

ATTACHMENT 2

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the installation of 6 new panel antennas on an existing PG&E tower and consisting of the following improvements:
 - a) Installation of three (3) antennas recess-mounted at a distance of 6 inches from the outer face of the tower leg to the outer face of the panel antenna, at a height of 36 feet above grade. The antennas, coaxial cables, jumper wires, and all associated mounting brackets shall be painted a non-reflective color to match the color of the existing lattice tower.
 - b) The site will be accessed from an existing on-site unpaved road. No new access ways or improvements are permitted.
2. All development shall be consistent with the approved site plan and architectural elevations.

Conditions to be completed prior to issuance of construction permit

Aesthetic/Visual Resources

3. **Prior to issuance of a construction permit**, the applicant shall submit a color board for all proposed improvements (including, but not limited to, antennas, coaxial cables, jumper wires, and associated mounting brackets, etc.). The color to be used shall be matte finish to blend with the PG&E lattice tower.

Biological Resources

4. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
5. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:
 - a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.28 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife (Department) and the County.

This mitigation alternative (a) requires that all aspects if this program must be in

ATTACHMENT 2

place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$700.00. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 0.28 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total \$700.00. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

6. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
 - a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required

ATTACHMENT 2

Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered,, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

7. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox*". Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.

ATTACHMENT 2

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

8. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
9. **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
10. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
11. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
12. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
13. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
14. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to

ATTACHMENT 2

the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

15. **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

County of San Luis Obispo
Department of Planning and Building
Division of Environmental & Resource
Mgmt
County Government Center, Room 300
San Luis Obispo, CA 93408

California Department of Fish and Wildlife
Central Region
1234 East Shaw Ave.
Fresno, CA 93710
(559) 243-4005
FAX (559) 243-4022

The Nature Conservancy
ATTN: Tonja Glenn
201 Mission Street, 4th Floor
San Francisco, CA 94105
(415) 281-0483

Palo Prieto Conservation Bank
c/o Dan Meade
1875 Wellsona Rd
Paso Robles, CA 93446
(805) 467-1041
E-mail: dan@alt-me.com

U.S. Fish and Wildlife Service
Ventura Field Office
P.O. Box 47
Ventura, CA 93003
(805) 644-1766

Condition Compliance Coordinator

16. **Prior to issuance of a construction permit**, a "condition compliance" sheet shall be added to construction plans that include a complete copy of the final conditions of approval for the project.
17. **Prior to issuance of a construction permit**, the applicant shall identify a Condition Compliance Coordinator (CCC) to ensure all conditions of approval and mitigation

ATTACHMENT 2

requirements are met. The CCC shall be the County's contact and shall be responsible to ensure all mitigation requirements are met. A pre-construction meeting shall take place between the CCC and the County to review the application and establish the responsibility and authority of the participants.

Fire Safety

18. **Prior to issuance of construction permit**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Hazards/Hazardous Materials

19. **Prior to issuance of a construction permit**, the applicant shall submit for review and approval a Hazardous Materials Business Plan for the proposed wireless communications facility to the County Environmental Health office for review and approval.

Electric and Magnetic Fields

20. **Prior to issuance of a construction permit**, the applicant shall submit for review and approval a **cumulative** radio frequency analysis evaluating the estimated emissions resulting from the simultaneous operation of all existing wireless facilities at this location in addition to the Verizon's three new panel antennas.

Site Restoration

21. **Prior to issuance of a construction permit**, the applicant shall post a performance agreement and financial instrument with the County in an amount commensurate with the cost of facility removal and site restoration. The performance agreement and financial instrument shall be released by the County at the time the facility is removed and the site is restored.

Conditions to be completed during project construction

Cultural Resources

22. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be evaluated by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The applicant shall implement the mitigations as required by the Environmental Coordinator.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Fire Safety

ATTACHMENT 2

23. **During construction**, activities that pose an ignition source will have to comply with fire safety laws. This includes welding activities and use of heavy equipment. All equipment must be in compliance. Consideration of fuel breaks or other treatment shall occur in the construction area. If a fire ignites due to construction activities the responsible party may be liable for suppression costs.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

24. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of approval.
25. The facility shall not be operated until all conditions of approval have been met and all required building permits have received final inspection.

Aesthetic/Visual Resources

26. **Prior to final inspection**, the applicant shall paint all proposed improvements (including, but not limited to antennas, coaxial cables, and associated mounting brackets) the color and finish approved by the Department of Planning and Building. Repainting shall occur as necessary.

Explanatory Warning Signs for Occupational Exposures

27. **Prior to final inspection**, explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines are to be posted at the site entrance gate and on or at the barrier fence and antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas. (*Warning signs should comply with ANSI C95.2 color, symbol, and content conventions. In addition, contact information should be provided (e.g., a telephone number) to arrange for access to restricted areas).

Hazardous Materials

28. **Prior to final inspection**, the applicant shall provide verification from Environmental Health that the Hazardous Materials Business Plan has been implemented.

Mitigation Monitoring/Condition Compliance

29. **Prior to final inspection**, the CCC will incorporate the findings of the monitoring effort into a final comprehensive construction monitoring report to be submitted to the County of San Luis Obispo.

On-going conditions of approval

30. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

ATTACHMENT 2

31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

All obsolete or used facilities shall be removed within twelve months of cessation of the applicant's wireless communication operations on the site. The applicant shall be responsible for the removal of such facility and all associated structures and restoration of the site to pre-project condition. Restoration does not include removal of vegetation planted to provide visual screening. At the time the use of the facility is discontinued the owner of the facility must notify the Department of Planning and Building

Access

32. Site access for construction and maintenance shall be from existing roads only. No road improvements shall occur.

Visual/Aesthetic Resources

33. The approved colors shall be maintained for the life of the project. Repainting and maintenance shall occur as necessary.
34. If new technology is developed that reduces the impacts of the proposed project, the applicant agrees to install such improvements within 12 months of notification by the county.

Co-location

35. The applicant agrees to allow other carriers to co-locate at this site, if technically feasible, subject to land use permit approval.

Electric and Magnetic Fields

36. The facility shall be designed and operated to ensure that power densities received from transmissions, with all transmitters at the site transmitting at full power, will comply with federal law and regulation.

Lighting

37. No exterior lighting is approved for the project.

Noise

38. HVAC units shall be sound attenuated to meet applicable County and State exterior noise standards, if applicable. The project shall be maintained in compliance with the county Noise Element (including emergency generators). Any back-up or emergency generators shall have a noise baffle cover and shall not exceed a maximum noise level of 65 dbl. at a distance of 50 feet from the generator.