Camp, CA 95222
0.63 acres – Zoned AC

The Golf Club at Copper Valley

1001 Saddle Creek Drive
Copperopolis, CA 95228
212.80 acres – Zoned RLU

ATTACHMENT 5

**CALAVERAS COUNTY TREASURER – TAX COLLECTOR****APPLICATION FOR BUSINESS LICENSE**

891 MOUNTAIN RANCH RD, SAN ANDREAS CA 95249

PH# 209-754-6350 - FAX# 209-754-6355

WWW.TAXCOLLECTOR.CALAVERASGOV.US

BL#: 19172

Assessor's Use Only

APN: 057-001-048☐ Out of County

ALL INFORMATION SUBMITTED BELOW BECOMES PUBLIC RECORD. THE UNDERSIGNED AGREES TO HOLD THE COUNTY HARMLESS AND WAIVES ALL CLAIMS, SUITS, AND DEMANDS ON THE COUNTY AND ITS OFFICERS AND EMPLOYEES IN CONNECTION WITH THE RELEASE OF THE COMPLETED FORM UNDER A PUBLIC RECORDS ACT REQUEST OR ANY OTHER RELEASE AUTHORIZED BY LAW.

☐ YES ☐ NO DISCLOSURE WILL RESULT IN A COMPETITIVE DISADVANTAGE.

BY CHECKING "YES", THE UNDERSIGNED AGREES DISCLOSURE WILL RESULT IN A COMPETITIVE DISADVANTAGE

☒ NEW APPLICATION☐ PHYSICAL LOCATION CHANGE☐ STANDARD CHANGES☐ EXEMPTCOMPANY NAME: NIEMUTH MANOR PH: _____FICTITIOUS COMPANY NAME: Niemuth ManorMAILING ADDRESS: 769 Dogtown Road CITY/STATE: Angels Camp, CA ZIP: 95222BUSINESS ADDRESS: 769 Dogtown Road CITY/STATE: Angels Camp, CA ZIP: 95222SIGN UP FOR EMAIL REMINDERS: ☒ YES ☐ NO = EMAIL ADDRESS: _____TYPE OF BUSINESS: Event venueBUSINESS BASE: ☐ HOME-BASED NON-MOBILE ☐ HOME-BASED MOBILE ☐ STORE/COMMERCIAL ☐ OTHER: _____OWNERSHIP TYPE: ☒ SOLE PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION/LLC (CONTACTS MUST BE PROVIDED BELOW) ☐ TRUSTOWNER'S NAME: Allyson Brienis PH#: 510-468-4227MAILING: 2470 Tapestry Court CITY/STATE: Livermore, CA ZIP: 94550OWNER EMAIL: Allyson@lanconcorp.com CONTACT PREFERENCE: ☒ PHONE ☐ EMAIL ☐ MAIL

CO-OWNER'S NAME: _____ PH#: _____

MAILING: _____ CITY/STATE: _____ ZIP: _____

OWNER EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAIL

CO-OWNER'S NAME: _____ PH#: _____

MAILING: _____ CITY/STATE: _____ ZIP: _____

OWNER EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAIL

CO-OWNER'S NAME: _____ PH#: _____

MAILING: _____ CITY/STATE: _____ ZIP: _____

OWNER EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAIL**CORPORATION CONTACT INFORMATION: (MUST BE COMPLETED IF A CORP/LLC OR CORPORATION LIST MUST BE ATTACHED.)**

CORP/LLCPRES: _____ PH#: _____

PRES EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAIL

VICE PRES: _____ PH#: _____

VP EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAIL

SEC/TREAS: _____ PH#: _____

TREAS EMAIL: _____ CONTACT PREFERENCE: ☐ PHONE ☐ EMAIL ☐ MAILCONTINUE TO NEXT PAGE

B21-0228

EMPLOYEES: ▷ NUMBER OF FULL TIME EMPLOYEES: _____ NUMBER OF PART TIME EMPLOYEES: _____
 FIREARMS DEALER MUST PROVIDE: ▷ ☐ CURRENT FFL ☐ CURRENT COE ☐ VALID SELLERS PERMIT
 FEE EXEMPT: ▷ ☐ NON-PROFIT PROVIDE 501(C) (3) ☐ VETERAN (MUST SOLE OWNER & PROVIDE HONORABLE DD-214)

▷ CONTRACTOR: LICENSE NUMBER: _____ EXPIRATION DATE: _____
 ▷ ENGINEERING: LICENSE NUMBER: _____ EXPIRATION DATE: _____
 ▷ LANDSCAPING: LICENSE NUMBER: _____ EXPIRATION DATE: _____
 ▷ LIQUOR: LICENSE NUMBER: _____ EXPIRATION DATE: _____
 ▷ RESALE LIC: LICENSE NUMBER: _____ EXPIRATION DATE: _____
 ▷ MISC LICENSE #s: LICENSE NUMBER: _____ EXPIRATION DATE: _____

I, AFFIRM, UNDER PENALTY OF PERJURY THAT ALL THE ABOVE INFORMATION IS TRUE AND CORRECT
 I, THE OWNER/AGENT AGREE, TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE COUNTY AND ITS AGENTS, OFFICERS AND EMPLOYEES FROM ANY CLAIM, ACTION OR PROCEEDING AGAINST THE COUNTY ARISING FROM THE OWNER/AGENT'S PROJECT.

x Ally B S
 APPLICANTS AUTHORIZED SIGNATURE

x 12/3/2020
 DATE

x Allyson Blenis
 APPLICANTS (CLEARLY) PRINT NAME

YOU MUST VISIT THE FIRST THREE DEPARTMENTS IN PERSON, IN THE ORDER LISTED TO OBTAIN APPROVALS.
 (TAX COLLECTOR'S OFFICE WILL ADVISE WHICH ADDITIONAL APPROVALS MAY BE REQUIRED.)

#1 ASSESSOR	#2 PLANNING	#3 BUILDING	SHERIFF	ENV. HEALTH	AGRICULTURE	FIRE: MURPHY'S EBBETTS PASS
<u>nk</u> DEC 0 2020 MANDATORY	<u>2/11/21</u> APPROVED MANDATORY	<u>M/C</u> <u>2/13/21</u> MANDATORY		<u>RH</u> <u>OK</u> <u>2/11/21</u>		PAID FEB 23 2021

RR-X Subject to an AUP

CALAVERAS COUNTY
 TREASURER & TAX COLLECTOR

TAX COLLECTOR USE ONLY	FEE SCHEDULE	FEE EXEMPT
<u>OL</u> Initials <u>Gov Pay</u>	\$83.00 New Business License (Jan-Sep)	NC Veteran (Corporations/Partnerships are NOT exempt) or
	\$89.25 New Business License (Oct-Dec)	NC Non-Profit
	\$19.00 Chain Installer (New/Renew)	NC Add Owner/Partner
	\$54.00 Location Change	NC Remove Owner - Requires letter from Owner and a
	\$29.00 Renewal - Timely	completed & signed application from prior Co-Owner
	\$45.00 Renewal - Late	NC Remove Co-Owner - Nothing additional required
	\$83.00 Renewal - Timely & Location Change	NC Type Change
	\$99.00 Renewal - Late & Location Change	NC Ownership Type Change/Business Name Change
		NC Mailing Address Change

EXEMPTIONS FROM GENERAL BUSINESS LICENSE REQUIREMENT:

NO LICENSE SHALL BE REQUIRED FOR:

- AGRICULTURAL OR VITICULTURAL OCCUPATIONS OR FOR THE OPERATION OF STOCK, DAIRY OR POULTRY FARMS;
- ANY COMMERCIAL TRAVELER WHOSE BUSINESS IS LIMITED TO THE GOODS, WARES AND MERCHANDISE SOLD OR DEALT IN, IN THIS STATE, AT WHOLESALE, AND WHO DOES NOT CARRY WITH HIM FOR DELIVER THE GOODS SOLD BY HIM.

A LICENSE IS REQUIRED BUT NO FEE SHALL BE CHARGED FOR:

- NONPROFIT ENTERPRISES OR ENDEAVORS OF NONPROFIT ORGANIZATIONS;
- ANY EXHIBITION, CONCERT, LECTURE OR OTHER ENTERTAINMENT WHERE FIFTY PERCENT OR MORE OF THE RECEIPTS WILL BE APPROPRIATED TO ANY CHURCH, SCHOOL, RELIGIOUS, CHARITABLE OR BENEVOLENT PURPOSE WITHIN THE COUNTY.
- ANY HONORABLY DISCHARGED UNITED STATES VETERAN WHO PRESENTS A COPY OF THEIR DD214.

ATTACHMENT 6

Altaville-Melones Fire Department

Po Box 431
Altaville, CA 95221
Phone: 209-736-4461 Fax: 209-736-4238
E-Mail: jramfd22@yahoo.com
Web: amfd22calaverascofd.org

Fire Permit

This fire permit is granted after fire department review of application and having satisfied all Title 24 California Fire Code requirements for Chapter 31 tents, temporary special event structures and membrane structures.

Date: February 16, 2022

Name of the Concern: Jonathan Niemuth

Address: 769 Dogtown Rd. Angels Camp, CA. 95222

Phone: 209-630-1099office 415-310-1790cell

Type of Business: Special event center

Type of License: Event Tent, membrane structure

Permit Issued For: Erection and use of 40'X80' high peak pole tent for special events. Permit holder shall ensure that no cooking, smoking or open flame will be permitted in tent structure. No use or storage of hazardous materials including internal combustion engines shall be allowed inside of tent structure. Exit and egress requirements will be maintained at all times the tent is being used for events. Tent shall be verified that it has had flame resistant treatment applied at appropriate internals required by code. Tent anchors and guide wires shall be maintained in good working order to adequately support structure per manufactures guidelines. Permit holder will not deny Altaville-Melones FPD fire inspector access to verify fire code compliance upon request.

Location: 769 Dogtown Rd. Angels Camp, CA. 95222

Special Conditions: Comply with all local and State codes regarding Tents and Membrane strutures

This Permit is valid for: 1 year

Permit Fee: N/A at this time

CHK-REC Number:



Fire Marshal, Altaville-Melones FPD

THIS PERMIT DOES NOT TAKE THE PLACE OF ANY LICENSE REQUIRED BY LAW AND IS NOT TRANSFERABLE. ANY CHANGES IN THE USE OR OCCUPANCY OF PREMISES SHALL REQUIRE A NEW PERMIT.