



PC 3/12/15  
#5 (7 pages)  
Charlene Tim <charlene.tim@edcgov.us>

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## Fwd: Hearing for SUP 78-16 Expansion

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Mark Charlton <mccharlton@icloud.com>  
To: charlene.tim@edcgov.us

Mon, Feb 16, 2015 at 11:42 AM

This is a resend as email indicated it was not able to successfully transmit the message.

Sorry,  
Mark Charlton

Begin forwarded message:

**From:** Mark Charlton <mccharlton@icloud.com>  
**Subject:** Hearing for SUP 78-16 Expansion  
**Date:** February 16, 2015 at 11:29:07 AM PST  
**Cc:** Alan Carlton <acarlton@carlton-engineering.com>, Frank Kopita <atipok@sbcglobal.net>  
**To:** rich.stewart@edcgov.us; gary.miller@edcgov.us; tom.heflin@edcgov.us;  
dave.pratt@edcgov.us; brian.shinault@edcgov.us; charlene.tim@edcgov.us

EDC Planning Commission:

Attached is a letter bringing to your attention a legal problem with the March 12 Commission meeting for a public hearing about the expansion of a 1978 Special Use Permit, SUP 78-16. This is an expired SUP per specific conditions of the permit that states it is not transferrable. The property was sold in 1989 and again in 2006. There are additional violations of R1A zone activities that also terminate the SUP. EDC staff made this determination and on January 21, 2014 sent a cease and desist letter to the property/industrial business owner. Roger Trout later withdrew the letter and has not provided a code-based, legal reason.

You cannot hold a hearing to expand a permit that is expired.

The attached letter formally requests you pull the hearing notice from the agenda and then to add an action item to the agenda to review and give guidance to the Development Services Department on this problem.

Thank you and please call/email with any questions.

Sincerely,


Mark Charlton  
3980 Mineshaft Court  
Shingle Springs, CA  
916-420-2556


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**4 attachments**

 **Ltr to PC 1a.pdf**  
55K

 **Att 1 SUP 78-16.pdf**  
606K

 **Att 2 S78-16 cease Martin 2014.pdf**  
102K

 **Att 3 Photos.pdf**  
10129K

February 14, 2015

Mark Charlton 3980 Mineshaft Ct Shingle Springs, CA 95692 916-420-2556	Alan Carlton 3702 Whispering Pines Lane Shingle Springs, CA 95682 916-932-7855
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**El Dorado County Planning Commission**

Commissioners: Rich Stewart, Gary Miller, Tom Heflin, Dave Pratt, Brian Shinault  
Planning Commission Clerk: Char Tim

We are making a formal request for the El Dorado County Planning Commission to add the following agenda item to the March 12, 2015 Planning Commission meeting. There is a point of order about the agenda item on the March 12 meeting for a public hearing for an expansion of SUP 78-16/Tunnel Electric. The Notice of Public Hearing for SUP 78-16 expansion is incorrectly brought to the Planning Commission. The point of order is that SUP 78-16 is a revoked special use permit based on Condition #4 of the permit and additionally by Section 17.22.260. Condition 4 is, "*The use is exclusively for the applicant, not to include employees, and not transferrable with the sale of the property.*" The property was sold by the applicant in 1989 to John and Margaret Mirandi and then subsequently sold to Erik Martin in 2006. Last year County staff made this finding, sent a letter of advisement to Erik Martin/Tunnel Electric and then issued a January 21, 2014 cease and desist letter. The industrial steel fabrication activities on this property are egregious and excessive for R1A, represent a health and safety risk, and merit enforcement. The County Director of Development Services, Roger Trout, then withdrew the cease and desist letter but has not provided a code based and legal reason for that action.

The point of order is that the County must first determine if SUP 78-16 is legally valid and determine if the actives are R1A code compatible before there can be any consideration of any kind for an expansion of an SUP.

Agenda item for March 12, 2015 Planning Commission meeting to replace the Notice of Public Hearing.

**Action. Revocation of 1978 SUP 78-16 specifically assigned to Thomas Endean, 3962 Mineshaft Ct., Shingle Springs, CA. Parcel number 86-360-43.**

Furthermore, subject parcel (#86-360-43) is in an R1A zone. County code provides guidelines for compatible home occupations. Tunnel Electric's activities are heavy industrial structural steel fabrication. See a attached photos representative of the delivers to Tunnel Electric via Mineshaft Ct. The deliveries are typically structural steel, box beams, etc., requiring a fork lift to remove and load. Deliveries are made on 45 ft flatbed semi-trailer trucks. This past week of February 10 saw at least 5 of these semi's make deliveries via Mineshaft Ct to Tunnel Electric. The size and number represent a significant health and safety risk to the residents. I have photo documentation and notified and provided photos to Roger Trout, Director of Development Services. There are an estimated 70-100 such semi-trailer truck deliveries per year of structural steel plus multiple daily deliveries of other items. There are also employees and subcontractors used on site by Tunnel Electric.

These activities by Tunnel Electric, by code, are egregious for R1A zone. These are industrial activities. The heavy industrial activities, the amount and scale present a significant health and safety risk to Mineshaft Ct and other R1A residential streets (Mineshaft Lane, Elfwood Lane, and adjacent Ponderosa High School). The county staff must address and regulate these extensive and large-scale industrial activities in R1A. The staff correctly did so and issued the January 21, 2014 cease and desist letter. There is no basis for the county staff, particularly Roger Trout, Director of Development Services, to recommend any action until activities are code and legally compatible with R1A zoning.

#### Analysis of SUP 78-16

1. No changes, modifications, or expansions to SUP 78-16.
2. Subject parcel of SUP 78-16 was 7.74 ac. Since 1978 it was subdivided and today it is 2.96 ac. In 1978 there was one neighbor. Today all adjacent parcels are residentially developed and occupied.
3. Issued to an individual, not a parcel, further emphasized and clarified by Condition #4.
4. Specific use of the SUP is, "*Operate stainless steel fabrication shop in accessory building, including the use of power tools which require special consideration, as a home occupation.*" Erik Martin/Tunnel Electric activities are very different, significantly as magnitudes greater level of activity, and not a home occupation per code.
5. Conditions of Section 17.22.260 not met.
6. Condition #4 is clear and specific that the SUP is not transferrable. There is nothing in code which supersedes this condition nor allows county staff to administratively avoid or bypass this condition.

Thank you very much. Please feel free to email or call with questions or comments.

Sincerely,  
Mark Charlton      Alan Carlton

#### Attachments

1. SUP 78-16
2. Jan 21, 2014 El Dorado County cease and desist letter to Tunnel Electric
3. Sample photos of structural steel deliveries via Mineshaft Ct to Tunnel Electric

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, ~~280~~ approximately 480 ft south of Meder Road-Ponderosa Road intersection; Shingle Springs area

Assessment Parcel Number: 86-360-43

Property Area: 7.774 acres/xxxxx. 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 on  
XXXXXXXXXXXXXXXXXXXX

Address: Post Office Box 303; Shingle Springs, CA

Telephone: 677-1123

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

\$100.00 Fee in ~~xxxx~~ 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/~~XXXXXXXXXX~~:

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.

[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 completed and diligently pursued within one year of the granting of the Special Use Permit or it becomes null and void.

Blue: Office Yellow: Building Pink: Applicant Goldenrod: Env. Health PD-SUPP



# COMMUNITY DEVELOPMENT AGENCY

## DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

**PLACERVILLE OFFICE:**

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**LAKE TAHOE OFFICE:**

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

[tahoebuild@edcgov.us](mailto:tahoebuild@edcgov.us)

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.

You shall cease all commercial on-site uses within 60 days of receipt of this letter. Failure to do so could result in code enforcement action, fines, and/or prosecution by the County. A response to this letter must be made within 30 days notifying the County that the unauthorized activity has ceased or your plan to cease the activity within the 60 day time frame. Please contact me if you have any questions or wish to meet to discuss this letter.

Sincerely,

Aaron Mount, Project Planner

Cc: Ron Briggs, District Four Supervisor  
Jim Wassner, Code Enforcement

Attachment 3.

February 14, 2015

Subject: Sample photos of structural steel deliveries to Tunnel Electric on Mineshaft Ct, Shingle Springs, CA

Regular photo documentation of the kind and level of industrial fabrication activity by Tunnel Electric provided to El Dorado County Department of Development Services (Director Roger Trout, Aaron Mount staff) during 2013, 2014, and 2015.

Mark and Susan Charlton  
3980 Mineshaft Ct.  
530-672-7425

February 11, 2015.  
One of 5 semi truck deliveries week  
of Feb 10, 2015.



October 1, 2013  
Truck on with delivery for Tunnel Electric  
on Mineshaft Lane.



June 4, 2014  
I-beams delivered to Tunnel Electric.



December 13, 2013  
Fabricated product.

