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EXHIBIT B – CONDITIONS OF APPROVAL DRC2014-00159 / AT&T COMMUNICATIONS & T-MOBILE

Approved Development

1. This approval authorizes the construction and operation of an unmanned wireless communications facility, consisting of the following improvements:
 - a. Installation of six (6) panel antennas, three (3) RRUs, and three (3) TMAs within a 10-foot tall, 6-foot diameter, radio frequency transparent radome mounted to the top of a 50-foot high (measured to top of radome) faux windmill structure;
 - b. Installation of four (4) prefabricated equipment cabinets within a 20' x 20' equipment area. The equipment area shall be enclosed by a 7-foot tall wooden fence and located within the existing 10,000 square-foot chain link fenced enclosed parcel;
 - c. Associated utility trenching for underground telecommunications service utility lines and power utility lines (approximately 150 feet) from existing connection points to the proposed equipment area. As conditioned, all utility racks shall be completely screened from public view.
 - d. The site shall be accessed from Soda Lake Road, an existing paved road. No access road improvements are authorized.
2. All development shall be consistent with the approved site plan, antenna and equipment layout plan, and elevations.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, the applicant shall submit plans consistent with the approved site plan, equipment plan, antenna layout plan, and architectural elevations.

Aesthetic / Visual Resources

4. **At the time of application for a construction permit**, the construction drawings shall show the following specifications:
 - a. The windmill and support structure shall be designed to appear as a common agrarian windmill design with 10-foot diameter blades and realistic appearing color and texture treatments for both the windmill and the support structure. No signs, banners, or graphic displays shall be painted or otherwise depicted on the structure.
 - b. All of the antennas, RRUs and TMAs shall be located completely within the radome located on the faux windmill structure.
 - c. All equipment shall be located within the 20' x 20' wooden fenced enclosure.
5. **At the time of application for construction permits**, the applicant shall submit accurate, scaled engineering and architectural drawings of the windmill exactly as proposed. Windmill plans shall not include generic illustrations of a typical windmill. The

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drawings shall include elevations and plan views. Once approved, the windmill plans shall be specifically used (in conjunction with approved color and material samples and other related documents) as a basis for assessing condition compliance during construction. The plans, specifications and estimates and construction schedule shall provide for revisions and corrections to the windmill engineering and architectural plans prior to preparation of the final plans.

Conditions to be completed prior to issuance of construction permits

6. **Prior to issuance of a construction permit**, the applicant shall submit material and color test samples of all visible elements of the windmill, including the RF screening material, to the County Department of Planning and Building for review and approval. The color shall be a matte finish light gray.
7. **Prior to the issuance of a construction permit**, the applicant shall submit a fencing plan showing all proposed fencing. The plan shall indicate the type, height, material and location of all proposed fences. Fencing shall be the minimum necessary to meet FCC guidelines. All fences shall be designed and installed to minimize the visibility of the fences and all other improvements as viewed from public roadways. Fencing material consistent with rural agricultural operations shall be utilized. Chain link fencing is prohibited.

Biological Resources

Kit Fox

8. **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 Department of Planning and Building. 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 Kit Fox Mitigation Measures. 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. 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 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

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shall stop until such time the U.S. Fish and Wildlife Service/Department determine 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.

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.
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.

Mitigation Monitoring / Condition Compliance

10. **Prior to issuance of construction permits**, the applicant shall include a "condition compliance" sheet on the construction plans that include a complete copy of the final conditions of approval for the project.
11. **Prior to issuance of construction permits**, the applicant shall identify a Mitigation Compliance Coordinator (MCC) to ensure all conditions of approval and mitigation requirements are met. The MCC 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 MCC and the County to review the application and establish the responsibility and authority of the participants.

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Fire Safety

12. **Prior to issuance of construction permits**, the applicant shall obtain and implement a "Fire Safety Plan" that has been approved by CAL FIRE, and all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Site Restoration

13. **Prior to issuance of construction permits**, 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

Biological Resources

Kit Fox

14. **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.
15. **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.
16. **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.
17. **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.
18. **Prior 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.
19. **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

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either dead, injured, or entrapped shall be required to report the incident immediately to 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 the Department by telephone. 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 the Department for care, analysis, or disposition.

Fire Safety

20. **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 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 final building inspection

21. **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.
22. 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

23. **Prior to final inspection**, all visible elements of the windmill shall be painted to match the colors approved by the Department of Planning and Building. Painting shall be maintained for the life of the project.
24. **Prior to final inspection**, the applicant shall install fencing in accordance with the approved fencing plan.

Explanatory Warning Signs for Occupational Exposures

25. **Prior to final inspection**, the applicant shall post explanatory warning signs* to prevent occupational exposures in excess of the FCC guidelines at the site on all sides of the surrounding fencing and antennas such that they would be readily visible from any angle of approach to persons who might need to work near the antennas. In addition the signs shall inform workers and possible hikers to remain outside the fences or deactivate the site before working within 7 feet of the antennae. (*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

26. **Prior to final inspection**, the applicant shall provide to the Planning and Building Department, verification from Environmental Health that the Hazardous Materials Business Plan has been implemented.

Mitigation Monitoring / Condition Compliance

27. **Prior to final inspection**, the MCC 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.

Fire Safety

28. **Prior to final inspection**, the applicant shall meet all applicable Cal Fire requirements.

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On-going conditions of approval (valid for the life of the project)

29. 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.
30. 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.
31. All obsolete or unused facilities shall be removed within twelve months of cessation of the applicant's wireless communications 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.

Aesthetic / Visual Resources

33. The approved colors and materials (including all visible elements of the windmill) 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 6 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. The facility shall be operated to ensure noise generated does not exceed 65 dba at 50 feet from the proposed facility.