

CONDITIONS OF APPROVAL

Conditional Use Permit CUP22-0011/Fuji Battery Storage Planning Commission/August 14, 2025

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit ESite Plan

Exhibit GGrading and Drainage Plan

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 would constitute a violation of permit approval.

The project description is as follows:

A CUP request for the development and ongoing operation of a battery energy storage system (BESS) that would be constructed within the northerly undeveloped portion of the project site. Site access would be provided from an existing alley located on the north side of Newtown Road.

The BESS would consist of six (6) Tesla Megapack alternate current (AC) coupled modular battery storage system enclosures measuring approximately 23 feet long, five (5) feet wide, and eight (8) feet high. 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.

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. 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 roads would run between battery enclosures for operations and maintenance. Turnaround areas would run around each of the inverters and equipment pads. In addition, all-weather gravel perimeter roads would surround the facility.

The facility's perimeter would be secured with a six-foot-tall chain link fence. Perimeter fencing would screen the project from view using vinyl slats or mesh screening. Controlled-access gates would be located at the main entrance to the site. These would be swinging gates, with a minimum width of 20 feet. A Knox Box would be installed at the gate for access by emergency personnel. No landscaping is proposed, except for motion activated solar lights. No potable water supply or sanitation service/facilities are proposed for the project.

The development, use, and maintenance of the property, the size, shape 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 plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Division

2. **Permit Implementation:** In Compliance with Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this CUP, or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the Conditions of Approval.
3. **Exterior Finish:** Each of the BESS enclosures shall be painted in an earth tone similar to the surrounding environment.
4. **Facility Maintenance:** All improvements associated with the energy storage facility – including enclosures, fencing, internal access routes, and warning signage – shall be properly maintained at all times. The color of the enclosures, fencing, and other equipment visible to the public shall be maintained to ensure the appearance remains consistent.
5. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease, and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged, or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with

Section 5097.98(b-h) of the Public Resources Code. Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

6. **Indemnity:** 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.

The developer and landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding 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 CUP.

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

7. **Change in Ownership:** In the event of any change of ownership of the subject parcel (Assessor's Parcel Number [APN] 048-280-030) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this CUP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.

County Surveyor's Office

8. **Boundary Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).
9. **Addressing:** Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required within 30 days of approval.

Air Quality Management Department (AQMD)

10. **Fugitive Dust:** A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. If during the course of the project a grading permit is required from the Building Division, dust control measures shall comply with the requirements of AQMD Rule 223 Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
11. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.

12. **Painting/Coating:** The application of architectural coatings shall adhere to AQMD Rule 215, Architectural Coatings.
13. **Open Burning:** Burning of waste vegetation that results from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
14. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations). Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
15. **New Point Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
16. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.
17. **Electric Vehicle (EV) Charging – Non-Residential:** The project shall comply with the non-Residential Mandatory Measures identified in the 2022 Cal Green Building Code to facilitate future installation and use of EV Chargers.

Environmental Management Department (EMD)

18. **Environmental Health:** No potable water supply will be required for this project once it has been completed. Portable toilets will be provided during the construction phase that will be removed after construction has been completed. A septic system is installed on the property. Include setbacks from the existing septic system as part of future building permit application plans.
19. **Waste Requirements:** This project would be subject to a variety of State and local laws regarding waste hauling, waste recycling, temporary signage, and waste collection enclosure requirements. Compliance with these solid waste standards is required for the approval and continued validity of a CUP. Consistency with these standards would be determined prior to building permit issuance.

20. **Hazardous Materials:** The plans as submitted indicate this facility will utilize and store hazardous materials in excess of reportable quantities, within 30 days of becoming operational the facility must submit the business information, hazardous materials inventory and hazardous material contingency plan in California Environmental Reporting System (CERS).

El Dorado County Fire Protection District

21. **Fire Hydrants:** If this development requires a fire hydrant, it shall be a Dry Barrel Fire Hydrant which conforms to the El Dorado Irrigation District (EID) specifications for the purpose of providing water for fire protection. The location and spacing between hydrants in this development shall be determined by the fire department.
22. **Fire Flow:** The California Fire Code (CFC), as amended locally, requires the minimum fire flow for the commercial development to meet the current CFC and Local Ordinances.
23. **Storage of Sensitive Materials:** Storage of flammable and combustible liquids in containers and tanks shall be in accordance with, but not limited to, the current CFC and National Fire Protection Act (NFPA) Standards.
24. **Immediate 911 Emergency Call:** The fire department shall be notified via a 911 emergency call immediately, upon receipt of a signal at the Tesla 24/7 reporting location that a thermal runaway incident has been determined at the facility.
25. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of El Dorado County Fire Protection District as well as State Fire Safe Regulations as stated below (but not limited to):
- a. All roadways shall be a minimum of 20 feet wide, providing two (2) 10-foot traffic lanes, not including shoulder and striping.
 - b. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - c. Driveways and apparatus access shall have unobstructed vertical clearance of 15 feet and a horizontal clearance providing a minimum of two (2) feet on each side of the required driveway or roadway width. Fuel hazard reduction should be at least 10 feet wide on both sides of the roadway and driveways.

26. **Roadway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineering specifications to support design if requested by the local Authority Having Jurisdiction (AHJ).
27. **Roadway Grades:** The grade for all roads, streets, private lanes, and driveways shall not exceed 16 percent if paved or concrete.
28. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40 feet inside and 56 feet outside.
29. **Parking and Fire Lanes:** All parking restrictions as stated in the current CFC and the current El Dorado County Fire Protection District Ordinances shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled “No Parking – Fire Lane”. All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking – Fire Lane.” This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking – Fire Lane” and the fire code official.
30. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
31. **Building Access and Gates:** Access shall meet the El Dorado County Fire Protection District requirements, including an approved Knox access.
32. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
33. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and shall meet all addressing requirements.
34. **Landscaping:** The landscaping plan shall be reviewed by the fire department to ensure that trees, plants, and other landscaping features proposed to be adjacent to the Fire Apparatus Access roads, Fire and Life Safety equipment, and near address locations on buildings and monuments will not impede fire apparatus access or visual recognition.

35. **Improvement (Civil) Plans:** A Fire Plan Sheet shall be included in the improvement plans that shows or lists all requirements from the fire department as they relate to design of the commercial development. These requirements include, but are not limited to, Fire Lanes (and how they relate to allowed parking), Hydrants, Turning Radius of all turns, Slope Percentage of Roads/Driveways, Points of Egress for the Public and Emergency Personnel, Underground Water Mains, Road Widths, Gates, etc.
36. **Training:** Provide onsite training for emergency responses for fire department personnel.