

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION  
FOR MEETING OF: August 9, 2022**

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**ITEM 1 Request for a 6-year extension of the expiration date of Tentative Parcel Map #2854 Deaver-Ninnis, proposing a commercial land division of 9.69+ acres into eight parcels ranging in size from 0.6+ to 2.0+ acres. The original expiration date is March 12, 2022; the applicant applied for the request prior to this date. (APN 008-100-019).**

**Applicant:** Deaver Trust/Gerry Ninnis  
**Supervisory District:** 5  
**Location:** 17705 Highway 49, Plymouth

- A. General Plan Designation:** I, Industrial
- B. Present Zoning:** C2, Heavy Commercial
- C. Acreage Involved:** 9.69±
- D. Source of Water:** To be determined (as per Conditions of Approval)
- E. Sewage Disposal:** To be determined (as per Conditions of Approval)
- F. Description:** The Tentative Parcel map 2854 was brought to the Planning Commission on March 12, 2019 where it was unanimously carried to approve Tentative Parcel map 2854 subject to the Conditions of Approval and Findings included in the Staff Report presented at the meeting.

To the knowledge of the Planning Department, no Conditions of Approval have been met.

- G. Environmental Review:** The setting for the Project has not significantly changed since the Mitigated Negative Declaration (MND) for Tentative Parcel Map No. 2868 MND was adopted. Two potential land developments within the vicinity of the Project have been advanced since approval of the Project MND. In 2020, The US Department of the Interior transferred 220 acres of the Lone Band of Miwok Indians' tribal land into federal trust, and in 2022, the City of Plymouth issued a Notice of Preparation of an Environmental Impact Report (EIR) for the Greulich Ranch Subdivision and 49er Village RV Resort Expansion. However, these proposed developments are not qualifying circumstances or qualifying new information that require Tentative Parcel Map No. 2868 to undergo subsequent CEQA review (CEQA Guidelines, Section 15162, attached for reference).

The current request does not propose to amend boundaries, uses, or development intensities that were analyzed in the prior MND. The extension of time for Project does not involve any physical changes to the environment and hence does not have the potential for causing a significant effect on the environment. Therefore, the adopted Mitigation Monitoring and Reporting Program (MMRP) that is applicable to the subject site is sufficient and, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required, no further environmental review is required.

- H. Planning Commission Action:** The Planning Commission may:

1. Grant the requested extension of the expiration date for Tentative Parcel Map No. 2854, up to a maximum of six years;
  2. Deny the requested extension of the expiration date for Tentative Parcel Map No. 2854.
- I. **Recommended Findings:** If the Planning Commission moves to approve extension of the expiration date for Tentative Parcel Map No. 2854, the following findings are recommended:
1. On the basis of the administrative record presented, the Planning Commission finds that there is no substantial evidence of substantial changes or new information that will have a significant effect on the project or the environment.
  2. Granting a six-year time extension allowing for the final map to be recorded no later than March 12, 2028, is consistent with the Amador County General Plan and Zoning District regulations for this location.

§ 15162. Subsequent EIRs and Negative Declarations.

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

**CONDITIONS OF APPROVAL  
AND MITIGATION MONITORING PROGRAM**

**PROJECT:** Tentative Parcel Map No. 2854

**SUBDIVIDER:** Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jean Deaver Trust I (Kenneth H. Deaver, representative)

**DESCRIPTION:** Tentative Parcel Map No. 2854, proposing the division of 9.69 acres into 8 parcels ranging from 0.6 to 2 acres. The project is located at 17705 State Hwy 49 Plymouth, CA, immediately south of the intersection with Randolph Drive (APN 008-100-019).

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration.

**PLANNING COMMISSION APPROVAL DATE:** March 12, 2019

**TENTATIVE PARCEL MAP EXPIRATION DATE:** March 12, 2022

**LOCAL EXTENSION OF EXPIRATION DATE:**

**IMPORTANT NOTES:**

NOTE A: It is suggested the subdivider contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing the preceding conditions. Improvement work shall not begin prior to the review of the plans and the issuance of a permit by the respective Department. The Inspector must have a minimum of 48 hours notice prior to the start of any construction.

NOTE B: An extension of time for completion of this tentative map is possible, provided said extension is applied for by the applicant, to the Planning Department, in writing, prior to the expiration date of the tentative map.

NOTE C: Information concerning this map can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

**FISH AND GAME FEES:**

- 1. No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a No Effect Determination from Fish and Wildlife. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***

**PARCEL MAP RECORDATION CONDITIONS:**

2. Prepare and submit Parcel Map. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
3. Submit Preliminary Title Report as evidence of ownership. A Parcel Map Guaranty must accompany the map at the time of recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
4. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
5. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed as to submittal to the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation, water supply, and sewage disposal. MONITORED BY THE SURVEYOR'S OFFICE, PUBLIC WORKS AGENCY, AND ENVIRONMENTAL HEALTH DEPARTMENT.

**SOILS:**

6. Preliminary Soils Report:  
\_\_\_\_\_ Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.  
 X  Waived as defined in Government Code Section 66491 (a).  
NO MONITORING NECESSARY.

**EASEMENTS:**

7. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

**TAXES:**

8. All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2854 – Deaver-Ninnis

Page 3 of 4

PUBLIC REPORT:

9. Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

WATER SUPPLY

10. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide domestic water service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

SEWAGE DISPOSAL:

11. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide sanitary sewer service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THESE CONDITIONS.

EROSION CONTROL:

12. Construction activities are subject to State of California requirements for storm water discharges associated with construction and land disturbance activities. Prior to construction activities, submit evidence of compliance with such requirements to the Department of Transportation and Public Works for approval. THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION SHALL MONITOR THIS CONDITION.

STORMWATER:

13. The project shall comply with all applicable County regulations pertaining to stormwater management.

DRIVEWAY MAINTENANCE AGREEMENT:

14. Concurrently with the recordation of any final map, the developer shall record a Driveway Maintenance Agreement to include all lots within the subdivision that will be served by the common access private driveway from Lot 1 through Lot 7 as shown on the Vesting Tentative Parcel Map No. 2854.

PERMITS:

15. Obtain permits from the County and other jurisdictions as required by the Department of Transportation and Public Works Director from the construction of street and drainage improvements, including any required appurtenances.

PUBLIC ROAD IMPACT FEE:

16. Prior to issuance of a building permit, the developer shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Ordinance Code 7.84 at the rate(s) in effect at the time of payment. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2854 – Deaver-Ninnis

SOLID WASTE:

- 17. Prior to recordation of any Final Map(s), provide evidence that the Transfer Station has sufficient capacity to serve the proposed project. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

FIRE PROTECTION:

- 18. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, prior to the recording of any Final Map(s), the developer shall participate in the formation of, or annexation to the County's proposed Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conduction the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.

ARCHAEOLOGICAL, CULTURAL, HISTORICAL MITIGATION:

- 19. Prior to recordation of any Parcel Map(s), the applicant shall provide a statement, for review and approval by the Planning Department, that if historic archaeological, and/or paleontological resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall, at their expense, retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Department for review and approval a report of findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.



Chairman

Amador County Planning Commission

(1) Applicant	(6) Surveying Office
(2) Preparer of Map	(7) Amador Fire Protection District
(3) Building Department	(8) Fish and Wildlife
(4) Environmental Health Department	(9) California Department of Forestry
(5) Public Works Agency	(10) Amador LAFCO
	(11) City of Plymouth

- |  |                      |
|--|----------------------|
| 1. Notice of Intent (NOI).   | Initial<br><u>NA</u> |
| 2. GIS List. <u>300 ft.</u> Plus <u>City of Plymouth</u><br><small>(Distance) (Special Instructions: e.g. to end of access road)</small> | <u>NS</u>            |
| 3. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or<br>a. "SPECIAL INSTRUCTIONS."                          | <u>NS</u>            |
| 4. Project Applicant and Representative(s), if applicable. <u>email</u>  | <u>NS</u>            |
| 5. Checked Project file cover for agency distribution.   | <u>✓</u>             |
| 6. Checked inside file for special requests for notification.  | <u>✓</u>             |
| 7. Checked old notification list for additional notification.  | <u>N ✓</u>           |
| 8. Other – Specify:<br>_____<br>_____<br>_____   |                      |

**AFFIDAVIT OF SERVICE BY MAIL**

I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding 2022 Extension Request for PM 2854 by placing copies in 16 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on July 1, 2022 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on June 30, 2022

Signed Nicholas Sheffel

Witness Krista Rucal



RANDOLPH LEONARD W & MARIAN L  
TRUST-2007 RANDOLPH MARIAN  
TRUSTEE  
17800 RANDOLPH CT  
PLYMOUTH, CA 95669

FINE M F FAMILY TRUST FINE MARY F  
TRUSTEE  
8970 RANDOLPH DR  
PLYMOUTH, CA 95669-9703

SCHMITZ PAUL  
17585 HWY 49  
PLYMOUTH, CA 95669

DUBOSE J STEVEN & BRACKETT  
MARILYN JEAN TRUST BRACKETT  
MARILYN JEAN SUCCESSOR TRUSTEE  
8801 RANDOLPH DR  
PLYMOUTH, CA 95669

NINNIS GERRY & DEEVER KENNETH H  
21643 SHENANDOAH SCHOOL RD  
PLYMOUTH, CA 95669

GARFINKEL JAMES & KATHLEEN AB  
LIVING TRUST  
17725 HWY 49  
PLYMOUTH, CA 95669-9705

CICERELLO TODD R & MISTY L  
PO BOX 275  
PLYMOUTH, CA 95669

OWINGS RICHARD R  
PO BOX 616  
PLYMOUTH, CA 956690616

FUSANO FAMILY REVOCABLE TRUST  
FUSANO CHRISTOPHER G TRUSTEE  
694 PLEASANT VALLEY RD #6  
DIAMOND SPRINGS, CA 95619

DILAN & FAMILY INC  
17647 VILLAGE DR  
PLYMOUTH, CA 95669

DILAN & FAMILY INC C/O HEMMA  
PATEL  
9162 CEDAR RIDGE DR  
GRANITE BAY, CA 95746

KDR LAND COMPANY LLC  
PO BOX 1558  
SAN ANDREAS, CA 95249

IONE BAND OF THE MIWOK INDIANS OF  
CALIFORNIA ATTN: TRIBAL CHAIRPERSON  
OR TRIBAL ADMINISTRATOR  
9252 BUSH ST STE 2  
PLYMOUTH, CA 95669

USA IN TRUST FOR IONE BAND OF MIWOK  
INDIANS OF CA  
C/O BUREAU OF INDIAN AFFAIRS PACIFIC  
REGION  
2800 COTTAGE WAY  
SACRAMENTO, CA 95825

IONE BAND OF THE MIWOK INDIANS OF  
CALIFORNIA ATTN: TRIBAL CHAIRPERSON  
OR TRIBAL ADMINISTRATOR  
2035 RANDOLPH CT  
PLYMOUTH, CA 95669

PUTNAM SURVIVORS TRUST & PUTNAM  
MARY LOU NON-EXEMP C/O PUTNAM  
BUICK INC ATTN: CHERYL PUTNAM  
3 CALIFORNIA DR  
BURLINGAME, CA 94010



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DEPARTMENT**

PHONE: (209) 223-6380  
FAX: (209) 257-6254  
WEBSITE: [www.amadorgov.org](http://www.amadorgov.org)  
E-MAIL: [planning@amadorgov.org](mailto:planning@amadorgov.org)

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

**NOTICE OF PUBLIC HEARING**

Notice is hereby given the Planning Commission of the County of Amador, State of California, has received an application for the project described in this notice.

**PROJECT NAME, DESCRIPTION, AND LOCATION:** Request for a 6-year extension of the expiration date of Tentative Parcel Map #2854 Deaver-Ninnis, proposing a commercial land division of 9.69± acres into eight parcels ranging in size from 0.6± to 2.0± acres. The original expiration date is March 12, 2022; the applicant applied for the request prior to this date. (APN 008-100-019).

**PROPERTY OWNERS:** Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jean Deaver Trust I

**SUPERVISORIAL DISTRICT:** 5

**LOCATION:** 17705 Highway 49, Plymouth

**PUBLIC HEARING:** Notice is hereby given said Planning Commission will hold a public hearing on this project at the County Administration Center, Board of Supervisors Chambers, 810 Court Street, Jackson, California, on Tuesday, July 12<sup>th</sup>, 2022, at 7:00 p.m. or as soon thereafter as can be heard. The Commission will review the request and decide on whether to grant or deny the extension request. Anyone having comments on the project may attend and be heard.

THE AMADOR COUNTY PLANNING COMMISSION WILL BE CONDUCTING ITS MEETING VIA TELECONFERENCE. WHILE THIS MEETING WILL STILL BE CONDUCTED IN-PERSON AT THE ABOVE ADDRESS, WE STRONGLY ENCOURAGE THE PUBLIC TO PARTICIPATE FROM HOME BY CALLING IN USING ANY OF THE FOLLOWING NUMBERS:

+1 669 900 6833 US	+1 346 248 7799 US	+1 301 715 8592 US
+1 312 626 6799 US	+1 929 205 6099 US	+1 253 215 8782 US

**Meeting ID: 537 512 8983**

**YOU MAY ALSO VIEW AND PARTICIPATE IN THE MEETING USING THIS LINK:**

<https://us02web.zoom.us/j/5375128983>

The Chairperson will invite the public to comment via phone/online. Public comment will also be accepted by email at [planning@amadorgov.org](mailto:planning@amadorgov.org). All emails must be received prior to the start of the meeting and will be included in the record of the meeting. Emails received after those already included in the meeting materials will be printed and distributed to the Commissioners and available to the public, and shall be subject to the same rules as would otherwise govern speaker comments at the Commission meeting.

Letters of comment regarding this matter received by the County prior to the publication of the Staff Report will be sent to each Planning Commissioner as part of the agenda packet (generally the Tuesday prior to the meeting). Letters received after the Staff Report has been published will be copied and circulated to each Commissioner just prior to the public hearing. Be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing. If you have any questions or desire more information, please contact this office.

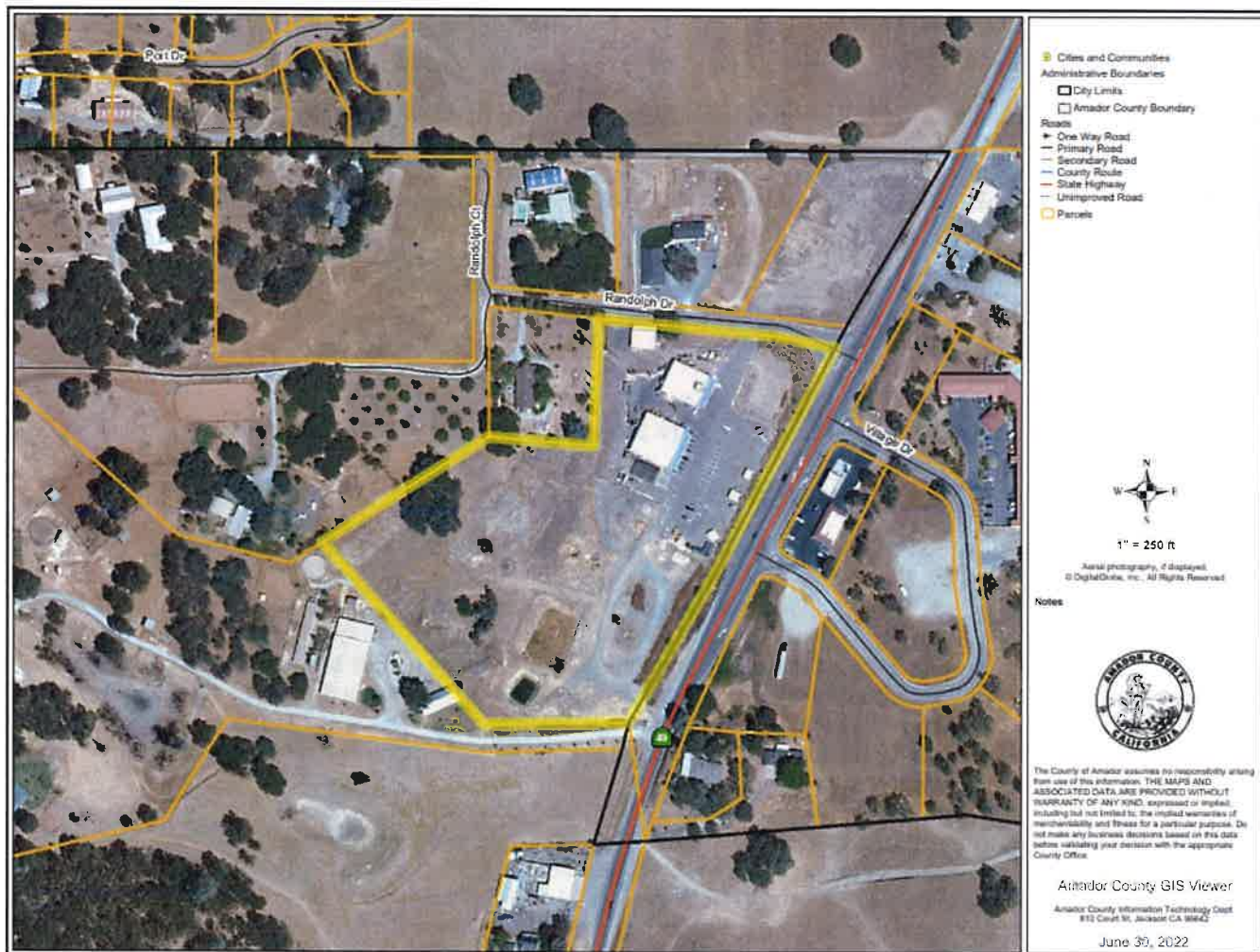
In compliance with the Americans with Disabilities Act, if you require special modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223-6380, by email to [planning@amadorgov.org](mailto:planning@amadorgov.org). Requests must be made as early as possible, and at least two business days before the start of the meeting.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

## AMADOR COUNTY PLANNING COMMISSION

Date of this notice: June 30, 2022

### SUBJECT PARCEL HIGHLIGHTED BELOW



- |  | Initial    |
|--|------------|
| 1. Notice of Intent (NOI).   | <u>N/A</u> |
| 2. GIS List. <u>300</u> ft. Plus <u>City of Plymouth</u><br><small>(Distance) Special Instructions: f.g. to end of access road</small> | <u>NS</u>  |
| 3. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or<br>a. "SPECIAL INSTRUCTIONS."                        | <u>NS</u>  |
| 4. Project Applicant and Representative(s), if applicable.   | <u>NS</u>  |
| 5. Checked Project file cover for agency distribution.   | <u>NS</u>  |
| 6. Checked inside file for special requests for notification.  | <u>NS</u>  |
| 7. Checked old notification list for additional notification.  | <u>NS</u>  |
| 8. Other – Specify:<br>_____<br>_____<br>_____   |            |

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I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on July 18, 2022

Signed *Theresa Shepper*

Witness *[Signature]*

RANDOLPH LEONARD W &  
MARIAN L TRUST-2007 RANDOLPH  
MARIAN TRUSTEE  
17800 RANDOLPH CT  
PLYMOUTH, CA 95669

SCHMITZ PAUL  
47585 HWY 49  
PLYMOUTH, CA  
95669

PUTNAM SURVIVORS TRUST &  
PUTNAM MARY LOU NON-EXEMP  
C/O PUTNAM BUICK INC - ATTN  
CHERYL PUTNAM  
3 CALIFORNIA DR  
RIRI INGAME CA 94010

OWINGS RICHARD R  
PO BOX 616  
PLYMOUTH, CA 95669-0616

DILAN & FAMILY INC  
17647 VILLAGE DR  
PLYMOUTH, CA 95669

CITY OF PLYMOUTH CITY  
HALL P O BOX 429  
PLYMOUTH, CA 95669

IONE BAND OF THE MIWOK INDIANS  
OF CALIFORNIA ATTN: TRIBAL  
CHAIRPERSON OR TRIBAL  
ADMINISTRATOR  
9252 BUSH ST STE 2  
PLYMOUTH CA 95669

DUBOSE J STEVEN & BRACKETT  
MARILYN JEAN TRUST BRACKETT  
MARILYN JEAN SUCCESSOR  
TRUSTEE  
8801 RANDOLPH DR.

GARFINKEL JAMES & KATHLEEN  
AB LIVING TRUST  
17725 HWY 49  
PLYMOUTH, CA 95669

USA IN TRUST FOR IONE BAND OF  
MIWOK INDIANS OF CA  
C/O BUREAU OF INDIAN AFFAIRS  
PACIFIC REGION  
2800 COTTAGE WAY  
SACRAMENTO CA 95825-1846

DILAN & FAMILY INC C/O  
HEMMA PATEL  
9162 CEDAR RIDGE DR  
GRANITE BAY, CA 95746

RICK BALESTREN  
TIM LEWIS COMMUNITIES  
3500 DOUGHLAS BLVD. STE 270  
ROSEVILLE, CA 95661

FINE MF FAMILY TRUST FINE  
MARY F TRUSTEE  
8970 RANDOLPH DR  
PLYMOUTH, CA 95669

NINNIS GERRY & DEEVER  
KENNETH H  
21643 SHENANDOAH SCHOOL RD  
PLYMOUTH, CA 95669

CICERELLO TODD R &  
MISTY L  
PO BOX 275  
PLYMOUTH CA 95669

FUSANO FAMILY REVOCABLE  
TRUST FUSANO CHRISTOPHER G  
TRUSTEE  
694 PLEASANT VALLEY RD #6  
DIAMOND SPRINGS, CA 95619

KDR LAND COMPANY LLC  
PO BOX 1558  
SAN ANDREAS, CA 95249



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY  
**PLANNING DEPARTMENT**

PHONE: (209) 223-6380  
FAX: (209) 257-6254  
WEBSITE: www.amadorgov.org  
E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

**NOTICE OF PUBLIC HEARING**

Notice is hereby given the Planning Commission of the County of Amador, State of California, has received an application for the project described in this notice. **NOTE: THIS IS A REPEAT NOTICE DUE TO THE RESCHEDULING OF THE PREVIOUSLY SCHEDULED JULY PLANNING COMMISSION MEETING.**

**PROJECT NAME, DESCRIPTION, AND LOCATION:** Request for a 6-year extension of the expiration date of Tentative Parcel Map #2854 Deaver-Ninnis, proposing a commercial land division of 9.69± acres into eight parcels ranging in size from 0.6+ to 2.0+ acres. The original expiration date is March 12, 2022; the applicant applied for the request prior to this date. (APN 008-100-019).

**PROPERTY OWNERS:** Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jean Deaver Trust I

**SUPERVISORIAL DISTRICT:** 5

**LOCATION:** 17705 Highway 49, Plymouth

**PUBLIC HEARING:** Notice is hereby given said Planning Commission will hold a public hearing on this project at the County Administration Center, Board of Supervisors Chambers, 810 Court Street, Jackson, California, on Tuesday, August 9<sup>th</sup>, 2022, at 7:00 p.m. or as soon thereafter as can be heard. The Commission will review the request and decide on whether to grant or deny the extension request. Anyone having comments on the project may attend and be heard.

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+1 669 900 6833 US      +1 346 248 7799 US      +1 301 715 8592 US  
+1 312 626 6799 US      +1 929 205 6099 US      +1 253 215 8782 US

**Meeting ID: 537 512 8983**

**YOU MAY ALSO VIEW AND PARTICIPATE IN THE MEETING USING THIS LINK:**

<https://us02web.zoom.us/j/5375128983>

The Chairperson will invite the public to comment via phone/online. Public comment will also be accepted by email at [planning@amadorgov.org](mailto:planning@amadorgov.org). All emails must be received prior to the start of the meeting and will be included in the record of the meeting. Emails received after those already included in the meeting materials will be printed and distributed to the Commissioners and available to the public, and shall be subject to the same rules as would otherwise govern speaker comments at the Commission meeting.

**Letters of comment regarding this matter received by the County prior to the publication of the Staff Report will be sent to each Planning Commissioner as part of the agenda packet (generally the Tuesday prior to the meeting).** Letters received after the Staff Report has been published will be copied and circulated to each Commissioner just prior to the public hearing. Be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is published, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the public hearing. If you have any questions or desire more information, please contact this office.

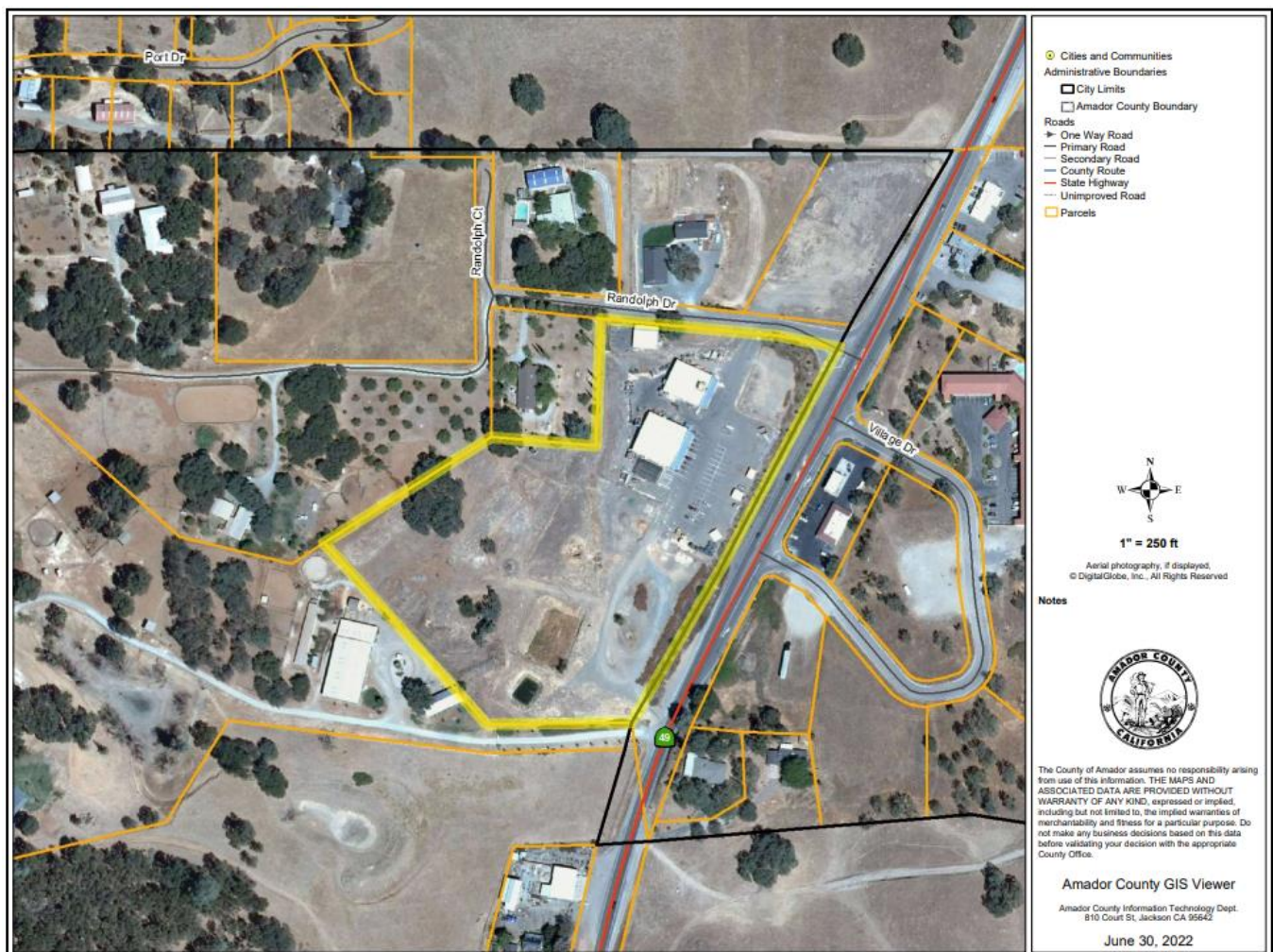
In compliance with the Americans with Disabilities Act, if you require special modification or accommodation to participate in this meeting, please contact the Amador County Planning Department, at (209) 223-6380, by email to [planning@amadorgov.org](mailto:planning@amadorgov.org). Requests must be made as early as possible, and at least two business days before the start of the meeting.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

## AMADOR COUNTY PLANNING COMMISSION

Date of this notice: July, 19 2022

### SUBJECT PARCEL HIGHLIGHTED BELOW



MARCH 10, 2022

AMADOR COUNTY PLANNING COMMISSION  
810 COURT STREET  
JACKSON, CA.  
95642

RE TENTATIVE PARCEL MAP  
# 2854

COMMISSION:

WE WOULD LIKE TO APPLY FOR  
A EXTENSION FOR ABOVE  
TENTATIVE PARCEL MAP.

THANK YOU

KEVIN DEAVEN



RECEIVED

MAR 11 2022

AMADOR COUNTY  
PLANNING DEPARTMENT





**CONDITIONS OF APPROVAL  
AND MITIGATION MONITORING PROGRAM**

**PROJECT:** Tentative Parcel Map No. 2854

**SUBDIVIDER:** Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jean Deaver Trust I (Kenneth H. Deaver, representative)

**DESCRIPTION:** Tentative Parcel Map No. 2854, proposing the division of 9.69 acres into 8 parcels ranging from 0.6 to 2 acres. The project is located at 17705 State Hwy 49 Plymouth, CA, immediately south of the intersection with Randolph Drive (APN 008-100-019).

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration.

**PLANNING COMMISSION APPROVAL DATE:** March 12, 2019

**TENTATIVE PARCEL MAP EXPIRATION DATE:** March 12, 2022

**LOCAL EXTENSION OF EXPIRATION DATE:**

**IMPORTANT NOTES:**

NOTE A: It is suggested the subdivider contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing the preceding conditions. Improvement work shall not begin prior to the review of the plans and the issuance of a permit by the respective Department. The Inspector must have a minimum of 48 hours notice prior to the start of any construction.

NOTE B: An extension of time for completion of this tentative map is possible, provided said extension is applied for by the applicant, to the Planning Department, in writing, prior to the expiration date of the tentative map.

NOTE C: Information concerning this map can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

**FISH AND GAME FEES:**

- 1. No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a No Effect Determination from Fish and Wildlife. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.***

**PARCEL MAP RECORDATION CONDITIONS:**

2. Prepare and submit Parcel Map. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
3. Submit Preliminary Title Report as evidence of ownership. A Parcel Map Guaranty must accompany the map at the time of recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
4. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
5. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed as to submittal to the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation, water supply, and sewage disposal. MONITORED BY THE SURVEYOR'S OFFICE, PUBLIC WORKS AGENCY, AND ENVIRONMENTAL HEALTH DEPARTMENT.

**SOILS:**

6. Preliminary Soils Report:  
\_\_\_\_\_ Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.  
 X  Waived as defined in Government Code Section 66491 (a).  
NO MONITORING NECESSARY.

**EASEMENTS:**

7. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

**TAXES:**

8. All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2854 – Deaver-Ninnis

Page 3 of 4

PUBLIC REPORT:

9. Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

WATER SUPPLY

10. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide domestic water service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

SEWAGE DISPOSAL:

11. Prior to recordation of any final map, the developer shall provide to the Environmental Health Department a written commitment from an approved public entity to provide sanitary sewer service to every parcel created by that map. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THESE CONDITIONS.

EROSION CONTROL:

12. Construction activities are subject to State of California requirements for storm water discharges associated with construction and land disturbance activities. Prior to construction activities, submit evidence of compliance with such requirements to the Department of Transportation and Public Works for approval. THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION SHALL MONITOR THIS CONDITION.

STORMWATER:

13. The project shall comply with all applicable County regulations pertaining to stormwater management.

DRIVEWAY MAINTENANCE AGREEMENT:

14. Concurrently with the recordation of any final map, the developer shall record a Driveway Maintenance Agreement to include all lots within the subdivision that will be served by the common access private driveway from Lot 1 through Lot 7 as shown on the Vesting Tentative Parcel Map No. 2854.

PERMITS:

15. Obtain permits from the County and other jurisdictions as required by the Department of Transportation and Public Works Director from the construction of street and drainage improvements, including any required appurtenances.

PUBLIC ROAD IMPACT FEE:

16. Prior to issuance of a building permit, the developer shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Ordinance Code 7.84 at the rate(s) in effect at the time of payment. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM

Project: Parcel Map No. 2854 – Deaver-Ninnis

SOLID WASTE:

- 17. Prior to recordation of any Final Map(s), provide evidence that the Transfer Station has sufficient capacity to serve the proposed project. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

FIRE PROTECTION:

- 18. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, prior to the recording of any Final Map(s), the developer shall participate in the formation of, or annexation to the County's proposed Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conduction the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.

ARCHAEOLOGICAL, CULTURAL, HISTORICAL MITIGATION:

- 19. Prior to recordation of any Parcel Map(s), the applicant shall provide a statement, for review and approval by the Planning Department, that if historic archaeological, and/or paleontological resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall, at their expense, retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Planning Department for review and approval a report of findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

  
 \_\_\_\_\_  
 Chairman  
 Amador County Planning Commission

(1) Applicant (2) Preparer of Map (3) Building Department (4) Environmental Health Department (5) Public Works Agency	(6) Surveying Office (7) Amador Fire Protection District (8) Fish and Wildlife (9) California Department of Forestry (10) Amador LAFCO (11) City of Plymouth

Chair Byrne asked if anyone else wanted to speak. No one wanted to speak.

- F. **Recent Board Actions:** Chuck Beatty, Planning Director, stated that there were none to share pertaining to previous Commission agenda items.

Public Hearing

- Item 1 (Continued from February 12, 2019) **Environmental document determination and possible project decision for Tentative Parcel Map No. 2854 proposing the division of 9.96+/- acres into 8 parcels ranging from .06+/- acres to 2.0+/- acres.**

**Applicant:** Gerry Ninnis and Sean Edward Lyons, Trustee of the Kenneth H. Deaver and Mary Jane Deaver Trust I (Ken Deaver, representative)

**Supervisory District:** 5

**Location:** 17705 Highway 49, Plymouth, at the SW corner of the intersection with Randolph Drive (APN 008-100-019). The site is adjacent to the City of Plymouth corporate limits and located within the City's Sphere of Influence.

Chair Byrne introduced the item.

Chuck Beatty, Planning Director, shared the Staff Report which is hereby incorporated by reference into these minutes as though set forth in full.

Chair Byrne opened the public hearing and the following persons addressed the Commission with comments on the project:

Ken Deaver (applicant)  
Planning Director Chuck Beatty  
Community Development Director Mike Israel

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner Wardall, and unanimously carried to close the public hearing.

General discussion among Commission members and staff concerning the item followed, resulting in the following motions:

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve that the mitigated negative declaration is adequate for the project.

**MOTION:** It was moved by Vice Chair Ryan, seconded by Commissioner DesVoignes, and unanimously carried to approve Tentative Parcel Map #2854 subject to the Conditions of Approval and Findings included in the Staff Report.

**NOTE:** Mr. Beatty, Planning Director, advised those present that the Planning Commission had approved Tentative Parcel Map 2854. Anyone wishing to appeal that decision may do so by filing a written appeal along with the appropriate fee to the Clerk of the Board of Supervisors no later than 5:00 p.m. on March 22, 2019.

- Item 2 (Continued from February 12, 2019) **Appeal of the Planning Department's denial of a Use Permit for collector's car collection pursuant to County Code Section 10.32.030(E), which allows a collector to maintain one or more collector vehicles provided that minimum conditions are met.**

**Appellant:** Dale Schaefer