California Coastal Commission

# COASTAL DEVELOPMENT PERMIT

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

**Issue Date: September 7, 2010**



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

Please note that this coastal development permit is not valid unless and until a copy of it with the signed acknowledgement has been returned to the California Coastal Commission's Central Coast District Office (14 Cal. Admin. Code Section 13158(a)).

## 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

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.

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

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

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, Giacommazi, 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

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

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

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 Broderson 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 Permitee shall coordinate with water purveyors to the maximum extent feasible to integrate this conservation program with purveyor implemented outdoor water use reduction measures.

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).

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.

**County of San Luis Obispo, Board of Supervisors**
**Development Plan / Coastal Development Permit DRC2008-00103**
**Los Osos Wastewater Project**
**CONDITIONS OF APPROVAL, November 24, 2009**

**Approved Development**

1. This approval authorizes construction and operation of a community-wide sewer system for the portion of Los Osos described in Resolution No. 83-13 issued by the Regional Water Quality Control Board (see Attachment 1) and as described by application materials, supplemental materials made a part of the record, and shown in the EIR, including:

   a. A wastewater treatment facility, including all appurtenant structures, landscaping and site access to be located on the Giacomazzi site (APN 067-011-022);
   b. A wastewater collection system, including lateral lines from individual structures to the street, connection lines at each property, sewer mains, back-up power facilities and pump stations;
   c. Construction staging areas;
   d. Wastewater disposal facilities, distribution lines for urban and agricultural re-use, and monitoring wells;
   e. Wastewater sludge handling facilities at the wastewater treatment plant to enable the hauling of sludge to a disposal, recycling facility or co-generation facility;
   f. Primary staging areas at East Paso Robles Street including minor and temporary staging areas in the project area including the Giacomazzi site;
   g. Construction activities associated with the installation of approved facilities, including dewatering operations;
   h. A program for the mitigation of direct impacts to habitat for endangered species and agricultural resources;
   i. Construction of an underground pump station located at 3rd Street and the intersection of Paso Robles Avenue (unimproved), within 75' of a coastal wetland;
   j. Construction of harvesting wells and their associated piping and facilities are NOT authorized by this approval; and
   k. A water conservation program allowing a maximum water usage of 50 gallons per day / person for indoor water usage.

2. Except as otherwise required by the conditions of this permit, all development shall be substantially consistent with the site plan attached as Attachment 2, as well as with all final architectural elevations, color boards and landscape plans to be reviewed and approved by the Planning Director.

3. All development shall be consistent with the conditions contained herein. Prior to final design / layout of the East Paso Robles Avenue pump station and the Doris Avenue / Lupine Street pump station, the applicant shall provide verification to the satisfaction of the Planning Director, that the required 75 foot wetland setback will be met with the redesign / layout of said pump stations.

4. The approved service area for the wastewater treatment facilities corresponds to the area shown on the Service Area Map attached (see Attachment 1)

Future additions to the wastewater treatment service area shall require a separate coastal development permit, and must be preceded or submitted concurrently with an Local Coastal Plan (LCP) amendment that incorporates the proposed service area expansion within the Urban Service Line designated by the LCP.

5. No Guarantees of Development Approvals. Approval of this permit, or any method of financing the project utilized by the County (e.g., the established assessment program), does not guarantee County approval of any new or intensified uses within the service area. All new development proposals must be reviewed for consistency with the San Luis Obispo County certified Local Coastal Program (and/or the California Coastal Act, as applicable); such review shall consider, among other issues, the environmental impacts of the new development, including the impacts associated with the installation of lateral connections necessary to tie into the approved collection system. Wastewater treatment service shall only be provided to developments that have obtained the required coastal development approvals in a manner consistent with such approvals. Prior to construction, the County shall prepare a public notice to all property owners of record within the service area that includes a copy of this condition, and an explanation of its effect upon the ability to obtain wastewater treatment service for future development.

   Prior to the commencement of construction, said notice shall be mailed to all property owners within the service area, or noticed in three local newspapers and included in public information handouts provided by the County.

6. Tertiary Treatment. The treatment plant shall provide Disinfected Tertiary Recycled Water as defined at Section 60301.230 of Title 22 of the California Code of Regulations, which means a filtered and subsequently disinfected wastewater that meets the following criteria:

   (a) The filtered wastewater has been disinfected by either:

   (1) A chlorine disinfection process following filtration that provides a CT (the product of total chlorine residual and modal contact time measured at the same point) value of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; or

   (2) A disinfection process that, when combined with the filtration process, has been demonstrated to inactivate and/or remove 99.999 percent of the plaque-forming units of F-specific bacteriophage MS2, or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration.

   (b) The median concentration of total coliform bacteria measured in the disinfected effluent does not exceed an MPN of 2.2 per 100 milliliters utilizing the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30 day period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

Prior to providing tertiary treated water for agricultural uses the applicant shall develop a Recycled Water Management Plan for Agricultural Re-use. The use of tertiary treated water shall be consistent with resource protection strategies including but not limited to those designed to protect on and off site soils, and surface and groundwater resources through the use of appropriate site-specific management practices. The applicant shall consult with technical resource providers such as the University of California Cooperative Extension and USDA Natural Resources Conservation Service. The Plan shall be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner's Office prior to providing tertiary treated water for agricultural uses.

**Prior to Construction**

Permits

7. [Mitigation 5.5-C1] Prior to construction, an application for a Nationwide or Individual Permit shall be submitted by the County to the United States Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act (CWA). If required, the County shall obtain a Nationwide or Individual Permit from the USACE for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters and wetlands of the U.S. The County shall implement all required conditions and special considerations stipulated within the Nationwide or Individual Permit during all relevant phases of development / construction.

8. [Mitigation 5.5-C2] Prior to construction, an application for a Water Quality Certification shall be submitted by the County to the Central Coast RWQCB pursuant to Section 401 of the Clean Water Act and the State Porter-Cologne Water Quality Act. If required, a Water Quality Certification shall be obtained from the Central Coast RWQCB for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional waters of the State. The County shall implement all required conditions and special considerations stipulated within the Water Quality Certification during all relevant phases of development / construction.

9. [Mitigation 5.5-C3] Prior to construction, a Notification of Lake or Streambed Alteration shall be submitted by the County to the CDFG pursuant to CFG Code Section 1602. If required, a Streambed Alteration Agreement shall be obtained from the CDFG for any impacts, temporary and permanent, to any areas within the proposed project which are determined to qualify as jurisdictional streambed or riparian habitat. The County shall implement all required conditions and special considerations stipulated within the Streambed Alteration Agreement during all relevant phases of development / construction.

10. Prior to construction, an NPDES Construction Activity Storm Water Permit shall be obtained. Appropriate BMPs, as established in the project NPDES Construction Storm Water Permit, shall be employed during project construction, which may include, but are not limited to, temporary sand bagging; construction of berms; installation of geofabric, and revegetation of areas by hydroseeding and mulching; actions for control of potential fuel or drill tailing release; the use of trench stabilizing and de-watering and requirements for disposal (i.e., location, quality) of water from dewatering activities. The NPDES permit shall apply to all proposed facilities, and shall address 50 to 100-year precipitation events to the extent feasible. Any erosion and sedimentation control netting or other

erosion and sedimentation control devises used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.

11. Prior to construction, the applicant shall provide an approved Fire Safety Plan from CalFire (consistent with their letter dated February 5, 2009) and prior to operation of the waste water treatment facility shall implement the requirements of the plan.

12. [Mitigation 5.9-C3] Prior to initiating grading activities, if it is determined that portable engines and portable equipment would be utilized, the contractor shall contact the SLOAPCD and obtain a permit to operate portable engines or portable equipment, and such engines or equipment shall be registered in the statewide portable equipment registration program. The SLOAPCD Compliance Division shall be contacted in order to determine the implementation requirements of this mitigation measure.

13. Prior to construction, the applicant shall obtain an encroachment permit from the County Department of Public Works for all work to be done in the County rights-of-way.

14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System General Discharge, the Industrial Stormwater Program, and the County's Stormwater Pollution Control and Discharge Ordinance 3143. All discharges and dewatering activities shall be authorized by the Regional Water Quality Control Board.

Facility Design

15. Building heights for structures shall conform to the following, as measured in accordance with CZLUO 23.04.122:

    a. Treatment Plant. The buildings at the wastewater treatment facility will not exceed the following:
        i. Administrative Building: 28 feet
        ii. Maintenance Building: 35 feet
        iii. Bio-Air Building: 30 feet
        iv. Solids Building: 35 feet
        v. RAS WAS Station and Storage Tank: 31 feet
        vi. Secondary Clarifier (A): 25 feet
        vii. Secondary Clarifier (B): 23 feet
        viii. Electrical Building: 35 feet
        ix. Tertiary Treatment Building: 26 feet

    b. Standby Power Stations. Buildings shall not exceed 14 feet.

16. All facilities shall be designed to provide adequate and safe parking for facility operations personnel.

17. Signs shall conform to LUO 23.04.300. Prior to completion, the County shall provide signage at the treatment plant site indicating the facility and public amenities. Signs shall be approved by the Planning Director.

18. Buildings shall be designed to conform to energy efficiency requirements outlined in Title 24 of the California Code. Additional measures to be shown on construction plans include:

    a. Provide an on-site lunch room with refrigeration and food preparation (i.e., microwave) appliances to reduce daily trips to and from the treatment facility;
    b. Use of double paned windows in office area where interior heating/air conditioning will occur; and
    c. Use of energy efficient interior lighting where applicable.

Geologic Hazards

19. [Mitigation 5.4-E1] Prior to commencement of grading activities for each facility, erosion control measures shall be incorporated into the grading plans to minimize the potential for erosion or loss of top soil during grading to the satisfaction of the Planning Director. Any erosion and sedimentation control netting or other erosion and sedimentation control devises used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.

20. [Mitigation 5.4-E2] Prior to commencement of grading activities for each facility, vegetation/landscaping shall be provided on the graded cut and fill slopes to reduce the long-term potential for soil erosion or loss of topsoil to the satisfaction of the Planning Director.

21. [Mitigation 5.4-E3] Prior to commencement of grading activities for each facility, the plans shall provide for the control of surface water away from slopes to the satisfaction of the Planning Director in consultation with the Public Works Department.

22. All proposed facilities shall be designed and constructed in accordance with UBC Seismic Zone 4 regulations.

23. [Mitigation 5.4-B1] Prior to the commencement of construction for buildings at each proposed facility, the design of each facility shall be based on a facility-specific geotechnical report prepared by a California registered geotechnical engineer and professional geologist. The geotechnical report shall provide seismic data for use with at least the minimum requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo.

24. [Mitigation 5.4-C1] Prior to completion of the improvement plans for the proposed project, a geotechnical report that addresses liquefaction hazards shall be prepared and approved by the Planning Director. The geotechnical report shall state the recommended actions for the collection system, effluent disposal system, treatment plant site, and all appurtenant facilities so that potential impacts from seismically-induced liquefaction would be reduced to less than significant. These recommendations shall be incorporated into the design of all proposed facilities that are part of the collection system and at the treatment plant site.

25. [Mitigation 5.4-C2] Prior to completion of improvement plans, an Emergency Response Plan (ERP) shall be prepared as part of the operation and maintenance plan for the proposed collection system. The ERP shall recognize the potential for liquefaction, seismic hazards and ground lurching, to impact the pipeline or other proposed facilities,

and specific high hazard areas shall be inspected for damage following an earthquake. "Soft Fixes" shall be incorporated in the ERP. Soft fixes typically consist of having a plan in-place to address the hazards, such as can be achieved by storing supplies and equipment for repair.

26. [Mitigation 5.4-F1] Prior to completion of the improvement plans for the proposed facilities, a geotechnical report that addresses the potential for lateral spreading, ground subsidence, and ground lurching and provides measures to reduce potential impacts to less than significant shall be prepared and approved by the Planning Director. These recommendations shall be incorporated into the design of the improvement plans for the proposed facilities.

27. [Mitigation 5.4-G1] Prior to completion of improvement and building plans for the proposed project, a design-level geotechnical report shall be prepared that addresses and reduces potential expansive soil impacts to less than significant. The expansive soil data shall be used with the requirements of the California Building Code (2007), as adopted by the County of San Luis Obispo. These recommendations shall be incorporated into the design of all proposed facilities that are part of the collection system and at the treatment plant site.

Cultural Resources

28. [Mitigation 5.6-B1] Avoidance of cultural resources is the paramount mitigation measure to protect cultural resources potentially impacted during project development. Avoidance of all known and unknown cultural resources shall be the primary and preferred mitigation. If avoidance is infeasible, then work shall only continue when it has been determined to be consistent with the required Treatment Plan and testing requirements.

29. [Mitigation 5.6-B2] A Treatment Plan shall be prepared that would detail the extensive scope of the proposed project, establish site types with corresponding levels of effort for mitigation, and detail data recovery and monitoring plans for the extent of the proposed project. The former Treatment Plan (Far Western 2001) prepared for the wastewater project shall be adapted and modified where appropriate for the current project.

30. [Mitigation 5.6-B4] If avoidance of recorded archaeological sites within any portion of the approved project design is not possible through project redesign, a phased program of site testing shall be undertaken to establish boundaries and evaluate the resources' potential eligibility to the California Register of Historical Resources under CEQA and the National Register of Historic Places under NEPA. If a site is determined ineligible, no further work is required. If a site is determined eligible, data recovery excavations shall be required to mitigate adverse effects incurred from project development.

31. [Mitigation 5.6-B6] Preconstruction monitoring shall occur in areas ranked as high in sensitivity for buried deposits. The area subject to this requirement is located along Los Osos Valley Road from Los Osos Creek east to the Cemetery Parcel. Mechanical backhoe trenching shall be conducted within the sensitive areas where any construction impacts will occur and shall be monitored by a qualified geo-archaeologist. Any identified intact deposits will be evaluated, and any deposits determined to be eligible to

the California Register and/or National Register shall require project redesign to avoid impacts, or data recovery to mitigate unavoidable impacts.

Traffic

32. [Mitigation 5.8-A1] Prior to construction, a traffic management plan shall be prepared for review and approval by the County of San Luis Obispo Traffic Department in consultation with the Planning Director. The traffic management plan shall be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan shall include:

    a) Advertisement. An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction. The advertising shall include notification of changes to bus schedules and potential changes to bus stop locations, potential impacts during school drop-off and pick-up times, and major intersections that may be impacted during construction.

    b) Property Access. Access to parcels along the construction area shall be maintained to the greatest extent feasible. Affected property owners shall receive advance notice of work adjacent to their property access and when driveways would be potentially closed.

    c) Schools. Any construction adjacent to schools shall ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.

    d) Buses, Bicycles and Pedestrians. The work zone shall provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.

    e) Intersections. Traffic control (i.e. use of flag men) shall be used at intersections that are determined to be unacceptably congested due to construction traffic.

Access

33. Prior to commencement of grading activities, the applicant shall submit driveway construction plans to Public Works Encroachment for review and approval in consultation with the Planning Director. The plans shall show the reconstruction of the project driveway approach(es) at the Giacomazzi site in accordance with County Public Improvement Standard Drawing Numbers B-1e and A-5a (sight distance). The applicant shall secure an encroachment permit from Public Works prior to commencing any work within the public right-of-way.

34. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works in consultation with the Planning Director shall:

    a) Submit a copy of all such permits to the Department of Public Works and Planning Department; OR
    b) Documentation that the regulatory agencies have determined that said permit is not required.

Air Quality

35. [Mitigation 5.9-C1] Prior to commencement of grading activities, the applicant shall submit a Construction Activities Management Plan for the review and approval of the SLOAPCD. This plan shall include but not be limited to the following Best Available Control Technologies for construction equipment:

    a. Minimize the number of large pieces of construction equipment operating during any given period.

    b. Schedule construction related truck/equipment trips during non-peak hours to reduce peak-hour emissions and overall daily and quarterly emissions.

    c. Properly maintain and tune all construction equipment according to manufacturer's specifications.

    d. Fuel all off-road and portable diesel powered equipment including but not limited to: bulldozers, graders, cranes, loaders, scrapers, backhoes, generators, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel.

    e. All diesel construction equipment shall meet ARB's Tier 3 standard for off-road heavy duty diesel engines.

    f. All on-road heavy-duty trucks shall meet the ARB's 2007 or newer certification standard for on-road heavy-duty diesel engines.

    g. All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.

    h. Electrify portable equipment where possible throughout the project area.

    i. All diesel powered portable equipment used shall have tier 2 or tier 3 engines and retrofitted with an ARB level 3 verified diesel emissions control strategy (VEDEC).

    j. Locate construction staging areas at least 1000 feet from sensitive receptors.

36. The Construction Activity Management Plan (CAMP) should include but not be limited to the following elements:

    a. Schedule construction truck trips during non-peak hours to reduce peak hour emissions;

    b. Limit the length of the construction work-day period, if necessary;

    c. Phase construction activities to minimize overlapping emissions; and

    d. Construction Equipment composition and schedule including:

        1. Equipment Type

2. Equipment Model
3. Equipment Year
4. Engine Type
5. Engine Model
6. Engine Year
7. Engine Horsepower
8. Schedule of use

37. APCD and the County will establish an off-site mitigation program based on the ozone precursor, PM exceedence, and greenhouse gas emissions. The County may use the funding of this program to implement APCD approved emission reduction projects near the project site or may pay that funding level plus a 15 percent administration fee to the APCD for the APCD to implement emission reduction projects in close proximity to the project. The County will provide the funding at a time or schedule approved by the APCD to help facilitate emission offsets that are as timely.

38. Prior to commencement of grading activities, an updated air quality emissions analysis consistent with the CAMP and mitigation measures above will be submitted to determine if additional measures (e.g. off-site mitigation) are required to reduce the air quality impact below the levels of significance.

39. Prior to any grading activities associated with the project, the project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occuring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at http://www.slocleanair.org/business/asbestos.asp for more information or contact the APCD Enforcement Division at 781-5912.

40. An Odor Control Plan shall be submitted for review and approval of the San Luis Obispo County Air Pollution Control District prior to commencement of grading activities which shall be incorporated as conditions of the permit issued by the County for the construction and operation of the Los Osos wastewater project. The Odor Control Plan shall contain a Complaint Response Plan to address at least the following:

    a. A public outreach plan, including operator training in the handling of complaints; a program for informing the public regarding the complaint process; periodic neighborhood surveys of performance and responsiveness to complaints; and, a complaint hotline phone number. This public outreach plan shall be in place upon startup;

    b. An odor point identification map, which will aid the wastewater system operators and the SLOAPCD by identifying potential odor sources, a description of the odor point. This identification map and related information shall be completed within the first 3 months of startup;

    c. A list of immediate responses or actions to be taken to complaints, including, but not limited to:

1. The upstream addition of ferrous chloride (or other) injection system adjustments;

2. On-site odor checks to identify odor sources or system malfunctions, neighborhood complaint patrol and actions to be taken;

d. A Contingency Action Plan detailing the methods to which odor sources will be studied and a response action plan to control odors over the long term. This Plan shall be in place upon startup. Possible responses include, but are not limited to, the following:

1. Providing additional "negative air" containment or recovery system areas;

2. Additional treatment containment enclosure;

3. Additional or improved odor control, dispersal and/or air movement at pump stations, wet wells and the wastewater treatment plant;

4. Additional study of odor sources and possible solutions, which may include a dilution to threshold measurement for each potential odor source using the Bay Area Air Quality Management District's procedure outlined in their Regulation 7 "Odor Substances" 7-400 et seq and "Manual for Procedures", Volume IV, ST-I, ST-8, ST-il, 51-16 and ST-22 or SLOAPCD equivalent.

Noise

41. [Mitigation 5.10-A1] The County shall require that the treatment plant be designed so that the mechanical aeration system is located a minimum of 250 feet away from the nearest residence.

42. [Mitigation 5.10-A2] The County shall require that the treatment plant be designed so that the backup diesel generator is enclosed in a structure and is located a minimum of 250 feet away from the nearest residence.

43. Operation and maintenance plans for the treatment facility will ensure that all pumps and aerators are kept in proper working order.

44. [Mitigation 5.10-A3] The County shall require that the backup power facility structures for the in-town collection system be designed so that the noise created from the backup diesel generator that would be located inside the structure would not exceed 45 dBA Leq at the nearest property line. The noise from the backup diesel generator may be attenuated through the use of a "manufacturer enclosure" or through incorporation of noise attenuation design features into the backup power facility structure.

Hazards

45. [Mitigation 5.7-A1] Prior to any onsite construction activities at the proposed treatment plant sites, soils shall be sampled and analyzed by a licensed engineer or geologist approved by the County of San Luis Obispo Health Department to determine the level of residue for pesticides, herbicides, chemicals, and associated metals. If residues are found to be within acceptable amounts in accordance with the San Luis Obispo County Health Department (SLOCHD) and Environmental Protection Agency/Department of

Toxic Substance Control (DTSC) standards, then grading and construction may begin. If the residue is found to be greater than the SLOCHD and DTSC standards, all contaminated soils exceeding the acceptable limits shall be remediated and/or properly disposed of in accordance with SLOCHD and DTSC requirements. An appropriate verification closure letter from SLOCHD and DTSC shall be obtained and submitted to the County of San Luis Obispo Planning Department. Depending on the extent of contaminated soils, a verification closure letter from the California Regional Water Quality Control Board may also need to be submitted to the County of San Luis Obispo Planning Department. Site remediation can occur by the use of onsite transportable thermal treatment units or bio-remediation. The soil can also be excavated and shipped offsite to fixed incineration or bio-remediation facilities.

46. [Mitigation 5.7-B1] Prior to operation of the wastewater treatment system, a Hazardous Materials Management Plan shall be developed and submitted to the County of San Luis Obispo Environmental Health Services Division for approval. The plan shall identify hazardous materials utilized at the proposed wastewater facilities and their characteristics, storage, handling, training procedures, and spill contingency procedures. Additionally, the Hazardous Materials Management Plan shall identify procedures in the event of accidents such as the release of raw wastewater or secondary treated water into watercourses such as Los Osos Creek. These procedures shall include immediate response personnel to limit public access to spill areas, potentially shutting down pump stations, creating berms, use of vacuum trucks, and use of water booms to contain spills within open water areas. Furthermore, the Plan shall address response and containment of fuel at pump station sites.

47. [Mitigation 5.7-D1] To reduce the potential temporary loss of water for firefighting that may occur as a result of construction activities, the project shall compensate for the potential temporary loss of water through means determined by the County Fire Chief.

48. All contractors shall comply with relevant provisions of CAL-OSHA CAC Title 8 regarding the provision of safety and rescue equipment, to the satisfaction of the County Department of Public Works in consultation with the Planning Director.

Aesthetics

49. At the time of construction, walls, roofs, and other building components shall be constructed in colors and tones compatible with the surrounding environment. Landscaping that will either screen from in front or grow over from above any fencing shall be established prior to operation of the facility.

50. [Mitigation 5.12-D1] A final lighting plan shall be prepared for the treatment and disposal facilities in accordance with Estero Area Plan AES-5. The lighting plan shall meet County design standards. This shall include proper shielding, proper orientation, and applicable height standards. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties or public areas. Light hoods shall be dark-colored. Lighting associated with all project components shall be the minimum needed for plant/pump station operations which require lighting for operations and/or during emergency situations.

51. [Mitigation 5.12-C3] Any buildings associated with collection facilities at the Broderson and Mid-Town parcels shall be designed in such a manner so they are architecturally compatible with other buildings in the vicinity.

52. [Mitigation 5.12-F1] Any building (equipment areas, pumping stations) associated with treatment and disposal facilities shall be designed to conform to an agricultural / rural landscape. Buildings shall be designed to appear as barns or other farm related structures.

53. Prior to construction, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, sand dunes, etc. Darker or neutral, non-reflective, earth tone colors shall be selected for walls and buildings, and darker green, gray, slate blue, or brown colors for the roof structures.

54. [Mitigation 5.12-C1] Construction staging areas shall conform to Estero Area Plan AES-1 and be located away from sensitive viewing areas to the extent feasible. Before construction activities begin, an area of construction equipment storage away from direct views of sensitive viewing corridors (e.g. residences and major roads in the project area) shall be designated.

55. [Mitigation 5.12-C2] A final landscaping plan shall be prepared for the entire project site and approved by the County prior to commencement of construction activities. Said landscaping plan shall emphasize native plant materials and shall include sufficient planting to screen views of the project from nearby roads, public areas, and residential developments. The landscaping plan shall be designed to visually integrate the project into the rural landscape, while preserving and enhancing existing views.

Biological Resources

56. Prior to the intitiation of any vegetation clearing, soil disruption, grading, or any other construction related activities, the County shall formalize a "no take agreement" with the CDFG for the Morro Bay kangaroo rat. The "no take agreement' shall outline a monitoring and contingency plan for the Broderson leach field, as on-going maintenance of the leach field may create suitable Morro Bay kangaroo rat habitat.

57. Where construction will necessitate disturbance in undeveloped lots and other potentially sensitive areas, a pre-construction survey will be conducted to assess and minimize any potential impacts to sensitive resources in these areas.

58. [Mitigation 5.5-A9] The proposed project shall avoid Monarch butterfly winter roost habitats where feasible. If the proposed project will impact potential winter roost habitat, a qualified biologist with expertise in positively identifying the Monarch butterfly and winter roosting behavior shall conduct preconstruction surveys within all suitable habitat that occurs within the proposed impact area during the months of October through February. All potential roost sites that have a potential to be impacted as a result of construction activities shall be fenced and avoided. No construction activities shall be permitted in the vicinity (within 500 feet) of potential roost sites during the winter roosting months.

59. [Mitigation 5.5-A10] Prior to construction activities on the Broderson and Mid-town properties, a qualified biologist shall be retained to identify and demarcate all host silver dune lupine (*Lupinus chamissonis*) shrubs that occur within the impact area. The qualified biologist shall inspect each host lupine for the presence of any Morro blue butterfly eggs, larvae, or pupae. In an effort to avoid mortality of butterfly eggs, larvae, or pupae prior to the onset of adult emergence, any host lupine specimens determined to contain eggs, larvae, or pupae shall be considered for relocation outside of the impact area and within suitable coastal dune scrub habitat on either the Broderson or Mid-town properties. To avoid take of the Morro shoulderband snail (*Helminthoglypta walkeriana*) while conducting Morro blue butterfly survey activities, any person conducting such surveys shall be a qualified biologist knowledgeable in the general habitat requirements of the Morro shoulderband snail and familiar with the diagnostic features of all native and introduced snail species. Any planting and restoration efforts proposed as mitigation for the project shall include silver dune lupine within the plant palette to encourage the species to continue to use the area.

60. [Mitigation 5.5-A15] Prior to project construction, land containing coastal dune scrub and maritime chaparral habitat shall be acquired on the Broderson property that is sufficient to compensate the loss of habitat for the Morro shoulderband snail and other sensitive species on the Broderson and Mid-town properties, and sensitive areas in the collection system. Seventy-three acres of the Broderson property not used for the proposed leachfields shall be preserved in perpetuity and granted to an appropriate agency or conservation organization with the responsibility of management and monitoring the preserve as determined during agreements with USFWS, CDFG, and the County. A long-term management and monitoring program shall be prepared for the area to be preserved. The County shall be responsible for the allocation of appropriate funding for the long-term management and monitoring of the mitigation land. Such funding expense may be recouped through fees imposed upon wastewater system users and others.

61. [Mitigation 5.5-A16] Immediately following construction of the leachfields within the Broderson property, the disturbance area and all existing and unaffected coastal sage scrub (or coastal dune scrub) within the property shall be restored, enhanced, and maintained to promote the land's function and value as suitable habitat for sensitive plants and wildlife that are local or endemic to the area. Restoration and enhancement efforts, including at minimum, seeding with native plant species and eradication of exotic non-native plant species, shall be repeated immediately following all long-term maintenance activities resulting in temporary disturbance of the leachfields. This shall be applied to the ripping and backfilling activities that will be required every 5 to 10 years to maintain the leachfield function.

Restoration activities shall be conducted according to a Restoration Plan or similar plan specifically prepared for the effort and approved by USFWS, CDFG, and/or the CNPS. The Restoration Plan shall require at minimum, a description of the prescribed restoration and methodology, feasibility and likelihood for success, and a schedule and program for maintenance, monitoring and reporting the progress of the restoration effort. All restoration activities shall be conducted by qualified personnel with expertise in restoration ecology and knowledge of sensitive plant and wildlife species in the area. The restoration effort shall include the implementation of a seed collection program to gather seeds to be used during restoration from native sources. The seed collection program shall be prepared for approval by the County prior to project construction activities. The seed collection program shall include the use of native plants that will be

removed as a result of the project, including but not limited to: mock heather (Ericameria ericoides), silver dune lupine (Lupinus chamissonis), California sagebrush (Artemisia californica), black sage (Salvia mellifera), bush monkey flower (Mimulus aurantiacus), and deerweed (Lotus scoparius). Collection shall take place by qualified personnel with expertise in botanical resources during the appropriate time of year for seed production and harvesting.

Unless otherwise determined during consultation with the USFWS, the restoration effort shall be monitored against performance standards for a minimum of five years, or until the first ripping event for the restored areas within the leachfield area, after which the maintenance and monitoring of the restored areas shall be covered within specific management directives contained within a Resource Management Plan. The performance standards shall include, at minimum, at least 80 percent native plant species coverage and no greater than 1 percent coverage of invasive non-native plant species (e.g. pampass grass, veldt grass). At minimum, the restored areas must demonstrate a continued ability to support the functions and values necessary to sustain the Morro shoulderband snail. Quarterly monitoring shall be conducted for the first two years of the restoration effort, with annual monitoring efforts to follow for the remaining three years. All monitoring and maintenance of restoration areas shall be conducted by qualified personnel with expertise in botanical resources and knowledge of sensitive species that occur in the local area, including the Morro shoulderband snail, Morro Bay kangaroo rat, and Morro blue butterfly.

The County shall provide annual reports to the USFWS documenting the results of all restoration and monitoring activities. Annual reports shall be provided to the USFWS for a minimum of five years or until it is determined by the USFWS that requisite performance criteria have been met. These reports should include any noted changes in the plant community structure or composition or surface hydrology down-slope of the Broderson leachfields, in addition to other requirements as determined through USFWS consultation and stipulated within permit conditions.

All on-going and long-term restoration, enhancement, and maintenance of preserved lands on the Broderson property shall be implemented according to a Resource Management Plan or similar mitigation and monitoring plan that may be developed during consultation with the USFWS. The Resource Management Plan shall include management directives that are specific to the preserve and the resources present. The Resource Management Plan shall include measures for the removal and eradication of invasive exotic plant species known to occur in the local area, including veldt grass and pampas grass. Activities that involve the removal of invasive species should not result in unnecessary trampling or removal of native species, and techniques for invasive removal shall be least damaging to native species.

62. [Mitigation 5.5-A1] The proposed project may affect federally-listed species (including Morro shoulderband snail and California red-legged frog) and as such, the EPA shall initiate formal consultation with USFWS pursuant to Section 7(a)(2) of the federal ESA. All mandatory terms and conditions, and reasonable and prudent measures pertaining to incidental take prescribed within the Biological Opinion and Nationwide Permit for the project the shall be fulfilled and implemented.

63. [Mitigation 5.5-A4] Prior to construction, a biologist authorized by the USWFS shall conduct intensive surveys to identify and relocate all Morro shoulderband snails within

the proposed impact area on the Broderson and Mid-town properties, and all suitable habitat areas within the proposed collection system. Only USFWS authorized biologists shall survey for, monitor, handle, or relocate Morro shoulderband snails.

A biologist authorized by the USFWS shall be retained to monitor all construction activities that will take place within suitable habitat for the Morro shoulderband snail. Monitoring activities shall be required daily until completion of initial disturbance at each construction area. The monitoring biologist shall be granted full authority to stop work at his or her discretion. The monitoring biologist shall be responsible for implementing avoidance and minimization measures during construction. The monitoring biologist shall stop work if project-related activities occur outside the demarcated boundaries of the construction footprint. The monitoring biologist shall stop work if any Morro shoulderband snails are detected within the proposed construction footprint, and shall implement measures to relocate them to suitable habitat out of harms way prior to construction activities resuming. If no suitable habitat opportunities are available in the immediate vicinity of the construction footprint, salvaged and relocated specimens may also be transported to an offsite location approved by the USFWS.

The County shall provide a written report to USFWS within 90 days following the completion of the proposed project. The report must document the number of Morro shoulderband snails removed and relocated from project areas, the locations of all Morro shoulderband snail relocations, and the number of Morro shoulderband snails known to be killed or injured. The report shall contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

64. [Mitigation 5.5-A8] Prior to project construction, the County shall retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the USFWS. Surveys shall be conducted within all areas that at are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

To avoid potential timing conflicts with the California red-legged frog breeding period, construction activities in the vicinity of California red-legged frog habitat shall be completed between April 1 and November 1. This measure shall apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

Prior to construction, the County shall retain a USFWS-approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The USFWS-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County shall retain a USFWS–approved biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being

implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County shall retain a USFWS-approved biologist responsible for monitoring construction activities. Ground disturbance shall not be authorized to begin until written approval is received from the USFWS that the biologist is qualified to conduct the work. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times. A USFWS-approved biologist shall be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or County shall designate a qualified person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support. During work activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas shall occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the EPA shall ensure that the County has prepared a plan to allow a prompt and effective response to any accidental spills. A copy of this plan shall be provided to the Department of Planning and Building. Wet weather storage ponds shall be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County shall monitor wet weather storage ponds for bullfrog activity.

65. [Mitigation 5.5-A13] Prior to project construction and within all areas on the Broderson property that contain suitable habitat for the Monterey spineflower, a qualified biologist shall be retained to conduct botanical surveys for Monterey spineflower presence. Surveys shall be conducted during the local blooming period for the species, which typically occurs between April and June, and according to recommendations and guidelines prepared by the USFWS, CDFG, and CNPS. If positively identified, all specimens shall be clearly demarcated with flagging, and avoided to the maximum extent feasible during construction. A qualified monitoring biologist shall be retained to monitor all construction activities in the immediate vicinity (within 25 feet) of any flagged specimens that will not be removed as a result of construction activities. If specimens are positively identified within the leachfield impact area, the seeds of those specimens shall be collected and sown within suitable habitat located outside of the leachfield impact area and within the Broderson property.

The County shall provide a written report to USFWS within 90 days following the completion of the project. The report shall document the number of Monterey spineflower specimens removed from project areas, the locations of areas seeded with Monterey spineflower seeds, and the number of Monterey spineflower specimens found to be dead or damaged as a result of construction activities. The report shall contain a

brief discussion of any problems encountered in implementing minimization measures, results of biological surveys, observations, and any other pertinent information such as the acreages affected and restored, or undergoing restoration, of each habitat type.

66. [Mitigation 5.5-A14] The proposed project shall minimize to the maximum extent feasible any potential impacts to non-listed plant and lichen species designated as sensitive by the CNPS, including Blochman leafy daisy, saint's daisy, San Luis Obispo wallflower, curly-leafed monardella, dune almond, spiraled old man's beard, Los Osos black and white lichen, long-fringed parmotrema, and splitting yarn lichen. The County shall retain a qualified biologist to conduct botanical surveys within suitable habitat on the Broderson and Mid-town properties to identify all sensitive plant and lichen species within and in the immediate vicinity of the impact areas. Surveys shall be conducted during the local blooming periods for each species, where applicable, and according to recommendations and guidelines prepared by the USFWS, CDFG, and CNPS. All specimens shall be clearly demarcated with flagging and avoided to the maximum extent feasible during construction.

67. [Mitigation 5.5-A5] Prior to construction, the County shall formalize a "no take agreement" with the CDFG for the Morro Bay kangaroo rat. The "no take agreement' shall outline a monitoring and contingency plan for the Broderson leachfield, as on-going maintenance of the leachfield may create suitable Morro Bay kangaroo rat habitat.

68. [Mitigation 5.5-A3] A worker education program and clearly defined operations procedures shall be prepared prior to project construction. The worker education program and operations procedures shall be implemented by the County throughout the duration of construction. A biologist approved by the USFWS shall be retained to provide construction personnel specific instruction on general detection and avoidance of sensitive resources during construction. The worker education program shall include: descriptions and pictures of listed species; the provisions of the Endangered Species Act; those specific measures being implemented to avoid and minimize take or impacts to listed or otherwise sensitive species (e.g. conserve listed and sensitive species as they relate to the project); and the project boundaries within which the work will occur.

69. [Mitigation 5.5-A11] If any construction activities are proposed during the general bird breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to the onset of construction activities to identity any active non-raptor bird nests within 250 feet of the proposed impact area. If an active nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Fore sensitive species, including Allen's hummingbird, yellow warbler, and loggerhead shrike, the distance and placement of the construction avoidance shall be a minimum of 250 feet unless otherwise determine through consultation with the CDFG.

70. [Mitigation 5.5-A12] If any construction activities are proposed during the general raptor breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to onset of construction to identify any active raptor nests within 500 feet of the proposed impact area. If an active raptor nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 500 feet shall be delineated around active nests until the breeding

season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Pursuant to Section 2050 of the CFG Code, the CDFG will not permit any impacts to the California state fully protected white-tailed kite. If an active nest or breeding territory is detected during preconstruction surveys for nesting birds, no construction activities shall take place within 500 feet of the location of the active nest. The area shall be completely avoided and fenced to allow for an adequate buffer from construction activities. A qualified biologist shall be retained to monitor the activity of the nest during the breeding season until it is determined that the nest is no longer active (i.e., all young have fledged the nest and there are no individual kites that are dependent on the nest).

**During Construction**

71. [Mitigation 5.6-D1] A draft Memorandum of Agreement has been prepared for the treatment and disposition of human remains and associated burial items. This document lays out the procedures agreed upon by interested local Native Americans and stipulated under State law, including proper and respectful handling of remains, identification of reburial areas, acceptable analyses, and resolution of conflicts. It includes a list of Most Likely Descendents approved by the Native American Heritage Commission; these individuals are signatories on the Agreement.

72. [Mitigation 5.6-D2] For sites with known human remains or which have a potential for human remains, pre-construction excavations shall take place within the direct impact areas to insure that no human remains are present.

73. [Mitigation 5.6-D3] If human remains are encountered within the project area, the County shall be responsible for complying with provisions of Public Resources Code Sections 5097.98 and 5097.99, and 7050.5 of the California Health and Safety Code, as amended by Assembly Bill 2641. Restrictions or procedures for excavation, treatment, or handling of human remains shall be established in consultation with the individuals designated by the Native American Heritage Commission as the Most Likely Descendents.

74. [Mitigation 5.6-C1] Although unlikely, should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered by anyone working on the site, all activities in the immediate vicinity of the find are to cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved for the benefit of current and future generations.

75. [Mitigation 5.9-C2] Prior to initiating grading activities, the proponent's contractor or engineer shall:

    a. Include the following specifications on all project plans: One catalyzed diesel particulate filter (CDPF) shall be used on the piece of equipment estimated to generate the greatest emissions. If a CDPF is unsuitable for the potential equipment to be controlled, five diesel oxidation catalysts (DOC) shall be used.

    b. Identify equipment to be operated during construction as early as possible in order to place the order for the appropriate filter and avoid any project delays.

This is necessary so that contractors bidding on the project can include the purchase, proper installation, and maintenance costs in their bids.

c. Contact the SLOAPCD Compliance Division to initiate implementation of this mitigation measure at least two months prior to start of construction.

76. [Mitigation 5.9-C4] Project contract documents would include the following dust control measures:

a. Reduce the amount of the disturbed area where possible,

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.

c. All dirt stockpile areas will be sprayed daily as needed,

d. Permanent dust control measures identified in the revegetation and landscape plans will be implemented as soon as possible following completion of any soil disturbing activities.

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with a fast germinating native grass seed and watered until vegetation is established.

f. All disturbed soil areas not subject to revegetation will be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD. Any erosion and sedimentation control netting or other erosion and sedimentation control devises used for temporary or permanent erosion and sedimentation control, shall be limited to biodegradable mesh or other biodegradable products.

g. All roadways, driveways, sidewalks, etc. to be paved will be completed as soon as possible. In addition, building pads will be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles will not exceed 15 mph on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or will maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

l. If visible emissions of fugitive dust persist beyond a distance of 200 feet from the boundary of the construction site, all feasible measures shall be implemented to eliminate potential nuisance conditions at off-site receptors (e.g., increase frequency of watering or dust suppression, install temporary wind breaks where appropriate, suspend excavation and grading activity when winds exceed 25 mph).

m. The contractor will designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties will include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons will be provided to the SLOAPCD prior to the start of construction.

77. [Mitigation 5.9-C5] If the above mitigation measures do not bring the construction emissions below the thresholds, off-site mitigation funds can be used to secure emission reductions from projects located in close proximity to this construction site. In this instance, emissions in excess of construction phase thresholds are multiplied by the cost effectiveness value defined in the State's current Carl Moyer Incentive Program Guidelines to determine the off-site mitigation amount associated with the construction period. Examples of off-site emission reduction measures are contained in Section 5.9 of the 2003 CEQA Air Quality Handbook. The actual mix of mitigation measures that would be required to meet the reduction in NOX to less than a total of 185 lbs per day or 6.0 tons per quarter over the term of construction and would be finalized and mutually agreed to by the Applicant and appropriate staff of the SLOAPCD prior to commencement of construction of the project.

78. [Mitigation 5.10-C1] The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

a. A construction noise control plan shall be developed for the project that identifies the nature and timing of operations designed to minimize noise exposure to noise sensitive receptors including natural resource areas.

b. Generally, construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.

c. Construction activities in the vicinity of schools should be scheduled for times when classes are not in session.

d. All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

e. The noise produced by construction activities shall be monitored to insure that the noise produced by construction equipment is compliant with the emission standards listed in the project EIR (Appendix L, page 5.10-4 and in source document, FHWA Construction Noise Model, page 3).

f. Measures to minimize back-up alarm issues shall be established including such techniques as: 1) use of self-adjusting ambient sensitive back-up alarms, 2)

manual adjustable alarms on lower settings, 3) use of observers, 4) scheduling of activities so that alarm noise is minimized, and 5) construction site access designed such that deliveries and trucks move through the site in a forward manner without the need to back up.

g. Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.

h. Stationary combustion equipment such as pumps or generators operating near any noise sensitive receptor shall, if necessary, be shielded with a noise protection barrier. Leq values at the property line of receiver locations shall not exceed 65 dB.

79. [Mitigation 5.10-C2] The construction contractor shall notify all property owners and tenants adjacent to the proposed pile driving activities of the days and hours of operation. The construction contractor shall also require that a noise damper be utilized between the pile driver and the object that is being driven into the ground.

80. [Mitigation 5.10-B1] Prior to initiation of construction of the collection system, the contractor/designer shall identify all areas where pile driving, or other construction methods that would result in severe ground vibrations, could occur. Deep pile foundation designs shall favor techniques that can be constructed with minimal vibration effects. Prior to construction, using technology and standards recommended in the Caltrans Transportation and Construction Induced Vibration Manual, the contractor shall calculate the vibration effects of pile driving and other high vibration activities using the Peak Particle Velocity (PPV) metric, and shall ensure that the PPV does not exceed the following thresholds at any affected building: 0.5 at modern industrial/commercial or residential buildings; 0.3 for any building composed of masonry, unreinforced concrete, lath & plaster interiors or of similar construction; and 0.25 for any building identified as particularly sensitive to vibration impacts. Alternative design and/or construction methods shall be used to meet these limits. In addition, the construction contractor shall notify all property owners and tenants adjacent to the proposed pile driving or other vibration inducing activities of the days and hours of operation. Prior to construction activities associated with this type of work, the construction contractor shall inspect all structures within the area predicted to experience vibration in excess of 0.25 PPV to document existing characteristics of the structures. During construction, vibration shall be monitored and recorded and adjustments made to operation or to the radius of concern if the level of vibration differs from estimates. If a post construction survey indicates that damages to structures (e.g., residences, pools) occurred during the work, the property owner shall be fairly compensated for the cost of remediating damages.

81. Control Introduction of Invasive Exotic Plants. To control introduction of invasive exotic plants on site, implement the following measures during construction and incorporate into the design guidelines of the proposed percolation fields, as appropriate.

a. Use only clean fill material (free of weed seeds) within the construction zone of the proposed project.

b. Thoroughly clean all construction equipment prior to being moved onto and used at the site.

c. Prohibit planting or seeding of disturbed areas with nonnative plant species;

d. Control the establishment of invasive exotic weeds in all disturbed areas. Remove existing stands of invasive exotic plants, including but not limited to veldt grass, pampas grass and ice plants, in order to limit their spread.

82. [Mitigation 5.5-A6] All construction activities across Los Osos Creek shall be restricted to low-flow periods of June 15 through November 1. If the channel is dry, construction can occur as early as June 1. Restricting construction activities to this work window will minimize impacts to migrating adult and smolt steelhead, if present.

Prior to construction, the County shall retain a qualified biological monitor to be on site during all stream crossing activities associated with Los Osos Creek. The biological monitor will be authorized to halt construction if impacts to steelhead are evident. Prior to construction, a spill prevention plan for potentially hazardous materials shall be prepared and implemented. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching the creek channel.

Prior to construction, silt fencing shall be installed in all areas where construction occurs within 100 feet of known or potential steelhead habitat. All silt fencing, erosion control and landscaping specifications shall only include natural-fiber, biodegradable products for meshes and coir rolls to minimize impacts to species and the environment during use.

During construction, spoil sites shall be restricted to upland locations so they do not drain directly into Los Osos Creek. If a spoil site drains into a water body, catch basins shall be constructed to intercept sediment before it reaches the channels. If required, spoil sites shall be graded to reduce the potential for erosion.

During construction, equipment and materials shall be stored at least 50 feet from Los Osos Creek. No debris such as trash and spoils shall be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be restricted to locations outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip pans at all times. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles shall be moved away from the stream prior to refueling and lubrication.

During construction, proper and timely maintenance for all vehicles and equipment used shall be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creek. Maintenance and fueling shall be restricted to safe areas away from Los Osos Creek that meet the criteria set forth in the spill prevention plan.

Immediately following construction, all construction work areas shall be restored to pre-construction channel conditions, including streambed composition, compaction, and

gradient. If required, channel banks shall be returned to original grade slope and appropriate bank stabilization techniques shall be implemented to reduce the potential for erosion and sedimentation. A plan describing pre-project conditions and restoration methods shall be prepared prior to construction.

Immediately following construction, all appropriate construction work areas will be revegetated with an appropriate assemblage of native upland vegetation, and if necessary, riparian vegetation, suitable for the area. A plan describing pre-project conditions, restoration and monitoring success criteria shall be prepared prior to construction.

83. [Mitigation 5.5-A7] Implementation of trenchless technologies shall be considered as a feasible option for the installation of conveyance pipelines within and adjacent to areas containing wetlands, streams, and riparian vegetation. Trenchless technologies that are feasible for all Proposed Projects include microtunneling and horizontal directional drilling (HDD) within all areas along the proposed conveyance routes, and pipe suspension at areas supporting existing bridge crossings along the proposed conveyance routes (at the Los Osos Creek crossing).

Microtunneling and HDD entrance and exit locations shall be set back as far away from wetlands, streams, and riparian vegetation as feasible and consistent with the setback requirements of the CZLUO and Estero Area Plan. Implementation of microtunneling and HDD methodologies shall incorporate a frac-out contingency plan and all relevant Best Management Practices during construction.

Maintenance activities associated with pipe suspension that may result in activity within the streambed of Los Osos Creek shall be restricted to periods when the streambed is dry and does not support any flowing water or pooling water in the proposed maintenance area.

**Post Construction**

84. Prior to operation of the wastewater treatment system, the applicant shall:

a) Obtain final inspection approval of all required fire/life safety measures.

b) Prior to operation of the wastewater treatment system, all Public Works Encroachment permit provisions shall be completed to the satisfaction of the Department.

85. Rehabilitation of disposal percolation fields shall be rotated so that no more than one field is under re-construction at a time.

86. Consistent with condition of approval # 34 is for Coastal Development Permit (CDP A-3-SLO-03-113 / D020283).To prevent the wastewater treatment system from inducing growth that cannot be safely sustained by available water supplies, the sewer authority is prohibited from providing service to existing undeveloped parcels within the service area, unless and until the Estero Area Plan is amended to incorporate a sustainable buildout target that indicates that there is water available to support such development without impacts to wetlands and habitats.

87. Concurrent with the operation of the facility, the County shall implement the Groundwater Level Monitoring and Management Plan that details methods for measuring and responding to changes in groundwater levels that could affect wetland hydrology and habitat values. The Plan includes provisions for monitoring groundwater levels, surveys for wetland plant and animals, monitoring wetland hydrology and water quality, appropriate response procedures should impacts be identified, annual reporting, and an education program to encourage property owners to convert septic systems into areas capable of groundwater recharge.

88. In order to maintain existing levels of groundwater recharge and protect coastal water quality, the County shall evaluate and, where appropriate, assist property owners in the implementation of opportunities to re-use existing septic tank effluent disposal systems (e.g., leach fields) to filter and percolate stormwater runoff. Prior to the connection of individual properties the County shall, at the consent of the landowner, evaluate whether existing on site wastewater disposal facilities have adequate capacity and depth to groundwater to accommodate and percolate stormwater runoff, and if so, provide site-specific recommendations on how to connect such a system.

89. The Los Osos wastewater project (including collection, treatment and disposal) shall be operated in a manner that prevents the emission of nuisance odors that are perceptible at or beyond the property lines of the project site, consistent with the requirements of Health and Safety Code Section 41700. Nuisance odors, problems with the operation of the wastewater treatment plant or dust complaints shall be directed to the operators of the wastewater treatment plant. The San Luis Obispo County Air Pollution Control District (SLOAPCD) will also respond to complaints and communicate immediately with the operators of the wastewater treatment plant. All complaints, breakdowns, or parameter exceedence shall be reported to the SLOAPCD within four (4) hours of receipt or event.

90. **Condition eliminated**

91. Screen Planting - Trees and shrubs shall be planted along the perimeter of the wastewater treatment facility prior to facility operation or at the earliest time feasible after completion grading activities. To provide effective screening, the size and variety of evergreen trees shall be planted which will reach a minimum height of 25 feet within five years. Large shrubs shall be included to provide lower height screening. Italian Cypress and other distinctly-shaped non-native plants shall not be used. The screen planting shall be designed to appear as a naturally appearing swath of vegetation. Evidence shall be submitted to the Department of Planning and Building to show that 75% screening has been achieved within 5 years. Landscape must be maintained to provide the required or better screening in perpetuity.

92. Prior to providing wastewater treatment service to undeveloped parcels, the County, in coordination with the California Department of Fish and Game (CDFG), the US Fish and Wildlife Service (USF&WS), San Luis Obispo County and the California Coastal Commission shall prepare and implement a Habitat Conservation Plan (HCP) for the long-term preservation of habitat remaining within the Los Osos Greenbelt, including habitat remaining on individual vacant lots. The HCP shall:

    a. identify the habitat resources and the quality of those resources on the remaining vacant properties within the South Bay Urban Area and Los Osos Greenbelt;

b. specify measures to avoid and minimize impacts to ESHA from buildout of the Service area, and to mitigate unavoidable impacts through acquisition, protection, and/or restoration of equivalent habitat within the planning area; and

c. implement such measures through an amendment to the Estero Area Plan that integrates the HCP, as approved by the US Fish and Wildlife Service and Department and Fish and Game, with LCP standards for development in the South Bay Urban Area. This LCP amendment must become fully effective, and all permits required by state and federal Endangered Species Acts shall be issued, before County makes any final commitment to provide wastewater treatment service to undeveloped properties.

The range of potential conservation programs to be considered in the HCP shall include, but not be limited to the following:

a. New development programs and standards that maximize preservation of sensitive biological resources in the Los Osos area, such as:

i. Transfer of development credits
ii. Clustering
iii. Avoidance of sensitive resources in site design
iv. Changes in density and land use
v. Incorporation of open space into the design of new development

b. Programs aimed at facilitating coordination among agencies and organizations involved in management and conservation/preservation of sensitive resources, including USF&WS, CDFG, California Coastal Commission, San Luis Obispo County, MBNEP, Land Conservancy of San Luis Obispo County, and others;

c. The creation of a land bank program to facilitate the purchase of properties with high quality habitat within the Greenbelt, to be repaid over time from fees on new building permits; and

d. Programs for the acquisition of properties within the Greenbelt that contain significant habitat resources.

The County may apply for amendment to this permit condition at, or prior to the time that the treatment plant is operational, to authorize the County to issue Will Serve letters to properties that would otherwise qualify.

93. **Condition eliminated**

94. Installation of lateral lines will conform to the mitigation procedures contained in the "Lateral Line Installation — Biological Resources & Mitigation" report dated 10-16-02.

95. [Mitigation 5.11-A1] Prior to operation of the wastewater treatment system, the County Department of Public Works shall provide evidence to the County Planning and Building Department that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism burdening an off-site agricultural mitigation parcel has

been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of not less than 2:1 for the loss of agricultural land. Additionally, the project proponent shall provide appropriate funds (as determined by the County Planning Department) to compensate for reasonable administrative costs incurred by the easement holder. The area conserved shall be at least 32 acres (to offset direct impacts from the treatment plant facility), and shall be of a quality that is reasonably (as determined by the County Agricultural Commissioner or designee) similar to that of the farmland within the project limits. The area to be conserved shall be located within San Luis Obispo County within reasonable proximity to the project site.

96. Site Management Plan. Prior to operation of the facility, the County, in consultation with resource agencies, will develop a Site Management Plan for the remainder of the new public lot to be created out of the Giacomazzi property. The Site Management Plan will provide for the continued operation of agricultural activities on those portions of the property not used for the project and/or associated mitigation consistent with the affirmative agricultural easement requirements described herein. Implementation of the Plan will ensure that uses or land stewardship practices do not impede adjacent agricultural uses and practices and may include, but not be limited to:

(a) Maintenance of fences sufficient to clearly delineate property lines, contain livestock, prevent trespass, and manage non-native invasive species.

(b) Prevention and management actions to avoid the proliferation of weeds and noxious plants that are incompatible with adjacent agricultural practices.

(c) Management of all on-site water features, including springs, streams, and ponds in a manner that does not result in erosion or sedimentation impacts on downstream properties.

The Site management will be reviewed and approved by the Director of Planning and Building in consultation with the Agricultural Commissioner prior to implementation.

97. Disposal of treated effluent shall be reserved for the following sites/uses in the Los Osos Groundwater Basin:

a. Broderson (not to exceed 448 AFY on an average annual basis),
b. Urban re-use within the urban reserve line (as identified in the Effluent Re-Use and Disposal Tech Memo, July 2008),
c. Agricultural re-use overlying the Los Osos Groundwater Basin,
d. Environmental reservations (not less than 10% of the total volume of treated effluent).

Total agricultural re-use shall not be less than 10% of the total treated effluent. Disposal shall be prioritized to reduce seawater intrusion and return/retain water to/in the Los Osos groundwater basin. Highest priority shall be given to replacing potable water uses with tertiary treated effluent consistent with Water Code Section 13550.

No amount of treated effluent may be used to satisfy or offset water needs that result from non-agricultural development outside the Urban Reserve Line of the community of Los Osos.

98. Where the collection system pipes will be located in areas of high groundwater, or areas subject to future 5 foot sea level rise, as shown on the June 29 and 30, 2009 PC Memo – page: 1-16 (see Attachment 3), and as identified in the field during construction; the applicant shall utilize fusion welded pipes or chemically sealed pipes. In areas of high groundwater, additional inspections to ensure proper installation shall be completed prior to backfilling the trenches. All laterals to individual residences shall utilize fusion welded pipes or chemically sealed pipes. Lateral connections at the property line shall utilize fusion welded pipes, chemically sealed pipes, or collars.

99. Within one year of adoption of a due diligence resolution by the Board of Supervisors, electing to proceed with a wastewater project, a water conservation program shall be developed by the applicant in consultation with the local water purveyors within the prohibition zone for the community of Los Osos, that meets the goal of 50 gallons per day / per person for indoor use. The applicant shall provide 5 (five) million dollars of funding towards a water conservation program for indoor water conservation. Incentives shall be provided to homeowners and other property owners who install conservation measures within the first year.

100. Prior to operation of the wastewater treatment system, the applicant shall provide a new on-site well for facility operations in accordance with California Well Standards and County Ordinances and to the satisfaction of the Environmental Health Department.

101. The applicant shall utilize the existing Bayridge leach field (APN 074-491-033) to dispose of approximately 33 acre feet per year of treated effluent upon decommissioning of the existing leach field and connection to the community sewer system. The applicant shall consult with the Los Osos Community Services District (LOCSD) prior to the design phase of the project regarding use of said facilities to ensure all their concerns are addressed.

102. The applicant shall design the layout of the proposed sewer treatment facility to allow for structures to have roofs with "due south orientation" to maximize solar orientation for future solar photovoltaic and / or solar water panel installation, as feasible. No evergreen trees (with mature heights over 12 feet) shall be planted near structure that could potentially block the sun to these portions of the roofs unless necessary for visual screening. This shall be reflected in any landscape plans prepared / required. As a part of roof design / construction, these portions of the roofs shall be designed to be able to handle the "dead" loads associated with the weight of these panels. To further maximize solar efficiency, where possible, roof pitch of this portion of roof shall be as close to 20 degrees as practical. The applicant shall provide verification to the satisfaction of the County Planning and Building Department that the above measures have been incorporated into the project.

103. Prior to individual property connections to the waste water system, each property owner shall provide verification to the satisfaction of the Planning Director that all toilets, showerheads and faucets have been replaced with high efficiency versions of the same.

104. Agriculture irrigation lines and other wastewater effluent disposal lines shall be located within existing right-of-ways (including agricultural field access ways) and other areas known to not include, or that can be demonstrated to not include, cultural or biological resources. Use of the effluent shall be consistent with all other local, State, and Federal regulatory requirements including but not limited to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands requirement of the Central Coast Regional Water Quality Control Board.

105. Bio-solids shall be disposed of at the closest approved facility within the San Luis Obispo County region. The San Luis Obispo County region shall be limited to the northern San Luis Obispo county line and south to the Santa Maria area within Santa Barbara County. If an approved facility is not available within the San Luis Obispo County region at the time of project start-up, then the closest approved facility shall be utilized. If an approved facility becomes available for disposal of bio-solids within the San Luis Obispo County region, that facility shall be utilized for disposal of bio-solids.

106. If the County acquires more land area than is necessary to site the treatment facility and appurtenant facilities, then prior to transferring title of the surplus area, the County shall record an affirmative agricultural easement over such surplus land. This easement shall take into consideration biological, cultural, sedimentation and erosion constraints on the project site. Agricultural activities chosen to take place on the remainder of the wastewater treatment facility site shall be consistent with the long term protection of the identified resources.

107. The applicant shall apply for and record a public lot prior to commencement of construction activities at the wastewater treatment site.

108. Prior to individual property connections to the wastewater treatment project, each property owner shall provide verification to the satisfaction of the Public Works Department (in consultation with the Planning Director) that a water meter meeting American Water Works Association (AWWA) standards, and approved by the water company serving the individual property, has been installed or is existing on the connection site. A water meter shall be installed on each legally established residential / commercial unit prior to connection to the wastewater treatment project. Water usage information shall be made available to the sewer authority on a quarterly basis or on a schedule agreed to by the water purveyors and the County to verify the water savings derived from the water conservation program.

109. Prior to commencing construction activities at the Giacomazzi site, the applicant shall submit to the Department of Public Works for review and approval a Roadway Safety Analysis (RSA) for the intersection of the treatment plant access road with Los Osos Valley Road. The RSA shall be prepared by a registered civil engineer with expertise in transportation design and familiarity with the Los Osos Valley Road corridor, and shall include but not be limited to the following:

    a) Evaluate the proximity of the cemetery access road with the project access road and discuss corrective options including realignment, road mergers (sharing) and alternative project access road locations;

    b) Analyze the project access road sight distance with respect to Los Osos Valley Road and recommend improvements, if required;

c) Analyze Los Osos Valley Road left turn lane warrants and traffic queuing at the project access road and recommend improvements, if required;

d) Evaluate Los Osos Valley Road traffic safety a minimum of 1-mile either side of the treatment plant access road and provide recommendations for improvements, if required;

e) Evaluate erosion control measures such as gravel pads, rumble strips and wheel washers to avoid the tracking of dirt and sediment onto adjacent private and public roadways during construction, and recommend best management practices to be implement; and

f) Evaluate onsite circulation with specific emphasis on truck maneuvering, access for emergency vehicles, onsite parking, and all-weather roadbed materials, provide recommendations and an implementation plan.

All RSA recommendations shall be implemented prior to commencing construction activities.

110. The aboveground facilities for the mid-town pump station shall be re-located to Palisades Avenue (south of the Library) on APN 074-229-017.

111. Routine flushing of sewer system lines shall utilize recycled water. In the event of an emergency situation, potable water may be used to flush the sewer system if non-potable water is determined to be infeasible.