

**EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of:

August 14, 2025

Staff:

Craig Osborn

CONDITIONAL USE PERMIT

FILE NUMBER: CUP22-0011/Fuji Battery Storage

APPLICANT/AGENT: Apex Energy Solutions, LLC c/o Sarah Kaaki

OWNER: Maureen Thompson Trust and John Hansen

ENGINEER: Herve Pare

REQUEST: Conditional Use Permit for the development and ongoing operation of an up to 5.0-megawatt (MW)/20.0-megawatt hour (MWh) battery energy storage facility on an undeveloped portion of a parcel developed with a four-suite business park, to be secured with a six-foot-tall chain link fence.

LOCATION: Approximately 550 feet north of the Newtown Road and Parkway Drive intersection, in the Placerville Community Region, within the City of Placerville Sphere of Influence (Exhibit A).

SUPERVISOR DISTRICT: 3

APN: 048-280-030 (Exhibit B)

ACREAGE: 3.83 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: General Commercial – Community Design Review – Scenic Corridor (CG-DC-DS) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Conditional Use Permit CUP22-0011 has been found to be Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15303(c), New Construction or Conversion of Small Structures; and pursuant to Section 15304 (f), Minor Alterations to Land.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP22-0011 to be Categorically Exempt pursuant to Section 15303(c), New Construction or Conversion of Small Structures; and pursuant to Section 15304 (f), Minor Alterations to Land of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP22-0011 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The proposed project includes a Conditional Use Permit (CUP) and Design Review Permit request for the development and ongoing operation of a battery energy storage system (BESS) that would be constructed on an approximately one-acre portion of a 3.83-acre parcel. The project includes a BESS consisting of six (6) Tesla Megapack alternate current (AC) coupled modular battery storage system enclosures of approximately 115 square feet each for a total of 690 square feet. The facility would gain entrance from an existing encroachment onto Newtown Road. The facility would be served by two (2) regular parking stalls, one (1) trash storage enclosure, and would include electric utility line extensions to a tie-in point. This CUP request includes a six-foot-tall chain link fence.

A BESS use is a new use within El Dorado County and therefore has not been defined under a specific use within El Dorado County's Zoning Ordinance (Zoning Ordinance). A BESS use best fits under the Public Utility Service Facilities: Intensive, which is defined to include, "Service Facilities that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities." This BESS facility is not a substation owned and operated by a public utility entity; however, the BESS facility is designed to store electrical energy until it is needed.

REGULATORY AUTHORITY AND REVIEW HISTORY

CUPs may be reviewed by either the Zoning Administrator (ZA) or Planning Commission (PC), according to their complexity, pursuant to Section 130.52.021.B. of the Zoning Ordinance (see note 2 on Table 130.50.030.A—Review Authority). CUP22-0011 was originally reviewed by the ZA on May 1, 2024, in tandem with a similar request for Stella Battery Storage (CUP22-0010) by the same applicant. Both battery storage proposals were continued to June 5, 2024, to provide further information. The ZA then remanded this CUP22-0011 Fuji Battery Storage request to the PC because according to Zoning Ordinance Section 130.52.030.A.2, projects proposed within the highway scenic corridor shall be reviewed by the PC.

BACKGROUND/HISTORY/EXISTING CONDITIONS/SITE CHARACTERISTICS

The project parcel is partially developed and located within the Placerville Community Region. The project parcel includes a total of 3.83 acres, including the Newtown Business Park on the

Northern portion. The developed portion of the parcel is currently being used commercially as a landscape materials business. The portion of the project site proposed for the BESS development consists of one (1) acre of relatively flat undeveloped land. Adjacent properties to the east are zoned commercial and residential including two (2) residentially zoned and developed parcels. There are additional residentially zoned properties across U.S. Highway 50 to the north and east. The project site is located adjacent to and is visible from U.S. Highway 50, which is a State designated scenic highway corridor making this project subject to a Design Review Permit which is included as a part of this CUP Application.

PROJECT DESCRIPTION

The proposed project includes a CUP and a Design Review Permit request for the development and ongoing operation of a BESS that would be constructed within the northerly undeveloped portion of the project site. The area to be developed has been graded prior and includes onsite access drives. Site access would be provided from an existing alley located to the North of Newtown Road.

The BESS would consist of approximately six (6) Tesla Megapack AC coupled modular battery storage system enclosures, each measuring approximately 23 feet long, five (5) feet wide, and eight (8) feet high. In total, the six (6) enclosures would result in 690 square feet of area. Each enclosure would be installed on individual concrete pads and would be at least five (5) feet away from one another and at least 30 feet from lot lines (Exhibits E and G). BESS enclosures are not designed for occupancy and would be remotely controlled with periodic inspections/maintenance performed as necessary.

Individual lithium ion (Li-ion) cells form the core of the BESS. These cells are assembled either in series or parallel connection in sealed battery modules. The battery modules would be installed in self-supporting racks electrically connected to deliver the battery storage system energy and power rating. The BESS would provide a maximum capacity of up to five (5) MW over a four-hour period for a total energy reservoir of 20 MWh.

Each battery storage enclosure would contain its own heating, ventilation, and air conditioning (HVAC) system internal to each enclosure unit. Power to the HVAC systems would be provided via a connection to the onsite station service transformer with connection lines installed above and/or below ground. Each enclosure would contain its own fire suppression system. Fire suppression systems would include internal sprinklers and an automatic alert which would be sent to both the Fire Authority and the BESS operator's office.

The medium-voltage power would be conveyed underground, or above ground where necessary, to avoid existing infrastructure. The project interconnection facilities would connect to the existing utility approved point of interconnection, which is Pacific Gas and Electric (PG&E) Apple Hill 1103 12 kilovolt (KV) circuit. An onsite utility line extension would be required and would originate from the southwest corner of the project site and go south connecting to the existing onsite PG&E pole. The project interconnection facilities would comprise three (3) new power poles.

All required electrical breaker systems and protective relay systems would be installed as part of the project. Surge arrestors would be used to protect the facility and auxiliary equipment. An overall Plant Control System and a Supervisory Control and Data Acquisition (SCADA) system would allow for remote monitoring and control of inverters and other project components.

The project site would contain a network of access roads. An all-weather gravel access road would be up to 20 feet wide and capable of supporting emergency apparatus vehicles as reviewed by El Dorado County Fire Protection District. The access point from Newtown Road into Parkway Drive would be gated and keyed to prevent unauthorized access to the site. Interior roads would have a minimum width of 14 feet. A network of all-weather gravel access roads would run between battery enclosures for operations and maintenance. Turnaround areas would run around each of the inverters and/or equipment pads. In addition, all-weather gravel access perimeter roads would surround the facility and enable parking for infrequent on-site inspections/maintenance.

To ensure the safety of the public, the facility's perimeter will be secured with a six-foot-tall chain link fence with vinyl slats to screen the project from public view. The fence is proposed as an alternative to landscape requirements. A controlled-access gate would be located at the main entrance on the south side of the site and would be swinging with a minimum width of 20 feet. A Knox Box would be installed at the gate for access by emergency personnel. Security fencing would be wildlife friendly and would include a four- to six-inch gap between the fence mesh and the ground. The bottom of the fence would be knuckled under and wrapped to form a smooth edge as a precautionary measure to provide wildlife safe ingress and egress to and from the project area.

The only signage proposed for the project is warning signage placed along the fence perimeter to warn against trespassing. No potable water supply or sanitation service/facilities are proposed for the project. Proposed on-site lighting for the project will be limited to motion activated solar lights and will be required to comply with Section 130.34.020 (Outdoor Lighting Standards) of the Zoning Ordinance. Operational noise will need to be in compliance with Section 130.37.060 (Noise Standards) of the Zoning Ordinance. The applicant has submitted a project Noise Assessment (Exhibit F) as a part of the application package. The assessment states that the project site would be in compliance and would not expose people working during construction or maintaining the facility to excessive noise. Noise levels as a result of operational activities on the project site would not exceed the daytime, evening, or nighttime noise standards for the vicinity residential land uses when compared to the thresholds defined in the El Dorado County General Plan (General Plan). Also, the project would not exceed the non-transportation noise source thresholds provided in the Zoning Ordinance, as identified in Table 4 of the Noise Assessment.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including policies as discussed in Section 2.0 of the Findings

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned,

is consistent with all applicable standards and requirements of the Zoning Ordinance. The project parcel is zoned General Commercial – Community Design Review (CG-DC), and the project has been analyzed in accordance with all applicable development standards for this zone district. Projects proposing a Public Utility Service Facilities: Intensive use require approval of a CUP. This application for a CUP, if approved, would meet the entitlement requirement for the proposed BESS facility, as well as the requirements of the Design Review for both the Community and Scenic Corridor combining zones.

New Use Type: BESS as a use type has become a more common permit request for most jurisdictions across the country. An American Planning Association (APA) article in the March 2024 *Zoning Practice* reveals the challenges that jurisdictions face responding to this rapidly evolving and expanding use (Exhibit J). The article points out that while the specific use of batteries is new, the use represents energy storage in general. Recent staff training at the California Land Use Law Conference revealed that Assembly Bill (AB) 205 was passed on June 30, 2022, to specifically encourage and facilitate energy storage facilities such as the proposed project. Additionally, 2025 bills such as AB 303 and Senate Bill (SB) 283 are being proposed with the intent of standardizing guidelines and hazard mitigation.

AGENCY COMMENTS:

The project was distributed to all applicable local, County, and State agencies for review and comment. Comments were received from the County Surveyor's Office, the Air Quality Management District (AQMD), Department of Transportation (DOT), El Dorado County Fire Protection District, Environmental Management Department (EMD), El Dorado County Stormwater Division, City of Placerville, and PG&E. PG&E review found that the project would need to coordinate with PG&E on interconnection requirements.

In May 2024, the former City of Placerville Director of Development, Pierre Rivas, questioned the use of a CEQA exemption when the project was prepared for ZA review. The current City of Placerville Director of Development, Carole Kendrick, was contacted again in June 2025. Director Kendrick was informed about the project proposal and confirmed that the City of Placerville no longer has concerns about the exemption or otherwise. No other agencies expressed issues or concerns regarding this project and/or presented standard Conditions of Approval per their individual regulations.

ENVIRONMENTAL REVIEW:

Staff has reviewed the project and found Fuji Battery Storage exempt from CEQA pursuant to Section 15304 (f), Minor Alterations to Land; and Section 15303 (c), New Construction or Conversion of Small Structures. Class 3 exemptions consist of the construction and location of limited numbers of new, small facilities or structures including, as stated in Section 15303 (c), "A store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area".

This project includes the use of hazardous substances essential for battery technology. The level

of onsite hazardous substances would be in amounts that require hazardous material reporting into the California Environmental Reporting System (CERS). Although reporting of hazardous substances to EMD Certified Unified Program Agency (CUPA)/Hazmat unit would be required, the amount of hazardous substances anticipated for the proposed use has been determined to be less than significant. The determination regarding the significance level of the hazardous substances was reached through a review by El Dorado County Fire Protection District. Per fire district review, the project, as proposed, would include an adequate fire suppression system capable of preventing potential hazards associated with the battery storage site. The proposed project is within a scenic highway corridor; however, a Photosimulation and Visual Impact Report (Exhibits H and I) demonstrates no damage to scenic resources. Given these determinations, the project would meet the requirements for the Section 15303 (c) CEQA Exemption, without exception.

In accordance with CEQA Guidelines Section 15062 (d), the filing of a Notice of Exemption (NOE) initiates a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a NOE is not filed, a 180-day statute of limitations will apply. The applicant shall submit a \$50.00 recording fee to the Planning Division in order for the County Recorder to file the NOE.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location/Vicinity Map
Exhibit B.....Assessor's Parcel Map
Exhibit C.....General Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit E.....Site Plan
Exhibit F.....Noise Assessment
Exhibit G.....Grading and Drainage Plan
Exhibit H.....Photosimulation
Exhibit I.....Visual Impact Report
Exhibit J.....APA Article
Exhibit K.....Former Community Design Guide
Exhibit L.....Applicant Landscape Memo
Exhibit M.....Landscaping and Irrigation Standards

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