

## **FINDINGS**

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

#### **1.0 CEQA FINDINGS**

- 1.1 Staff reviewed the project and found it exempt, without exception, from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (c), New Construction and 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”. The amount of hazardous material anticipated for the proposed use would not be significant and the energy storage cabinets do not exceed 2,500 square feet in floor area.
- 1.2 CUP22-0011 has been found Categorically Exempt pursuant to Section 15304 (f), Minor Alterations to Land, Class 4, of the CEQA Guidelines for projects involving minor trenching and backfilling of land where the surface is restored. As proposed, the project is consistent with this exemption classification under CEQA. Furthermore, the project does not qualify for any of the exceptions to the Categorical Exemptions found in CEQA Guidelines Section 15300.2.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. This exception does not apply for exemptions that are Class 3 or Class 4.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project does not anticipate further development; therefore, this exception does not apply.

Exception (c) Significant Effect. A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

Exception (d) Scenic Highways. A Categorical Exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report

(EIR). 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; therefore, this exception does not apply.

Exception (e) Hazardous Waste Sites. A Categorical Exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There are no hazardous materials sites at or near the project site (DTSC 2024, *also CA Water Board Geotracker*); therefore, this exception does not apply.

Exception (f) Historical Resources. A Categorical Exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The location of the proposed project on the subject site does not include historical resources; therefore, this exception does not apply.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1.1 The project is consistent with General Plan Policy 2.1.1.7.**

General Plan Policy 2.1.1.7 Requires that Development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.

Rationale: The project is proposed in an area with adequate roadways, utilities and other public service infrastructure. Additional infrastructure was not required as a Condition of Approval by EDCFPD.

### **2.1.2 General Plan Policy 2.2.1.5 does not apply to the project.**

General Plan Policy 2.2.1.5 The General Plan shall provides for the following building intensities in each land use designation as shown in Table 2-3:

Rationale: There is no designated building intensity for Public Facilities.

### **2.2 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the Commercial land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Lands designated as Commercial can be located in Community Regions, Rural Centers, and Rural Regions.

Rationale: Development of the battery storage facility is consistent with this policy. The site is within the Placerville Community Region, composed of the unincorporated areas surrounding Placerville. The proposed project is compatible with the land use designation.

**2.3 The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

**2.3 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The southern portion of the project site is developed with a small business park. The adjoining properties on all sides include a mix of commercial and residentially zoned properties. The project as proposed is consistent with Zoning Ordinance standards including setbacks, height, and density. Therefore, the project has been located and designed to be compatible with adjoining land uses.

**2.4 The project is consistent with General Plan Policy 2.2.7.4.**

General Plan Policy 2.2.7.4 requires the County coordinate with the incorporated cities to ensure that compatible development occurs within each city's sphere of influence and/or the Community Region adjacent to each city.

Rationale: Materials for this proposed project were shared with the current City of Placerville Director of Development, Carole Kendrick, in June 2025. Director Kendrick confirmed that the City of Placerville has no concerns about the project.

**2.1.3 The project is consistent with General Plan Policy 2.8.1.1**

General Plan Policy 2.8.1.1 states that development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

Rationale: Permanent light sources, including motion activated, will be required to adhere to Chapter Section 130.34 (Outdoor Lighting) of the El Dorado County Zoning Ordinance Code.

**2.5 General Plan Policy TC-Xa does not apply to the project.**

(1) Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestions during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County.

Rationale: The project will not create residential units; therefore, this policy does not apply.

(2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voter's approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

(3) and (4). Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five (5) or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: This project will not result in five (5) or more units or parcels of land for residential development.

**2.6 General Plan Policy TC-Xb does not apply to the project.**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the county preparing a

Capital Improvement Program (CIP), preparing a Traffic Impact Fee (TIF) Program, and monitoring traffic volumes.

**2.7 General Plan Policy TC-Xc does not apply to the project.**

Policy TC-Xc directs that developer paid TIF combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.8 The project is consistent with General Plan Policy TC-Xd.**

LOS for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual.

Analysis periods shall be based on the professional judgement of the County's Department of Transportation (DOT) which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: As analyzed by DOT, this project will not worsen LOS for any County-maintained road or State highway.

**2.9 The project is consistent with General Plan Policy TC-Xe.**

For the purposes of this Transportation and Circulation Element, "worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- (1) A two-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- (2) The addition of 100 or more daily trips, or
- (3) The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will not generate more than 10 trips in the peak hour, nor more than 100 daily trips. The thresholds in criteria A, B, and C have not been

met. Therefore, this project will not worsen the LOS from the current baseline and is not subject to a traffic study. The project is consistent with this policy.

**2.10 The project is consistent with General Plan Policy TC-Xf.**

At the time of approval of a tentative map for a single family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: The project will not create residential units and will not worsen traffic on the County road system. Therefore, this policy does not apply.

**2.11 The project is consistent with General Plan Policy TC-Xg.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: County DOT reviewed the project and determined that a traffic study would not be required, and the project would not worsen traffic. The project is consistent with this policy.

**2.12 The project is consistent with General Plan Policy TC-Xh.**

All subdivisions shall be conditioned to pay the TIF in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project would pay any necessary TIF at the time a building permit is

issued.

**2.13 General Plan Policy TC-Xi does not apply to the project.**

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

**21 General Plan Policy TC-4i does not apply to the project.**

General Plan Policy Tc-4i requires that within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.

Rationale: The project is a secure facility with no public access. The El Dorado Pedestrian Trail is proximate to the project site connecting to adjacent development, schools, parks, commercial areas and other facilities.

**2.14 The project is consistent with General Plan Policy 5.1.2.1**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project does not propose to connect into El Dorado Irrigation District (EID) water and sewer services as the project would not need these services. The project is proposed on a site which includes EID water access, which could be drawn upon for emergency needs. Therefore, the project is consistent with this policy.

**2.22 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 states the provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1. The LOS shall apply to the review of discretionary projects.

Rationale: Outside agency response to the project did not raise any concerns regarding a reduction of service below minimum established standards to current users.

**2.15 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses,

including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the El Dorado County Fire Protection District and EID for adequate public services capacity. Neither agency expressed any concerns regarding the inadequacy of the quantity or quality of water for all potential uses. The project, as conditioned, is consistent with this policy.

**The project is consistent with General Plan Policy 5.2.1.3**

General Plan Policy 5.2.1.3 states all medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

Rationale: The project site is currently served by a public water system and the project as designed requires no water service.

**2.24 The project is consistent with General Plan Policy 5.2.1.11.**

General Plan Policy 5.2.1.11 states the County shall direct new development to areas where public water service already exists. In Community Regions, all new development shall connect to a public water system. In Rural Centers, all new development shall connect either to a public water system or to an approved private water system.

Rationale: The project site is currently served by a public water system and the project as designed requires no water service.

**2.25 The project is consistent with General Plan Policy 5.6.1.2**

General Plan Policy 5.6.1.2 requires the reservation of adequate rights-of way to facilitate expansion of services in a timely manner.

Rationale: The project is located in a manner that reserves adequate rights-of -way for the expansion of services in a timely manner.

**2.26 General Plan Policy 5.6.2.1 does not apply to the project.**

General Plan Policy 5.6.2.1 requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval

Rationale: The applicant is requesting a waiver of the landscaping standards contained in Zoning Ordinance Section 130.33 (Landscaping Standards) as the property is primarily undeveloped and the project improvements consist of a majority of permeable surfaces.



**2.16 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The El Dorado County Fire Protection District currently provides fire protection service to the project site. The El Dorado County Fire Protection District has imposed Conditions of Approval to ensure adequate water supply, storage, conveyance, and site access for fire protection remains adequate for the project.

**2.27 The project is consistent with General Plan Policy 5.7.3.1**

General Plan Policy 5.7.3.1 states that prior to approval of new development, the Sheriff's Department shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The Sheriff's Department was contacted for project review and no comments were received.

**2.28 The project is consistent with General Plan Policy 5.7.4.2**

General Plan Policy 5.7.4.2 states that prior to approval of new development, the Emergency Medical Services Agency shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

Rationale: The project was distributed to all applicable emergency services. No comments were received and project approval is not anticipated to reduce protection services below acceptable levels. The project is consistent with this policy.

**2.29 The project is consistent with General Plan Policy 6.2.2.2**

General Plan Policy 6.2.2.2 states that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such

development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local fire protection district having jurisdiction and/or California Department of Forestry and Fire Protection. (Resolution 124- 2019, August 6, 2019)

Rationale: A WUI Fire Safe Plan shall be prepared as a Condition of Approval by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved as a Condition of Approval by the local fire protection district having jurisdiction and/or California Department of Forestry and Fire Protection prior to building permit issuance.

**2.17 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: El Dorado County Fire Protection District reviewed the application materials and determined that the project as proposed has adequate access for emergency vehicles. The project is consistent with this policy.

**2.31 The project is consistent with General Plan Policy 6.2.4.1**

General Plan Policy 6.2.4.1 states that discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.

Rationale: The project has been reviewed by the El Dorado County Fire Protection District and no specific comments addressed this policy.

**2.32 The project is consistent with General Plan Policy 6.5.1.13**

General Plan Policy 6.5.1.13 states when determining the significance of impacts and appropriate mitigation to reduce those impacts for new development projects, including ministerial development, the following criteria shall be taken into consideration: A. In areas in which ambient noise levels are in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new non-transportation noise sources that exceed five (5) dBA shall be considered significant; and B. In areas in which ambient noise levels are not in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new non-transportation noise sources that exceed three (3) dBA shall be considered significant.

Rationale: The noise analysis report demonstrates compliance with the standards in Table 6-2 of the General Plan.

**2.33 The Policy is consistent with General Plan Policy 6.5.2.1**

General Plan Policy 6.5.2.1 requires that all projects, including single-family residential, within the Airport Noise Zones of the Cameron Airpark, Georgetown, and Placerville airports shall be evaluated against the applicable policies in the Airport Land Use Compatibility Plan (ALUCP).

Rationale: The Placerville airport is located less than one (1) mile (4,983 feet) southwest of the project and the project would be constructed within the Airport Influence Area as shown on the Placerville ALUCP. The noise analysis report verifies the project demonstrates that aircraft-related noise levels will not be exceeded.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.22.030.**

Section 130.22.030 (Commercial Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the CG zone district.

Rationale: The proposed use of a battery storage facility (Public Utility Service Facilities: Intensive) is allowed within the CG zoning designation with approval of a Conditional Use Permit (CUP).

**3.2 The project is consistent with Section 130.52.030 (A)(3).**

Section 130.52.030 (A)(3) (Design Review—Scenic Corridor) prescribes site-specific development standards for new projects visible from historic U.S. Highway 50 North of Placerville.

Rationale: The proposed use of a battery storage facility (Public Utility Service Facilities: Intensive) is within compliance of the Scenic Corridor design standards. The project is sufficiently camouflaged and will only minimally be visible to U.S. Highway 50 traffic.

**4.0 DESIGN REVIEW FINDINGS**

**Design Guideline Consistency:** The project is within a Design Review – Scenic Corridor (-DS) Combining Zone and is subject to approval of a Design Review Permit under Subsection 130.52.030 (A)(3). Under Subsection 130.52.030 (A)(5), issuance of a Design Review Permit is a ministerial approval only if Design Standards for the particular community have been adopted under Subsection 130.27.070. Design Standards for the project area have not been adopted, thus issuance of the Design Review Permit is a discretionary approval, as regulated with the Community Design Guide which was

originally prepared in November 1981 and adopted as reformatted by the Board of Supervisors on April 24, 2018 (Resolution 071-2018) (Exhibit K).

Though the Community Design Guide provides direction for Design Review projects, consistency with the guide is not a required finding for approval as it is not a standard and the Design Review process shall be limited to consideration of compliance with established standards. El Dorado County Interim Design Standards and Guidelines for Multi-family, Mixed Use and Commercial was approved by the Board of Supervisors on December 3, 2024. Because this project application was determined complete prior to Board adoption of the Guide, it is not applicable to this proposed project.

## **5.0 COMMUNITY DESIGN STANDARDS**

Section 1.5 (D) of the El Dorado County Community Design Standards Landscaping and Irrigation Standards (Exhibit M) gives the Director, Karen Garner, the authority to approve an alternative landscape plan when unique circumstances apply to the site that make compliance with the standards of this chapter infeasible. Consideration shall be given to adjacent land uses, the nature of the change, existing site conditions, and the suitability of the proposed alternative. The review authority must find that the alternative provides comparable buffering and shading and otherwise meets the intent of this chapter.

The applicant does not propose the addition of any new landscaping due to the site already being largely commercially developed and that the proposed fence with vinyl slats is consistent with the nature of the site, uses, and surrounding area. Additionally, the proposed project is nestled in a rural area, bordered by compact natural vegetation, and tucked behind existing buildings that front the site. The proposed chain link fence with vinyl slats has been approved by Director Karen Garner as an alternative to landscape requirements (Exhibit L).