

3/12/2015

Edcgov.us Mail - S78-0016-R/Tunnel Electric

PC 3/12/15  
AS  
2 pages



Aaron Mount <aaron.mount@edcgov.us>

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## S78-0016-R/Tunnel Electric

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Alan Carlton <acarlton@carlton-engineering.com>  
To: "aaron.mount@edcgov.us" <aaron.mount@edcgov.us>

Wed, Mar 11, 2015 at 9:30 PM

Hi Aaron,

Unfortunately I won't be able to be at the meeting on Thursday but wanted this letter to be in the record. I'm sorry it is so late. I've been working out of town all week and just couldn't get to it sooner.

Thanks very much,

*Alan*

Alan Carlton, P.E., L.S.  
Senior Project Manager/ Office Manager

**Carlton Engineering/ GHD Inc.**

T: 1 530 677 5515 | D: 1 530 677 5515 | Cell: 530 409 1595 E: alan.carlton@ghd.com  
4080 Plaza Golderado Circle, Suite B, Cameron Park, CA 95682 USA | <http://www.ghd.com/>  
WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

***Carlton is now a part of GHD Inc.!***

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 **Tunnel Electric Letter.docx**  
13K

March 11, 2015

**Aaron Mount**  
El Dorado County Planning Department  
Fair Lane Court  
Placerville, CA 95667

Re. Tunnel Electric Special Use Permit

Dear Aaron,

I'm afraid I have been called out of town for work and will not be able to attend the Planning Commission Meeting on March 12, 2015.

I would like to go on record as a neighbor of the subject property and as a representative of the Many Oaks Road Association of which Erik Martin is a member of.

Mark Charlton and I have met with you and Mr. Trout to discuss this situation with the subject action at your offices. That was almost a year ago and at that time we were told that the Planning Department would need to complete their own discovery of the situation and land use. I believe that is what has happened but I'm very baffled by the outcome of that discovery and the fact that the Planning Commission is hearing a case for the expansion of this Special Use Permit that was terminated 20 years ago by the fact that Tom Endean sold the property.

There are many home based businesses that our planning ordinance allow in an R1A zone. These allowed businesses are unobtrusive, appropriate for the zone and probably not employing multiple people. Mr. Martin's business is none of the above. If we completely disregard the fact that there isn't a viable existing use permit on the property to expand and just look at what business activities he is conducting at his residential parcel on their own merit, it doesn't make any sense.

While the semi-trucks that drive into his operation multiple times a week do not drive down Whispering Pines Lane but in fact enter on the Mineshaft Court side, his employees do enter on the Whispering Pines Lane side. They are typically respectful drivers in our neighborhood but in fact there are a decent number of them and it's tearing up the street at their driveway. The noise generated by his operation is also inappropriate for a residential area.

I have reviewed the arguments made by Mr. Mark Charlton over the last year and agree with the vast majority of them. I won't repeat all those arguments in this letter. Suffice to say, I want the Planning Commission to know that I believe this whole application is a mistake and that the Planning Department should do what they know to do and continue with their cease and desist letter.

Again, I'm sorry for not being able to attend the meeting but wanted my opinion in the record.

Sincerely,

**Alan Carlton**  
3702 Whispering Pines Lane  
Shingle Springs, CA 95682



Planning Unknown &lt;planning@edcgov.us&gt;

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**Fwd: Tunnel Electric Special Use Permit 78-16**

1 message

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**Planning Unknown** <planning@edcgov.us>  
To: Charlene Tim <charlene.tim@edcgov.us>  
Cc: Aaron Mount <aaron.mount@edcgov.us>

Thu, Mar 12, 2015 at 8:14 AM

Char,

Please see public comment for today's Planning Commission Hearing.

Thank you,  
Julie Saylor

----- Forwarded message -----

From: <maxdorette@aol.com>  
Date: Wed, Mar 11, 2015 at 8:41 PM  
Subject: Tunnel Electric Special Use Permit 78-16  
To: Planning@edcgov.us, emartin@tunnelectric.com

This email is to show our support for Erik Martin and Tunnel Electric. Our home is located next door to Tunnel Electric and the Martin's home is directly behind ours. We have lived here for four years with nothing but positive interactions with the Martins and Tunnel Electric. They have been excellent neighbors and we have never experienced any inconvenience due to their business. They are quiet and keep the business and property in top condition. The staff at Tunnel Electric are friendly and we have never experienced any problems with them. In fact, the only time we hear any noise from the business is our dog barking at the staff arriving to work.

Erik and his staff have been supportive of their neighbors and are always willing to offer their assistance when needed.

As Tunnel Electric's neighbor, we hope the county will honor the SUP 78-16 issued and allow Erik Martin and his family to continue earning a living where they are currently located.

Should you need to contact us for further information, you can email us at maxdorette@aol.com or call us at (530) 672-6825.

Sincerely,

Max and Dorette Marriott

PC 3-12-15  
#5  
2 pages



Planning Unknown <planning@edcgov.us>

## Fwd: Hearing on March 12, 2015 - Thomas Endean's property.

1 message

**Planning Unknown** <planning@edcgov.us>  
To: Charlene Tim <charlene.tim@edcgov.us>  
Cc: Aaron Mount <aaron.mount@edcgov.us>

Thu, Mar 12, 2015 at 8:13 AM

Char,

Please see public comment for today's Planning Commission Hearing.

Thank you,  
Julie Saylor

----- Forwarded message -----

From: **Dana Calhoun** <dana.calhoun@hotmail.com>  
Date: Wed, Mar 11, 2015 at 7:21 PM  
Subject: Hearing on March 12, 2015 - Thomas Endean's property.  
To: "planning@edcgov.us" <planning@edcgov.us>  
Cc: Dana Calhoun <dana.calhoun@hotmail.com>, Carol Calhoun <elvislovescads2@comcast.net>

To whom it may concern:

My family lives at 3865 Mineshaft Lane, across the street from Mineshaft Court and on the corner of Ponderosa Road and Mineshaft Lane. We understand both sides of this case for we have been approached in person by both the home owner and the neighbors. We have never heard or seen any type of business activity in our neighborhood. Again, we live at the access to the property in question. The only noise we hear from our home are dogs, birds and Ponderosa traffic. The only complaint we have ever had is regarding the teenagers on Friday and Saturday nights doing "donuts" in the parking lot of the high school. The only congestion we've seen on Mineshaft Lane, Mineshaft Court and Ponderosa Road come from high school football games, graduation and other events on weekends taking place at the school. If there are in fact these large trucks coming in and out of Mineshaft Court it is on such a small scale that I cannot ever rec-elect one instance within the past year where there has been any other congestion than listed above.

You can contact my family at any time regarding this matter. Please see the map presented to you in order to place where we live in relation to the access road in question. Our front door faces this access road.

Thank you,

Carol, Rex & Dana Calhoun  
3865 Mineshaft Lane  
Shingle Springs, Ca 95682

Dana Calhoun

3/12/2015

Edcgov.us Mail - Fwd: Hearing on March 12, 2015 - Thomas Endean's property.

(530)306-4624 cell  
Northern California  
dana.calhoun@hotmail.com



Planning Unknown &lt;planning@edcgov.us&gt;

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**Fwd: March 12, 2015 Tunnel Electric hearing**

1 message

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**Planning Unknown** <planning@edcgov.us>  
To: Charlene Tim <charlene.tim@edcgov.us>  
Cc: Aaron Mount <aaron.mount@edcgov.us>

Thu, Mar 12, 2015 at 8:12 AM

Char,

Please see public comment for today's Planning Commission Hearing.

Thank you,  
Julie Saylor

----- Forwarded message -----

From: **steve** <stevetognotti@hotmail.com>  
Date: Wed, Mar 11, 2015 at 6:20 PM  
Subject: re: March 12, 2015 Tunnel Electric hearing  
To: "planning@edcgov.us" <planning@edcgov.us>

To whom it may concern,

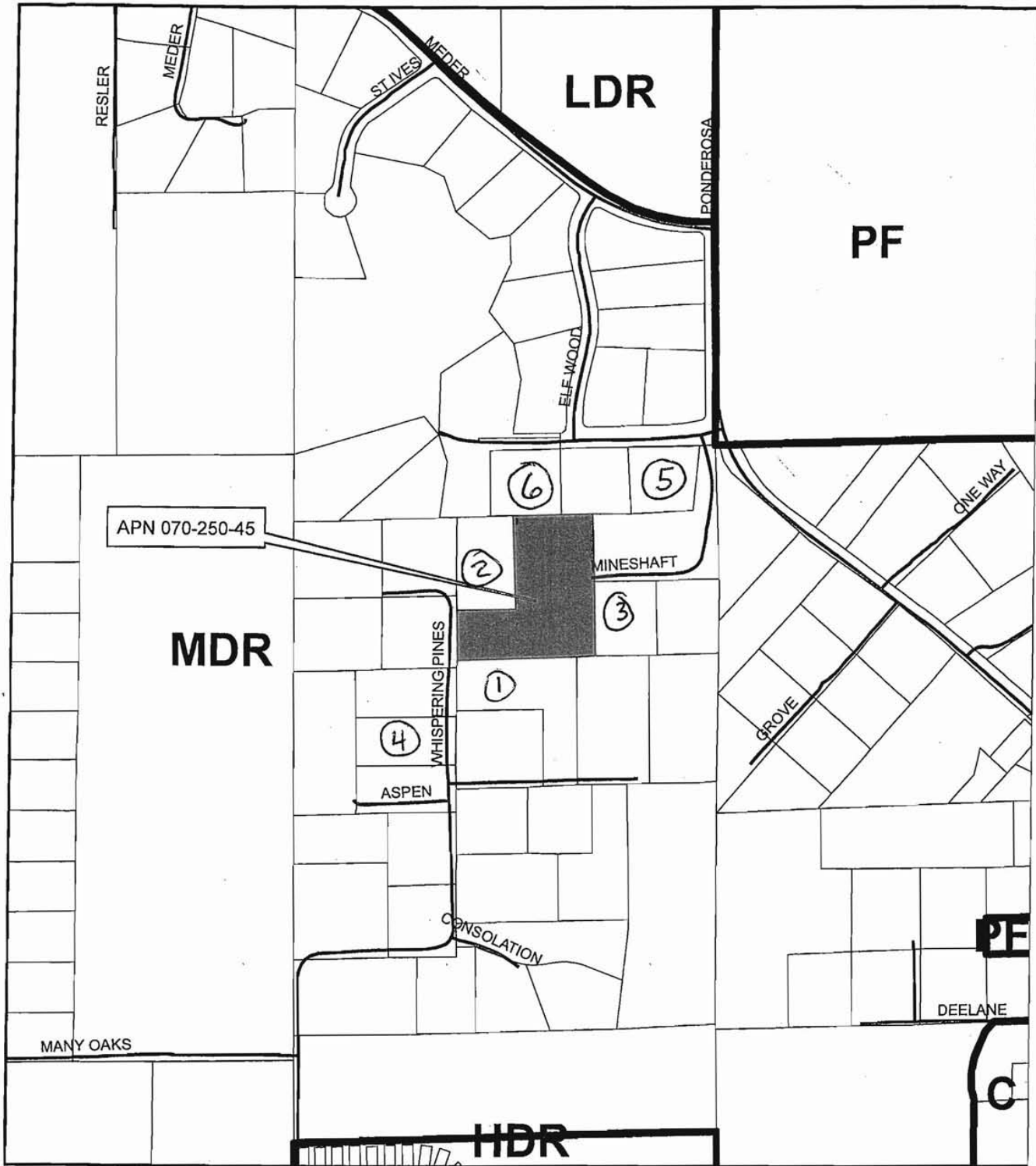
My name is Steve Tognotti. My address is 3964 Mineshaft Court and we have lived here on Mineshaft Court for over 25 years. We live next door to the Martin family and are the closest neighbor to the accessory building that Tunnel Electric operates in. We have never had any problems with Tunnel Electric operating there in the accessory building.

When we first moved here in 1989, Mr. Endean had a stainless steel sink fabrication business in the same building, and trucks made deliveries for his business via Mineshaft Court, and it was never a problem or inconvenience.

The Martins and Tunnel Electric have been good neighbors ever since they moved in and have shown concern regarding their business operating here. It hasn't been an inconvenience or problem for us and we support Erik Martin and his family in this matter.

Thank you for your attention.  
Steve Tognotti

# Exhibit C: General Plan Map



- pbase selection
- pbase
- gproads
- ludeign



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

0 0.025 0.05 0.1 Miles

①

March 10, 2015

El Dorado County Planning Commission

Subject: 3962 Mineshaft Ct.  
Shingle Springs CA

To Whom It May Concern:

My name is Mike Yorba and I reside at 3756 Whispering Pines Lane next to Erik Martin's residence. Please note that I am the closest neighbor to the accessory building that Tunnel Electric Inc. is being operated from. Our properties touch at the southwest corner.

When I was looking to purchase this property in 2003 it was disclosed that the parcel next door has a working business with a forklift and other equipment. At this time, I had the decision to either continue with my purchase or not. I continued on with the purchase as this business was not found to be an issue with me and my family. Erik's business, Tunnel Electric, operates Monday through Friday and he respects his neighbors and their needs.

This business in no way has changed the quality of life or posed any noise or safety concerns.

If possible, I am planning on attending the meeting in support of Erik Martin and Tunnel Electric Inc.

Regards,



Mike Yorba  
3756 Whispering Pines Lane  
Shingle Springs CA 95682  
Phone: (530) 672-2787



2

**emartin@tunnelectric.com**

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**From:** maxdorette@aol.com  
**Sent:** Wednesday, March 11, 2015 8:41 PM  
**To:** Planning@edcgov.us; emartin@tunnelectric.com  
**Subject:** Tunnel Electric Special Use Permit 78-16

This email is to show our support for Erik Martin and Tunnel Electric. Our home is located next door to Tunnel Electric and the Martin's home is directly behind ours. We have lived here for four years with nothing but positive interactions with the Martins and Tunnel Electric. They have been excellent neighbors and we have never experienced any inconvenience due to their business. They are quiet and keep the business and property in top condition. The staff at Tunnel Electric are friendly and we have never experienced any problems with them. In fact, the only time we hear any noise from the business is our dog barking at the staff arriving to work.

Erik and his staff have been supportive of their neighbors and are always willing to offer their assistance when needed.

As Tunnel Electric's neighbor, we hope the county will honor the SUP 78-16 issued and allow Erik Martin and his family to continue earning a living where they are currently located.

Should you need to contact us for further information, you can email us at [maxdorette@aol.com](mailto:maxdorette@aol.com) or call us at (530) 672-6825.

Sincerely,

Max and Dorette Marriott

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**emartin@tunnelectric.com**

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**From:** steve <stevetognotti@hotmail.com>  
**Sent:** Wednesday, March 11, 2015 6:20 PM  
**To:** planning@edcgov.us  
**Subject:** re: March 12, 2015 Tunnel Electric hearing

To whom it may concern,

My name is Steve Tognotti. My address is 3964 Mineshaft Court and we have lived here on Mineshaft Court for over 25 years. We live next door to the Martin family and are the closest neighbor to the accessory building that Tunnel Electric operates in. We have never had any problems with Tunnel Electric operating there in the accessory building.

When we first moved here in 1989, Mr. Endean had a stainless steel sink fabrication business in the same building, and trucks made deliveries for his business via Mineshaft Court, and it was never a problem or inconvenience.

The Martins and Tunnel Electric have been good neighbors ever since they moved in and have shown concern regarding their business operating here. It hasn't been an inconvenience or problem for us and we support Erik Martin and his family in this matter.

Thank you for your attention.  
Steve Tognotti

4

**emartin@tunnelectric.com**

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**From:** Dale Stanec <dstanecjr@yahoo.com>  
**Sent:** Wednesday, March 11, 2015 4:42 PM  
**To:** emartin@tunnelectric.com  
**Subject:** Special use permit 78-16

RE: SpecialUse Permit 78-16 at 3962 Mineshaft Ct in Shingle Springs.

My name is Dr. Dale Stanec and I'm a local Dentist in Cameron Park. I am writing in support of my neighbor Eric Martin. We have lived at our residence since 2002 which is kitty corner to Mr. Martin's house. In the 13 years that we have lived in our neighborhood I have never experienced a single issue with sounds, smells or any other disturbances coming from Mr. Martin's residence. We would definitely consider Eric and Kendra great neighbors. We are in complete support of the continued use of his residence for his business and whole heartedly disagree with limiting his ability to work from his home.

Dr. Dale Stanec Jr., D.D.S.

3/11/2015

Edcgov.us Mail - Fwd: erik martin

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PC 3-12-15  
#5

Charlene Tim <charlene.tim@edcgov.us>



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**Fwd: erik martin**

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Planning Unknown <planning@edcgov.us>  
To: Charlene Tim <charlene.tim@edcgov.us>

Wed, Mar 11, 2015 at 2:17 PM

Hi Char,

Please see public comment email.

Thanks, Debbie

----- Forwarded message -----

From: Keith Gordon <gordy545@gmail.com>

Date: Wed, Mar 11, 2015 at 1:46 PM

Subject: erik martin

To: planning@edcgov.us

ed Gordon 3860 mineshaft ln shingle springs ca 95682 530 677 6242 erik martin lives behind me on mineshaft ct  
I have had no problems since he moved in to 3962 mineshaft court shingle springs ca 95682 with delivery trucks  
or any vehicles whatsoever  
respectfully Edward p gordon

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Thank you.

15-0222 Public Comment  
PC Rcvd 03-11-15

15-0222 Public Comment  
PC Rcvd 03-12-15

3/11/2015

Edcgov.us Mail - Fwd: S78-0016-R/Tunnel Electric

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PC 3-12-15

#5



Planning Unknown <planning@edcgov.us>

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**Fwd: S78-0016-R/Tunnel Electric**

1 message

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**Planning Unknown** <planning@edcgov.us>  
To: Charlene Tim <charlene.tim@edcgov.us>

Wed, Mar 11, 2015 at 3:43 PM

Please see public comment.

Thank you,  
Julie Saylor

----- Forwarded message -----

From: **Tera Masiel** <teramasiel@yahoo.com>  
Date: Wed, Mar 11, 2015 at 3:09 PM  
Subject: S78-0016-R/Tunnel Electric  
To: "planning@edcgov.us" <planning@edcgov.us>

I have owned the property directly to the north of parcel 070-250-45 for a year. I have received and reviewed all of the letters and flyers I have received at my door from the County of El Dorado Planning Commission, Mark Charlton, and Erik Martin, and thought I would provide what information I could to help the County decide whether or not to grant the special use permit revision.

I do not personally know any of the parties involved in this dispute, so I can only provide knowledge regarding what I have noticed from my property. Until I started receiving information recently, I had no idea that any kind of business was ran on the property just south of us. I am a stay at home mother, so I am home most everyday during normal business hours, often in my backyard with my children. There has never been a problem with noise. I also have never seen any semi-flatbed trucks regularly using Mineshaft Lane as stated in one of the flyers I received at my door, so traffic near my property is not a problem.

I will not be able to attend tomorrow's hearing, and although I am curious as to what triggered this dispute between neighbors six years after the Martins moved to the property, I personally have no complaints with the business continuing as it has for the past 8 years.

Thank you,  
Tera Masiel

PC 3/12/15  
 # 5  
 3/12/15  
 Distributed at  
 hearing by  
 Mark Charlton

**Presentation to  
 El Dorado County  
 Planning Commission**  
  
**Hearing For Expansion  
 of  
 Tunnel Electric Industrial Steel Fabrication Business  
 at  
 3962 Mineshaft Court, Shingle Springs, CA**  
  
**12 March 2015  
 Mark Charlton  
 916-420-2556**

1

**Presentation**

1. Background
2. Photo Documentation of Heavy Industrial Activity in R1A
3. Legal Issues
4. Additional Legal Considerations Not Included in Staff Report
5. Recommendations

2

(75 pages)

**Summary**

Tunnel Electric conducts and operates heavy industrial steel fabrication business at 3962 Mineshaft Ct, Shingle Springs, which is zoned R1A.

- **Heavy industrial activity** the size and nature characterized by the industrial zone. 70-100 semi-trailer trucks deliver material and pick up product annually. 2 fork lifts are used to load/unload. Multiple employees/subcontractors. This is not a R1A home occupation.
- **Dispute is Special Use Permit SUP 78-16** that was determined to be expired by the county, confirmed in the January 21, 2014 cease and desist letter, ref. Sec 17.22.260, Revocation.
  - The cease and desist letter was withdrawn on the basis of 2 letters, dated May 6, 2013 but these letters do not address the requirements of Sec 17.22.260.
- **Confirmation of Expired SUP 78-19** On March 6, 2015, the previous owner, Margaret A. Miranda, sent an email to El Dorado County declaring from 1989 to 2006 there was no steel fabrication activity performed on this property.

3

**Photos**

This photo presentation is to provide documentation on the kind of heavy industrial steel fabrication occurring on this property in R1A zone and the level of industrial activity presenting health and safety risks.

This characterization is from the past 15 months and is typical of the current level of industrial business activity. Any expansion of the disputed permit will increase the industrial activity and associated risks to the community.

(See separate file with photo documentation.)

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**Background: SUP 78-16**

*[Faded document text with handwritten notes and signatures]*

6

**Background: SUP 78-16**

**Key Factors**

- Activity: Stainless steel fabrication as a home occupation.
- SUP issued for 7.774 ac parcel.
- Direct access to public road.
- Condition #4.
  - No employees.
  - Does not convey on transfer of property.

**Significant Changes to Conditions of Permit**

- 1988 parcel was subdivided.
  - Remaining parcel was 2.96 ac, 62% reduction in size.
  - No direct access to public road.

**These significant changes constitute revocation SUP 78-16.**

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**Background: Cease and Desist Letter**

January 21, 2014 CERTIFIED MAIL

Frank Martin  
 7402 Mineshaft Court  
 Shingle Springs, CA 95682

Re: Special Use Permit S78-0016  
 APN 070-250-45

Dear Mr. Martin:

On February 18, 1978 the County approved Special Use Permit S78-0016 authorizing a fabrication shop as a house occupation to be conducted on your property.

Title 17 of the El Dorado County Ordinance states:  
 17.22.260 Reversion.  
 A. All permits authorized by this chapter shall automatically expire by operation of law when:  
 1. The use authorized by the permit has ceased for a period of one year for any reason.  
 When it is discovered that a permit has expired, the Planning Department shall send notice of such expiration to the property owner and/or applicant. Failure to send such notice shall not affect the expiration of the permit.

Planning Services has determined that the uses allowed by Special Use Permit S78-0016 ceased for multiple years prior to your ownership of the parcel. This is based on County records showing that the previous owners of the parcel occupied the site for approximately 17 years and did not operate a fabrication shop as a house occupation. Therefore, S78-0016 by operation of law has expired and is no longer in effect for APN 070-250-45.

**Background: May 6, 2013 Letters**


Building Services  
 2850 Fairlane Court, Building C  
 Placerville, CA 95667

Re: Business Use Statement for Special Use Permit 78-16

May 6, 2013

To Whom it May Concern:

The purpose of this letter is to confirm I, Thomas Endeau, operated a business consistent with Special Use Permit 78-16 on parcel 070-250-45 from the time the Special Use Permit was issued until selling the property on April 15, 1989.

Sincerely,  


**Background: May 6, 2013 Letters**

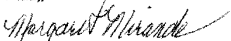
Building Services  
 2850 Fairlane Court, Building C  
 Placerville, CA 95667

Re: Use Statement for Special Use Permit 78-16

May 6, 2013

To Whom it May Concern:

The purpose of this letter is to confirm that any and all uses I, Margaret Mirande, and my late husband, John Mirande, made of the metal building were within the scope of uses permitted under Special Use Permit 78-16 on parcel 070-250-45 from the date of purchase on April 15, 1989 to the date of sale January 17, 2006.

Sincerely,  


**Background: May 6, 2013 Letters**

**Material problems with these letters.**

- These letters appear to have been sent directly to El Dorado County, but they were not. They were attached to a letter from Tunnel Electric, dated February 13, 2014.
- Both of these letters have the same date of May 6, 2013.
- These letters are not specific to Sec. 17.22.260.
  - "The use authorized by the permit has cease for a period of one year for any reason."
  - Neither letter gives specific documentation nor even an undocumented statement of continual annual use.
  - Neither letter is specific to the activity permitted by SUP 78-16.
  - Neither letter includes a statement of who the individual is and where they currently reside.

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**Background: May 6, 2013 Letters**

**Material problems with these letters. (continued)**

- Action by County.
  - On the basis of these letters the cease and desist letter was withdrawn because the County claimed these letters verified the continual use of Sec. 17.22.260.
  - That was not a justified action because of the numerous deficiencies of these letters as they do not meet the minimum requirements for verification of Sec. 17.22.260.

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**Background: March 6, 2015 Email**

On March 6, 2015, Margaret Mirande emailed the following to El Dorado County.

I am Margaret A. Mirande and I currently reside at 3382 Brittan Ave., San Carlos, CA 94070.

I, Margaret A. Mirande, and my late husband, John H. Mirande, resided at 3962 Mineshaft Court, Shingle Springs, CA 95682 from April 15, 1989 until January 17, 2006.

I and my husband, John Mirande, did not operate a stainless steel fabrication shop as described by Special Use Permit 78-16 on this property at any time during our residence. The metal building was used only for storage.

Sincerely,  
 Margaret A. Mirande

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**Background: March 6, 2015 Email**

**Findings**

- The email from Margaret Mirande is clear and specific, following the format of an affidavit.
- The Mirande email is documentation that under Sec. 17.22.260. Revocation, that SUP 78-16 is expired by rule of law and was so around 1990.
- As a result of this statement, this is an expired SUP and the cease and desist letter should be reinstated immediately.
- Furthermore, it is improper to conduct a hearing for an expansion of a revoked and expired permit.

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**Legal Issues: Termination of SUP**

**Conditions that individually terminate SUP 78-16**

1. SUP Condition #4, "not transferable with the sale of the property." SUP 78-16 is terminated with the sale of the property.
2. SUP 78-16 was for a property of 7.77 ac with direct access to a public road. In 1988 Thomas Endean subdivided the property with the resultant parcel being 2.96 ac, a 62% reduction, with no direct access to a public road. A significant change in conditions of the original permit terminates the SUP.
3. The use of SUP 78-16 is limited to, "a home occupation", which is consistent with county code. The present activities are not an R1A home occupation.
4. County code section 17.22.260 as referenced in the January 21, 2014 cease and desist letter are not met. The documentation from Margaret Mirande confirms revocation by this section of the code.

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**Additional Legal Issues**

**Additional Legal Considerations Not Included in Staff Report.**

1. Sec. 130.22.120 states that no one can apply for a permit (or expansion) with outstanding zoning/permit violations. The county staff report includes a list of the outstanding code violations by Tunnel Electric.
2. Heavy industrial steel fabrication of the scale and volume conducted by Tunnel Electric on this site exceeds the standards for zone R1A and is typical of industrial zone categories.
  - County staff report does not characterize and quantify the existing kind and volume of heavy industrial activity nor objectively evaluate that activity against County code and zoning standards.
  - Common use of employees and subcontractors.
3. CEQA exemption is not justified. This significant level of activity both in volume and with the specific activities actually used for the industrial fabrication meet the requirements for CEQA compliance.

15

**Recommendations**

- **Revoke SUP 78-16** Expired by verification from previous owner of Sec. 17.22.260. Revocation.
- **Reissue Cease and Desist Letter**
- **Enforce Compliance** Current heavy industrial fabrication activities exceed conformance with R1A zone compatible uses.
- **Decline Expansion** Expansion of disputed SUP 78-16 because current activities are not in compliance with code, requires CEQA compliance, resultant activity induces further heavy industrial activity in R1A zone increasing health and safety risk.

16



**Presentation to  
El Dorado County  
Planning Commission**

**Hearing For Expansion  
of  
Tunnel Electric Industrial Steel Fabrication Business  
at  
3962 Mineshaft Court, Shingle Springs, CA**

**12 March 2015  
Mark Charlton  
916-420-2556**

# Presentation

- 1. Background**
- 2. Photo Documentation of Heavy Industrial Activity in R1A**
- 3. Legal Issues**
- 4. Additional Legal Considerations Not Included in Staff Report**
- 5. Recommendations**

# Summary

Tunnel Electric conducts and operates heavy industrial steel fabrication business at 3962 Mineshaft Ct, Shingle Springs, which is zoned R1A.

- **Heavy industrial activity** the size and nature characterized by the industrial zone. 70-100 semi-trailer trucks deliver material and pick up product annually. 2 fork lifts are used to load/unload. Multiple employees/subcontractors. This is not a R1A home occupation.
- **Dispute is Special Use Permit SUP 78-16** that was determined to be expired by the county, confirmed in the January 21, 2014 cease and desist letter, ref. Sec 17.22.260. Revocation.
  - The cease and desist letter was withdrawn on the basis of 2 letters, dated May 6, 2013 but these letters do not address the requirements of Sec 17.22.260.
- **Confirmation of Expired SUP 78-19** On March 6, 2015, the previous owner, Margaret A. Mirande, sent an email to El Dorado County declaring from 1989 to 2006 there was no steel fabrication activity performed on this property.

# Photos

**This photo presentation is to provide documentation on the kind of heavy industrial steel fabrication occurring on this property in R1A zone and the level of industrial activity presenting health and safety risks.**

**This characterization is from the past 15 months and is typical of the current level of industrial business activity. Any expansion of the disputed permit will increase the industrial activity and associated risks to the community.**

**(See separate file with photo documentation.)**

# Background: SUP 78-16

ASSESSMENT PARCEL NUMBER: \_\_\_\_\_

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 of  
XXXXXXXXXXXXXXXXXXXX

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 Notice Mailed: February 28, 1978 Public Hearing Held: March 9, 1978

Approved/XXXXXXXXXX: March 9, 1978 Conditions/XXXXXXXX: \_\_\_\_\_

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 transferable with the sale of the property.

# Background: SUP 78-16

## Key Factors

- Activity: Stainless steel fabrication as a home occupation.
- SUP issued for 7.774 ac parcel.
- Direct access to public road.
- Condition #4.
  - No employees.
  - Does not convey on transfer of property.

## Significant Changes to Conditions of Permit

- 1988 parcel was subdivided.
  - Remaining parcel was 2.96 ac, 62% reduction in size.
  - No direct access to public road.

**These significant changes constitute revocation SUP 78-16.**

# Background: Cease and Desist Letter

January 21, 2014

CERTIFIED MAIL

Erik Martin  
3962 Mineshaft Court  
Shingle Springs, CA 95682

Re: Special Use Permit S78-0016  
APN 070-250-45

Dear Mr. Martin,

On February 28, 1978 the County approved Special Use Permit S78-0016, authorizing a fabrication shop as a home occupation to be conducted on your property.

Title 17 of the El Dorado County Ordinance states;

*17.22.260 Revocation.*

*A. All permits authorized by this chapter shall automatically expire by operation of law when:*

*2. The use authorized by the permit has ceased for a period of one year for any reason;*

*When it is discovered that a permit has expired, the Planning Department shall send notice of such termination to the property owner and/or applicant. Failure to send such notice shall not affect the expiration of the permit.*

Planning Services has determined that the uses allowed by Special Use Permit S78-0016 ceased for multiple years prior to your ownership of the parcel. This is based on County records showing that the previous owners of the parcel occupied the site for approximately 17 years and did not operate a fabrication shop as a home occupation. Therefore, S78-0016 by operation of law has expired and is no longer in effect for APN 070-250-45.

# Background: May 6, 2013 Letters

**Building Services  
2850 Fairlane Court, Building C  
Placerville, CA 95667**

**Re: Business Use Statement for Special Use Permit 78-16**

**May 6, 2013**

**To Whom It May Concern:**

**The purpose of this letter is to confirm I, Thomas Endean, operated a business consistent with Special Use Permit 78-16 on parcel 070-250-45 from the time the Special Use Permit was issued until selling the property on April 15, 1989.**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'T. Endean', written over a light blue background.



# Background: May 6, 2013 Letters

Building Services

2850 Fairlane Court, Building C

Placerville, CA 95667

Re: Use Statement for Special Use Permit 78-16

May 6, 2013

To Whom It May Concern:

The purpose of this letter is to confirm that any and all uses I, Margaret Mirande, and my late husband, John Mirande, made of the metal building were within the scope of uses permitted under Special Use Permit 78-16 on parcel 070-250-45 from the date of purchase on April 15, 1989 to the date of sale January 17, 2006.

Sincerely,

A handwritten signature in black ink that reads "Margaret Mirande". The signature is written in a cursive style with a long, sweeping underline.

# Background: May 6, 2013 Letters

## Material problems with these letters.

- These letters appear to have been sent directly to El Dorado County, but they were not. They were attached to a letter from Tunnel Electric, dated February 13, 2014.
- Both of these letters have the same date of May 6, 2013.
- These letters are not specific to Sec. 17.22.260.
  - “The use authorized by the permit has cease for a period of one year for any reason.”
  - Neither letter gives specific documentation nor even an undocumented statement of continual annual use.
  - Neither letter is specific to the activity permitted by SUP 78-16.
  - Neither letter includes a statement of who the individual is and where they currently reside.

# Background: May 6, 2013 Letters

## Material problems with these letters. (continued)

- Action by County.
  - On the basis of these letters the cease and desist letter was withdrawn because the County claimed these letters verified the continual use of Sec. 17.22.260.
- That was not a justified action because of the numerous deficiencies of these letters as they do not meet the minimum requirements for verification of Sec. 17.22.260.

# Background: March 6, 2015 Email

On March 6, 2015, Margaret Mirande emailed the following to El Dorado County.

I am Margaret A. Mirande and I currently reside at 3382 Brittan Ave., San Carlos, CA 94070.

I, Margaret A. Mirande, and my late husband, John H. Mirande, resided at 3962 Mineshaft Court, Shingle Springs, CA 95682 from April 15, 1989 until January 17, 2006.

I and my husband, John Mirande, did not operate a stainless steel fabrication shop as described by Special Use Permit 78-16 on this property at any time during our residence. The metal building was used only for storage.

Sincerely,

Margaret A. Mirande

# Background: March 6, 2015 Email

## Findings

- The email from Margaret Mirande is clear and specific, following the format of an affidavit.
- The Mirande email is documentation that under Sec. 17.22.260. Revocation, that SUP 78-16 is expired by rule of law and was so around 1990.
- As a result of this statement, this is an expired SUP and the cease and desist letter should be reinstated immediately.
- Furthermore, it is improper to conduct a hearing for an expansion of a revoked and expired permit.

# Legal Issues: Termination of SUP

## Conditions that individually terminate SUP 78-16

1. SUP Condition #4, "*not transferable with the sale of the property.*" SUP 78-16 is terminated with the sale of the property.
2. SUP 78-16 was for a property of 7.77 ac with direct access to a public road. In 1988 Thomas Endean subdivided the property with the resultant parcel being 2.96 ac, a 62% reduction, with *no* direct access to a public road. A significant change in conditions of the original permit terminates the SUP.
3. The use of SUP 78-16 is limited to, "*a home occupation*", which is consistent with county code. The present activities are not an R1A home occupation.
4. County code section 17.22.260 as referenced in the January 21, 2014 cease and desist letter are not met. The documentation from Margaret Mirande confirms revocation by this section of the code.

# Additional Legal Issues

## Additional Legal Considerations Not Included in Staff Report.

1. Sec. 130.22.120 states that no one can apply for a permit (or expansion) with outstanding zoning/permit violations. The county staff report includes a list of the outstanding code violations by Tunnel Electric.
2. Heavy industrial steel fabrication of the scale and volume conducted by Tunnel Electric on this site exceeds the standards for zone R1A and is typical of industrial zone categories.
  - County staff report does not characterize and quantify the existing kind and volume of heavy industrial activity nor objectively evaluate that activity against County code and zoning standards.
  - Common use of employees and subcontractors.
3. CEQA exemption is not justified. This significant level of activity both in volume and with the specific activities actually used for the industrial fabrication meet the requirements for CEQA compliance.

# Recommendations

- **Revoke SUP 78-16** Expired by verification from previous owner of Sec. 17.22.260. Revocation.
- **Reissue Cease and Desist Letter**
- **Enforce Compliance** Current heavy industrial fabrication activities exceed conformance with R1A zone compatible uses.
- **Decline Expansion** Expansion of disputed SUP 78-16 because current activities are not in compliance with code, requires CEQA compliance, resultant activity induces further heavy industrial activity in R1A zone increasing health and safety risk.



**Presentation to  
El Dorado County  
Planning Commission**

**Hearing For Expansion  
of  
Tunnel Electric Industrial Steel Fabrication  
at  
3962 Mineshaft Court, Shingle Springs, CA**

**Photo Documentation of Heavy Industrial Fabrication  
Activities in R1A Zone**

**12 March 2015  
Mark Charlton  
916-420-2556**



15-0222 Public Comment  
PC Rcvd 03-12-15



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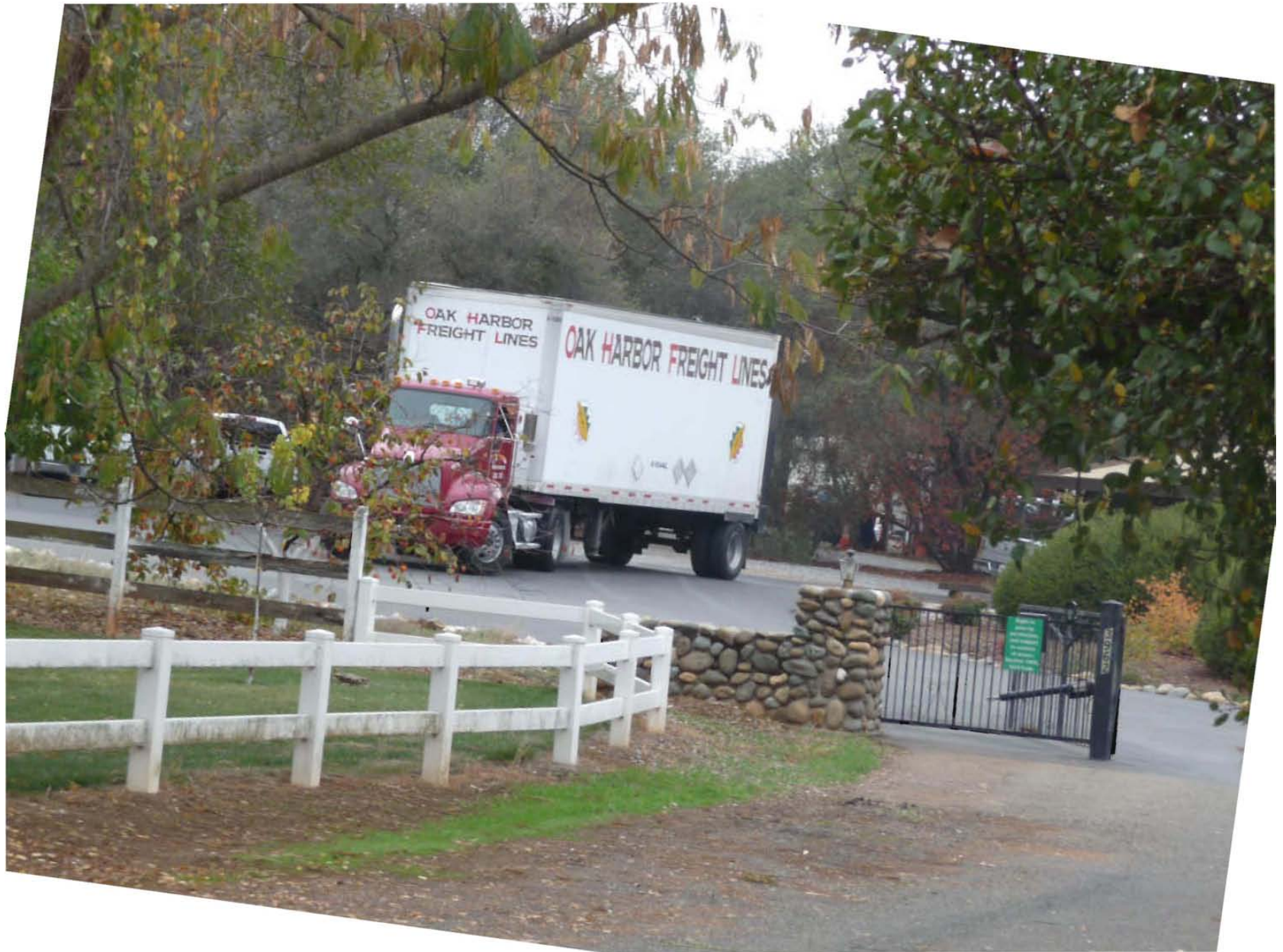
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PC Rcvd 03-12-15



15-0222 Public Comment  
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Photo of a  
flatbed truck  
with a full load  
leaving at  
10:30 pm with  
headlights off.





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PC Rcvd 03-12-15



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