



California Coastal Commission

COASTAL DEVELOPMENT PERMIT

CDP A-3-SLO-09-055/069 (Los Osos Wastewater Project)

Issue Date: September 7, 2010

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Coastal development permit (CDP) number A-3-SLO-09-055/069 was approved by the California Coastal Commission on June 11, 2010. CDP A-3-SLO-09-055/069 provides for the construction and operation of a community sewer system, including a treatment plant, collection/disposal/reuse facilities, and all associated development and infrastructure (all as more specifically described in the Commission's CDP file). CDP A-3-SLO-09-055/069 is subject to certain terms and conditions, including the standard and special conditions beginning on page 2 of this CDP.

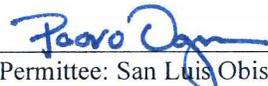
By my signature below, the CDP is issued on behalf of the California Coastal Commission:

 9/7/2010

Dan Carl, Central Coastal District Manager for Peter M. Douglas, Executive Director

Acknowledgement

The undersigned Permittees acknowledge receipt of this coastal development permit and agree to abide by all terms and conditions thereof. The undersigned Permittees acknowledge that Government Code Section 818.4 (that states in pertinent part that "a public entity is not liable for injury caused by the issuance of any permit") applies to the issuance of this coastal development permit.

 9/17/2010
Permittee: San Luis Obispo County Public Works Department Date

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Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** The permit will expire on June 11, 2012 if development has not commenced by that date. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions

1. **Final Project Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit two copies of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall include and shall be substantially in conformance with the plans associated with the proposed project description (see Section B.3. of this report) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Treatment Plant Site Approved Development Envelope.** All development (including but not limited to buildings, tanks, infrastructure, parking, walkways, fences, etc.) shall be located within the development envelope and in the general configuration shown on Exhibit 2 (*Exhibit 1-3, Treatment Plant Site Plan*; last dated revised on April 13, 2010, and dated received in the Commission's Central Coast District Office on April 19, 2010). Development shall be prohibited outside of the approved development envelope except for habitat restoration and enhancement related development (see special condition 3(b) below) and access road related development (see special condition 1(b) below). Development shall be arranged so that activity and direct light that may be visible from outside of the development envelope is limited to the maximum extent feasible, and so that any activity that is unavoidably visible is minimized in its intensity. All development shall be identified on the Final Project Plans.
 - b. **Treatment Plant Site Access Road.** The access road shall be located along the existing unpaved access road alignment extending from Los Osos Valley Road to the approved development envelope along the eastern property line of the Los Osos Mortuary and Memorial Park site and the western property line of the Andre site in such a manner as to limit its width and overall length as much as possible. The access road shall include measures to effectively screen noise



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and activity associated with access road traffic and activity from adjacent properties so long as such screen does not itself degrade public views from along Los Osos Valley Road. If the Permittee conclusively demonstrates that the above access road location is infeasible, then the access road shall be located as shown on Exhibit 2 (*Exhibit 1-2 Overall Project Site Plan, New Access Road*, last dated revised on April 13, 2010, and dated received in the Commission's Central Coast District Office on April 19, 2010) subject to all the same siting and design criteria, and subject to the additional requirement that a mitigation plan for impacts to the agricultural use and development of the property located between the access road, Los Osos Valley Road, and the Los Osos Mortuary and Memorial Park site shall be submitted for Executive Director review and approval.

- c. **Treatment Plant Site Design.** The design and appearance of all development shall reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, muted earth tone colors, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within view of Los Osos Valley Road (including the access road itself, all drainage facilities, curbs, landscaping, screens, signs, etc.). Development shall be sited and designed so as to reduce its visibility from Los Osos Valley Road to the maximum extent feasible. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).
- d. **Pump Station and Related Development.**
 1. **Pump Station Design.** All pump stations and all related development, including all power boxes and buildings, shall be sited and designed to limit impacts on habitat areas and public views, including through limiting their footprint and proximity to habitat areas as much as possible, siting elements below ground where feasible, minimizing the scale of above ground elements as much as possible, limiting above-ground access components (including manhole/hatch entries) as much as possible, using surface treatment and structural design consistent with and compatible with the immediately surrounding environment, limiting lighting to that necessary for public safety, and removing non-native invasive plant species on each site and landscaping with appropriate native plant materials (see also special condition 3(d)) including so that landscaping can help soften the appearance of any elements that are unavoidably above ground and to ensure seamless connectivity to surrounding habitat and vegetation as much as possible.
 2. **Midtown Pump Station.** The Midtown pump station shall be sited and designed to limit its footprint and depth (from the road). The Midtown pump station power building shall be relocated across Palisades Avenue to an already disturbed area of Los Osos Community Park in a location where it will have the least impact on Park use and aesthetics.
 3. **Lupine Street Pump Station.** The Lupine Street pump station and standby power building shall be set back a minimum of 75 feet from the edge of wetlands located to the south and west of the pump station site.



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- e. **Lupine Street Force Main.** The force main that conveys sewage from the Lupine Street Pump Station towards the treatment plant shall be routed from the Lupine Street Pump Station east on Lupine Street, then south on Fearn Avenue, then east on Binscarth Road, and then south on Pine Avenue, terminating at Los Osos Valley Road.
- f. **Recycled Water Re-use Infrastructure.** All recycled water reuse pipelines and related development shall be clearly identified, including all such development noted on the overall project site plan submitted to the Commission (titled *Exhibit 1-2, Overall Project Site Plan*, last dated revised April 13, 2010; dated received in the Commission's Central Coast District Office April 19, 2010) and also including connecting segments to each of the receiver sites identified there.
- g. **Lighting.** All interior lighting shall be located so as to minimize the potential for light and glare to be visible from within adjacent habitat areas, including adjacent restoration and enhancement areas. All exterior lighting shall be shielded and be of the lowest intensity feasible in order to avoid artificial light pollution from project facilities into adjacent areas and the night sky. All exterior lighting elements adjacent to habitat areas, including adjacent to restoration and enhancement areas, shall be avoided where possible and where unavoidable for safety purposes shall be the minimum necessary to meet safety requirements, shall be shielded, and shall be directed downward and away from such habitat areas.
- h. **Landscaping.** Final Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance for landscaping at both the treatment plant site (including along the access road) and at all pump station locations. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape and irrigation plans shall be designed to protect and enhance native plant communities on and adjacent to the development locations, including required restoration and enhancement areas, and to provide a transitional buffer between native habitat areas and authorized development. Landscaping (at maturity) shall also be capable of partial/mottled screening and softening the appearance of new development as seen from public viewing areas as much as possible. All landscaped areas shall be continuously maintained by the Permittee in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist at the treatment plant site (including along the access road) and at all pump station locations.
- i. **Sign Plan.** All signs associated with the approved project and identifying any component of it as seen from public viewing areas shall be identified and details showing the location, materials, design, and text of all signs shall be provided. The signs shall be sited and designed so as to provide clear information without adversely impacting public views and/or the character of the area in which the sign is located. At least three public education/interpretation signs and/or



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displays related to the project shall be installed at appropriate locations (e.g., at the Broderson site, at the Midtown site, and at the Giacomazzi site) easily accessible by the public, including in relation to the treatment plant site and at individual pump stations with significant above ground features.

- j. Street Reconstruction.** The Plans shall require that all public roadway work, including and up to complete roadway reconstruction, following installation/construction of approved project elements that impact public roadways shall be conducted in a manner that incorporates low impact development (LID) techniques and water quality protection systems to the maximum amount feasible.
- k. Walker Site.** The 6-acre Walker site (see Exhibit 2), although restoration of this area is not required until after it is no longer being used as the primary construction staging site for the approved project, shall be to be returned to its pre-project condition, or better (from a habitat perspective).
- l. Construction.** All construction staging and related areas shall be identified, and all development associated with such areas shown on a site plan. All such areas within which construction staging are to take place shall be minimized to the maximum extent feasible in order to minimize impacts on resources (e.g., terrestrial habitat, wetlands, creeks, riparian areas, or other sensitive resource areas, etc.). All measures to be taken to minimize impacts associated with construction staging and related areas shall be identified, including but not limited to screening, fencing, landscaping, signage, and designation of various activity and storage areas on the site. If additional construction staging and related areas are needed following approval of Final Plans, such areas shall be identified in a plan and submitted for Executive Director review and approval. The Final Plans shall require that copies of the signed CDP be maintained in a conspicuous location at the construction staging area at all times, and that such copies be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP, and the public review requirements applicable to them, prior to commencement of construction. The Final Plans shall also require that a primary construction coordinator be designated for public inquiries regarding the construction, and that their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number available 24 hours a day for the duration of construction, be conspicuously posted at the construction staging area and at individual construction sites where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

The Permittee shall undertake development in accordance with the approved Final Project Plans.

- 2. Septic System Decommissioning Plan.** PRIOR TO ANY CONNECTION TO THE APPROVED WASTEWATER PROJECT, the Permittee shall submit two copies of a Septic System



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Decommissioning Plan to the Executive Director for review and approval. The Septic System Decommissioning Plan shall clearly identify all measures to be taken to appropriately decommission existing septic tank systems and to connect such users to the approved project. The Plan shall provide a process for evaluating septic systems for possible on-site reuse, including for on-site filtration and percolation of stormwater to the degree feasible and appropriate, and a process for implementing such conversion or for implementing appropriate abandonment measures depending on which measure property owners choose. The Permittee shall undertake development in accordance with the approved Septic System Decommissioning Plan.

3. **Habitat Management Plan.** PRIOR TO CONSTRUCTION, the Permittee shall submit two copies of a Habitat Management Plan to the Executive Director for review and approval. The Habitat Management Plan shall provide for restoration and enhancement of the following areas to self-sustaining natural habitat states, and for management and protection of such areas as habitat areas in perpetuity:
 - a. **Broderson Site.** The 80-acre Broderson site, of which up to 8 acres is allowed to be used for the project leach field provided this area too is subject to Plan requirements designed to ensure habitat value in this 8-acre area as much as possible while recognizing the underlying leach field infrastructure and its ongoing use and maintenance requirements.
 - b. **Giacomazzi Site.** The 8.3 acres of the Giacomazzi site that is located outside of the approved development envelope and that includes identified wetland and related resources and their buffer (see Exhibit 8).
 - c. **Midtown Site.** The 12.24-acre Midtown site (see Exhibit 2), of which a small area (approximately 0.10 acres, subject to special condition 1 requirements) is allowed to be used for the Midtown pump station and related development, provided this area, too, is subject to Plan requirements designed to ensure habitat value at the pump station location as much as possible while recognizing the underlying pump station infrastructure and its ongoing use and maintenance requirements.
 - d. **Pump Station Sites.** The roughly 0.1-acre Sunny Oaks site, the 0.4-acre Solano site, and the 0.3-acre East Ysabel site (see Exhibit 2), a total of almost one acre, of which a small area at each site (approximately 0.32 total acres, subject to special condition 1 requirements) is allowed to be used for pump station and related development, provided these areas, too, are subject to Plan requirements designed to ensure habitat value at the pump station locations as much as possible while recognizing the underlying pump station infrastructure and its ongoing use and maintenance requirements.

The Habitat Management Plan shall require and provide for the Broderson site to be acquired prior to construction and granted by June 10, 2012 to an appropriate agency or conservation organization approved by the Executive Director, where such grant shall include funding adequate to implement the Habitat Management Plan over time. The Habitat Management Plan shall require and provide for the use of the Broderson, Giacomazzi, Midtown, and Pump Station sites each to be restricted through recordation of a deed restriction, prohibiting all non resource-dependent development on each site, other than that associated with the approved project and consistent with the approved



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Habitat Management Plan. The required deed restriction shall be in a form and content acceptable to the Executive Director and recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the enforcement of the deed restriction.

The Habitat Management Plan shall be prepared by qualified restoration ecologists, shall be submitted with evidence of USFWS and CDFG review (or evidence that no review is required), and shall take into account the specific condition of each restoration and enhancement site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals and success criteria. The Habitat Management Plan shall explicitly allow for potential public access interpretive facilities (including trails, signs/displays, etc.) even if such facilities are not part of initial Habitat Management Plan implementation activities, but rather will be a part of subsequent Plan implementation. At a minimum, the Plan shall provide for the following:

- a. **Baseline.** A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement areas. All existing topography, habitat types, and vegetation shall be depicted on a map.
- b. **Goals.** A description of the goals of the plan, including in terms of topography, hydrology, vegetation, sensitive species, wildlife usage, and potential public interpretive access.
- c. **Planting and Invasive/Non-Native Plant Provisions.** Except that the mature eucalyptus trees, and the mature cypress trees on the Broderson site shall remain and be managed as part of the Plan, all invasive and/or non-native plant species shall be removed from all restoration and enhancement areas, and native species of local stock appropriate to the habitats and the Los Osos area shall be planted. A planting plan including the planting palette (seed mix and container plants), planting design, source of plant material, plant installation, erosion control, irrigation, and remediation shall be included. The planting palette shall be made up exclusively of native taxa that are appropriate to the habitats and the Los Osos region. Seed and/or vegetative propagules shall be obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the restoration and enhancement areas.
- d. **Hydrology.** Ensuring that existing hydrological inputs, if applicable (e.g. for wetland areas at the Giacomazzi site), are maintained and if possible improved in favor of enhanced habitat value. To the extent there may be hydrological issues related to the habitat that is being restored and monitored overtime, these issues shall be considered and dealt with appropriately.
- e. **Success Criteria.** A description of the measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years in which the sites have been subject to no remediation or maintenance activities other than weeding, and that this condition be maintained in perpetuity. Success criteria shall be defined for each habitat type, including in terms of species diversity, percent cover, invasive control, wildlife



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usage, and hydrology, and for potential public interpretive access. Interim and long-term success criteria shall be identified, with final success criteria required to be maintained in perpetuity.

- f. Monitoring.** Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that interim and long-term success criteria are achieved, and including a plan for documenting and reporting the physical and biological “as built” condition of the restoration and enhancement areas within 30 days of completion of the initial Habitat Management Plan implementation activities (i.e., a simple report to describe field implementation of the approved plan in narrative and photographs, and to report any implementation problems and their resolution). Monitoring shall be appropriate to habitat type, and shall at a minimum include identification of field sampling protocols (including specific field sampling techniques to be employed), study sites (including experimental/revegetation sites and reference sites), data analysis methods (including descriptive and inferential statistics with specified acceptable variance and significance levels to examine sample size, univariate and multivariate comparisons, and/or other parameters as appropriate and necessary to assess progress toward and meeting of success criteria), and assessment of progress toward meeting identified success criteria.
- g. Reporting.** Provision for submission of annual monitoring reports (two copies each time) to the Executive Director for review and approval beginning the first year after completion of initial Habitat Management Plan implementation activities and shifting to an every five-year reporting cycle once long-term success criteria have been achieved. Each report shall document the condition of each restoration and enhancement area based on monitoring data (including with photographs taken from the same fixed points in the same directions), shall describe the progress towards reaching and/or maintaining the success criteria of the plan, and shall make recommendations, if any, on changes necessary to achieve success. Necessary changes, including identified remediation steps, shall be completed per the timetable identified in any approved report, or within 30 days of report approval where no such timetable is specified.

The Habitat Management Plan shall be implemented concurrent with construction of the approved project, shall be directed by qualified restoration ecologists, and initial Habitat Management Plan implementation activities (including at a minimum initial planting and non-native/invasive plant removal pursuant to the Plan) shall be completed prior to commencement of operation of the approved project.

The Permittee shall undertake development in accordance with the approved Habitat Management Plan.

- 4. Agricultural Property Protection.** PRIOR TO CONSTRUCTION OF THE TREATMENT PLANT, the Permittee shall submit evidence to the Executive Director for review and approval indicating that an agricultural conservation easement(s) burdening off-site agricultural property have been granted in perpetuity to the County or another qualifying entity approved by the Executive Director along with adequate funding to compensate for reasonable administrative costs incurred by the easement holder. The easement shall provide agricultural conservation acreage at a ratio of at least 2:1 for the loss of agricultural land associated with the approved project, shall apply to



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agricultural land within reasonable proximity of the project site that is of a quality that is reasonably similar to that of the agricultural land lost, and shall be submitted with evidence clearly showing and calculating the amount of agricultural land lost due to the project in closed polygons on site plans and all supporting documentation demonstrating compliance with the requirements of this condition.

5. **Los Osos Basin Recycled Water Management Plan.** PRIOR TO CONSTRUCTION, the Permittee shall submit two copies of a Los Osos Basin Recycled Water Management Plan (Basin Plan) to the Executive Director for review and approval. The objective of the Basin Plan shall be to ensure that implementation of the project, including the sites designated for disposal of the treated effluent, is accomplished in a manner designed to maximize long-term ground and surface water and related resource (including wetlands, streams, creeks, lakes, riparian corridors, marshes, etc.) health and sustainability, including with respect to offsetting seawater intrusion as much as possible, within the Los Osos Groundwater Basin. The Basin Plan shall be structured so as to allow its programs to be developed, and any physical development underlying the implementation of such programs constructed, concurrent with construction of the approved project, and for it to be implemented concurrent with commencement of operation of the approved project. The Basin Plan may be structured to allow phasing if necessary to better achieve Basin Plan objectives. The Basin Plan shall include the following main components:
 - a. **Recycled Water Reuse Program.** As reflected in County condition 97, the Recycled Water Reuse Program shall ensure that all tertiary treated recycled water is disposed of in locations within the Los Osos Groundwater Basin that will maximize its ability to meet Basin Plan objectives, where the highest priority for reuse shall be replacing existing potable water use with recycled water use where feasible and appropriate, including with respect to both urban and agricultural reuse. The Reuse Program may include recycled water application at the Broderon leach field (not to exceed 448 afy on an average annual basis) and at the Bayridge leach field (approximately 33 afy or the amount shown to be necessary for maintaining Willow Creek and downstream resources in their pre-project state or better), but it shall prioritize beneficial reuse through (a) developing and installing recycled water connections and entering into delivery/use agreements with urban and agricultural property owners as much as possible, and (b) developing and installing other recycled water delivery systems, in both cases with a priority for locations where such beneficial reuse will go the furthest toward meeting Basin Plan goals. The Reuse Program may include other areas that may be beneficial to the Los Osos Groundwater Basin.
 - b. **Water Conservation Program.** The Water Conservation Program required by the County project, which limits indoor water use to no more than 50 gallons per person per day on average within the Basin, shall be incorporated into the Recycled Water Management Plan. The Program shall be designed to help Basin residents to reduce their potable water use as much as possible through measures including but not limited to retrofit and installation of low water use fixtures, and grey water systems. The Program shall include enforceable mechanisms designed to achieve its identified goals, including the 50 gallons per person per day target, and shall include provisions for use of the \$5 million committed by the Permittee to initiate water conservation measures pursuant to the Basin Plan as soon as possible following CDP approval. The Permittee shall coordinate with water purveyors to the maximum extent feasible to integrate this conservation program with purveyor implemented outdoor water use reduction measures.



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- c. **Monitoring Program.** The Monitoring Program shall be designed to quantitatively and qualitatively assess the effectiveness of the Basin Plan over time to ensure its objectives are achieved, and shall include: a baseline physical and ecological assessment of ground and surface water and related resources to be monitored; measurable goals and interim and long-term success criteria for those resources, including at a minimum clear criteria that demonstrate that the health and sustainability of Plan area resources are steadily improving over time, including with respect to seawater intrusion; monitoring provisions, including identification of appropriate representative resource monitoring locations and data types (e.g., groundwater levels and quality; wetland, stream, creek, riparian, and marsh plant and animal abundance, hydrology, and water quality; etc.) and a schedule for proposed monitoring activities. The Monitoring Program shall also include measures to clearly document the manner in which recycled water is being reused and water is being conserved pursuant to the Recycled Water Reuse and Water Conservation Programs.
- d. **Reporting and Adaptive Management Program.** Annual reports (two copies) documenting implementation and effectiveness of the Basin Plan shall be submitted to the Executive Director for review and approval by December 31st of each year that the project operates. Each report shall include all monitoring data (including documenting all recycled water reuse for the preceding year, all water conservation efforts and effects, and all resource changes identified), shall describe the progress towards achieving the success criteria of the plan, and shall make recommendations, if any, on changes necessary to better meet Basin Plan objectives and achieve success. On the latter, the annual reports shall be premised upon the concept of adaptive management that responds to information developed and effects better understood over time in association with the project, and is intended to allow for project changes covered by this CDP, unless the Executive Director determines that a CDP amendment is necessary, through the annual report approval process provided that such changes result in better resource protection and better means to achieve Basin Plan objectives over the long-term. Changes, including identified remediation steps, shall be completed per the timetable identified in any approved annual report, or within 30 days of report approval where no such timetable is specified.

The Permittee shall undertake development in accordance with the approved Los Osos Basin Water Recycling Management Plan.

6. **Wastewater Service to Undeveloped Properties.** Wastewater service to undeveloped properties within the service area shall be prohibited unless and until the Estero Area Plan is amended to identify appropriate and sustainable buildout limits, and any appropriate mechanisms to stay within such limits, based on conclusive evidence indicating that adequate water is available to support development of such properties without adverse impacts to ground and surface waters, including wetlands and all related habitats.
7. **Amendment.** All future changes to the approved project, including changes in service area, shall be processed as amendments to this CDP. Any such amendment shall clearly demonstrate the manner in which the amendment would lead to better coastal resource protection, including at a minimum the manner in which it would help to better achieve the goals and meet the success criteria of the approved Los Osos Basin Resource Management Plan (see special condition 5).



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8. **Conflict Resolution.** Any differences, conflicts, and/or questions of interpretation between elements of the proposed project description and these conditions shall be resolved in favor of these conditions and in the manner most protective of coastal resources as determined by the Executive Director.

9. **Liability for Costs and Attorneys Fees.** The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

