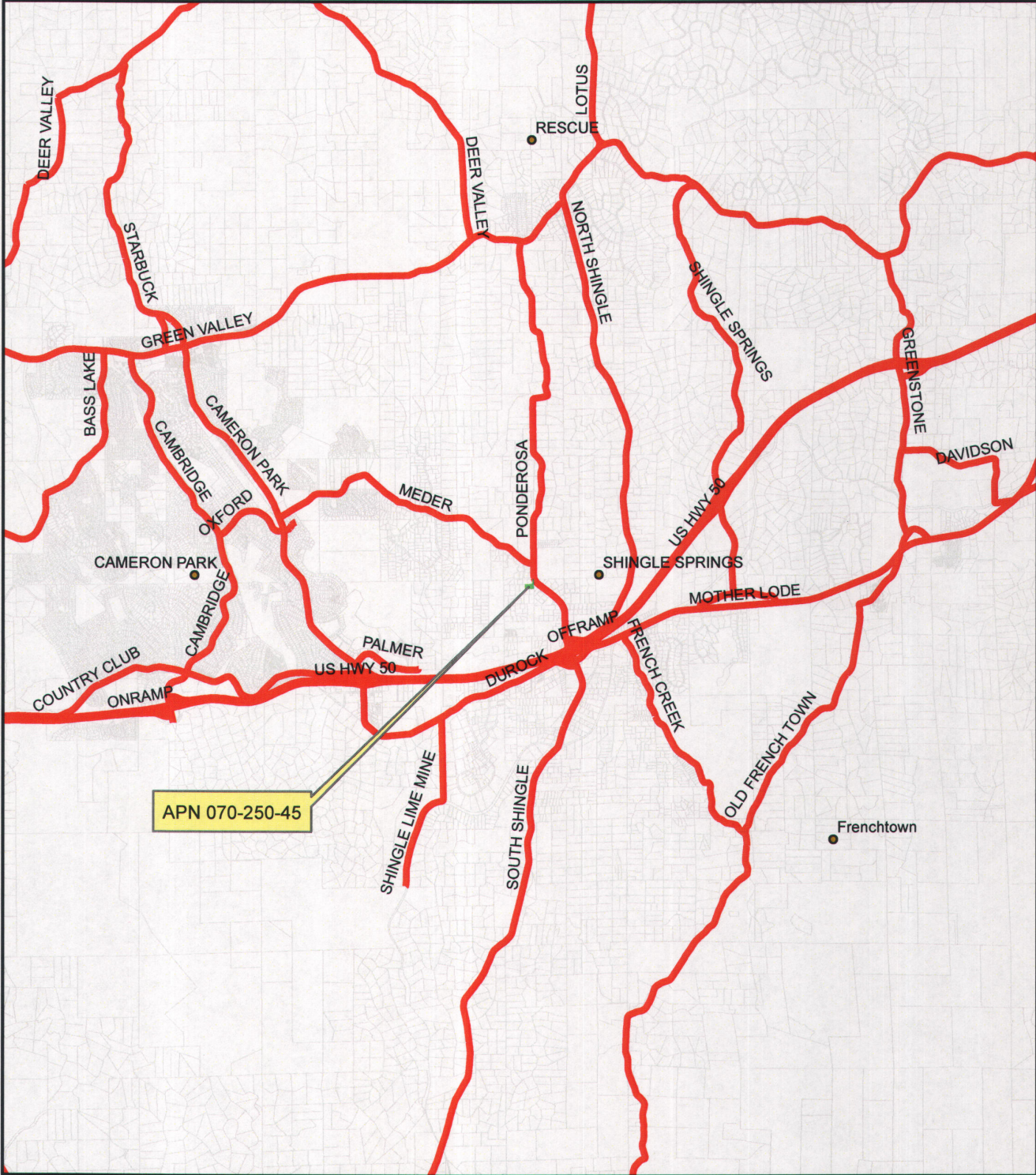


# Exhibit A: Location Map



- prclbase selection
- placenames
- major\_roads
- prclbase

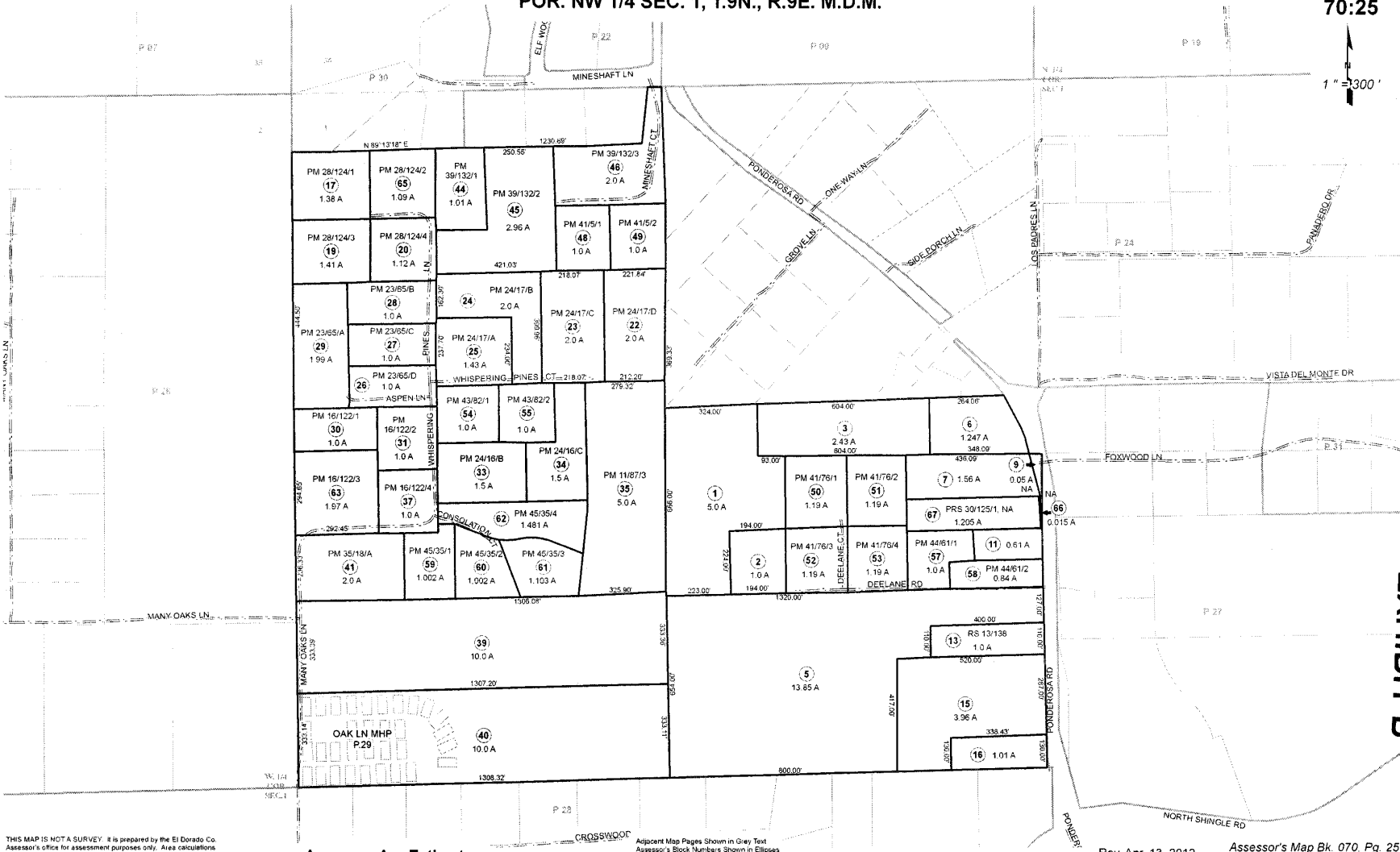
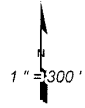


S78-0016-R Tunnel Electric  
Prepared By Aaron Mount

0 0.5 1 2 Miles

POR. NW 1/4 SEC. 1, T.9N., R.9E. M.D.M.

70:25



Acreages Are Estimates

Adjacent Map Pages Shown in Gray Text  
 Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

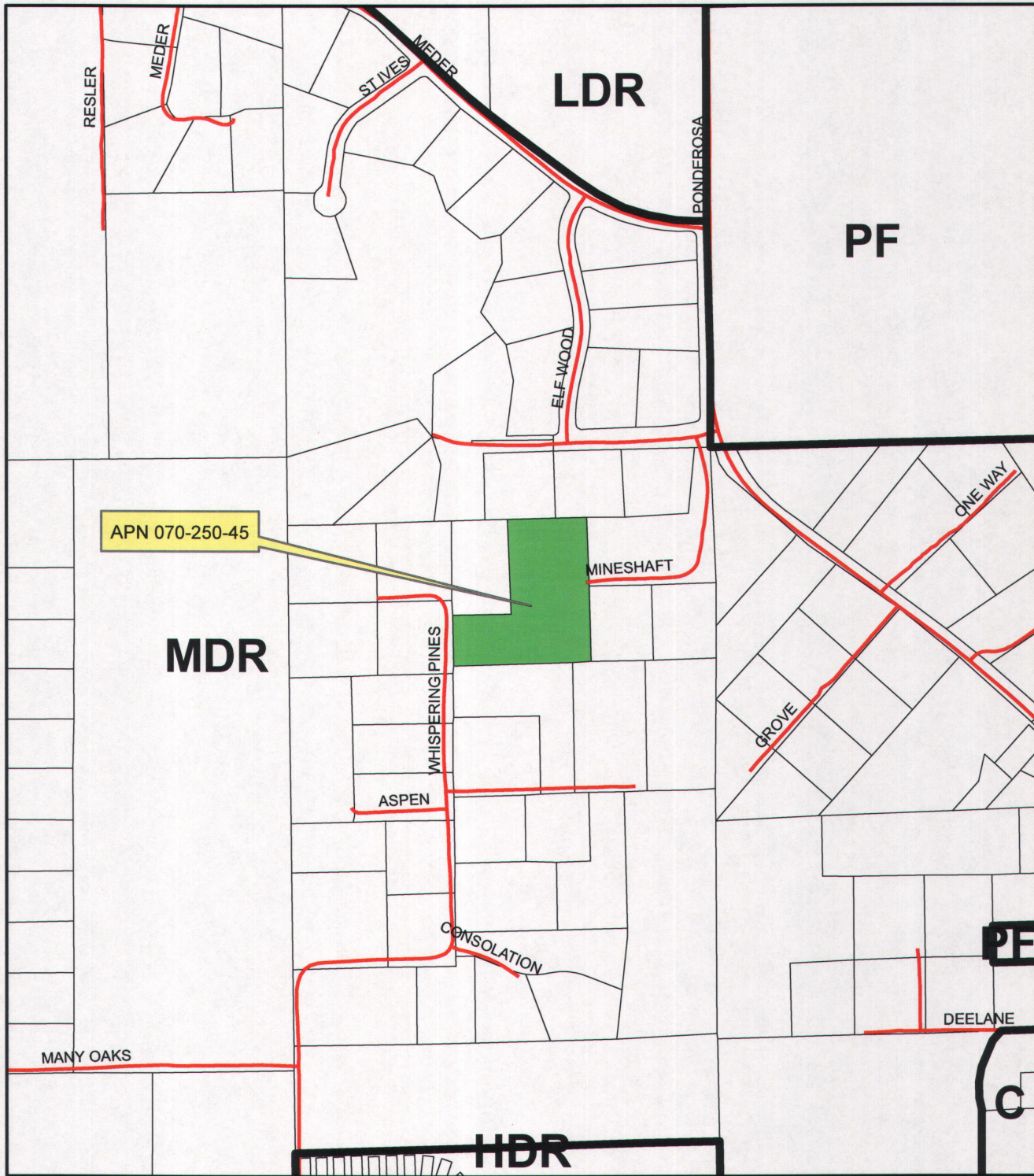
THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

Rev. Apr. 13, 2012

Assessor's Map Bk. 070, Pg. 25  
 County of El Dorado, CA

EXHIBIT B

# Exhibit C: General Plan Map



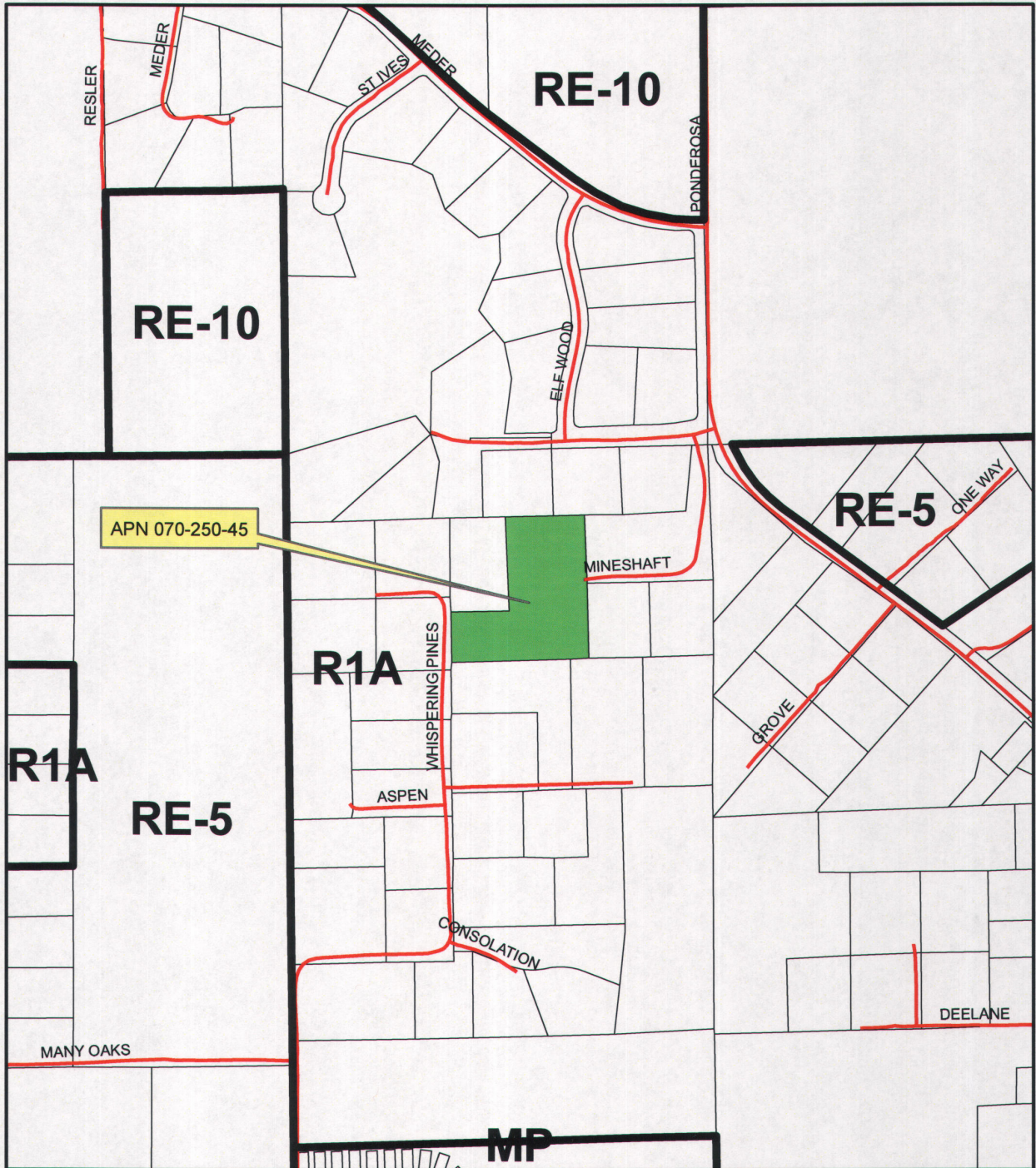
- ldesign
- gpsroads
- prclbase
- prclbase selection



S78-0016-R/Tunnel Electric  
Prepared By Aaron Mount

0 0.025 0.05 0.1 Miles

# Exhibit D: Zone District Map



- zonedes
- gpsroads
- prclbase
- prclbase selection



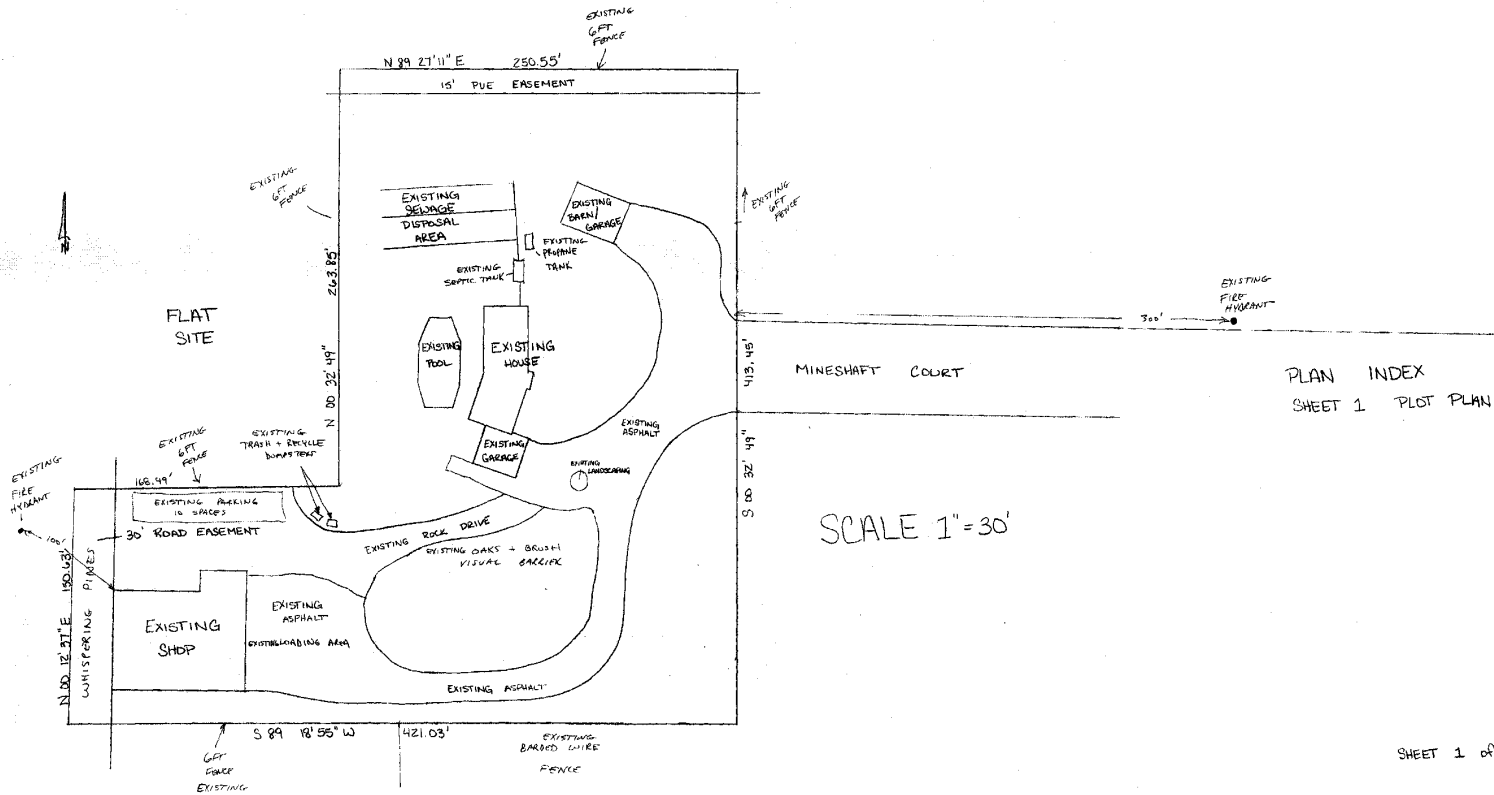
S78-0016-R/Tunnel Electric  
Prepared By Aaron Mount

0 0.025 0.05 0.1 Miles

PROJECT NAME: SUP S78-0016 MINOR REVISION TO MEMORIALIZE USE  
 APN: 070-250-45

APPLICANT: ERIC MARTIN  
 ADDRESS: 3962 MINESHAFI CT.  
 SHINGLE SPRINGS, CA 95682

9/11/14



PLAN INDEX  
 SHEET 1 PLOT PLAN

SCALE 1" = 30'

SHEET 1 OF 1

S 78-0016-R

EXHIBIT E

**EXHIBIT F**

9/17/14

Erik Martin

3962 Mineshaft Ct.

Shingle Springs, CA 95682

APN 070-250-45

SUP# S78-0016 Minor Revision

SUP submittal #10 Detailed description of proposed use:

The intent here is to clarify and memorialize the current use to show it is in compliance with the existing SUP.

Current use is Steel Fabrication Shop, in accessory building. This includes but is not limited to use of power tools, such as welding, machining, metal forming. Wiring of control panels and power distribution panels to be installed in the field. Operation of forklift for loading and unloading purposes, occasional deliveries of material (Trucks, UPS, Fedex, etc.), and shipment of completed assemblies, all loading and unloading takes place completely onsite. Storage of miscellaneous materials (steel, wire, hardware, etc.) onsite. Clerical operations in shop office to manage on and offsite business operations, occasional meetings at shop with clients.

Hours of operation are 7AM to 5PM.

Employees 3 plus the applicant. (Currently family members.)

16 SEP 17 PM 3: 21  
RECEIVED  
PLANNING DEPARTMENT

**S 78-0016-R**

SPECIAL USE PERMIT

PLANNING COMMISSION  
and/or ZONING ADMINISTRATOR  
El Dorado County, California

Start

No. 78 16

Application is hereby made to the Planning Commission and/or Zoning Administrator for a Special Use Permit for the property and use described below and accompanied by four (4) copies of the site plan:

LOCATION (Street, nearest intersection & town): West side Ponderosa Road, ~~888~~ approximately 480 ft south of Meder Road-Ponderosa Road intersection; Shingle Springs area

Assessment Parcel Number: 86-360-43

Property Area: 7.774 acres/~~XXXX~~. Zoning RIA, Single Family One Acre Residential

Requested Use: Operate stainless steel fabrication shop in accessory building, including the use of power tools which require special consideration, as a home occupation

NAME OF APPLICANT: THOMAS H. ENDEAN record owner or ~~XXXXXXXXXXXXXXXXXX~~

Address: Post Office Box 303; Shingle Springs, CA Telephone: 677-1123

Date: \_\_\_\_\_ SIGNATURE OF APPLICANT: [Signature]

\$100.00 Fee in ~~cash~~/check received by V Hornsby Date: Jan 30 1978  
Rec #3825

ACTION BY THE PLANNING COMMISSION

Legal Notices Mailed: February 28, 1978 Public Hearing Held: March 9, 1978

Approved/~~XXXXXXXXXX~~: March 9, 1978 Conditions/~~XXXX~~:

1. Development is to be consistent with the site plan;
2. Operational hours from 7:00 A.M. to 5:00 P.M.;
3. Structure to be painted earth colors;
4. The use is exclusively for the applicant, not to include employees, and not transferrable with the sale of the property.

[Signature]  
Chairman

[Signature]  
Secretary/Zoning Administrator

Approval does not constitute a Building Permit. Building Department may not issue a permit until 5 days following the date of approval. The use must be carried on or the construction commenced and diligently pursued within one year of the granting of the Special Use Permit or becomes null and void.

File Yellow: Building Pink: Applicant Goldenrod: Env. Health PD-SUP2

2-24-78

Dear Sir: - 78 16

In reference to your notice about the shop on the property of Thomas H. Endean we are opposed to the idea of having a business in this area. Power tools would disrupt radio and television also increase the traffic on Pondosa. We want to keep this area residential only - Mr & Mrs B. Welton

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING will be held by the Planning Commission on March 9, 1978 at 10:15 am in the Planning Commission Meeting Room, El Dorado County Office Center, 350 Fair Lane, Placerville, California, in the application of THOMAS H. ENDEAN for a Special Use Permit to operate a stainless steel fabrication shop in an accessory building, including the use of power tools as a home occupation in a R1-0 Single Family Residential Zone, Parcel No. 3-160-03, consisting of 7.774 acres is located 430 ft. south of Cedar Road at Pondosa Road intersection in the Shingle Springs Area.

All persons interested are invited to attend and be heard or to write their comments to the Commission.

EL DORADO COUNTY PLANNING COMMISSION  
KENNETH L. GILBERT, Executive Secretary  
(Reg. Doc. file)



6. AMENDMENTS TO THE GENERAL PLAN/ZONING BOUNDARY AMENDMENTS (Public Hearing)(cont.)

- d. Amendment to the General Plan petitioned by EUGENE POTTER to change from RA-10, Residential Agriculture Ten Acre to RA-5, Residential Agriculture Five Acre

Rescue Area; to rezone the same lands from RE-10, Estate Residential Ten Acre zone to RE-5, Estate Residential Five Acre zone; consisting of 17 acres; Assessment Parcel No. 58-760-04, located on the north side of Luneman Road, approximately 0.6 mile west of Springvale Road (Neg. Dec. filed).

In response to Staff recommendation of denial based on lack of water availability, Mr. Potter presented a letter from El Dorado Irrigation District stating this parcel is within their boundaries. Water service would be received off the Improvement District #23 lines, and Mr. Potter would have to pay annexation fees to that improvement district.

Commissioner O'Halloran moved to recommend approval of this General Plan Amendment to the Board of Supervisors; seconded by Commissioner Keller and passed.

Commissioner O'Halloran moved to recommend approval of this rezoning and acceptance of the Negative Declaration to the Board of Supervisors, to become effective upon certification this parcel has been annexed to the improvement district (with the concurrence of the applicant); seconded by Commissioner Keller and passed. These recommendations are based on the following: (1) This parcel is adjacent to existing RE-5 zoning; (2) Adequate water is available to this parcel.

7. ZONING BOUNDARY AMENDMENT (Public Hearing)

- a. Camino Area; rezone lands from A, Agriculture zone to R2A, Two Acre Single Family Residential zone consisting of approximately 11.67 acres; identified as Assessment Parcel No. 43-090-12, petitioned by WILLIAM KELLER. The parcel is located 270 ft. north of Carson Road and 2500 ft. west of Larsen Drive (Neg. Dec. filed).

This application was received while the Camino/Fruitridge Area Plan was in progress. Since that Area Plan has now been adopted, a General Plan Amendment will also be required. As this item was advertised as a rezoning only, it will have to be continued and reset for hearing.

Commissioner Nomack moved to initiate General Plan Amendment procedures to accompany this rezoning and continue hearing this item to April 27, 1978; seconded by Commissioner Imbach and passed unanimously.

8. SPECIAL USE PERMITS (Public Hearing)

- a. 78-16 - THOMAS H. ENDEAN - to allow operation of a stainless steel fabrication shop, in an accessory building, including the use of power tools, as a home occupation in a R1A, One Acre Single Family Residential zone. Assessment Parcel No. 86-360-43 is located on the west side of Ponderosa Road, approximately 480 ft. south of the Meder Road-Ponderosa Road intersection in the Shingle Springs Area (Neg. Dec. filed).

8. SPECIAL USE PERMITS (Public Hearing)(continued)a. 78-16 - THOMAS H. ENDEAN (continued)

Mr. Milam read letters from Mr. & Mrs. B. Mehlost, Mrs. & Mrs. Kenneth A. Grewe and Ms. Ramona Hanks, in opposition to this permit application.

Letters from Mr. Dave Hansard and the Irving M. Davies Family support this request.

Mr. Endean stated there are no homes near the proposed location of this shop. He has been using these power tools in his garage for some time. These tools produce no exceptional noise. His closest neighbor, Mr. Hansard, is not opposed to his proposal.

Commissioner O'Halloran moved to approve this special use permit, subject to the following conditions; seconded by Commissioner Keller and passed. (1) Development is to be consistent with the site plan; (2) Operational hours from 7:00 A.M. to 5:00 P.M.; (3) Structure to be painted earth colors; (4) The use is exclusively for the applicant, not to include employees, and not transferrable with the sale of the property.

b. 78-13 - FIRST BAPTIST CHURCH OF POLLOCK PINES - to allow an addition to the existing church, consisting of a 248 sq. ft. baptistry, in a R1, Single Family Residential zone. Assessment Parcel No. 8-262-14, consisting of 0.85 acre is located on the north side of Pony Express Trail, on the west side of the North Street-Pony Express Trail intersection in the Pollock Pines Area (Neg. Dec. filed).

A letter from Mr. Robert Finley stated no objection to this addition. The Commission had no questions. Commissioner Momack moved to approve this special use permit subject to the condition, the layout is to be in conformity with the approved site plan; seconded by Commissioner O'Halloran and passed.

9. SPECIAL USE PERMITS (Review Of)

a. 76-01 - LORING H. BRUNIOS - to allow use of a mobilehome for a caretaker on the premises, in an I, Industrial zone. Assessment Parcel No. 98-020-19 (portion of), consisting of 40 acres, is located northwest of Cedar Ravine and Quarry Roads in the Placerville Area.

Staff has made a site review and finds the mobilehome is still in use. There are substantial amounts of large equipment in the area which should be protected.

Commissioner Momack moved to approve this special use permit for an additional year subject to the original conditions; seconded by Commissioner Keller and passed.

78 16

March 16, 1978

Mr. Thomas H. Endeian  
Box 303  
Shingle Springs, CA 95682

Dear Mr. Endeian:

The El Dorado County Planning Commission, at their regular meeting of March 5, 1978, heard a request for a Special Use Permit, petitioned by you, to allow operation of a stainless steel fabrication shop in an accessory building as a home occupation on Assessment Parcel No. 80-182-43, zoned R1A, Single Family One Acre Residential.

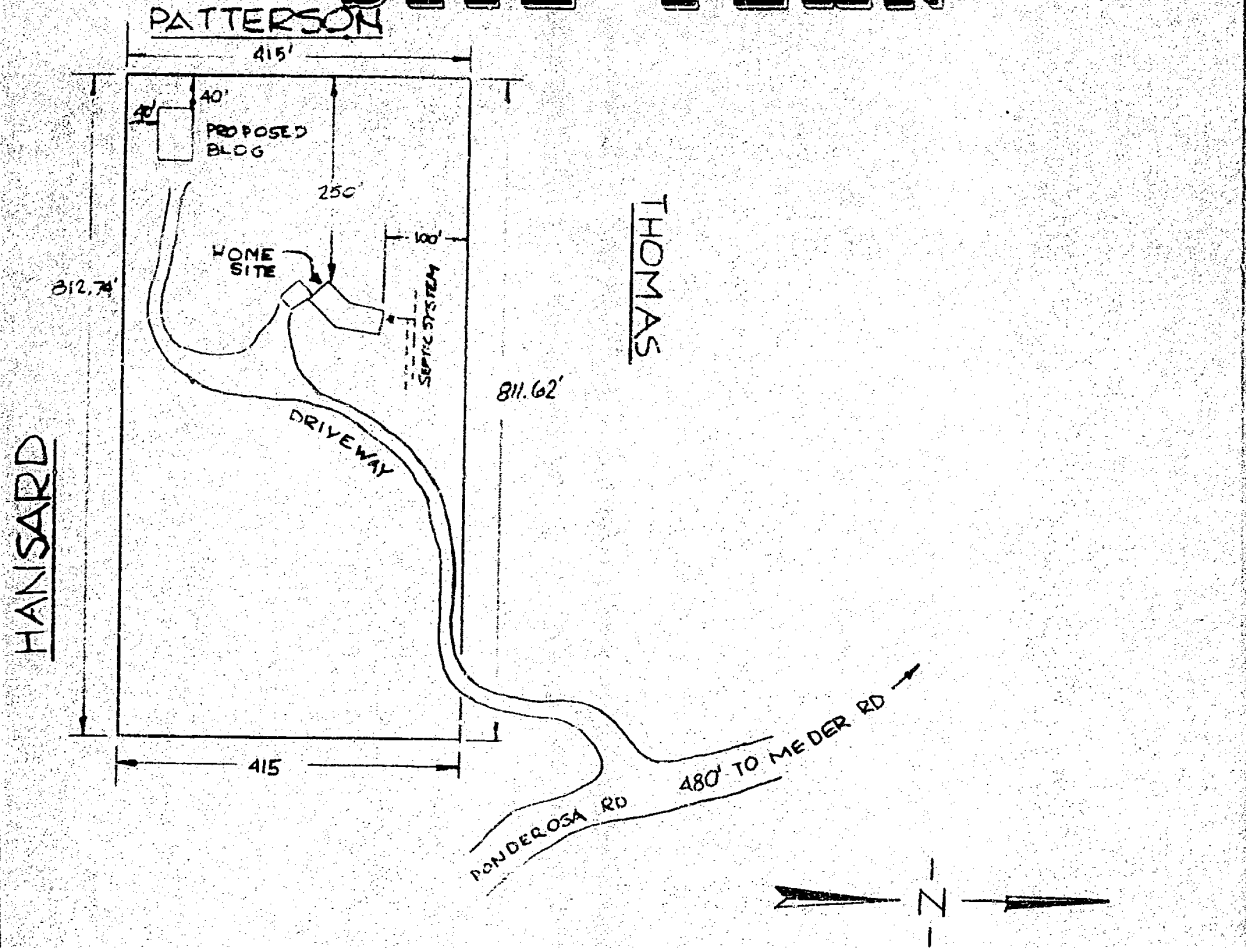
The Commission voted to approve the above Special Use Permit, No. 78-18, with conditions as noted on your copy of the approved petition.

Very truly yours,

KENNETH L. MILAM  
Executive Secretary

KLM:kc

# SITE PLAN



APPLICANT  
THOMAS H ENDEAL  
 PARCEL NO. 56-590-36  
 ZONING AGRICULTURE  
 LOT AREA: 7.74 ACRES  
 SEC. \_\_\_ TWN. \_\_\_ RGE. \_\_\_  
 SCALE: 1" = 200'  
 DATE: 30 DECEMBER 1977  
 1978

**S.U.P. 78 16**

APPROVED/DISAPPROVED BY KM DATE MAR 9  
 EXEC. SEC. PLAN. COMM./ZONING ADMINISTRATOR 1978

RD SUP 7

END

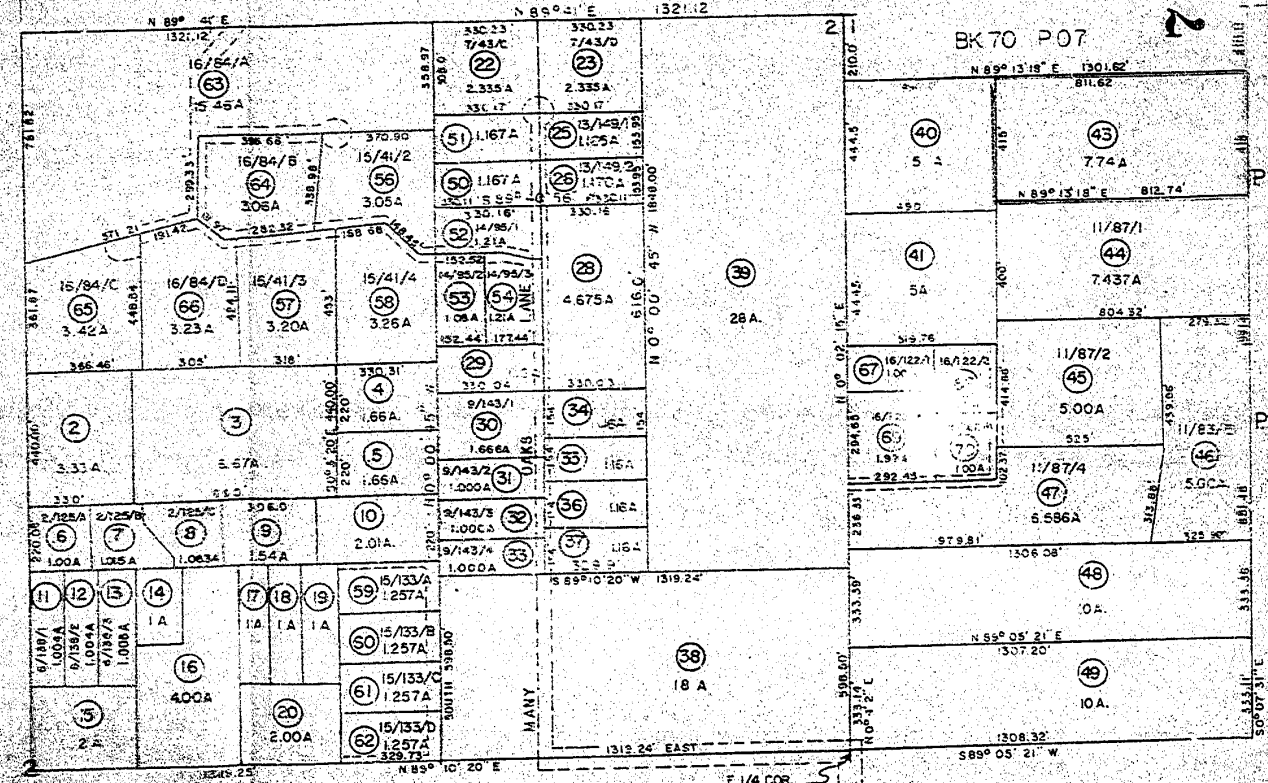
8182

BK 70  
P 07

BK 70  
P 07

BK 70 P 07

BK 83  
P 35



P 02

P 50

Assessor's Map  
County of El Dorado, Calif



# EXHIBIT I

19 January 2015

## **Summary History**

Submitted by Mark Charlton, 3980 Mineshaft Court, Shingle Springs, CA at the request of El Dorado County.

## **Location**

Tunnel Electric (Industrial, Mining and Tunneling)/Bad Ass Electric is located and operated at 3962 Mineshaft Court, Shingle Springs, CA. This parcel is in the center of an R1A zoned area. It is a part of the Many Oaks Lane Zone of Benefit.

**Access** There are two access points for this parcel.

1. One is on the east side on an easement across 3980 Mineshaft Court.
2. The second access is from the west off of Whispering Pines Lane/Many Oaks Lane. This is the original access for subject parcel before it was subdivided and developed as Mineshaft Court.
3. Employees and subcontractors for Tunnel Electric enter and exit both access points and periodically park along Whispering Pines Lane.
4. Large, semi-tractor trucks have difficulty entering/exiting Mineshaft Court and frequently use Mineshaft Lane and Elfwood Lane.

## **History of Ownership**

1. This property was original owned by Thomas Endean. In 1978 special use permit S78-0016 was issued to Thomas Endean, not the property.
2. Endean later sold to John and Margret Marandi. John Marandi passed away in 2005 after an illness.
3. The subject property was sold to Erik and Carrie Martin in 2006. Erik Martin relocated his business, Tunnel Electric/Bad Ass Electric to this site per California State Licensing Board registration.

(Personal note: Until 2010 I was employed and worked in San Francisco and then Modoc County as CAO. I was only in Shingle Springs on weekends. My knowledge is limited until 2010.)

## **California State Licensing Board (CLSB)**

Tunnel Electric/Bad Ass Electric is an Erik Martin business and Mr. Martin is a licensed electrical contractor by the State of California (C-10HIC Lic.#818274) and bonded. Tunnel Electric's principle business is industrial, mining and tunneling activities including large structural steel fabrication.

Reference: CSLB Zero Tolerance Policy In Effect for Non-Compliant Electricians

Per Board direction at its June 11, 2013 meeting, this bulletin is being reissued.

SACRAMENTO — The Contractors State License Board (CSLB) established a zero-tolerance enforcement policy in 2010 and now issues legal action against any C-10 Electrical contractor who willfully employs an uncertified electrician to perform work as an electrician.

CSLB is legally required to open an investigation and initiate disciplinary action against the contractor (which may include license suspension or revocation) within 60 days of receipt of a referral or complaint from the Department of Industrial Relations' Division of Apprenticeship Standards (DAS).

Labor Code section 108.2 stipulates that anyone who performs work as an electrician for C-10 Electrical contractors shall hold an electrical certification card issued by DAS; DAS is required by Labor Code section 108.2 to report violations to CSLB.

Electricians are defined as those who engage in the connection of electrical devices for C-10 contractors. It is CSLB's position that electrical work must be performed by either a state-licensed or a certified electrician. An indentured apprentice or state-registered electrician trainee may also perform electrical work if supervised by a state-certified electrician. Trenching, concrete, framing, and other work that does not involve connecting electrical devices may be performed by noncertified workers.

#### **2010-2012**

Erik Martin and Mark Charlton periodically discussed his Tunnel Electric industrial and mining business and the activities on his property, the business use and traffic on Mineshaft Court within the R1A zone. Issues were R1A compatible activities, industrial steel fabrication, semi-truck deliveries and pickups, noise, safety, and employees. Mr. Martin's response was he can do whatever he wants, regardless of county code and zoning. Mr. Martin claimed the special use permit from 1978 authorized his industrial fabrication and other industrial fabrication activities, regardless of the zoning. Mr. Martin said John Marandi told him he could run his industrial business from this property and, furthermore, Mr. Martin said if he can't he will tell Margret Marandi, John Marandi's widow, that he will sue her.

The point is that Mr. Martin knew and discussed the restrictions and limitations of operating his industrial steel fabrication business in an R1A zoned area before he purchased the property.

#### **Code**

- Special use permit S78-0016 was issued to an individual, not the parcel, and is therefore limited for use to Thomas Endean, named individual in the permit. Since the parcel has been twice sold, this permit has expired.
- Code (Sec 17.28.020): Compatible R1A uses.
- Code (Sec 17.22.260): Special use permit requirement for annual use and administrative revocation and termination. There is no documentation of continued, annual use of this special use permit. By code it should be administratively revoked and terminated.

#### **Photo Documentation**

Beginning in May 2012 photos documented traffic on Mineshaft Court. This documentation was regularly supplied to El Dorado County. The photo documentation consisted of structural steel deliveries by semi-tractor trucks to Tunnel Electric, employee/subcontractor support, industrial 500kW generators, regular use of fork lifts, finished product shipments by semi-truck, etc. The trucks have difficulty entering Mineshaft Court and have damaged property along Mineshaft Court.

#### **2013**

The industrial activity continued to expand and in January 2013. Mr. Charlton contacted El Dorado County for enforcement regulation.



**July 2, 2013 El Dorado County issued a certified Letter of Advisement** to Carrie and Erik Martin. This letter stated the following special use permit conditions:

1. Development is to be consistent with the site plan;
2. Operational hours from 7:00 A.M. to 5:00 P.M.;
3. Structure to be painted earth colors;
4. The use is exclusively for the applicant, not to include employees, and not transferrable with the sale of the property.

#### **2014**

**January 2014 El Dorado County issued a Cease and Desist Letter.** This letter was withdrawn by the County because Mr. Martin claimed he was in compliance with the special use permit.

During 2014 there was a series of correspondence and meetings between El Dorado County and Mr. Martin to clarify and negotiate legal conditions for Tunnel Electric industrial business activities in R1A zoned area. See County file for full record. During this time there continued to be regular industrial traffic and activity on Mineshaft Court and Whispering Pines Lane.

In August 2014 El Dorado County staff informed Mr. Martin that his activities are not in compliance. The County recommended Mr. Martin apply for an "expansion" of the 1978 special use permit. Mr. Martin in an August 2014 letter to the County agreed to prepare and file an expansion to the 1978 permit. This expanded permit will follow the current new permit process, County staff review and recommendation, include all current conditions for use of an R1A special use permit, public notification, and be brought before the Planning Commission for decision. Mr. Martin continues to maintain that the 1978 permit is valid and that all of his past activities are in compliance.

Mr. Mark Charlton of Mineshaft Court and Mr. Alan Carlton of Many Oaks Zone of Benefit dispute these contentions and have met with the County. Mr. Charlton and Mr. Carlton maintain:

- According to county code the 1978 special use permit was issued to an individual, not a parcel, and the permit expired when Mr. Endean sold the property.
- Per Code (Sec 17.22.260) there must be continual and annual activity of the subject use of the special use permit. If there is not annual use, then the special use permit is expired and can be administratively revoked and terminated by the County. There is no documentation establishing that the conditions of Sec 17.22.260 were continually and annually met. Furthermore, there is evidence that the Marandi's did not engage in any activity covered by the special use permit.
- Mr. Martin's activities per photo documentation are 1) a very significant expansion of the 1978 special use permit, and 2) exceed zoning R1A compatible activities (Sec 17.28.020) and are typical of industrial zoning category activities.

#### **2015**

The El Dorado County staff scheduled Mr. Martin's Tunnel Electric "expansion" permit with the Planning Commission for February 26, 2015.