

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
BOARD OF SUPERVISORS  
STAFF REPORT**



**Agenda of:**

August 7, 2012

**Staff:**

Tom Purciel

**FINAL MAP AND PLANNED DEVELOPMENT AMENDMENT**

**FILE NUMBER:** TM85-1020-C-2/Billerbeck

**APPLICANT:** Darin Billerbeck

**REQUEST:** Request to amend Recorded Map H-29 and Planned Development TM85-1020, Hacienda De Estrellas Unit 2, Lot 50, to allow a five-foot side yard setback for a trellis-mounted solar photovoltaic system.

**LOCATION:** On the southwest side of Estrellita Court, approximately 0.5 mile south of the intersection with Mother Lode and Northstar Drives, in the Shingle Springs area, Supervisorial District 2 (Exhibit A).

**APN:** 090-473-02

**LOT SIZE:** 1.16 Acres

**GENERAL PLAN:** Medium Density Residential (MDR) (Exhibit B)

**ZONING:** Planned Development (PD) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Statutorily Exempt pursuant to Section 15305 (a) of the CEQA Guidelines.

## RECOMMENDATION

Staff recommends the Board of Supervisors take the following actions:

1. Find that TM85-1020-C-2 is Exempt from the requirements of CEQA pursuant to Sections 15268(b)(3) and 15305(a) of the CEQA Guidelines; and
2. Approve TM85-1020-C-2 amending recorded map H-29 and Planned Development TM85-1020 for Lot 50, subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

**BACKGROUND:** Hacienda De Estrellas, Unit 2, Subdivision Map H-29 and Planned Development TM85-1020 was recorded on September 19, 1990 (Exhibit E). At that time, 40-foot front yard and 20-foot side and rear yard building setbacks were established for all lots in order to create uniform open space and foster a desirable environment within the project boundaries.

Commencing in 1995, the project parcel has been developed with a single-family residence and accessory structures including a swimming pool and detached trellis (See Site Plan, Exhibit D). The trellis structure was erroneously permitted by the County in February 2006 (Building Permit No. 172016) at a five-foot setback from the north property line. The proposed solar photovoltaic system (“array”) would be located adjacent to the southwestern-facing side of the existing trellis, and would not further encroach into the existing five-foot setback.

In order to consider this project’s compatibility with the neighborhood, the applicant independently distributed the project to both the Hacienda de Estrellas Home Owner’s Association (HOA) and adjacent neighbors. The adjacent neighbors and HOA have reviewed the proposal as submitted and recommend approval at the proposed location. HOA comments are included as Exhibit G.

**Other Parcel Issues:** Potential locations of a solar array are severely limited by a combination of sloped terrain, the location of the existing single-family residence and pool, existing oak canopy and generally limited solar exposure as a result of the parcel’s northern orientation. Further, a roof-mounted location would be impractical due to excessive shading caused by a northern roof orientation and existing oak canopy on the parcel.

## STAFF ANALYSIS

**Amending of Final Maps:** Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allows the amending of final maps by either filing a certificate of correction or amending the map. Should the Board of Supervisors approve the amendment, a certificate of correction is recommended to allow the side yard setback for Lot 50 to be reduced from 20 feet to five feet along the north property line.

**Amending a Development Plan:**

Findings are required to amend recorded Subdivision Map H-29 and Planned Development TM 85-1020 by Sections 16.72.040 (Tentative Map Amendment) and 17.04.070 (Planned Development) of County Code. The proposed findings are included in Attachment 2. Staff has also included Variance findings to provide further support for amending the Planned Development.

**Site Description:** The 1.16-acre lot is located in the Shingle Springs area on the southwest side of Estrellita Court, 0.5 miles south of the intersection with Mother Lode and Northstar Drives. Existing improvements at the subject site include a primary residence, swimming pool and detached trellis (Exhibit D).

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	PD	MDR	Residential/Single-family residence
North	PD	MDR	Residential/Single-family residence
South	PD	MDR	Residential/Single-family residence
East	PD	MDR	Residential/Single-family residence
West	PD	MDR	Residential/Single-family residence

**Discussion:** The proposed solar array would be placed adjacent to and over an existing landscape trellis and would be oriented northeast-southwest in relation to the north property line, leaving only a portion of the array within the required 20-foot setback. Therefore, this project is not anticipated to have a significant effect on views, light or air or other land uses in the vicinity of the project parcel.

**General Plan:** The proposed subdivision map/planned development amendment does not change the permitted uses or underlying density, and is therefore consistent with the General Plan.

**Zoning:** The project site is zoned Planned Development (PD). Although there is no underlying base zone, Planned Development TM85-1020 was developed under a General Plan Medium Density Residential (MDR) density of one unit per acre, compatible to the Residential One-Acre (R1A) Zone District. The setbacks established for the PD are greater than the 15-foot side yard and 30-foot front and rear setbacks for the R1A Zone District. With the making of the required findings in Section 17.04.070 and 17.22.630 of County Code, the side yard setback for the north side of Lot 50 could be reduced from 20 feet to 5 feet consistent with the intent of Planned Development TM85-1020. Therefore, as proposed and conditioned, staff finds the Final Map/Planned Development amendment request consistent with all applicable provisions of the County Zoning Ordinance Title 17.

**California Solar Shade Control Act:** Public Resources Code Sections 25981(a) and 25981(d): All solar collection structures must “be set back not less than five feet from the property line and (be

located) not less than 10 feet above the ground.” In addition, “A solar collector may be less than 10 feet in height only if, in addition to the five-foot setback, the solar collector is set back three times the amount lowered.” The proposed solar collection structure is over 10 feet high and no closer than 5 feet to the property line and therefore is consistent with State law.

**2004 California Subdivision Map Act:** Section 66474, states that a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Staff finds that the proposed project is consistent with Government Code Section 66474 because a reduction of the side yard building setback from 20 feet to 5 feet would not adversely impact any public agency or any party with interest in this project, nor encroach upon or into any recorded or established easement(s) on the project site. Detailed Findings for approval are included in Attachment 2.

## ENVIRONMENTAL REVIEW

The processing of minor alterations in land use limitations, including setback variances, is Categorically Exempt pursuant to Section 15305(a) of the CEQA Guidelines. This recording of an amended map is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) of the CEQA Guidelines. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	General Plan Land Use Designation
Exhibit C .....	Zoning District Map
Exhibit D .....	Site Plan
Exhibit E .....	Subdivision Map H-29A/Planned Development TM85-1020
Exhibit F .....	Applicant-submitted Variance Findings Support Information
Exhibit G .....	Hacienda de Estrellas HOA Approval Letter; November 4, 2011

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Final Map and Planned Development Amendment TM85-1020-C-2/Billerbeck Board of Supervisors/August 7, 2012

#### Project Description

1. The subject recorded map amendment is based upon and limited to compliance with the project description, the hearing exhibits marked A-F, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Request to amend Recorded Map H-29 and Planned Development TM85-1020, Hacienda De Estrellas Unit 2, Lot 50, to allow a five-foot side yard setback from the north property line for a trellis-mounted solar photovoltaic system.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All development plans (such as building and grading permits) must be submitted for review and approval and shall be implemented as approved by the County.

#### Planning Services

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *California Government Code*.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in *Section 66499.37*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. Prior to issuance of any Building Permit, all Development Services fees shall be paid in full.
4. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit on the project parcel.

**County Surveyor**

5. The property owners shall submit a Certificate of Correction, prepared by an appropriately licensed professional, to the County Surveyor for review and approval pursuant to the Subdivision Map Act and County Code. When approved by the County Surveyor, said Certificate shall be recorded at the County Recorder-Clerk's Office. Property owner(s) shall be responsible for all associated processing and recording fees.

## ATTACHMENT 2

### FINDINGS

#### **Final Map and Planned Development Amendment TM85-1020-C-2/Billerbeck Board of Supervisors/August 7, 2012**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 The processing of minor alterations in land use limitations, including setback variances, is Categorical Exempt pursuant to Section 15305(a) of the CEQA Guidelines.
- 1.2 The recording of an amended map is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) of the CEQA Guidelines.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

##### **2.0 SUBDIVISION MAP AMENDMENT FINDINGS**

- 2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

New State legislation, the California Solar Shade Control Act, requires typical solar collecting structures to be installed at a minimum of 10 feet in height and not less than five feet from the closest property line, thereby further reducing feasible locations for the proposed solar array. Accordingly, the above change in circumstances would deem the required 20-foot side yard setback no longer necessary.

- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.*

The reduction of a 20-foot side yard setback for Lot 50 of recorded Subdivision Hacienda De Estrellas, Unit 2, would benefit, and not burden, the current owner.

- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*

The 20-foot side yard setback was established in 1990 primarily for the purpose of creating uniform open space surrounding all lots within this subdivision. The proposed modifications would not alter any right, title or interest in the real property reflected in the recorded map.

- 2.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

The applicable portion of Section 66474(g) requires that the County find the reduction of the north side yard setback from 20 feet to 5 feet for Lot 50 of Subdivision Map H-29 will not conflict with easements for access through, or use of, property within the Hacienda De Estrellas, Unit 2 subdivision. Based on review of public records, there are no recorded or established easements for access through, or use of, property within the project area.

### **3.0 PLANNED DEVELOPMENT FINDINGS**

- 3.1 **Minor Changes to Plan After Adoption:** *That the proposed changes do not change the boundaries of the subject property, do not change any use as shown on the official development plan and do not change the intent of the official development plan.*

This project would not change the boundaries of the subject property and would not change any use allowed as part of the official development plan.

Planned Development TM85-1020 was developed under a General Plan Medium Density Residential (MDR) density of one residential unit per acre, compatible with the Residential One-Acre (R1A) Zone District. Therefore, as this project is a minor adjustment to the allowed uses and Development Standards of the R1A Zone District, this project would not change the intent of the official development plan.

- 3.2 *There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant.*

Potential locations of a solar photovoltaic system (“array”) on the subject parcel are limited by a combination of unique physical constraints including the parcel’s topography, north-facing slopes and the location of existing oak canopy along the entire southern half of the parcel. Further, a roof-mounted location on the existing residence would be impractical due to excessive shading caused by a northern roof orientation and the oak canopy discussed above.



- 3.3 *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.*

Section 25980 of the California Solar Shade Control Act states that “(the State shall) promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources (including structures for solar collecting)”. Therefore, a solar collection array can be determined to be a reasonable use of residential-zoned land. However, due to the significant parcel constraints discussed for Finding 3.2 above, the only reasonable site for a solar collection array would be within the subdivision map-required side yard setback. Accordingly, the strict application of the setback provisions of Planned Development TM85-1020 would deprive the applicant of the reasonable use of the land or building allowed for other land in the vicinity and the same zone.

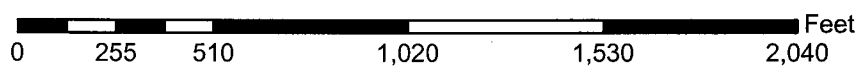
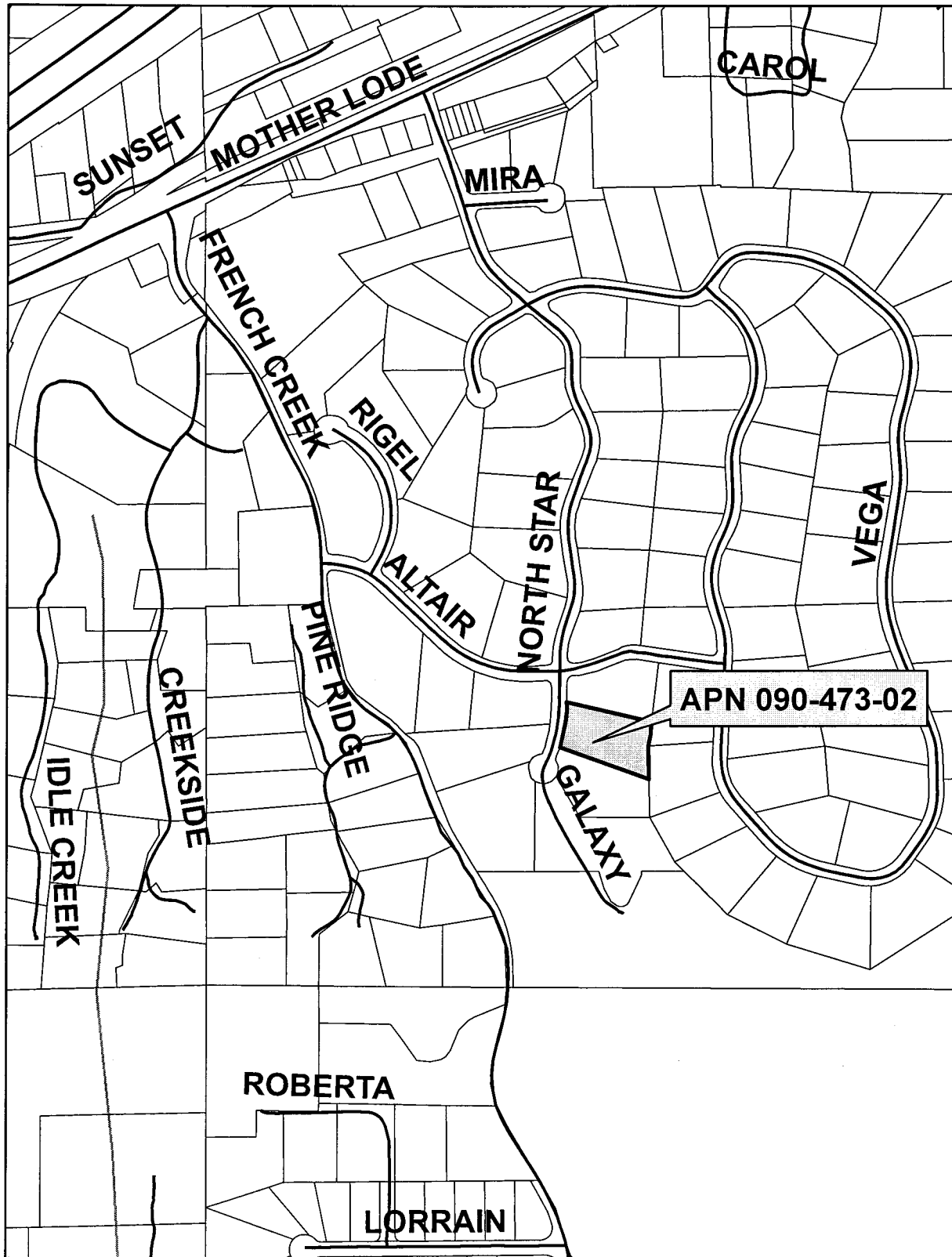
- 3.4 *The variance is the minimum necessary for the reasonable use of the land or building.*

The proposed solar array will be placed adjacent to an existing permitted trellis structure located five feet from the north property line. As discussed in Finding 3.2 above, the proposed solar panels will be located adjacent to this trellis in a manner that will both maximize solar exposure and also minimize visual impact; no significant additional ground disturbance or visual impact is expected to occur as part of this project. Therefore, the proposed 5-foot side yard setback is the minimum necessary for the reasonable use of the land or building.

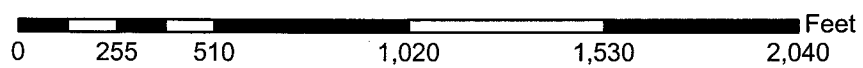
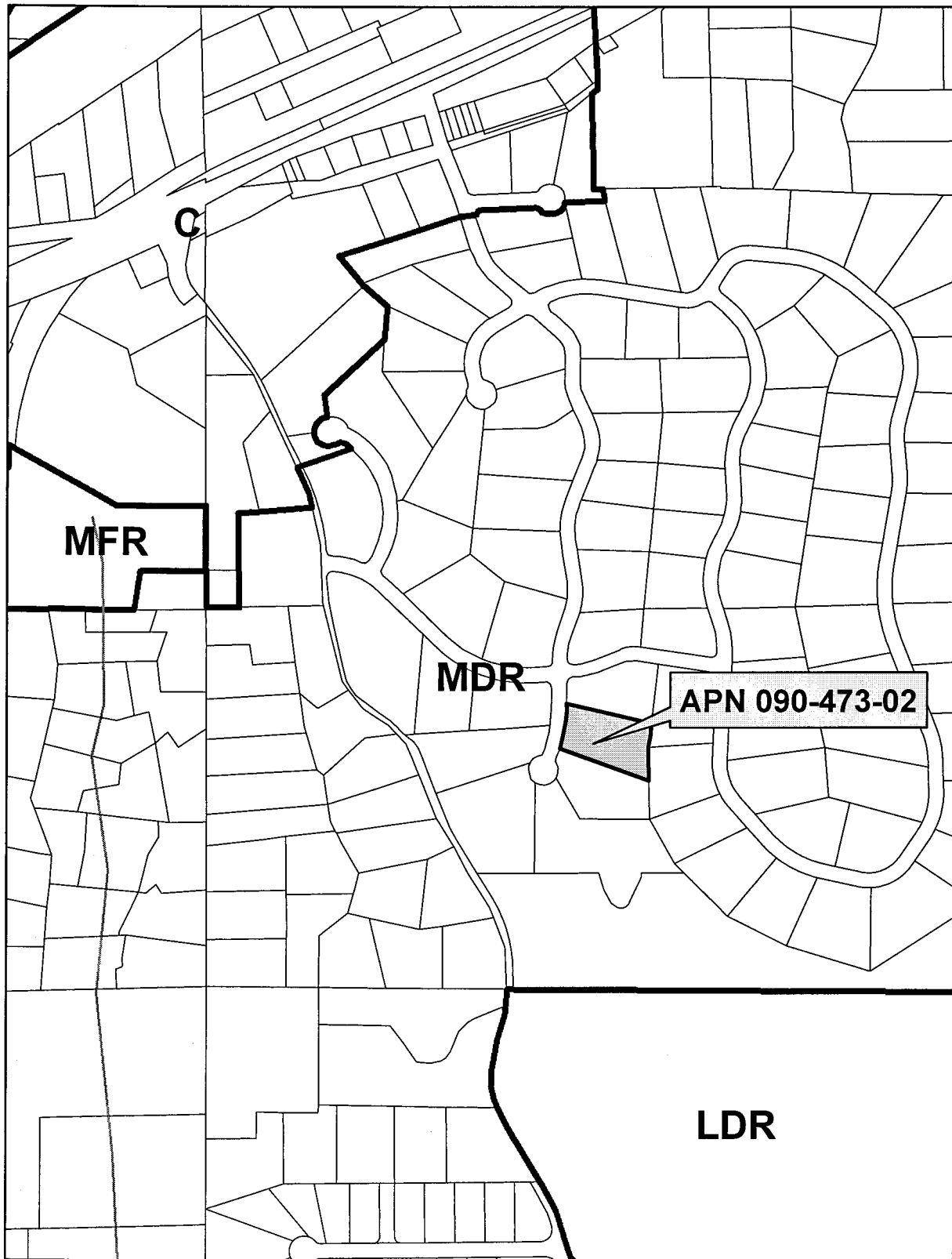
- 3.5 *The variance is in conformity with the intent of this article and not detrimental to the public health, safety, and welfare, or injurious to the neighborhood.*

The project was distributed to all applicable responsible agencies, including the Hacienda de Estrellas Home Owner’s Association, and no comments were received to prevent approval of the requested setback reduction. Further, there are no utility or other easements within the area of the project site. Accordingly, the proposed setback reduction is not anticipated to negatively impact the public health, safety, and welfare, or be injurious to the other residential uses in the project area.

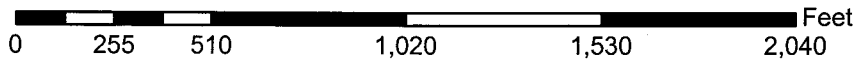
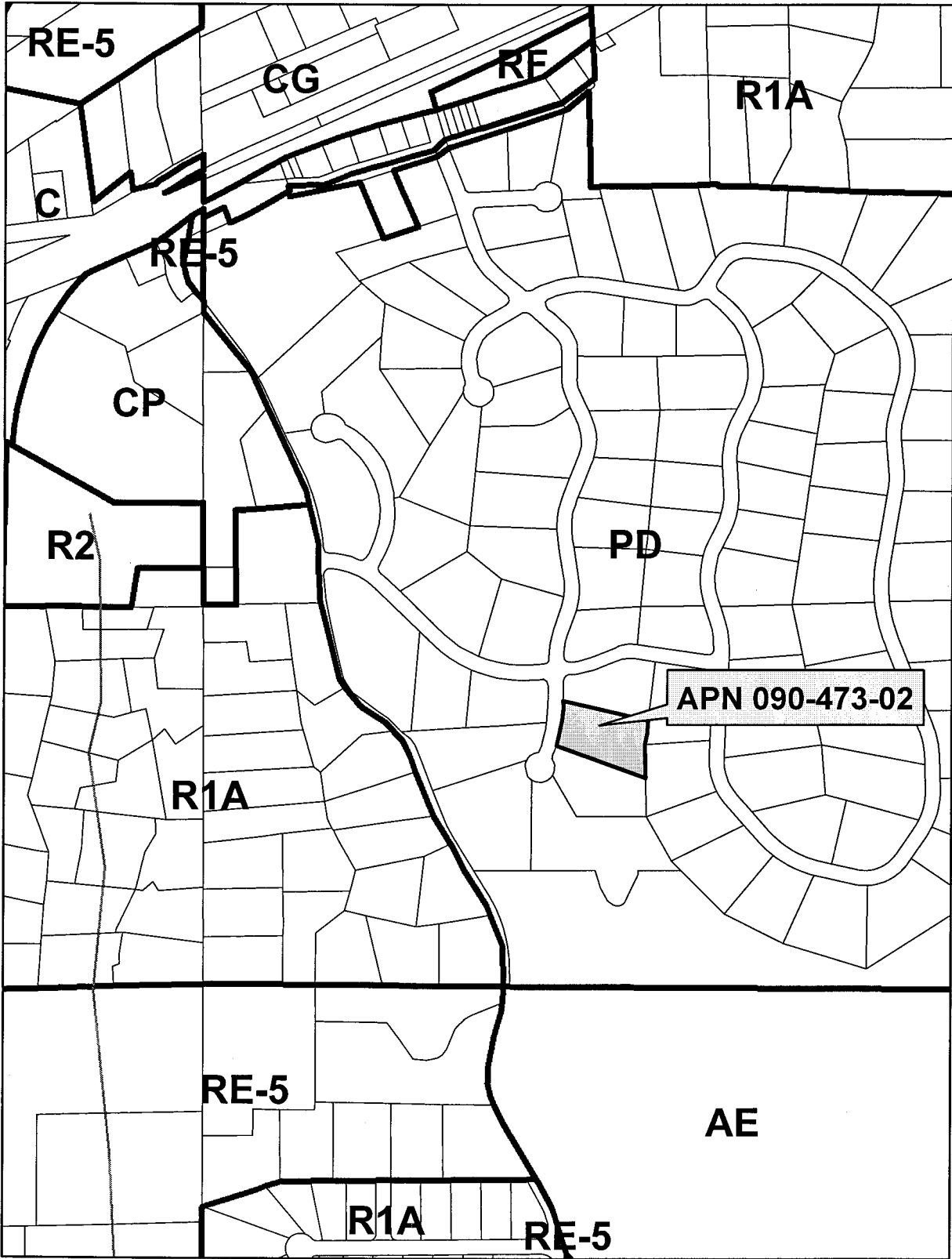
# Exhibit A Location Map



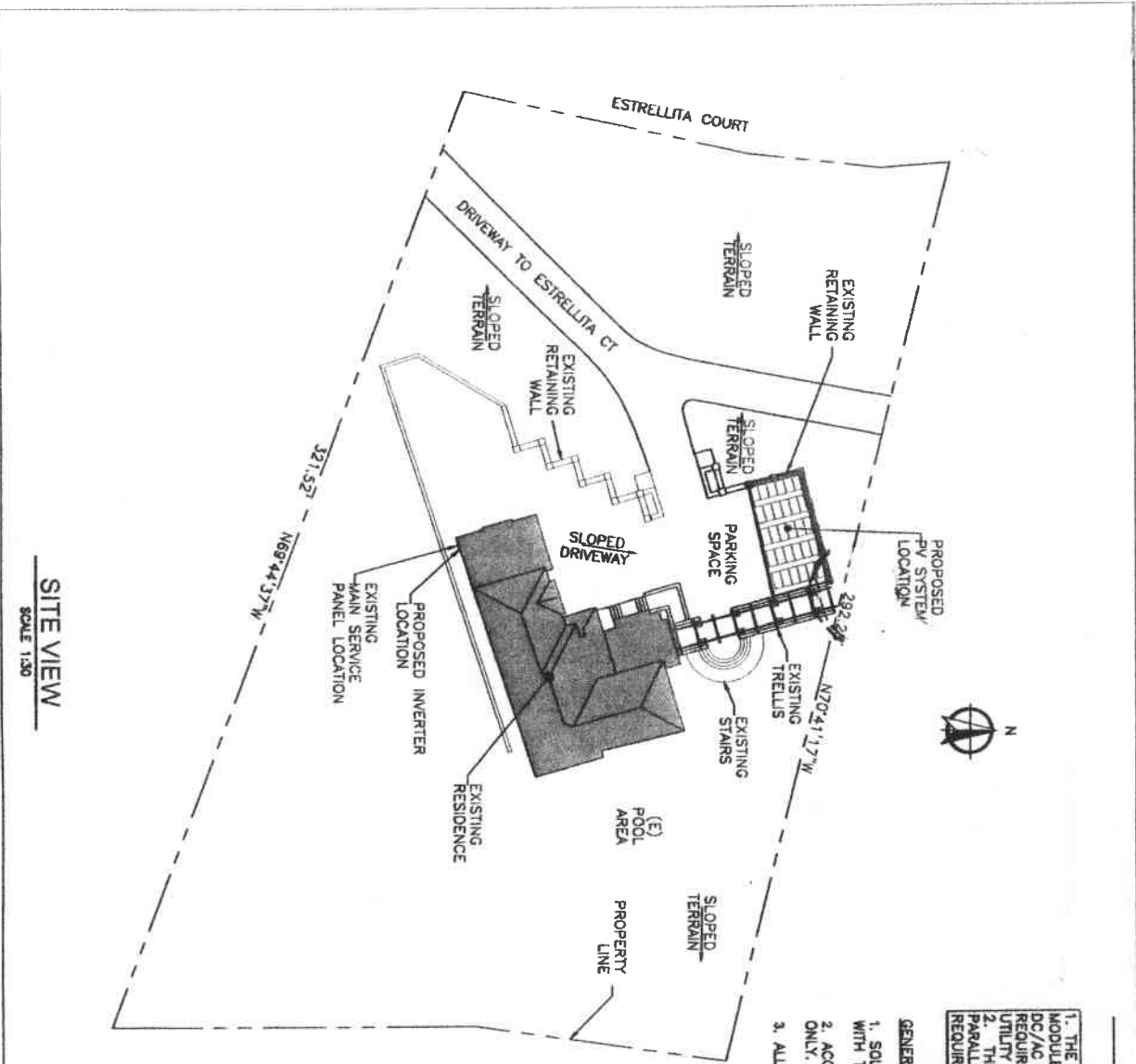
# Exhibit B General Plan Land Use Designation



# Exhibit C Zoning District Map



# EXHIBIT D



**SITE VIEW**  
SCALE 1:30

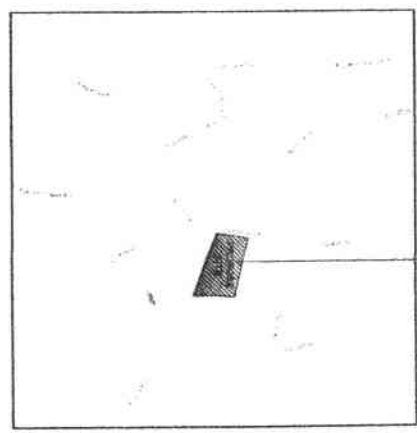


**PROJECT SCOPE**

1. THE INSTALLATION CONSISTS OF SOLAR PHOTOVOLTAIC MODULES MOUNTED ON THE ROOF AND CONNECTED WITH AN DC/AC INVERTER AND RELATED ELECTRICAL SWITCHGEAR AS REQUIRE BY APPLICABLE CODES AND BY THE ELECTRICAL UTILITY COMPANY. THE SYSTEM WILL BE INTERCONNECTED AND OPERATED IN PARALLEL WITH THE UTILITY ELECTRICAL GRID PER THE REQUIREMENTS OF THE UTILITY AND APPLICABLE CODES

**GENERAL NOTES:**

1. SOLAR PHOTOVOLTAIC SYSTEM WILL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 690 OF THE 2010 CEC.
2. ACCESS TO THE WIRE WILL BE RESTRICTED TO QUALIFIED PERSONNEL ONLY, AS REQUIRED BY ARTICLE 690 OF 2010 CEC.
3. ALL LOCATION ARE APPROXIMATE AND REQUIRE FIELD VERIFICATION.



**VICINITY MAP**

PROPOSED PV SYSTEM SITE  
APN# 09047302100

THIS DRAWING IS PROPERTY OF ARAMISOLAR AND CAN NOT BE REPRODUCED OR DISCLOSED WITHOUT A WRITTEN PERMISSION OF ARAMISOLAR.

3335 E. Lathrop Road  
Monteca, CA 95336  
Ph 1.866.676.5276 or  
209.858.4459  
Fax 209.858.4458  
www.aramisol.com  
Aras@aramisol.com

**BILLERBECKS RESIDENCE**  
4281 ESTRELLITA COURT  
SHINGLE SPRINGS, CA 95682  
PHONE# 530.672.9702

**TITLE:** SITE VIEW      **SCALE:** AS NOTED  
**DESIGNER:** A.A. & J.Z      **SHEET:** A1.3  
**DATE:** 7/22/2011      **REVISION:** 2

# HACIENDA DE ESTRELLAS, UNIT NO. 2

A PORTION OF THE SW 1/4 OF SECTION 6,  
T. 9 N., R. 10 E., M.D.M.

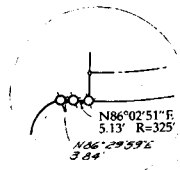
COUNTY OF EL DORADO STATE OF CALIFORNIA  
OCTOBER 1989 SCALE 1"=100'  
GENE THORNE & ASSOCIATES, INC.  
SHEET 2 OF 3

## BASIS OF BEARINGS

THE MERIDIAN OF THIS SURVEY IS IDENTICAL TO THAT OF RS 9-43 AND IS TRUE NORTH.

## NOTE

1. ALL DISTANCES ALONG CURVED LINES ARE CHORD MEASUREMENTS
2. ALL LOT LINES ALONG ROADS ARE PARALLEL TO THE ROAD CENTERLINE UNLESS OTHERWISE SHOWN HEREON.
3. BUILDING SETBACK SHALL BE 40 FEET IN FRONT AND 20 FEET ON SIDES AND REAR, OF ALL LOTS, EXCEPT FOR LOT 40 FOR WHICH THE FRONT SETBACK ALONG ALTAIR WAY SHALL BE 20 FEET.



SEVEN STARS  
UNIT NO. 1  
(HACIENDA DE ESTRELLAS)  
SUBD. G-101

DETAIL "A"

SEE DETAIL "B" THIS SHEET

8'0" WIDE PG&E  
EASEMENT PER  
612-454 O.R.  
FOUND  
1-1/2" CIP STAMPED  
"RCE 20462-1988"

ch=N77°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

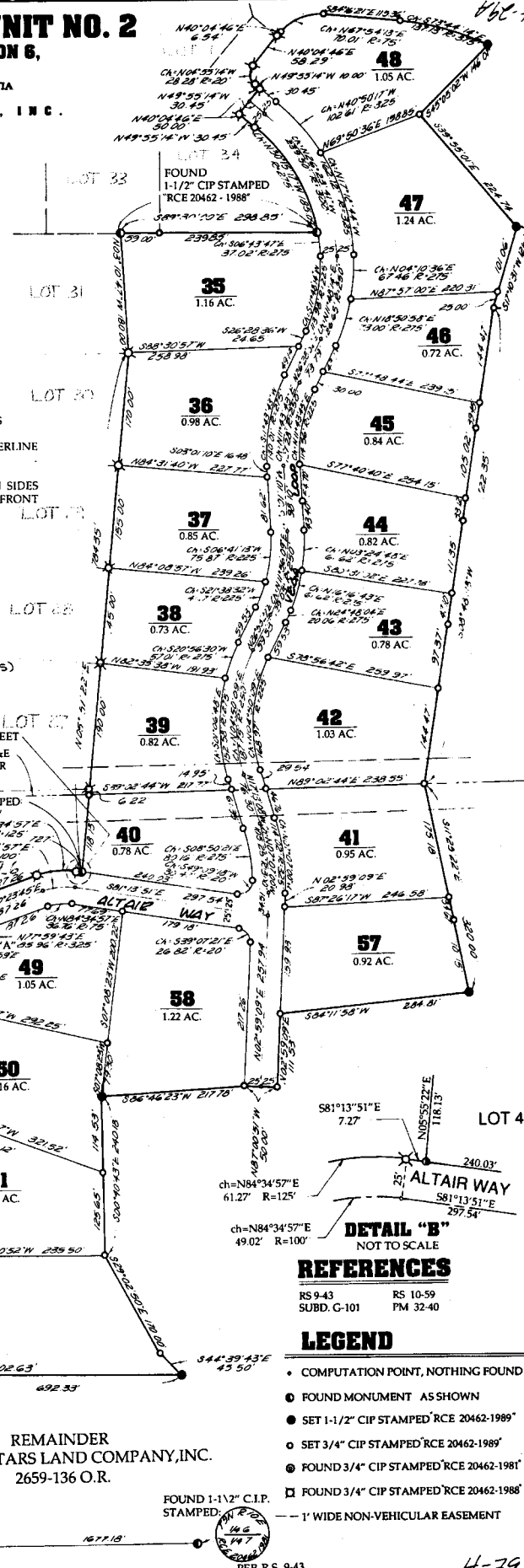
ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'

ch=N177°59'43"E  
72.73' R=275'  
ch=N84°34'57"E  
61.27' R=125'  
ch=N84°34'57"E  
49.02' R=100'



## REFERENCES

- RS 9-43 RS 10-59
- SUBD. G-101 PM 32-40

## LEGEND

- COMPUTATION POINT, NOTHING FOUND OR SET
- FOUND MONUMENT AS SHOWN
- SET 1-1/2" CIP STAMPED "RCE 20462-1989"
- SET 3/4" CIP STAMPED "RCE 20462-1989"
- ⊙ FOUND 3/4" CIP STAMPED "RCE 20462-1981"
- ⊠ FOUND 3/4" CIP STAMPED "RCE 20462-1988"
- 1' WIDE NON-VEHICULAR EASEMENT



REMAINDER  
SEVEN STARS LAND COMPANY, INC.  
2659-136 O.R.

FOUND 1-1/2" C.I.P.  
STAMPED

PER R.S. 9-43

REMAINDER SEVEN STARS LAND COMPANY, INC. 2659-136 O.R.

EXHIBITE

H-29A

H-29A

VARIANCE FINDINGS SUPPORT INFORMATION

Map Amendment Proposal for APN 090-473-02, Hacienda de Estrellas, Unit No. 2, pg. H-29A, Note 3: 13  
setback modification: Billerbeck, Darin and Tamera

RECEIVED  
PLANNING DEPARTMENT

The following information must be provided to support your request and assist the Zoning Administrator or Planning Commission in making the necessary legal findings to approve the variance. (Attach additional sheets and photographs, if necessary.)

- A) There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, building or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant. Please explain:

Lot 50 in Hacienda de Estrellas resides on a hill with a large group of 50 year old oak trees lining the Southern side of the lot. Due to the existing 50 year old oak trees and shade they provide on the lot, the only viable location to locate solar panels on lot 50 is on the Northern side of the lot. Due to the severe grades on falling off on both sides of the lot (where the existing driveway parking is located), the only suitable location to install the solar panels on the Northern side of the lot is over the top of the driveway parking.

- B) The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone. Please explain:

Without the requested variance, the solar panels would not operate to their peak efficiency in any other location on the North side of Lot 50. The location for the solar panels resides over an existing structure which already has been approved by the El Dorado building department in 1998, permit 1120804-1. There is no other reasonable location for the solar panels on Lot 50. The owners of Lot 49, the neighbors in the area along with the Hacienda de Estrellas architectural committee have approved the location of the solar panels and structure.

- C) The variance is the minimum for the reasonable use of the land or building. Please Explain:

The side setback for Lot 50 is currently 20 feet. However due to the challenges of lot 50, the driveway retaining wall and nearby trellis had already been approved with a 5 foot setback on the north side of lot 50 by both the Hacienda de Estrellas arch committee and El Dorado building department when the structure plans for the 1998 landscaping plans were submitted. The solar panels are planned to be installed on top of the same approved structure from the 1998 landscaping plans. Therefore we are not asking for a new setback, we are asking for a map amendment to a 5 foot setback of an already existing approved structure. This map amendment most likely should have been done back in 1998, but was not requested by the El Dorado Building dept or planning commission.

- D) The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood. Please explain:

The 5 foot setback map amendment is exactly what is needed to install the solar panels on top of the existing structure. We are building vertically on top of that existing structure. The Hacienda de Estrellas architectural committee and neighborhood requested that this structure be built on this location vs any other location on the North side of Lot 50. There are no fire or other safety issues with this location.

EXHIBIT F

November 4, 2011

Darin & Tamera Billerbeck  
4281 Estrellita Ct.  
Shingle Springs, CA 95682

11 NOV 29 PM 4:57  
RECEIVED  
PLANNING DEPARTMENT

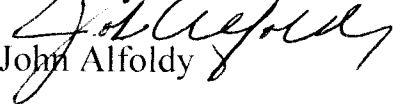
Dear Homeowner,

On November 3, 2011 the HOA reviewed your application submitted to the ARC requesting a variance to the 20' side setback requirement on the North side of your lot.

Your application requested the variance to enable you to install a trellis that would handle a photo voltaic solar panel installation.

The ARC followed the requirements as outlined in the HOA's CC&R's in reviewing your request and based on the authority given to the ARC in our CC&R's your variance request has been approved. The approval is for the installation of a solar panel trellis on the North side of your lot and said trellis can be located within five feet of the adjoining property line.

Sincerely,

  
John Alföldy

President, Hacienda de Estrellas HOA

EXHIBIT G