



# EXHIBIT A

Aaron Mount <aaron.mount@edcgov.us>

## Tunnel Electric Submittal

Nicholas Avdis <NAvdis@thomaslaw.com>

Fri, Jun 12, 2015 at 4:24 PM

To: Roger Trout <roger.trout@edcgov.us>

Cc: Aaron D Mount <aaron.mount@edcgov.us>, "emartin@tunnelectric.com" <emartin@tunnelectric.com>

Roger,

Thanks for meeting with Erik and me a few weeks back. At that meeting, you informed us that the County was proceeding with the revocation hearing and at the same time, the hearing to amend the existing use permit on the subject property. As promised, this email is intended as a follow-up to provide the supplemental materials we discussed.

With regards to the revocation, while we continue to maintain that the applicable statute of limitations has run, we have nevertheless attached several letters substantiating the continuous nature of the activities occurring on the subject property going back to 1978. These first-hand witness accounts, including statements by an employee of the late Mr. Mirande as well as the Mirande's former pool service contractor establish the continuous nature of the activities consistent with those permitted by the approved use permit. These letters are in addition to those previously provided.

On that point, I do think you have to read Mrs. Mirande's March 6, 2015 email in the context of her prior statements and the statements of others. Her comments in her May 6, 2013 letter state that her husband's activities were within the scope of the permitted uses in the use permit, and her comments in her email of March 6, 2015 are very specific to operating, in a very strict and narrow sense, a "stainless steel fabrication shop." No further color or detail is provided in these statements. She may very well believe that what her husband did was not a "stainless steel fabrication shop", but when reading her email within the context of her previous statement, in addition to the statements by others, it is clear the activities that did take place were within the scope of the use permit. Perhaps the activities taking place were nothing more than "storage" in her mind, but the fact of the matter is that the activities were taking place within the scope of the use permit and during the time the Mirande's owned the property. This is evidenced by the statements of their employee Aaron Hernandez, as well as the testimony of Erik Martin who also worked for Mr. Mirande prior to purchasing the property, as well as the first hand witness accounts of Mr. Fregoso, Mr. Yorba and others. Given the foregoing, there is insufficient evidence of "nonuse" to justify a revocation. Frankly, there is absolutely no evidence in the record that even suggests that "the use authorized by the permit ha[d] ceased for a period of one year..."

Not to belabor the point, but it's clear that activities consistent with the 1978 use permit occurred on the site continuously since 1978, even if they didn't fit in one person's subjective definition of a "stainless steel fabrication shop." It should be noted that County staff had previously determined through its recommendation of an amended use permit previous to the revocation issue had in essence agreed that such a strict reading of the existing use permit is not required and that my client's activities fall within that portion of the scope of the existing use permit. The staff report from March 12, 2015 makes no mention of this scope of the use permit as the reason for the required use permit amendment, it identified that the only reason for the use permit amendment was an increase in employees above the limits set in the 1978 use permit. If that is the case, the previous activities on the site (those of the Mirandes) should be measured against that same standard, which does not (and shouldn't) require a strict and rigid interpretation of "a stainless steel fabrication shop" and, further, in light of the witness accounts, most certainly preserves the validity of the use permit.

As to the use permit modification, attached please find a noise analysis for purposes of determining consistency with the General Plan and County's Noise Control Ordinance. Its conclusion that noise impacts do not exceed established thresholds is not surprising, and substantiated by the experiences of immediate neighbors, as evidenced by their statements, some of which had not known a business was even operating at the project site until the amended use permit process.

From my review of the record, it appears that what is most objectionable with Erik's activities is the heavy truck trips and the noise related thereto. To address these concerns, Erik has volunteered to limit the heavy truck traffic to the site, there is not a single County requirement that compels him to do so. It should be noted that if he was in the heavy truck driving businesses, nothing would preclude his ability to drive his big rig home every day and park it. As previously stated, if Erik was the only person working on the subject property, a permit modification would not even be necessary.

With regards to the proposed conditions, I respectfully request the following proposed conditions be amended:

- Modify condition no. 6 to read as follows: "All storage of materials related to this permit shall be screened from view from public rights of way." Materials are sorted and staged outdoors currently, so long as adequately screened, requiring all storage to take place indoors is not reasonable. There is no reason to apply a higher standard than is set for in the current proposed zoning code update for home occupations, which provides that outdoor storage should be screened from view from public rights of way.
- Modify condition no. 7 to read as follows: "One commercial heavy-truck delivery or shipping trip per day shall be allowed to the project site." I understand the limiting of heavy truck trips, however, we don't want to unintentionally limit UPS-type trucks from coming to the property. There isn't a limit to adjacent residences in terms of how many deliveries can be made by UPS or FEDEX, and a higher standard should not apply to Erik's property

Also, could you please let me know whether the County has initiated the revocation of a use permit because of nonuse, of any other use permit over the past 20 years or so? If so, can you please provide me with further information on those instances? I haven't been successful in tracking any down on the County's website or by general internet search inquiry. Please advise on this point. If I should direct this inquiry to someone else, please let me know.

Thanks again for your and your staff's time on this matter. Let me know if you have any questions or require further clarification.

Nick

Nicholas S. Avdis

Of Counsel

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6/28/2015

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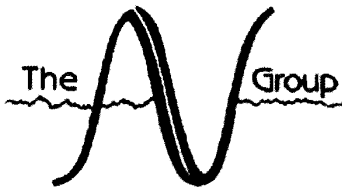
### **2 attachments**



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June 5, 2015

Erik Martin  
Tunnel Electric  
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3962 Mineshaft Court  
Shingle Springs, CA 95682

**SUBJECT:** Results of Acoustical Analysis of Normal Activity at Tunnel Electric in El Dorado County to Learn Sound Impacts

Dear Mr. Martin,

This report documents the sound impact of normal activity at Tunnel Electric on the residential property adjacent to the project site. Tunnel Electric is a contractor in the construction and operation of substations, switchgear systems and other electrical projects. The installation occurs at the electrical project site, but staging of equipment and construction of steel structures and components can occur at the facility on Mineshaft Court. The business has been in operation for nine years at the current site.

The main access to the project site is along Mineshaft Court. This road is private but an Irrevocable Offer of Dedication (IOD) accepted by the County that allows all vehicles access to the Tunnel Electric and the residences. The sound generated by traffic on Mineshaft Court is evaluated using the same criteria that would be employed for vehicles traveling on Mineshaft Lane or Ponderosa Road. Road traffic on any of these roads is considered a transportation noise source. The *El Dorado County General Plan Public Health, Safety, and Noise Element* [1]<sup>\*</sup> sets day-night average,  $L_{dn}$ , sound level limits for transportation sound sources of 60 dB(A) in the activity yard. Where the front yard faces the noise source, an  $L_{dn}$  sound level of 65 dB(A) is allowed when measured at the home facade. Based on measured levels at 15 to 29 feet from the edge of the road, the  $L_{dn}$  sound level is predicted to be 48 to 52 dB(A). This is an insignificant impact. The  $L_{dn}$  sound level in the backyard activity area would be even lower because of the increased distance from the road. The noise impact in this activity area is even more insignificant.

The *General Plan* also sets hourly average,  $L_{eq}$  sound limits for non-transportation sound sources such as hammering, metal sawing and vehicles moving on the Tunnel Electric property. The area surrounding the project site is considered a community. A recent election defined this area as part of the Shingle Springs community. The daytime hourly  $L_{eq}$  sound limit is 55 dB(A). The daytime extends from 7:00 a.m. to 7:00 p.m. This encompasses the hours of operation at Tunnel Electric. The noise limits apply at the property line of the receiver. Test measurements were made at 2.5 to 3 feet inside Tunnel Electric property as permission had not been received to be on the receiver property. Because the sound sources of interest are all on Tunnel Electric property, the sound measured on the receiver property would have been at a greater distance and this would have decreased the measured sound levels. Sound drops at the rate of 6 dB for each doubling of distance from the source.

Position #1 was 29 feet south of the north face of the stone wall on the south side of the gate and 3 feet west of the residential fence that also is the east property line of Tunnel Electric. The highest

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\* - Number in brackets refers to references listed at the end of this letter report.



hourly sound level at this position was 53 dB(A). This includes sound generated off the project site by vehicles driving on Mineshaft Court. Position #2 was only 15 feet north of the south face of the stone wall at the north side of the entrance to Tunnel Electric. The highest hourly sound level at this position was 55 dB(A). This also includes sound generated off the project site by vehicles driving on Mineshaft Court. Sound generated by vehicles is considered a part of the sound impact of Tunnel Electric operations only when the vehicle is on Tunnel Electric property. Once the vehicle enters Mineshaft Court, the sound generated by this vehicle falls under Federal regulations related to interstate transportation and the County's transportation sound limits apply. Similarly, when the vehicle initially is driving on Mineshaft Court, the County's transportation sound limits apply, but not the County's non-transportation sound limits. As the vehicle enters Tunnel Electric property, the sound from that portion of the vehicle that is on the private property is governed by the non-transportation regulations, and the sound radiated from that portion of the vehicle that is still on Mineshaft Court are judged based on the transportation noise limits.

## ACOUSTIC STANDARDS

This evaluation of sound generated at the Tunnel Electric facility was done based on the requirements of El Dorado County. A noise assessment was completed for the existing project site that has been requested to revise their permit. Sounds generated by a typical project or that impact a project fall under the jurisdiction of three sets of El Dorado County acoustical criteria. Two criteria are given in the County's Noise Element [1]. The third criterion, the Noise Ordinance [2], looks at the sound produced during shorter times by sources not related to transportation equipment. These criteria are explained in the following sections.

### Noise Element Acoustic Standards

Noise criteria in the Noise Element are divided into those applied to transportation sources and those applied to non-transportation sound sources. These two criteria use different sound metrics and different time intervals. An individual discussion of each criterion follows.

#### Transportation Sound Sources

For transportation sound sources, either the day-night average,  $L_{dn}$ , sound level or the Community Noise Equivalent Level, CNEL, is used to assess noise impacts. The  $L_{dn}$  sound level descriptor averages measured or predicted sound levels over 24-hours after applying a 10 dB penalty to nighttime sounds. The CNEL is similar but includes an additional 5 dB penalty for sound measured or predicted from 7:00 p.m. to 10:00 p.m. The nighttime penalty is applied because people trying to sleep during these hours are more sensitive to external sounds. The CNEL applies the evening penalty because these are the hours when people are watching television or engaging in activities where excess sound could have a deleterious influence on these activities. CNEL ratings are comparable to  $L_{dn}$  levels. That is, they are typically within 0.5 dB of each other and this is well within the accuracy of any model to predict the sound. Excluding or including only certain sources is possible. When some sources are excluded from the analysis, it is called the Background  $L_{dn}$  sound level.

An acoustical study is needed when noise-sensitive land uses will be subjected to day-night average sound levels,  $L_{dn}$ , greater than 60 dB or the project will create these levels on other noise sensitive uses. Table I lists the requirements for land uses exposed to transportation sound sources as listed in the County's Noise Element. Several notes are associated with the requirements. For example, exterior  $L_{dn}$  sound level limits are allowed to go to 65 dB when reaching 60 dB is not feasible. When activ-



ity areas are not defined, the property line should be used except for parcels of 5 acres or more, where the limit is applied 100 feet from the residence. Table I shows the note numbers from the Noise Element, but not the detailed notes.

**TABLE I.** Noise Element Limits for El Dorado County for Land Uses Affected by Transportation Sound Sources.

Land Use	Outdoor Activity Areas <sup>1</sup> L <sub>dn</sub> /CNEL, dB	Interior Spaces	
		L <sub>dn</sub> /CNEL, dB	L <sub>eq</sub> <sup>2</sup> , dB
Residential	60 <sup>3</sup>	45	—
Transient Lodging	60 <sup>3</sup>	45	—
Hospitals, Nursing Homes	60 <sup>3</sup>	45	—
Theaters, Auditoriums, Music Halls	—	—	35
Churches, Meeting Halls, Schools	60 <sup>3</sup>	—	40
Office Buildings	—	—	45
Libraries, Museums	—	—	45
Playgrounds, Neighborhood Parks	70	—	—

The limits in Table I specifically state that they apply only to transportation sound sources. Per CEQA documents, if the L<sub>dn</sub> sound level generated by stationary non-transportation sound sources exceeded the 60 dB(A) limit given in Table I, the sound would not be in compliance with the County’s General Plan.

Non-Transportation Sound Sources

The Performance Standard contains the second noise limits and they focus on sound from non-transportation sources as they influence residential property and other noise sensitive land uses. Sound limits are given based on the type of source, the duration of the sound, the time of day of occurrence and the tonal content of the sound. A penalty is applied for certain sounds as noted in Table II. This table summarizes the limits and the applicable hours. The limits in Table II apply to activity and equipment at the project site that influence noise-sensitive receptors.

**TABLE II.** Noise Element Performance Standard Limits for El Dorado County for Noise Sensitive Land Uses Affected by Non-Transportation Sound Sources.

Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L <sub>eq</sub> dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50
Penalty <sup>2a</sup>	-5	-5	-5	-5	-5	-5

<sup>2a</sup> - The penalty applies to simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.



Non-transportation sound limits are typically more restrictive than transportation limits. Thus, for this project, the focus should be on these standards without forgetting that transportation limits could apply also.

### **El Dorado County Noise Control Ordinance**

El Dorado County's Noise Control Ordinance is very limited in scope. Quantitative sound limits have not been adopted by El Dorado County to address non-transportation sound sources [2, 3]. Sound whose amplitude or duration offends the listener is not permitted. The amplitude or duration of sound that would be offensive is not defined.

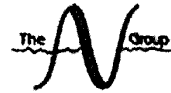
Lacking a noise ordinance with quantitative sound limits, an assumption was made that the limits of the Performance Standard would apply after the project is complete. Because the existing qualitative limits in the Noise Ordinance could be interpreted in many ways, a more strict limit could be established by the noise-sensitive receptors and the courts. Designing to an unknown sound standard is not possible, so the Performance Standard limits were employed in the analysis.

### **TEST PROCEDURES AND INSTRUMENTATION**

Standard sound measuring equipment was used during the tests. Field sound measurements were made using a Larson-Davis LD831 (s/n 2579) Real Time Sound Analyzer, two CEL 480 (s/n 129858 & s/n 2/112179) Sound Level Meters, a Larson Davis LD720 (s/n 294) Sound Level Meter and an LD700 (s/n1455) sound level meter. All CEL meters employ ½ inch random incidence condenser microphones. A CEL Type 284/2 calibrator was used to calibrate the meters and the microphones to 114 dB at 1,000 Hz at the project site before beginning measurements. These meters conform to the requirements of a Type I meter per American National Standards Institute, ANSI [3]. The LD720, s/n 294, is a Type II meter per the ANSI standard. A ¾ inch piezoelectric microphone was installed on this meter and was calibrated to 114 dB(A) at 1000 Hz at the start of the test with a Larson Davis CA150 calibrator. A windscreen covered each microphone during all sound measurements. All meters can measure statistical sound levels such as the  $L_{10}$ ,  $L_{25}$ ,  $L_{50}$  and  $L_{90}$ . These are, respectively, the sound levels exceeded 10 percent, 25 percent, 50 percent and 90 percent of the time. The sound level meters also capture the maximum sound level,  $L_{MAX}$ , the average sound level,  $L_{eq}$ , and the Sound Exposure Level or Single Event Level,  $L_{SEL}$ . The CEL 593 meters were used to collect representative sound level tones in one-third octave bands or octave bands.

Field sound measurements were made on September 21, 2009 between 3:50 a.m. and 6:45 a.m. at the proposed residential development site. Average sound levels,  $L_{eq}$ , were measured to learn if the background sound levels exceeded the County's Performance Standard and to measure the sound from DST's production facility. Other statistical descriptors of the sound, labeled  $L_x$ , and the maximum sound level,  $L_{MAX}$ , were also measured. Here,  $L_x$  represents values such as the  $L_{50}$  or  $L_{25}$  sound level. These give additional information about how sound varied over the test period. For example, this makes it possible to know whether a source was near the site for only a short time or continued for a substantial time.

Measurements were made at four positions. The two CEL meters and microphones were mounted on tripods 5 feet above ground level. The LD 720 meter was also placed on a tripod 5 feet above ground level. The LD 700 was mounted on a tripod about 6 feet above ground level. Sound levels were measured during consecutive 1- or 5-minute intervals to identify sources and variations in sound with time for three positions. Sound levels also were sampled every 1-second for Positions #1 and #2



and in 5-second intervals at Position #3. Figure 1 shows an aerial view of the project site, the end of Mineshaft Court road, the residences along this road from which complaints have been received about excess sound and sound measurement positions. A summary description of each position follows:

1. Position #1: 29.25 feet south of the north face of the stone wall on the south side of the entrance to Tunnel Electric and end of the Mineshaft Court and 3 feet west of east property line.
2. Position #2: 15 feet north of the south face of the stone wall on the north side of the entrance to Tunnel Electric and the end of the Mineshaft Court and 2 feet west of east property line.
3. Position #3: 66 feet east and 13 feet north of northeast corner of Tunnel Electric main building.
4. Position #4: 39 feet east and 58 feet north of northeast corner of Tunnel Electric main building.

A copy of the site plan used for permit application purposes is displayed in Figure 2. This site plan shows property line information relative to typical land survey requirements. The Tunnel Electric property is assumed to include all of the land shown in this figure, except that associated with the Martin home, associated buildings and yard. The land south of a line extending from the road at the entrance to Tunnel Electric from Mineshaft Court to the southeast edge of the home garage and driveway and then extending to the west property line is considered to be a part of Tunnel Electric. Sound sources within this boundary were assumed to be a part of normal activity at the project site.

**RESULTS**

Field sound measurements were made to learn existing background sound levels and the sound generated by each of the sources observed and the operation of heavy truck. The background sound is that measured when the sources of interest are absent. For this project, the sources of interest are those that generate sound while on the property of Tunnel Electric. Averages of the 1- or 5-minute test samples were computed for each hour or part of an hour for each test position. Table III gives the measured sound levels at the four positions. The average over the full test interval is also presented in this table, though it is not applicable to any regulation.

**TABLE III.** Sound Levels Measured at Four Positions at Tunnel Electric in El Dorado County During Background and Normal Activity at the Facility and the Surrounding Community.

Position	Time, p.m.	Measured Sound Level, dB(A)						
		$L_{eq}$	$L_{MAX}$	$L_{1.7}$	$L_{8.3}$	$L_{25}$	$L_{50}$	$L_{90}$
#1	2:35-3:00	47	64	57	51	45	41	39
	3:00-4:00	53	71	65	56	46	40	37
	4:10-4:28	52	69	63	57	49	44	38
<i>Total Time</i>	<i>2:35-4:28</i>	<i>52</i>	<i>71</i>	<i>63</i>	<i>55</i>	<i>45</i>	<i>40</i>	<i>37</i>
#2	3:20-4:00	54	75	66	52	43	39	37
	4:00-4:28	55	71	69	56	48	42	38
	<i>Total Time</i>	<i>3:20-4:28</i>	<i>54</i>	<i>75</i>	<i>67</i>	<i>54</i>	<i>44</i>	<i>40</i>





Position	Time, p.m.	Measured Sound Level, dB(A)						
		$L_{eq}$	$L_{MAX}$	$L_{1.7}$	$L_{8.3}$	$L_{25}$	$L_{50}$	$L_{90}$
#3	3:00-4:00	60	87	71	58	49	46	43
	4:00-4:36	60	89	69	55	48	46	43
<i>Total Time</i>	<i>3:00-4:36</i>	<i>60</i>	<i>89</i>	<i>70</i>	<i>57</i>	<i>48</i>	<i>45</i>	<i>43</i>
#4	3:06-4:01	57	87	—	55	45	41	38
	4:01-4:41	59	90	—	56	45	41	39
<i>Total Time</i>	<i>3:06-4:41</i>	<i>57</i>	<i>90</i>	<i>—</i>	<i>56</i>	<i>45</i>	<i>41</i>	<i>38</i>

Position #3 was closest to the shop where most of the activity occurs. That is, the sound is generated by activities such as hammering on metal inside or outside the main building. Fork lifts, front end loaders, pickups, heavy tractor/trailers, general vehicles, metal bending, hammering, material handling and other shop activities generate the major sound at Tunnel Electric. Background sound sources include vehicles on local roads, drums, children playing, general aviation craft (GAC) overflights, dogs barking, birds singing, public address announcements and other activity at the local high school, emergency vehicle sirens, power tools operated off site, loud racing engines off site and other general human activity. Figure 3 shows how various sound metrics given in Table III varied over 1-minute test intervals at Position #3. The sound from the Hyster fork lift and the heavy tractor/trailer movements generated the most sound. Both of these units passed within 30 feet of the meter at Position #3. The  $L_{eq}$  sound level in Table III was 60 dB(A) during the hourly and 30-minute intervals. The background  $L_{eq}$  sound levels with minimum sources are less than 50 dB(A), and, based on the  $L_{90}$  sound levels, were probably less than 45 dB(A). Thus, the background sound did not adversely influence the sound measured at Position #3. A comparison of the average,  $L_{eq}$ , and maximum  $L_{MAX}$  sound levels measured in 1-second intervals at this position are displayed in Figure 4. This figure more clearly shows the short duration of most sound generating events and activities. This figure shows the range of activities at Tunnel Electric and compares it with the sound generated by aircraft over flights and neighbors playing drums.

The  $L_{eq}$  sound level is about 40 dB(A) at the nearest east property line next to the residences, based on sound measured at Position #3. This assumes the distance between the sound source and the microphone was 30 feet and the distance from the meter to the east property line is 230 feet. Using a distance of 50 feet between the source and the microphone, the  $L_{eq}$  sound level at the east property line would still be 45 dB(A). This east property line position is 78 feet south of Position #1 and 149 feet south of Position #2. This means that the distance from Position #3 to these two positions would be greater than 230 feet, reducing the predicted  $L_{eq}$  sound levels at Position #1 and #2. Based solely on the data at Position #3, the sound at Positions #1 and #2 would meet the County's non-transportation limits given in the **General Plan**. However, some sound sources were closer to Positions #1 and #2 than shown by results at Position #3.

Table IV gives an  $L_{eq}$  sound level of 57 dB(A) from 3:06 to 4:01 p.m. and 59 dB(A) from 4:01 to 4:41 p.m. These tests were done over 5-minute intervals as seen in Figure 5. As a result, less detail can be seen. This position was near the north property line close to the main parking area. Only the four heavy tractor/trailer movements and the pick-up with a trailer that drove past this test position are shown distinct peaks. The highest  $L_{eq}$  sound levels measured for the heavy truck movements are less than measured at Position #3 because of greater distance from the path of the truck and longer time interval. The maximum sound levels during the return of the tractor/trailer were almost the same at



Positions #3 and #4. The air brake air release that occurs a short time after the heavy truck comes to a stop generates the highest sound. Because the maximum sound was nearly the same at both positions, the distance and shielding between the air release point and the two positions must be the same.

Position #1 represents the sound exposure for a residential property on the south side of Mineshaft Court, except that the microphone was on the Tunnel Electric side. For vehicles traveling on Mineshaft Court, the loudest sound is typically measured when the distance between the source and the meter is the smallest. Because the meters were not placed on the residential property, some compensation must be made because only the sound generated on the Tunnel Electric side falls under the **General Plan** limits for non-transportation sources. For the stationary sources at the shop or even the moving of the large forklift near the shop, the distance between the source at the shop and the measurement positions is so close to the same whether the meter was 3 feet into the Tunnel Electric property or the residential property. The same is true for Position #2.

Table III shows an  $L_{eq}$  sound level of 47 dB(A) from 2:35 to 3:00 p.m., 53 dB(A) from 3:00 to 4:00 p.m. and 52 dB(A) from 4:10 to 4:28 p.m. at Position #1. The  $L_{MAX}$  sound level was 64 dB(A) from 2:35 to 3:00 p.m., 71 dB(A) from 3:00 to 4:00 p.m. and 69 dB(A) from 4:10 to 4:28 p.m. at Position #1. Even without correcting the sound level for what would have been measured if the meter was on residential property, the  $L_{eq}$  and  $L_{MAX}$  sound levels meet the limits given the County's **General Plan** Community limits for non-transportation sources. The variation in the sound metrics measured in 1-minute intervals at Position #1 is presented in Figure 6. A 1-ton pickup parked near the shop was started and moved to a trailer parked on the east side. The pickup and trailer were backed up to a pile of metal panels. These panels were picked up from the pile and carried to the trailer and loaded on to it by two people working at the project site. Figure 6 shows the pickup starting, backing up to the trailer, hooking up to the trailer, the loading of the panels and the pickup and trailer moving back to the shop. This figure also shows the heavy truck (tractor/trailer or 18-wheeler) that was empty, i.e., no load, starting from its position near the northeast corner of the shop and departing by traveling counterclockwise around the chip seal road that encircles the Tunnel Electric property as seen in permit drawing, Figure 2, and then returning and stopping at the original position next to the shop. The tests were done with an empty truck because the load size can vary significantly. This is the standard testing procedure for these situations. A fully loaded heavy truck could produce either a little more or a little less sound depending on vehicle speed and engine RPM. The sound measurement from 3:00 to 4:00 p.m. included all of this activity except for starting the 1-ton pickup and part of the backing it up to the trailer. The sound of an airplane flying over head, a large van entering and leaving and all of the sources shown in Figures 3 and 4 for Position #3 between 3:00 and 4:00 p.m. are included in the results given in Table III. More detail about the sources measured at Position #1 during this hour and other hours is given in Figure 7 for 1-second  $L_{eq}$  and  $L_{MAX}$  sound levels. This is considered a very representative sampling of the major sound sources at Tunnel Electric that would impact the nearest residences along Mineshaft Court, at least on the south side. Only a single heavy truck is expected in any 1-hour period, and typically no more than one per day. Similarly, no more than two delivery vans are expected per day.

Similar measurements were made at Position #2 on the north side of the entrance to Tunnel Electric. This position was farther from most of the shop activities, but closer to vehicles on the road. Figure 8 displays the various sound metrics measured at Position #2 in 1-minute intervals for the duration of the test. Departure and return of the heavy truck both times was captured at this position. The sound of children playing is shown in this figure also. Table III shows an  $L_{eq}$  sound level of 54 dB(A) from 3:20 to 4:00 p.m. and 55 dB(A) from 4:10 to 4:28 p.m. at Position #1. The  $L_{MAX}$  sound level was 75 dB(A) from 3:20 to 4:00 p.m. and 71 dB(A) from 4:00 to 4:28 p.m. at Position #1. The  $L_{eq}$  and



$L_{MAX}$  sound levels meet the limits given the County's **General Plan** Community limits for non-transportation sources even without correcting the sound level for what would have been measured if the meter was on residential property. Correcting the  $L_{eq}$  and  $L_{MAX}$  sound levels for the part generated on Tunnel Electric property and that produced while Mineshaft Court would lower the values in Table III even more.

This is more easily seen by first looking at the variation in  $L_{eq}$  and  $L_{MAX}$  sound levels measured in 1-second intervals at Position #2 presented in Figure 9. Then, looking at the sound of the departure from 3:45 to 3:50 p.m. and comparing between Positions #2 and #1, the influence of meter and source location can be sorted out as shown in Figure 10. This figure shows the sound generated by the heavy truck while on Tunnel Electric property and while on Mineshaft Court. The maximum sound occurs while on Mineshaft Court for both positions. The  $L_{eq}$  sound level for Position #2 due to the heavy truck while on Tunnel Electric property is 62 dB(A) and 67 dB(A) while on Mineshaft Court. The  $L_{MAX}$  sound level was 71 dB(A) while at Tunnel Electric and 75 dB(A) on Mineshaft Court. For Position #1, the  $L_{eq}$  sound level is the same, 62 dB(A), for both Tunnel Electric and Mineshaft Court. However, the  $L_{MAX}$  sound level is 65 dB(A) for Tunnel Electric property but 71 dB(A) for Mineshaft Court's contribution.

Results for the return or entrance of the heavy truck from Mineshaft Court to the Tunnel Electric property between 3:55 and 4:00 p.m. are given in Figure 11. This figure shows higher sound levels at Position #1 after entering the Tunnel Electric property, probably because the driveway stays closer to this position as it approaches the main building. The  $L_{eq}$  sound level for Position #2 due to the heavy truck while on Tunnel Electric property is 58 dB(A) and 65 dB(A) while on Mineshaft Court. The  $L_{MAX}$  sound level was 69 dB(A) while at Tunnel Electric and 71 dB(A) on Mineshaft Court. For Position #1, the  $L_{eq}$  sound level was 60 dB(A) while on Tunnel Electric property and 58 dB(A) on Mineshaft Court. However, the  $L_{MAX}$  sound level was 68 dB(A) for Tunnel Electric property but only 63 dB(A) on Mineshaft Court. The sound at Position #1 is relatively low, but at Position #2, sound generated by the heavy truck is due mostly to the interval where the truck is on Mineshaft Court.

## CONCLUSIONS

These tests have shown that sound generated by normal activities at Tunnel Electric do not exceed the requirements of the **El Dorado County General Plan Public Health, Safety, and Noise Element**. The non-transportation sound limits for community settings are apropos to the current situation. The number of vehicles entering Tunnel Electric from Mineshaft Court is very small. Currently, medium and heavy truck deliveries use this route. The number of vehicle trips is too low to predict per Federal Highway Administration, FHWA, modeling requirements [4]. Therefore, the day-night average sound level is far less than the County's limit of 60 dB. Additional sound reduction is not required.

Please call if you have any questions regarding the results or conclusions. Let me know if you need any additional information.

Sincerely,

Steve Pettyjohn, Principal

Certified: Institute of Noise Control Engineers-1981



## REFERENCES

1. El Dorado County - Planning Services, "Public Health, Safety and Noise Element" of "El Dorado County General Plan", Adopted July, 2004.
2. Noise Control Ordinance of El Dorado County, Chapter 9.16, last updated, October 24, 2006.
3. American National Standards Institute, ANSI, *Standard Specification for Sound Level Meters, S1.4-1983 (Precision)*
4. T.M. Barry & J.A. Readgan, *FHWA Highway Traffic Noise Prediction Model*, FHWA-Rd-77-108, Federal Highway Administration, Office of Research, Office of Environmental Policy, December 1978.



Figure 1. Aerial Plan Showing Tunnel Electric and Mineshaft Court Community and the Four Sound Measurement Positions.

PROJECT NAME: SUP SITE ONLY MINERAL SPRINGS TO RICHMOND OFF 01/14  
 APN: 070-170-14  
 APPLICANT: DEUK WARDEN  
 ADDRESS: 2615 MINESHAFT CT  
 SPRING SPRINGS, CA 9562

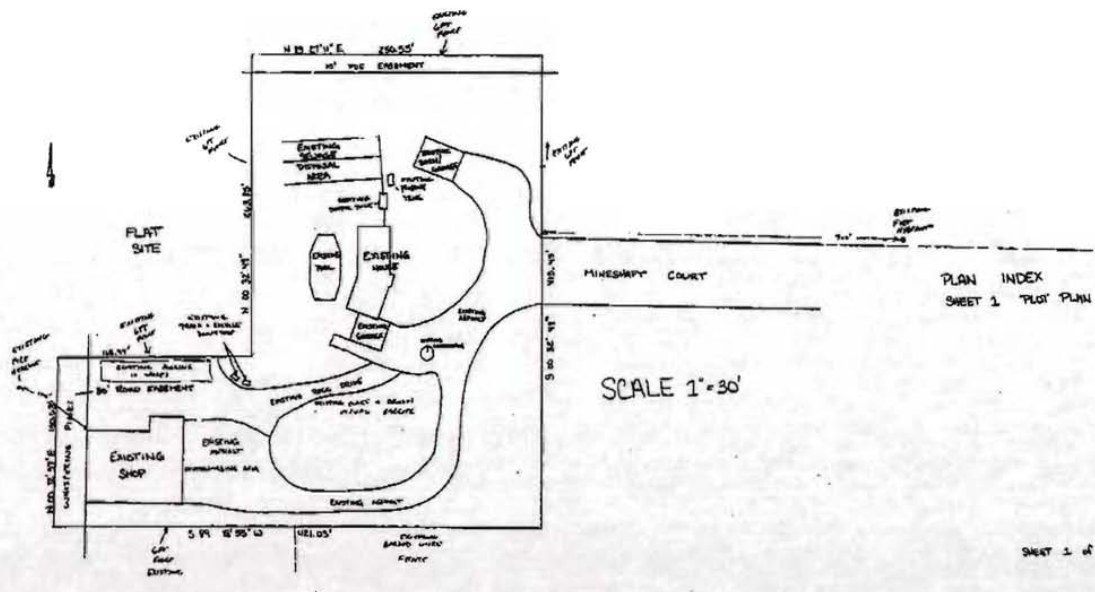


Figure 2. Scaled Site Plan of Tunnel Electric Project Created as Part of General Plan Permit Application



### Tunnel Electric, El Dorado County, Mineshaft Ct Site #3, 66' East & 13' North of NE Main Building Corner

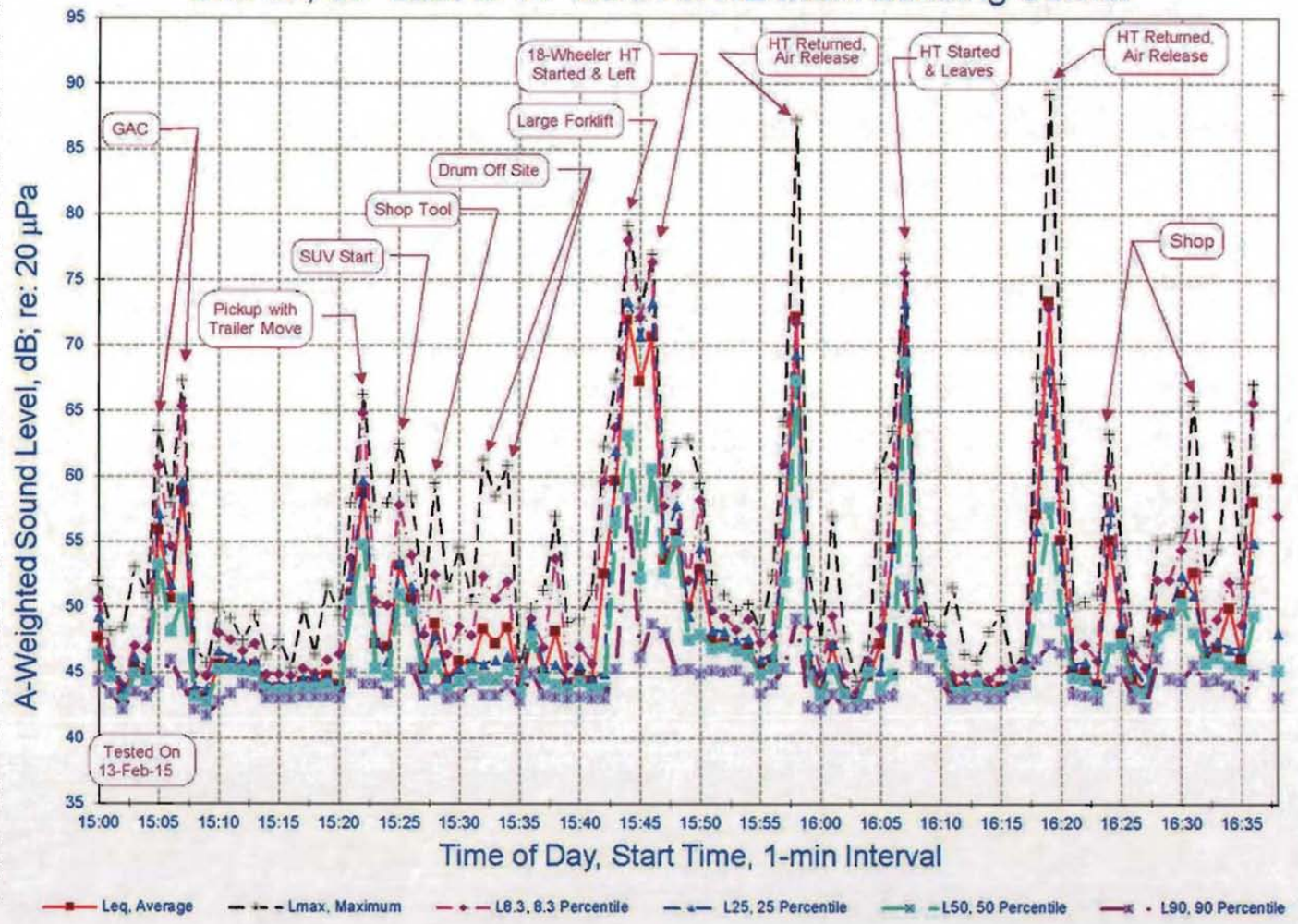
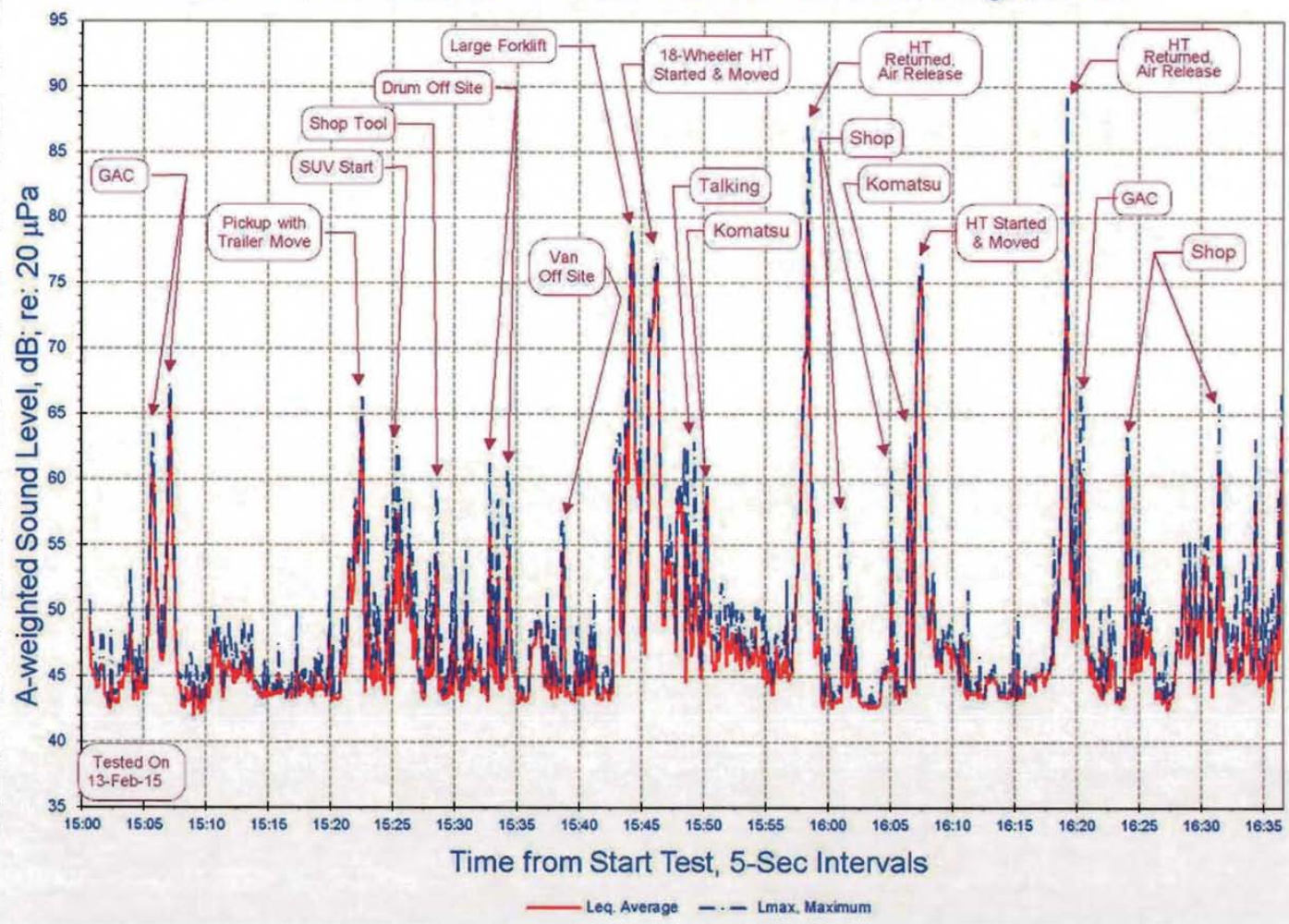


Figure 3. Variation in Sound Metrics Measured in 1-minute Intervals at Position #3 During Reg Tunnel Electric Work.



### Tunnel Electric, El Dorado County, Mineshaft Ct Site #3, 66' East & 13' North of NE Main Building Corner

Figure 4. Comparison of the  $L_{eq}$  and  $L_{max}$  Sound Levels Measured at Position #3 in 5-sec Intervals Near Shop.







## Tunnel Electric, El Dorado County, Mineshaft Ct Site #4, 39' East & 58' North of NE Main Building Corner

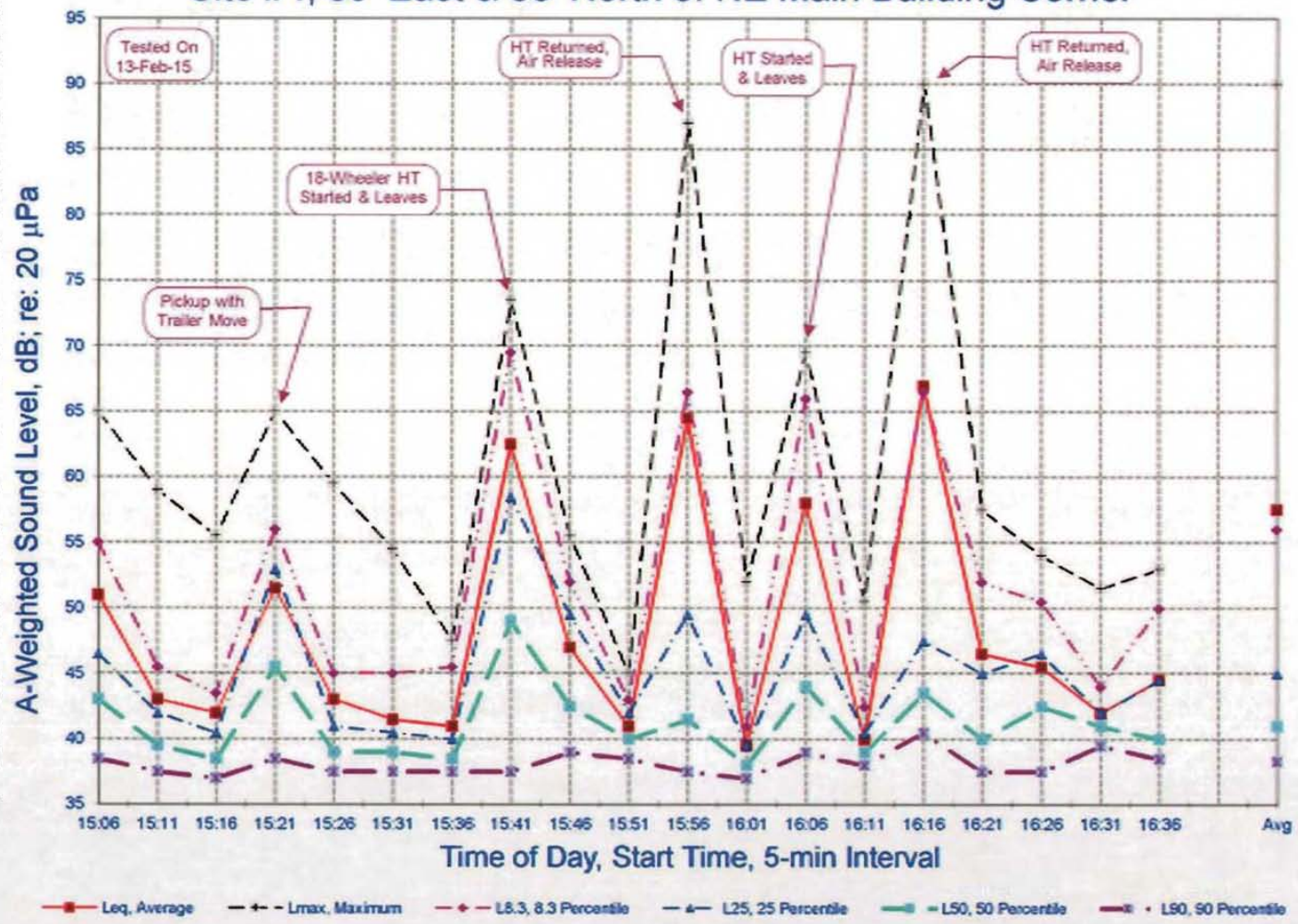
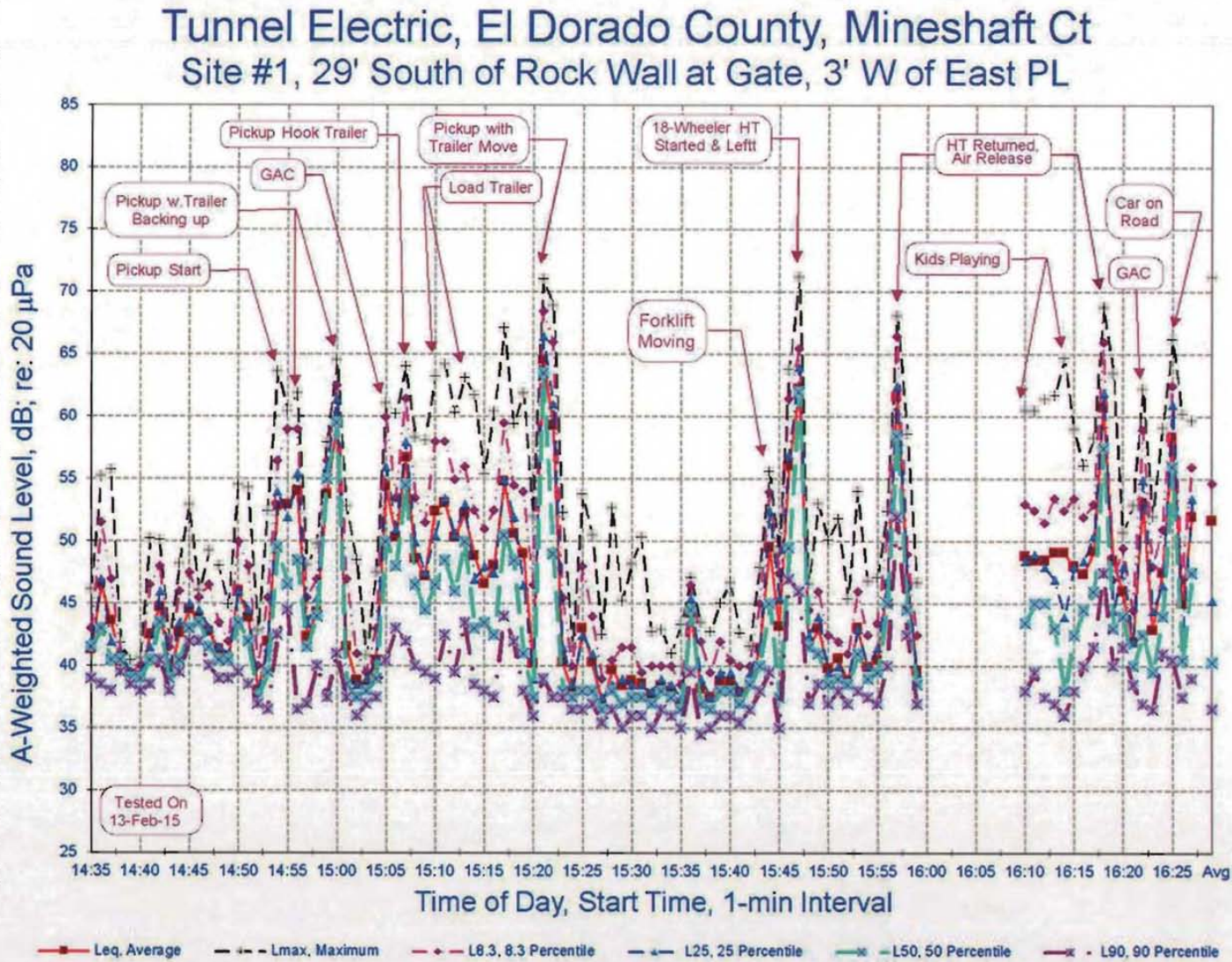


Figure 5. Variation in Sound Metrics Measured in 5-minute Intervals at Position #4 Near Main Parking Area.

Figure 6. Sound Metrics Measured in 1-minute Intervals at Position #1 During Normal Tunnel Electric Activity.



# Tunnel Electric, El Dorado County, Mineshaft Ct Site #1, 29' South of Rock Wall at Gate, 3' W of East PL

Figure 7. Comparison of the  $L_{eq}$  and  $L_{max}$  Sound Levels Measured at Position #1 in 1-sec Intervals at Tunnel Electric.

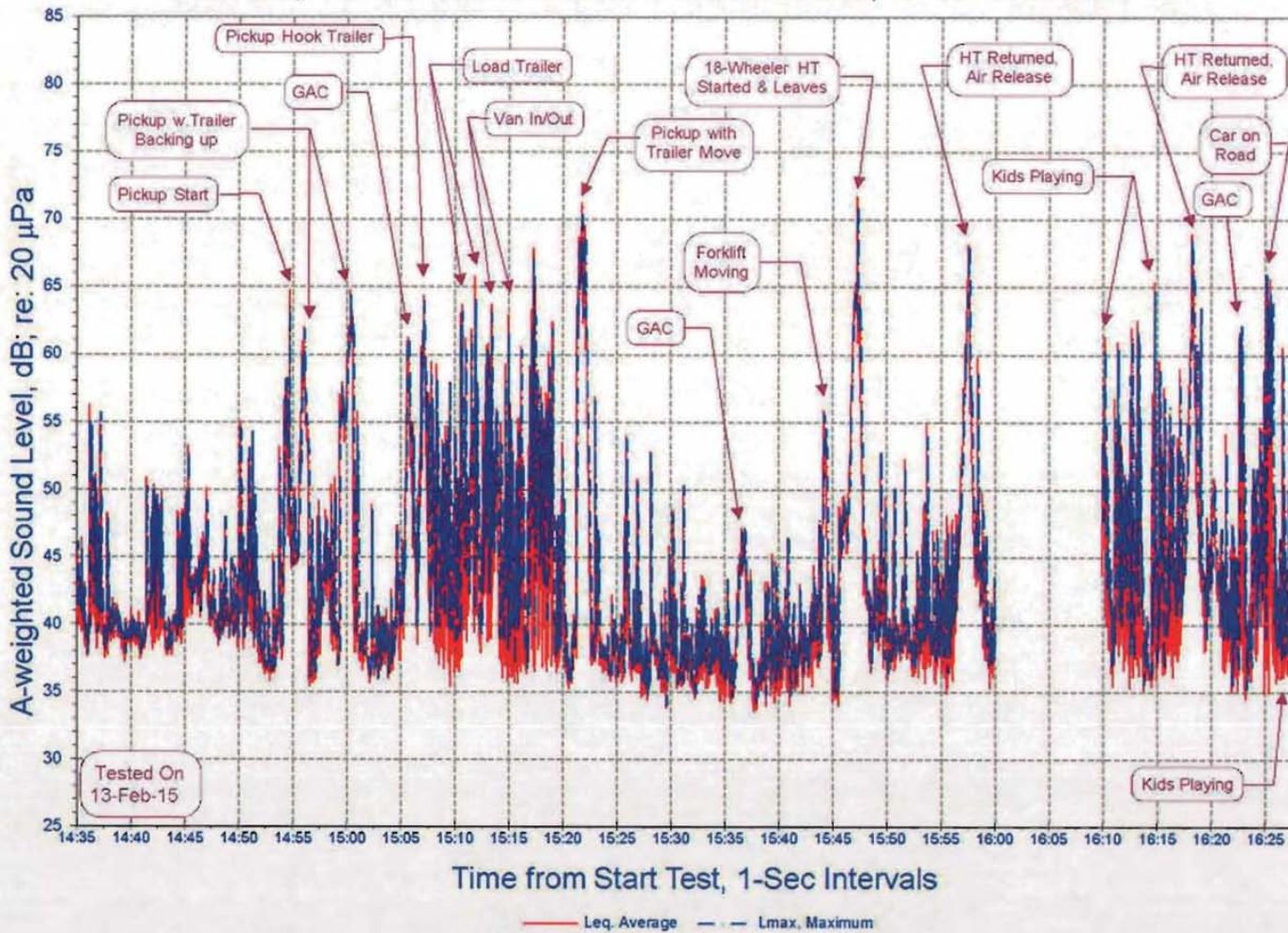
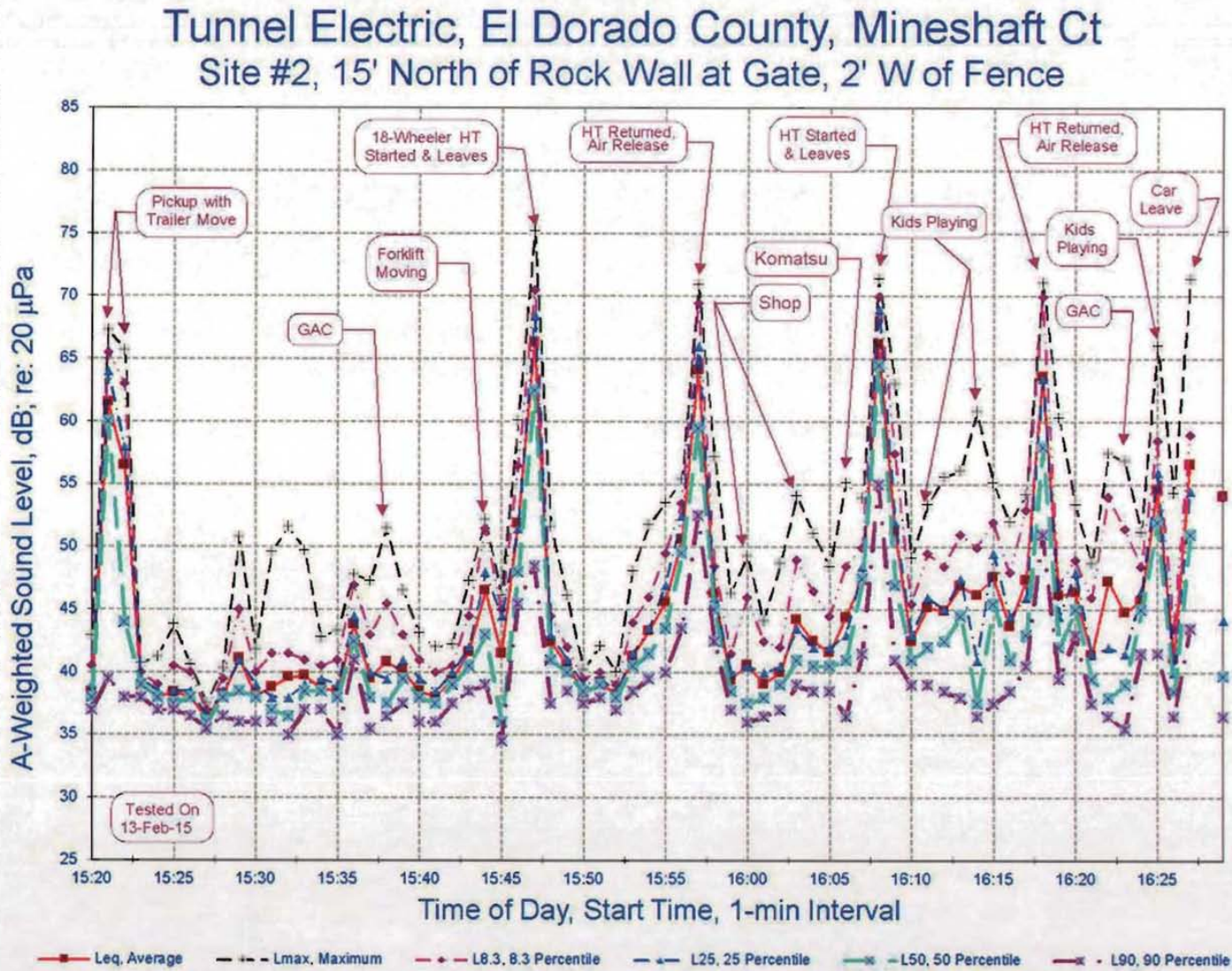


Figure 8. Variation in Sound Metrics Measured in 1-minute Intervals at Position #2 North of Entrance Gate.

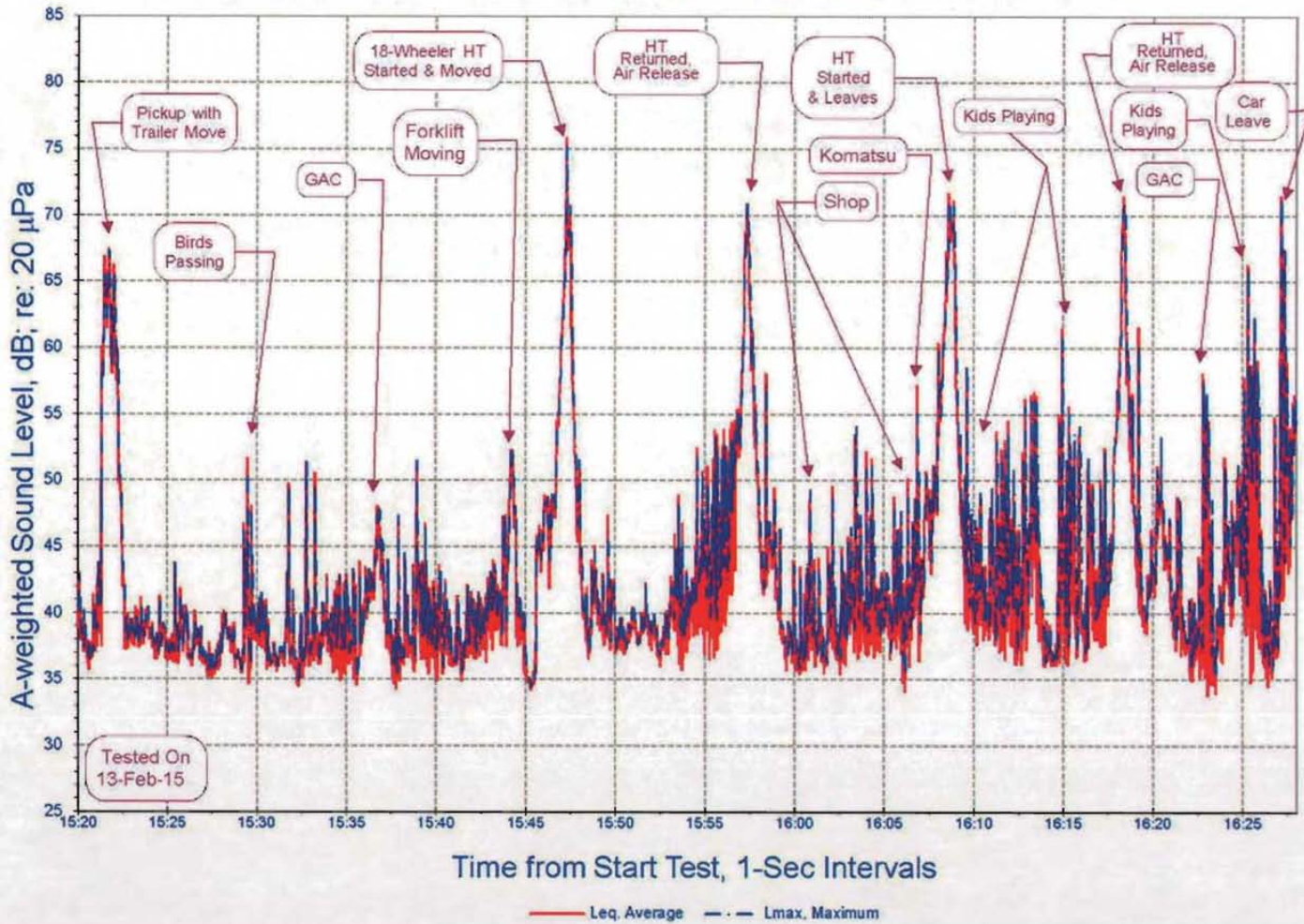


R14138: TE, Normal Facility Activity, Acoustical Impact Evaluation, June 5, 2015



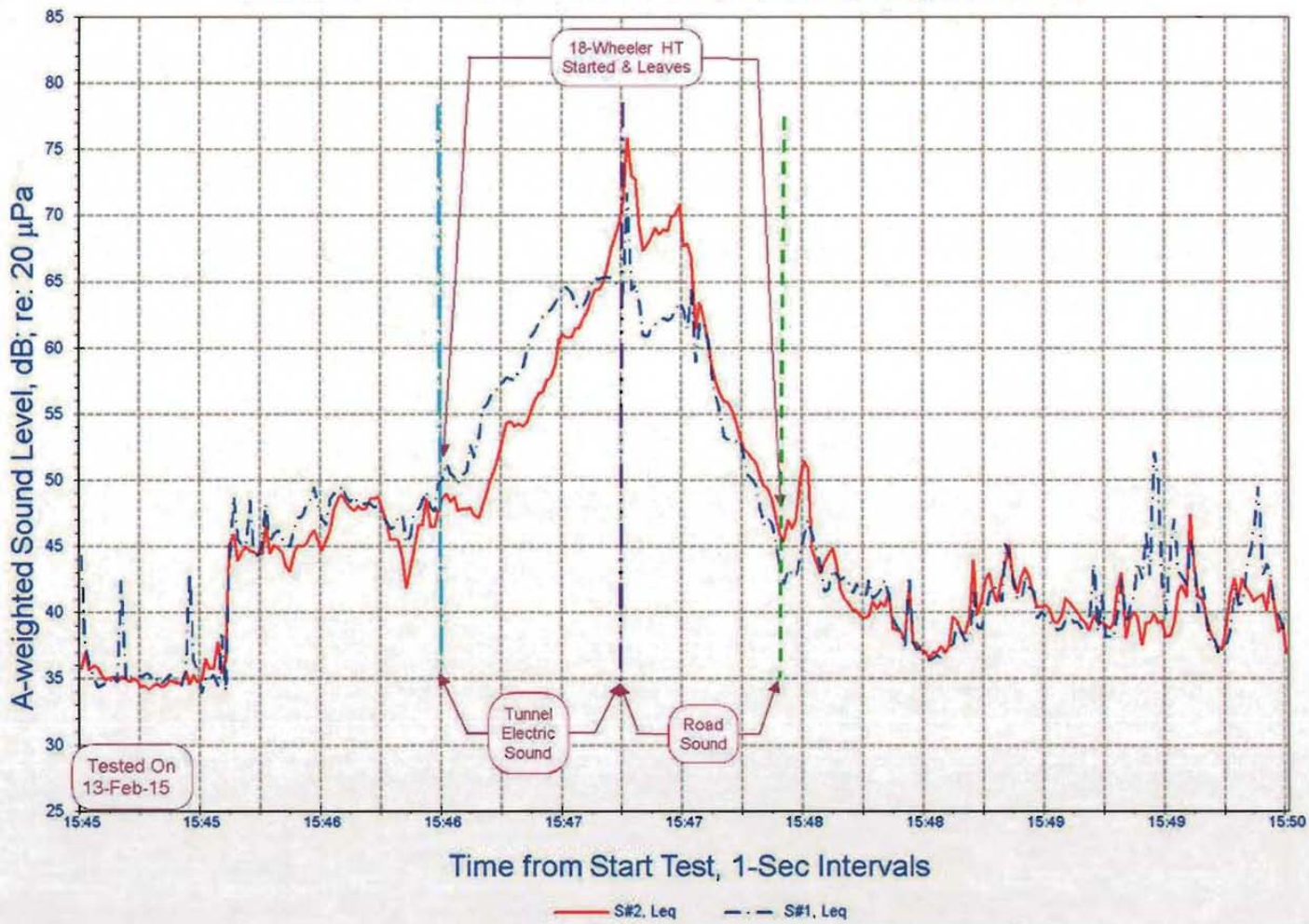
# Tunnel Electric, El Dorado County, Mineshaft Ct Site #2, 15' North of Rock Wall at Gate, 2' W of Fence

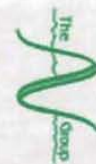
Figure 9. Comparison of the  $L_{eq}$  and  $L_{max}$  Sound Measured at Position #2 Near the Entrance in 1-sec Intervals.



### Tunnel Electric, El Dorado County, Mineshaft Ct Site #2, 15' N & 2' W Gate v #1, 29' S & 3' W Gate

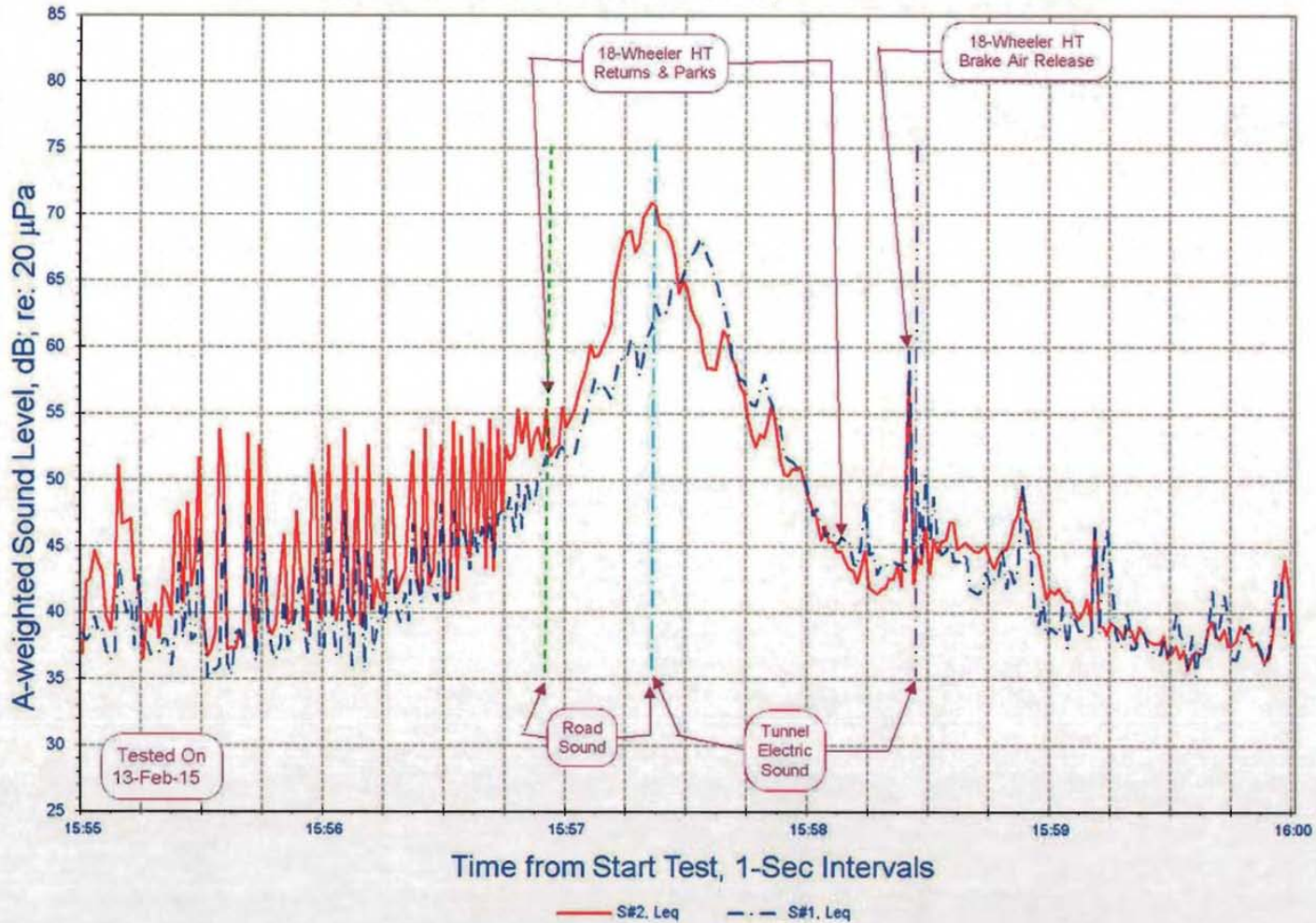
Figure 10. Site #2 Leq Sound Levels Compared to Site #1 for Departure of Tractor/Trailer from Tunnel Electric.





### Tunnel Electric, El Dorado County, Mineshaft Ct Site #2, 15' N & 2' W Gate v #1, 29' S & 3' W Gate

Figure 11. Comparison of Site #2 and Site #1 Leq Sound Levels for Tractor/Trailer Entering into Tunnel Electric.



**Roger Trout**  
**Development Services Division Director**  
**County of El Dorado**  
**2850 Fairlane Court**  
**Placerville, CA 95667**

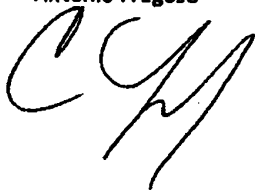
**Date: 4/15/15**

**Dear Roger Trout:**

I am Antonio Fregoso, I live at 5112 Dublin Rd., El Dorado, CA. I own El Dorado Pool Service and we have been cleaning the pool at 3962 Mineshaft Ct. in Shingle Springs since 1985. Because of this I have been in the backyard of that house every week, I was in the position to see what was happening with regards to the metal building in the back of the property. I just want to let the county know that during the time I have been cleaning the pool when the Mirande's owned the property I saw activity around the metal shop building that included John Deere tractor, Bobcat tractor, trailers, forklift, crates and pallets. There were building materials stacked outside, and apple crates stacked as well. One day I went inside the shop with Big John and saw a welder and torches with bottles there. I was a welder before and this was very interesting to me. There was a lot of stainless steel restaurant equipment, and materials inside. I do not know what businesses they were doing there, but I can only say that forklift, and Bobcat seem like some kind of business activity to me during the time the Mirande's owned the property.

**Sincerely,**

**Antonio Fregoso**

A handwritten signature in black ink, appearing to be the initials 'AF' or a similar stylized representation of the name Antonio Fregoso.



Roger Trout  
Development Services Division Director  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667

Date: 4/13/15

Dear Roger Trout:

I am Thomas Endean, I live at 13031 West Caraway Drive, Sun City West, AZ 85375. I applied for and was granted SUP 78-16, and built the Steel Fabrication shop currently located at 3962 Mineshaft Ct., Shingle Springs, with a Building Permit pursuant to that SUP. I would like to clarify for the County the scope and scale of the business that SUP 78-16 was granted for.

Endean Metal Products was no small operation, it was a family business and very successful. Not only did we perform metal fabrication in the shop, but we were a C43 licensed contractor, CSLB #388060. My property served as both the fabrication shop and yard. There were 4 people engaged in fabrication in the shop, as well as others performing installations in the field. We fabricated everything you would see in a restaurant made out of stainless steel, as well as anything else anyone needed, customers came to the shop with their projects. We fabricated very large equipment, we wired lights and fans in our commercial hoods. Our steel was delivered by semi-truck, and it was unloaded by forklift. Our fabricated product was subsequently loaded on trucks by forklift or overhead crane and shipped out. We had several trucks that were used to complete our field installations. We had outside storage of material and equipment.

I had a 3 phase power line ran to the shop by PGE, to operate the machinery required to perform our work, these were large machines.

The SUP was applied for to build a steel fabrication shop, and the building was built for that purpose. Endean Metal Products successful business, and anyone trying to minimize that by claiming I worked by myself, or I was some kind of one man shop has no idea of what my business was. My business was very successful and I operated it there for 11 years until I moved it to Montana due to personal reasons.

I hope this helps the county understand the true facts of SUP 78-16.

Sincerely,



Thomas Endean

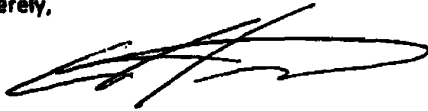
**Aaron Mount  
Development Services Division  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667**

**Date: 6/6/15**

**Dear Aaron Mount:**

**I am Aaron Hernandez, I live at 3973 Mineshaft Ct., Shingle Springs, CA. My parents Efren and Mona Hernandez built their house at 3973 Mineshaft Ct. in 1990. I grew up on Mineshaft Ct., and went to school at Ponderosa High. I worked for John & Margaret Mirande for years. They had me fill out a Time Card and turn it in. I helped John run equipment, tractors and a forklift. I loaded and unloaded crates and pallets, I worked in the shop, it was full of stainless steel restaurant equipment, and other materials that John used.**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Aaron Hernandez', with a large, sweeping flourish at the end.

**Aaron Hernandez**

Erik Martin  
3962 Mineshaft Ct.  
Shingle Springs, CA 95682  
530-903-0363  
emartin@tunnelectric.com  
April 16, 2015

Aaron Mount  
Associate Planner  
El Dorado County  
2850 Fairlane Court  
Placerville, CA 95667

Dear Aaron Mount:

Re: Businesses at 3962 Mineshaft Ct. since 1978

In 1978 Thomas Endean applied for a SUP to move his business from Diamond Springs to his property at what is now 3962 Mineshaft Ct., Shingle Springs, CA 95682. He built the Steel Fabrication Shop with a building permit pursuant to SUP 78-16. He also had a 3 phase power line ran to the shop, which is the only one in the area. He ran his Stainless Steel Fabrication Shop, in conjunction with his C43 contracting business. He had CSLB Lic. #388060. His steel was delivered on Semi-Trucks, and handled by forklift, or overhead crane in the building. In 1989 Thomas Endean moved Endean Metal Products to Hamilton, Montana due to a divorce.

In 1989 John Mirande bought the property at 3962 Mineshaft Ct. from Thomas Endean. John moved from El Dorado Vinyards, on Mosquito Rd. in Placerville. John was involved in many businesses and real estate ventures in El Dorado County. He also owned MA ranch an apple farm in Camino, the winery behind Snowline Hospice, and Snowline Hospice building itself, and many other properties in the county.

I met John in 2001, when I helped my friend Kenny Hicks, (the chainsaw wood carver who rented a building behind snowline hospice from John) return a forklift he had borrowed from John to move in to his building. We hauled it to 3962 Mineshaft Ct., and dropped it of in front of the metal building there on the back of the property, which at that time had a bunch of restaurant equipment in it, at that time I didn't know I would be going through it all electrically so he could sell it. It also had a bunch of building materials which John always made you check to see if he had something there he could use instead of buying new material when he was flipping houses, or doing any improvements or maintenance at the properties he owned.

I would work for John in the years that followed, I would work at 3962 Mineshaft Ct., and at other properties he owned or was flipping. He had an office in one of the back bedrooms in the house with a new Mac computer, I would usually meet him at 3962 Mineshaft Ct. before we went to a new project site, we usually started there, and sometimes we would meet a carpenter, or carpet layer there also. The painting and cleanup was usually done by John's son John. A few of the properties he flipped that come to mind are:

Aaron Mount  
April 16, 2015  
Page 2

- 1670 Hwy 49, Placerville, CA
- 2853 Loyal Ln., Pollock Pines, CA
- 4778 Kasey Ln., Placerville, CA

I was impressed with the shop building and office, I could tell it had been used for welding and metal fab because of the overhead crane, and 3phase power. I asked him about it and he told me about Endean, and about his son Brad and a partner building custom motorcycles in the shop. I asked him how I could get a setup like this at the property on Kasey Ln. I had an option to buy from John. He said I needed a Special Use Permit, and they are much harder to get now. He said this place would be perfect for me, but he was not going anywhere, that he and Margaret were very comfortable there. He wanted me to rent part of the building from him for my business, he said we could work it out in trade... He always liked to make a deal. I did not rent from him. John and I were friends, he loaned me money to start large projects when I needed it. He told me to never turn down a job because I didn't have the money to start it, he said come see him "the loan shark". I kept in touch with John, I would stop by and see him every couple of weeks. I would always bring him Negro Modelo beer, his favorite, and he always had me hide what was left in the refrigerator in the garage, "on the bottom in the back" he would say, he didn't want Margaret to know about it. I never discussed any business dealings with Margaret, John handled everything. I spoke to John after he injured himself, which was the beginning of the end. I tried calling him but got Margaret, she said he was in the hospital. Next I heard he had passed away, that was 2005. After a few months I heard Margaret was selling the property. Knowing what it was, I made her an offer, and purchased the property "as is". During the negotiations I tried to have the forklift, and a welder, and a set of torches included in the sale. As it turned out the welder and torches belonged to John's Godson, and the forklift had been sold to someone else. In January 2006 our escrow closed.

In January 2006, I began operations at 3962 Mineshaft Ct., and have been operating there for the past 9 years in good faith, and being a good neighbor. I survived the recession and a divorce here, and now Kendra and I plan on raising our family here.

Sincerely,



Erik Martin

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 95882  
Phone: (530) 672-2787

2

**emartin@tunnelectric.com**

---

**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

3

**emartin@tunnelelectric.com**

---

**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 who 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**

---

**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

5  
PC 3-12-15  
#5

Charlene Tim <charlene.tim@edcgov.us>



---

**Fwd: erik martin**

---

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 in 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

NOTICE: This e-mail and any files transmitted with it may contain confidential information, and  
are intended solely for the use of the individual or entity to whom they are addressed.  
Any retransmission, dissemination or other use of the information by persons other than the  
intended recipient or entity is prohibited.  
If you receive this e-mail in error please contact the sender by return e-mail and delete the  
material from your system.  
Thank you.

3/11/2015

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

6

PC 3-12-15

#5



Planning Unknown <planning@edcgov.us>

---

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

1 message

---

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