

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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July 1, 2016

Lance Williams
Shell Western Exploration and Production, Inc.
150 C. North Dairy Ashford Road, WCK EPC A 476-C
Houston, TX 77079

PLANNING COMMISSION
HEARING OF JUNE 29, 2016

RE: *Shell Guadalupe Dunes Gravel Remediation In-Lieu Proposal; 13RVP-00000-00119, 14CDP-00000-00072*

Hearing on the request of SWEPI, LP to consider:

- a) **13RVP-00000-00119** [application filed on December 2, 2013], for approval of a revision to Conditional Use Permit no. 82-CP-75(cz), in compliance with Section 35-172 of the Article II Coastal Zoning Ordinance, on property zoned RES-320 to remove Condition No. 31 from the permit;
- b) **14CDP-00000-00072**, for a Coastal Development Permit in compliance with Section 35-169 of the Article II Coastal Zoning Ordinance, on property zoned RES-320 to accept a fee in lieu of gravel removal;

and certify the Supplement (13EIR-00000-00005) to the Environmental Impact Report (82-EIR-11) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant effects on the environment are not anticipated. The Supplement to the EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara (or 624 W. Foster Rd., Santa Maria). The Supplement to the EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The application involves AP Nos. 113-020-018, 113-020-020, and 113-020-021, located at 6350 Main Street, Guadalupe area, Third Supervisorial District. (Continued from 9/10/14 and 11/12/14)

Dear Mr. Williams:

At the Planning Commission hearing of June 29, 2016, Commissioner Blough moved, seconded by Commissioner Brown and carried by a vote of 4 to 0, with Commissioner Brooks abstaining, to:

1. Make the required findings for approval of the project specified in Attachment A to the staff report dated August 21, 2014, including California Environmental Quality Act findings;
2. Certify the Supplemental Environmental Impact Report (13EIR-00000-00005), including the proposed changes to Section 3.3.4.4, Mitigation Measure REC-1, and Appendix F "Responses to

Comments" identified in the Planning Commission memo dated June 9, 2016, and adopt the mitigation monitoring program contained in the conditions of approval; and

3. Approve the project (Case Nos. 13RVP-00000-00119 and 14CDP-00000-00072), subject to the conditions included as Attachments B and C to the staff report dated August 21, 2014, including changes to conditions nos. 2 and 3 of 14CDP-00000-00072 identified in the Planning Commission memo dated June 9, 2016.

Changes to the Conditions of Approval

The Planning Commission revised the conditions of approval nos. 2 and 3 for 14CDP-00000-00072. Revisions are shown in ~~strikeout~~ and underline as follows:

2. ~~Special MM REC-1: Monetary Contribution (In-Lieu Fee)~~ In-Lieu Property Acquisition.

Shell Exploration and Production, Inc. (Applicant) shall provide an in-lieu fee to the County for the purpose of mitigating the recreational impact of the Proposed Project (18.9 acres footprint) through the acquisition/purchase of property by the County, another public agency, or a qualified non-profit entity for public recreational or open space purposes at a ratio of not less than 3:1 (56.7 acres). Such property acquisition may include the following:

- acquisition of property in fee title
- acquisition of an easement which allows for public access
- acquisition of easements for public trails

~~The mitigation ratio could potentially be greater based on property availability and quality. This property would be designated and preserved for recreational and open space use. The optimal property would be located within the north coastal region of the County, in the vicinity of the Project Site, characterized by similar dune habitat and substantial scenic value, and be suitable for passive-recreational or open space uses by the public. In addition to offsetting recreational impacts, this in-lieu fee would result in additional indirect benefits to aesthetics, geological resources, and biological resources.~~

TIMING: The Applicant shall provide the in-lieu fee to the County to ~~purchase~~ fund acquisition of land for public recreational purposes at a ratio of not less than 3:1 prior to issuance of a Coastal Development Permit (14CDH-00000-00072).

- 3. Property Acquisition.** Prior to issuance of a Land Use Permit effectuating the Coastal Development Permit (14CDP-00000-00072), the County of Santa Barbara, another public agency, or a qualified non-profit entity shall enter into a contract to acquire ~~in-fee-title~~ property interest/aereage sufficient to meet the requirements of mitigation measure MM REC-1.

Changes to the Supplemental Environmental Impact Report (13PPP-00000-00005)

The Planning Commission revised the project Supplemental Environmental Impact Report (SEIR) by adding the following text to the first paragraph of SEIR Section 3.3.4.4.

Coastal Dune Habitat Revegetation

The No Project Alternative would require revegetation of coastal dune habitat disturbed by gravel removal. The following narrative summarizes a number of the general challenges associated with restoration of Southern California coastal dune systems. It also describes challenges specific to revegetation of the Project Site following gravel removal under the No Project or Partial Gravel

Removal Alternatives. The analysis relies on examples of coastal dune restoration projects in Humboldt, Monterey, San Luis Obispo, Santa Barbara, and Ventura counties, including nearby restoration sites located at the Guadalupe-Nipomo Dunes National Wildlife Refuge, Vandenberg Air Force Base, Jalama Beach County Park, Coal Oil Point Reserve, University of California Santa Barbara, and Carpinteria State Beach.

Common Restoration Objectives

The ecology of dune habitats is complex, making the restoration of “original conditions” difficult to attain, even within a considerable (e.g., 10-year) time frame. The coastal dune community has a highly dynamic structure and function. A common goal in dune restoration is to restore key natural physical and biological functions that would allow the development of self-sustaining natural communities over time. This is typically accomplished through the re-establishment of native plant species, the control or eradication of non-native plant species that interfere with the restoration and development of natural ecosystems, and management of natural erosional and depositional processes to facilitate the formation and preservation of dune topography and the colonization and spread of dune vegetation. Other common goals typically include avoiding impacts to existing sensitive plant populations and creating or improving habitat for native wildlife.

Challenges with Successful Coastal Dune Restoration

Site Stabilization

The most important physical challenge associated with successful coastal dune restoration is the highly dynamic and ephemeral nature of dune topography (i.e., the continuous shifting of dune sand due to the forces of wind and water). Once vegetation is removed, dunes typically revert to unstable conditions, regardless of their stage of development at the time of disturbance. Vegetation is critical to dune formation and stabilization. For this reason, dune restoration usually begins with the establishment of native plants. Maintenance is required until a self-sustaining system is developed.

The Project Site is subject to prevailing northwesterly winds, which shape the local dune topography. Coastal dune scrub is present in the northeastern portion of Site D, the southern and eastern portions of Site 2, along the northern and southern edges of the Road Site, and in the southeastern portion of the Upper Area. Where existing coastal dune scrub is present, the perennial vegetation slows the velocity of the prevailing wind and minimizes water loss.¹ Additionally, the scrub vegetation forms an interlocking root system that helps to stabilize the sand. The underlying soils contain more organic matter and nitrogen-fixing bacteria, retain more water, are more fertile, and have a lower salt content than the soils of active/shifting dunes. As the dominant shrubs grow, the stabilized areas can expand to create favorable conditions for the recruitment of additional plants.

Under the No Project and to a lesser extent, the Partial Gravel Removal Alternatives, existing vegetation would be removed and the affected areas would revert to active dunes. Successful restoration after sand excavation, gravel removal, and soil backfill would require substantial efforts over a considerable time frame to prepare and stabilize the affected areas. Site stabilization methods that reduce wind velocity near the ground and trap and retain windblown sand are critical to the establishment and spread of restoration plantings.

There are a number of techniques that have proven effective in stabilizing coastal dunes and promoting establishment of native vegetation. These include sand fences (or fence checkerboards), sterile rice

¹ It is likely that existing remnant gravel at the Project Site has played some role in stabilizing the existing dune system allowing for the establishment of sensitive plant species beyond the levels observed at the Project Site in the 1980s.

straw (bales, checkerboards, blankets, single tufts), mats and netting. The creation of small dune hillocks and other topographic features parallel to existing dunes may further encourage sand retention. Successful implementation of these techniques requires precise installation, frequent monitoring, and regular maintenance to ensure success. High winds or intense precipitation events may compromise site stability during the plant establishment phase. Blow-outs and rapid sand migration may bury planted material, requiring replacement planting.

Planting and Irrigation

Once sand stabilization measures are in place, site-specific native dune plant species are introduced from local stock. Most habitat restoration projects use temporary irrigation systems to supplement rainfall for newly installed plants. Successful maintenance of irrigation systems in dune restoration areas is problematic. Generally, systems that employ overhead sprinklers are not recommended since the irrigation water is carried and diffused by the wind away from target plants. Overhead irrigation may also encourage germination of non-native species. Drip emitters are preferred for most habitat restoration projects. Both overhead sprinkler heads and drip emitters are prone to becoming clogged and/or buried by windblown sand when used in coastal dune systems. For this reason, supplemental irrigation systems are typically not used in dune restoration. This makes the establishment of plants more difficult since germination and growth are dependent on natural sources of water (e.g., rainfall, fogdrip). Hand watering is also generally not recommended since the required foot and/or vehicle traffic increases soil destabilization and vegetation mortality in the restoration area.

Dune restoration typically involves broadcasting seed, installing salvaged plants, spreading salvaged topsoil that previously supported native plants, and/or installing nursery-grown container stock during periods of favorable soil moisture conditions. Broadcasting collected seed is the quickest, least labor-intensive, and least costly method. Although there have been many successful dune revegetation projects that have employed broadcast seeding, success rates can be highly variable. If not applied correctly, seeds may be carried away by prevailing winds. The severe growing conditions inherent to dune habitats present unique obstacles to plant establishment. Dune plants are subject to high levels of stress. Although adapted to natural forces of wind erosion, they must survive sand blasting and scouring; burial; desiccation from high ground temperatures, wind, and salt spray; and limited water and nutrients. The frequency of strong wind events and abrasive shifting substrates can be significant enough to severely limit the potential for plant community development. Common herbivores within the Guadalupe-Nipomo Dunes Complex may also contribute to plant mortality in restoration areas. Due to all of these factors, dune revegetation efforts are challenging and success rates are unpredictable.

Non-Native and Invasive Species

A key component to any successful habitat restoration project is the control of non-native plants (i.e., weeds), especially highly invasive species. The ecological value of coastal California dunes has been severely imperiled by the rapid spread of invasive species, often planted to stabilize dunes for development and recreation. Weed species are often first to colonize disturbed areas; the erosional and depositional forces and the high level and frequency of disturbance on the dunes makes them particularly vulnerable to invasion. Many weed species have a competitive advantage over local native species and can often permanently prevent a disturbed area from returning to its pre-disturbed state. Many of these species spread rapidly in dune systems both vegetatively and through windblown seed dispersal. These species can also out-compete native rare species, and reduce habitat quality for wildlife.

A number of weeds are currently present at the Project Site, including some with a California Invasive Plant Council (Cal-IPC) rating of "High". These species have severe ecological impacts on physical

processes, plant and animal communities, and vegetation structure, and their reproductive biology and other attributes are conducive to moderate to high rates of dispersal and establishment.

Weed species diversity and cover may increase on-site from the inadvertent introduction and dispersal of weeds during gravel removal and subsequent restoration activities. If gravel removal and site restoration activities are implemented under the No Project Alternative or the Partial Gravel Removal Alternative, comprehensive methods to minimize weed introduction and spread must be employed and an aggressive weed control program would be required. However, even these measures would not eliminate the potential for the spread of invasive species at the Project Site.

All weed control techniques have disadvantages, and weed control efforts in coastal dunes present unique challenges. Most restoration weed control programs employ a combination of chemical and manual treatment methods (i.e., applications of herbicide and hand-pulling or using hand tools). Although expensive, mechanical removal (e.g., bulldozer, excavator) is sometimes used where invasive weeds are prolific and native species are mostly absent. Mechanical and manual weed removal can be problematic in the dunes since any soil disturbance may lead to dune instability and increased sand transport. Careful hand removal of weeds may be required in areas where special-status plant species are abundant, but hand-pulled weeds may shed seeds onto the newly disturbed soil below and may actually result in increased competition with native species over the long-term.

Often the preferred and most successful weed control method used is the application of herbicide. However, effective herbicide application in coastal dune systems can be challenging due to persistent winds. Extreme caution must be used to avoid herbicide overspray onto non-target native plants, especially newly germinated or planted individuals, as well as onto any special-status plant or wildlife species that may be present in the work area. A crew of certified herbicide applicators with experience in dune habitat would be required to effectively treat weeds while preserving desired native plants and wildlife, especially special-status species.

Site Access

Since dune habitat is extremely susceptible to soil disturbance, basic access for required restoration project installation, maintenance, and monitoring activities may be problematic and would necessitate diligent training and coordination of all project personnel (including any employees of Gordon Sand who would be working in the area). Although dune plants have adapted to harsh environmental growing conditions, they cannot withstand foot and vehicular traffic which crushes plant shoots and roots. Pedestrian and vehicle/equipment traffic typically results in plant mortality and a subsequent decrease in dune stability, as well as the potential introduction and dispersal of weeds. As noted above, while invasive species currently occur in relatively low densities on-site, vegetation community composition could shift to favor invasive species which are more tolerant of disturbance and can out-compete native species. In addition, dune soil compaction often results in decreased water infiltration, leading to erosion from rain and increased damage during droughts.

All on-site restoration activities, including but not limited to survey work, site stabilization, seed collection, seed broadcast and planting activities, and weed control and other maintenance may result in soil and vegetation disturbances. Unauthorized trampling of the site during the restoration period must also be tightly controlled: in order to avoid soil and vegetation disturbance, it is likely that signage and exclusionary fencing around the perimeter of the project area would be required to restrict workers as well as the public from entry.

Impacts to Existing Special Status Species

Additionally, activities required for the basic implementation of the restoration project may negatively impact special-status species known to occur at the project site, including rare plant species and western snowy plover. The preparation of species-targeted plans may be required to avoid and/or

minimize impacts to special-status species, and environmental monitoring for the duration of the restoration project would be critical to ensure that impacts to special-status species are avoided or minimized. Western snowy plovers have been documented nesting at the project site, and plover monitoring would be required prior to and during restoration activities. Access to certain areas may be restricted if survey results indicate that plovers are utilizing the site. This would also encumber basic restoration project activities. The plover breeding season coincides with the active growth period of most weed species in the dunes. Restricted access into plover exclusion areas may impede weed control treatments, as well as general restoration project maintenance and monitoring activities in those areas. Overall, restoration project setbacks related to access restrictions and site disturbances may extend the life of the project, resulting in additional maintenance and monitoring costs.

Conclusions – Feasibility of Coastal Dune Habitat Restoration

As described above, there are significant challenges to successful coastal dune restoration in general and particularly at the Project Site. This is not to say that a successful project cannot be completed, but restoration at the site will require a substantial effort in planning, implementation, and long-term maintenance and monitoring. Based on the analysis presented in Section 3.3.4.3, retaining the existing gravel in place would not result in any adverse impacts to biological resources. The presence of the gravel in the dunes does not present a significant adverse impact to either dune vegetation or wildlife; rather, the gravel appears to provide beneficial effects related to establishment and expansion of native dune vegetation (including sensitive plant species), nesting habitat for western snowy plover, and habitat for a variety of other native wildlife species. Based on the analysis that retaining gravel on-site would not result in any adverse impacts to biological resources, and in light of the inherent challenges and difficulties associated with dune restoration at the site, the Proposed Project is the preferred alternative in terms of reducing or avoiding impacts to biological resources.

The Planning Commission also revised Appendix F, “Responses to Comments,” of the project Supplemental EIR. The revised text, located on pages F-10, -12, -13, -17, -20, and -21, is shown in ~~strikeout~~ and underline:

As stated in ~~Item-Condition 1(d)~~ of the Conditions of Approval for ~~with~~in the Gordon Sand Final Reclamation Plan (1993) “clay, silt, or rock materials removed from the access road and processing plant during reclamation would be placed into the sand pit for disposal.”

The attached findings and conditions reflect the Planning Commission’s actions of June 29, 2016

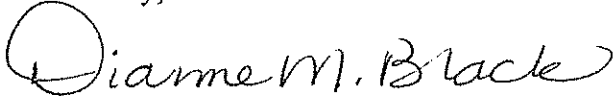
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed

within the allowed appeal period. **The appeal period for this project ends on Monday, July 11, 2016 at 5:00 p.m.**

The development and/or use authorized by the action of the Planning Commission is defined as development that may be appealed to the Coastal Commission in compliance with Public Resources Code Section 30603(a), therefore the payment of a fee is not required to accompany the filing of the appeal.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

- cc: Case File: 13RVP-00000-00119, 14CDP-00000-00072
Planning Commission File
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Doreen Farr, Third District Supervisor
Marell Brooks, Third District Commissioner
Bill Dillon, Senior Deputy County Counsel
✓ Matt Young, Planner

Attachments : Attachment A – Findings for Approval
Attachment B – Revised Conditional Use Permit with Conditions of Approval
Attachment C – Coastal Development Permit with Conditions of Approval

DMB/dmv

ATTACHMENT A
FINDINGS for APPROVAL

Shell Guadalupe Gravel Remediation In-Lieu Proposal Project
13RVP-00000-00119 and 14CDP-00000-000072

1.0 CEQA FINDINGS (Pursuant to PRC §21081 and CEQA Guidelines §15090, 15091, and 15162)

1.1 Consideration of the Supplement

The Supplemental Environmental Impact Report (SEIR, 13EIR-00000-00005) was presented to the Planning Commission and all voting members of the Planning Commission reviewed and considered the SEIR (13EIR-00000-00005) and its appendices prior to approving this proposal. In addition, all voting members of the Planning Commission have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on May 28, 2014. The SEIR (13EIR-00000-00005) reflects the independent judgment of the Planning Commission and, together with the EIR (82-EIR-11), for the Shell Guadalupe Dunes Gravel Remediation In-Lieu Proposal Project is adequate for this proposal.

1.2 Full disclosure

The Planning Commission finds and certifies that the Supplemental EIR (13EIR-00000-00005), together with the EIR (82-EIR-11), for the Shell Guadalupe Dunes Gravel Remediation In-Lieu Proposal Project constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and certifies the Supplemental EIR has been completed in compliance with CEQA.

1.3 Location of record of proceedings

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 Findings addressing the issues analyzed in the Supplemental EIR

1.4.1 Findings that certain unavoidable impacts are mitigated to the maximum extent feasible

The SEIR (13EIR-00000-00005) for the Shell Guadalupe Dunes Gravel Remediation In-Lieu Proposal Project identifies no environmental impacts which cannot be fully mitigated and are therefore considered unavoidable (Class I). Therefore, this finding can be made.

1.4.2 Findings that certain impacts are mitigated to insignificance by conditions of approval

The SEIR (13EIR-00000-00005) identified several subject areas for which the proposed project is considered to cause or contribute to significant, but mitigable environmental impact (Class II). For each of these Class II impacts identified by the SEIR (13EIR-00000-00005), feasible changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect, as discussed below:

Aesthetics/Visual Resources:

Impact AV-1. Potential Impacts to Scenic Vistas or Resources Resulting from the Implementation of the proposed project

Because the proposed project would involve leaving the project site in its current condition, visual and aesthetic resources would remain the same as described for the existing setting. While views of the Project Site are distant from the parking lot at Rancho Guadalupe Dunes Preserve County Park, the remnant gravel at the Road Site can be seen in the mid-range views from West Main Street as a slightly grayish straight line that crosses open sand between vegetated areas. This view can be seen by people

while driving to the Rancho Guadalupe Dunes Preserve County Park Parking Area via West Main Street. Additionally, a grayish tone created by a large gravel bed at Site D is visible in the small depressions between the dunes and vegetation when viewed from close by. This view is accessible to recreationists who venture out into the dunes toward the project site. The visual impact of the remaining gravel would be potentially significant (Class II) because it detracts from the natural aesthetic of the dunes. The monetary contribution (in-lieu fee) described in **MM REC-1 (Condition 2 of Attachment C)** would offset these aesthetic impacts, because this in-lieu fee would preserve scenic views within an offsite property, with comparable resource values. Consequently, this impact would be less than significant after mitigation.

Impact AV-2. Impacts to Visual Character or Quality Resulting from the Implementation of the proposed project

Since the proposed project would involve leaving gravel sites in their current condition, visual and aesthetic resources would remain the same as described for the existing setting. The remnant gravel in Site 2 is well integrated into the dunes, and is a barely noticeable visual feature from distant viewing areas within Rancho Guadalupe Dunes County Park. From a distance, it would be difficult to identify the gravelly areas or differentiate between gravel and vegetation. At the Upper Area, the low-lying vegetation largely resembles the darker tones of the exposed gravel. The gravel in the Upper Area is largely buried by sand, resulting in a less prominent visual effect of exposed gravel.

However, the overall gravel density at Site D coupled with this site's graded topography provides distinct contrast to the dunes at close range. From a distance, these large areas of gravel deposits create grayish tones that become distinctly separate visual features, distinguishable from emerging vegetation. Additionally, at the Road Site, gravel along the western fill embankment is the most publicly visible of the gravel sites and is more pronounced given the linear nature of this access road. Therefore, impacts to the visual or aesthetic character or quality of the site that would occur as a result of the proposed project would be potentially significant (Class II). The monetary contribution (in-lieu fee) described in **MM REC-1** would mitigate these aesthetic impacts, because this in lieu fee would preserve scenic views with comparable resource values. Consequently, this impact would be less than significant after mitigation.

Recreation:

Impact REC-1. Impacts to existing neighborhood or regional parks that would require expansion of or result in a substantial physical deterioration of the facilities from implementation of the proposed project.

The proposed project would leave the project site in its current condition, allowing remnant gravel to remain within the dune area at Rancho Guadalupe Dunes Preserve County Park. The remnant gravel does not physically obstruct public access and the proposed project would not increase demand on the use of the Rancho Guadalupe Dunes Preserve County Park or nearby recreation facilities. However, when viewed by a recreationalist within the Rancho Guadalupe Dunes Preserve County Park the presence of the gravel would result in an impact to the recreational experience (see Impact REC-2 below). As described in the 1982 Final EIR, the project site is valued for its visual resources and recreational uses and therefore impacts to the recreational experience within the Rancho Guadalupe Dunes Preserve County Park would constitute a degradation of the park. However, the Proposed project includes a monetary contribution (in-lieu fee) for acquisition of coastal dune property, described in **MM REC-1 (Condition 2 of Attachment C)**, to mitigate the effects of gravel retention on recreation. The in-lieu fee would be used to purchase land for public recreational

purposes, optimally, with similar coastal dune habitat in the north coastal region of the County. Consequently, this impact would be less than significant after mitigation.

Impact REC-2. Impacts that would terminate or interfere with the established recreational uses from implementation of the proposed project.

The proposed project would leave the Project Site in its current condition, allowing remnant gravel to remain in the dune area of the Ranch Guadalupe Dune County Park. Retention of the remnant gravel would noticeably alter the recreational experience within the Rancho Guadalupe Dunes Preserve County Park detracting from a more natural, pristine state. Degradation of the recreational experience associated with the visual presence of introduced gravel in the natural dune area, which is recognized for its scenic recreational value, would continue under the proposed project. Therefore, proposed project impacts would be potentially significant (Class II). However, the monetary contribution (in-lieu fee) described in **MM REC-1 (Condition 2 of Attachment C)** would mitigate both recreational effects of gravel retention onsite. The in-lieu fee would be used to purchase land for public recreational purposes, optimally, with similar coastal dune habitat in the north coastal region of the County. Consequently, this impact would be less than significant after mitigation.

Therefore, this finding can be made.

1.4.3 Findings that identified project alternatives or mitigation measures are not feasible

This finding does not apply because the impacts of the project are fully mitigated by the public acquisition of privately owned coastal property that will substantially improve the recreation and scenic values of the region. Therefore, this finding is not applicable.

1.5. Environmental Reporting and Monitoring Program

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 CONDITIONAL USE PERMIT FINDINGS

In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

2.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The site is adequate in location, physical characteristics, shape, and size to accommodate leaving the remnant gravel in place. The remnant gravel is located on a portion of the Rancho Guadalupe Dunes Preserve County Park that is seldom visited by recreationists. Most of the remnant gravel occurs on the active Gordon Sand Company access road, which is used to access the Gordon Sand Company sand pit. This finding can therefore be made.

2.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

Section 6.1.1 of the Planning Commission Staff Report dated August 21, 2014, incorporated herein by reference, discusses the potentially significant impacts that would result from implementation of the proposed project, including specific measures that have been adopted as conditions of approval to mitigate these impacts. Potentially significant impacts will be mitigated to less than significant levels with implementation of adopted conditions of approval,

as discussed in section 6.1.1 of the staff report and in Finding 1.4.2 above. Impacts to recreation and visual/aesthetic resources would be fully mitigated by an in-lieu fee described in mitigation measure **MM-REC 1 (Condition 2 of Attachment C)**. The in-lieu fee would be used to purchase land for public recreational purposes, optimally, with similar coastal dune habitat in the north coastal region of the County. Based on the SEIR analyses, adoption of conditions of approval that will mitigate potentially significant impacts of the project, and Finding 1.4.2 above, this finding can be made.

2.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The proposed project will generate no additional traffic, as discussed in SEIR Section 3.10, incorporated herein by reference. Therefore, this finding can be made.

2.4 That there will be adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The proposed project would not require any additional public services to serve the project as discussed in SEIR Section 3.11.7, incorporated herein by reference. Therefore this finding can be made.

2.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The remnant gravel overlaps and is adjacent to areas used by the Gordon Sand Company for sand mining operations. Vegetation has slowly grown over portions of the gravel area since the termination of the drilling project. In addition, gravel associated with maintenance of the West Main Street is located on the dunes along road and at the parking area in Rancho Guadalupe Dunes Preserve County Park. The remnant gravel associated with the drilling project is generally visually compatible with the character of the surrounding area. The proposed project would not pose potential public health and safety risks, as discussed in Section 4.3.6 of the SEIR, incorporated herein by reference. Leaving the gravel in place will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Therefore, this finding can therefore be made.

2.6 That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated August 21, 2014, incorporated herein by reference, the proposed project is consistent with the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and with the applicable provisions of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

2.7 That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.

The project is located within the Santa Maria Valley designated Rural area. The proposed project would result in leaving remnant gravel in place. The remnant gravel overlaps and is adjacent to the area used by the Gordon Sand Company for sand mining operations. Vegetation has slowly grown over portions of the gravel area since the termination of the drilling project. The remnant gravel associated with the drilling project is generally visually compatible with the character of the surrounding area. The remnant gravel associated with the drilling project is generally visually compatible and subordinate to the scenic and rural character of the surrounding area and does not represent a significant alteration of natural landforms. While the gravel is visually distinguishable at close distances; public views of gravel areas are limited as a result of the topography of the dunes. Conditions of approval (Condition Nos. 2 and 3 of Attachment C) would improve the visual character of the area through acquisition and

preservation of similar coastal property. Therefore, this finding can therefore be made.

2.8 That the project will not conflict with any easements required for public access through, or public use of the property.

As discussed in Section 6.1.1 of the Planning Commission Staff Report dated August 21, 2014 and incorporated herein by reference, the project site is within a County Park open to the public. The project would result in leaving remnant gravel in place. The gravel is located in a portion of the park not regularly used by park visitors for recreation, and does not conflict with any easements required for public access through, or public use of the property. Therefore, this finding can be made.

2.9 That the proposed use is not inconsistent with the intent of the zone district.

The proposed project is located within a designated Resource Management zone district. Pursuant to Section 35-90.3 of the Article II Coastal Zoning Ordinance, the purpose of this zone district is as follows:

"...to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:

- 1. Slopes in excess of 40 percent.*
- 2. Isolated table land surrounded by slopes exceeding 40 percent.*
- 3. Areas which have outstanding resource values such as environmentally sensitive habitat areas.*

The intent is to allow limited development in these areas due to the presence of extreme fire hazards, minimum services, and/or environmental constraints and to encourage the preservation of these areas for uses such as grazing, scientific and educational study, and limited residential uses."

Slopes at the site are not in excess of 40 percent, and the site does not include isolated table land surrounded by slopes exceeding 40 percent. The proposed project is consistent with the intent of the zone district because no development is proposed that would change these conditions. The project site will continue its existing use for recreation and sand mining (under Conditional Use Permit 77-CP-66). Allowing the remnant gravel to remain in place will also limit impacts to the Environmentally Sensitive Habitat on the site that would be caused by excavation of the gravel. Therefore, this finding can be made.

2.10 Additional findings required for sites zoned RES (Resource Management).

In compliance with Section 35-90.6 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit on sites zoned RES the review authority shall first make all of the following findings:

2.10.1 The project does not require extensive alteration of the topography.

Leaving remnant gravel in place under the proposed project would not require any alteration of the existing topography. As discussed in Section 3.11 of the SEIR, incorporated herein by reference, the gravel does not impede natural geologic processes. This finding can therefore be made.

2.10.2 The project does not cause erosion or sedimentation of downstream watercourses or water-bodies.

The remnant gravel does not affect erosion or sedimentation at the project site, which is characterized by coastal dunes with high infiltration capacity. Rainfall on the project site infiltrates the dune sand and does not run off over the surface to the Santa Maria River or the Pacific Ocean. The presence of the gravel does not alter the infiltration capacity of the dune sand. The proposed project would not cause erosion or

sedimentation of downstream watercourses or water-bodies. This finding can therefore be made.

2.10.3 The project will not cause any significant adverse effect on environmentally sensitive habitat areas.

As discussed in Section 3.3 of the SEIR, incorporated herein by reference, the project's affects on environmentally sensitive habitat areas would be less than significant. In addition, allowing the gravel to remain on site would avoid potential impacts of excavation on environmentally sensitive habitat. This finding can therefore be made.

3.0 COASTAL DEVELOPMENT PERMIT FINDINGS

3.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

The proposed project would require no new public or private services or resources, as discussed in SEIR Section 3.11 and incorporated herein by reference. This finding can therefore be made.

3.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission.

In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

3.2.1 The development conforms to 1) the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan, and 2) the applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).

As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report dated August 21, 2014, incorporated herein by reference, the proposed project is consistent with the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and with the applicable provisions of the Article II Coastal Zoning Ordinance. Therefore, this finding can be made.

3.2.2 The development is located on a legally created lot.

The project parcel was created by the Subdivision of Rancho Guadalupe, recorded March 8, 1880 in Maps and Surveys Book B, Page 422. Therefore, this finding can be made.

3.2.3 The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The subject property is consistent with the requirements of the Article II Coastal Zoning Ordinance and the RES-320 zone district. The subject lot is in compliance with all other laws, rules and regulations pertaining to zoning uses, setbacks and other applicable provisions of Article II. There are no zoning violations on the subject property. Therefore, this finding can be made.

3.2.4 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The gravel is not elevated in piles and follows the natural contours of the landscape. The gravel does not intrude into the skyline. The proposed project will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. Therefore, this finding can be made.

3.2.5 The proposed development will be compatible with the established physical scale of the area.

The remnant gravel overlaps and is adjacent to the area used by the Gordon Sand Company for sand mining operations. Vegetation has slowly grown over portions of the gravel area since the termination of the drilling project. In addition, gravel associated with maintenance of the West Main Street is located on the dunes along road and at the parking area in Rancho Guadalupe Dunes Preserve County Park. The remnant gravel associated with the drilling project is generally visually compatible with the established physical scale of the area.

3.2.6 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The proposed project's compliance with the Article II Coastal Zoning Ordinance provisions and Comprehensive Plan/Coastal Land Use Plan Policies is discussed in Section 6.2 of the Planning Commission Staff Report, dated August 21, 2014, incorporated herein by reference. The proposed project would not entail any changes to recreational amenities or uses of Rancho Guadalupe Dune Preserve County Park in the project area. The proposed project would not interfere with the long-range recreational planning for the Rancho Guadalupe Dunes Preserve County Park area, including preservation and light recreation. While the project site is within the boundaries of the Rancho Guadalupe Dunes Preserve County Park, the public does not currently use the project site for recreational activities. Additionally, proposed in lieu fees could be utilized to expand opportunities for public access and recreation in the North Coast planning area. Therefore, this finding can be made.

3.3 Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay.

In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 35-97.19. Section 35.97.8 identifies development standards for dune habitats as follows:

1. Because of their statewide significance, coastal dune habitats shall be preserved and protected from all but resource dependent, scientific, educational, and light recreational uses. Sand mining and oil well drilling may be permitted if it can be shown that no alternative location is feasible and such development is sited and designed to minimize impacts on dune vegetation and animal species.
2. Disturbance or destruction of any dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation is made a condition of development approval. Such re-vegetation shall be with native California plants propagated from the disturbed sites or from the same species at adjacent sites.
3. All non-authorized motor vehicles shall be banned from beach and dune areas. All permitted industrial and recreational uses shall be regulated both during construction and operation to protect critical bird habitats during breeding and nesting seasons. Controls may

include restriction of access, noise abatement, and restrictions on hours of operations of public or private facilities.

4. For all permitted uses, including recreation, foot traffic on vegetated dunes shall be minimized. Where access through dunes is necessary, well-defined footpaths shall be developed and used.

The project is consistent with the development standards in Section 35-97.6 as discussed in Section 6.3 of the Planning Commission Staff Report, dated August 21, 2014, incorporated herein by reference. Therefore, these findings can be made.

ATTACHMENT B
REVISED CONDITIONAL USE PERMIT
Shell Guadalupe Gravel Remediation In-Lieu Proposal Project
13RVP-00000-00119

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT
COASTAL ZONING ORDINANCE
CASE NO. 13RVP-00000-00119 to 82-CP-75(cz)

I. A Conditional Use Permit is Hereby Revised:

TO: Husky Oil Company
APNs: 113-020-018, 113-020-020, and 113-020-021

PROJECT ADDRESS: The northern section of the Guadalupe Dunes,
approximately 4 miles west of the City of Guadalupe.

ZONE: RES-320-ESH

**AREA/SUPERVISORIAL
DISTRICT:** Guadalupe Dunes/Third

FOR: Approval of Production Plan and Conditional Use Permit to drill
and produce 42 oil and gas wells from drilling islands.

The project approved under this Conditional Use Permit ceased operation in 1989. All conditions have been fulfilled with the exception of Condition No. 31. This revised Conditional Use Permit deletes Condition No. 31 to allow remnant gravel to remain in place. Condition No. 2 of 14CDP-00000-00072 has been identified in the project Supplemental Environmental Impact Report (13EIR-00000-00005) to mitigate the impacts of leaving the gravel in place. No other changes to 82-CP-75(cz) are being made as part of this project.

II. This permit is subject to compliance with the following condition(s):

1. Production Island B shall be moved approximately 300 feet to the west (vector of north 70' west) where it will be in a lower elevation and less visible.
2. Entrance to the access road shall be fenced to discourage entrance to the dunes by unauthorized vehicles.
3. No new equipment causing air emissions shall be constructed nor operated until an Authority to Construct and Permit to Operate are issued by the Santa Barbara County Air Pollution Control District (APCD).
4. In the case of pollutants where an increase of 5 pounds per hour or greater will occur, Best Available Control Technology (BACT) will be required for all new equipment emitting air pollutants.

5. During site preparation, water spraying on the construction site and access roads shall be utilized for dust suppression, pursuant to Ord. 1795, and 14-19 of the Santa Barbara County Code.
6. During production, flaring of well head gas shall not be permitted, except in an emergency; an emergency is to be determined or subsequently verified by the Petroleum Office, County Fire Department or Sheriff's Department.
7. Vapors shall be collected by a vapor recovery system that incinerates all uncondensed vapors.
8. There shall be no drilling (i.e., actual deepening of the well) during days forecasted by the County APCD to have adverse air quality. This does not preclude base level operations (e.g., mud circulation, logging, etc.).
9. The applicant shall use drilling rig with electric engines, if available. Applicant shall demonstrate unavailability to the satisfaction of County RMD.
10. The applicant shall use drilling rig with electric engines, if available. Applicant shall demonstrate unavailability to the satisfaction of County RMD.
11. The applicant shall use only electric pumping units.
12. The applicant shall implement a fugitive source inspection and maintenance program to the satisfaction of the APCD.
13. Supplies, drilling muds, cuttings and wastes shall be stored in impervious containers.
14. Sumps and tanks, other than those used for drilling, shall be covered.
15. All toxic or harmful wastes shall be removed from the dune area to an approved disposal site.
16. Lighting in and around a drill site shall be equipped with shielding so as to prevent disturbance at night to nearby wildlife habitats.
17. Noise and vibration from machinery at production areas shall be controlled so that noise levels are less than 85 DB (A) at 50 feet from the perimeter of the facility. In particular, noise in the frequency range of 1,000 to 8,000 Mz shall be controlled to minimize disturbance to nearby wildfire habitats.
18. Ground vibrational effects shall be confined to the immediate area of a production facility by appropriate use of shock-absorbing materials or heavy equipment.
19. Dispersal equipment (e.g., gas-operated horns) shall be available at each production site to be used, if necessary, after a spill to discourage use of an area by a wildlife and waterfowl.
20. All flowlines shall be equipped with automatic shut off valves at various points along the lines to minimize loss of fluids in the event of a spill.
21. Construction, drilling and other noise generating activities (trucking, etc.) shall be prohibited during the breeding season of the endangered California Least Tern (mid-April – early September). This restriction shall not apply to workover rigs.
22. To determine the actual effects of the project on the colony of Least Terns, the applicant shall establish a monitoring program, utilizing a qualified biologist to be approved by the County. The objective of this monitoring program is determine whether the proposed facilities, once constructed and operating, have any demonstrable effect on the Least Tern colony. This monitoring program will not change the general prohibition on construction activities during the Least Tern breeding season. However based on the ongoing results of the monitoring program, the County could authorize changes to the period of time in which construction activity is prohibited.

23. The applicant shall inform project supervisors and project personnel of the sensitivity of the cultural resources in the area. If cultural resources should be encountered or suspected, work shall be halted promptly, and a professional archaeologist consulted.
24. Movement of project personnel shall be restricted to the immediate vicinity of the production islands and 100-foot-wide buffer zone.
25. The access road to a new drill site shall be constructed as a temporary road until a producing well brought on-line.
26. To reduce the visual impacts of the projects, and because the access road to Islands B and D crosses a ridgeline, a light-colored or earth tone material shall be used for an access road base material instead of asphalt.
27. The applicant shall execute an agreement with the County, acceptable to the Director of Public Works, to participate in the reconstruction and maintenance of West Main Street from Highway 1 to Gordon Sand Company processing facility, to clear the vegetation adjacent to the existing 90 degree (15mph) curve in West Main Street to alleviate potential safety impacts and install Botts dots across West Main Street in the vicinity of the elementary school.
28. Facilities shall be painted in a natural color so as to blend in with the sandy areas.
29. Except for first pumping unit at each production island, a low profile pumping unit shall be utilized if feasible. Before a standard pumping unit is approved, Husky Oil Company shall provide the Planning Commission with conclusive evidence, based on an engineering analysis, that a low profile unit is not feasible.
30. All materials, vehicles and activities shall be confined to the access road corridors.
- ~~31. All introduced materials on or near the surface (depth of 15 feet) shall be removed when the drilling islands are abandoned.~~
32. Prior to the issuance of a Coastal Development Permit for this project, Husky shall submit to the Resource Management Department a detailed dune restoration program that describes the measures to be employed by Husky to return the sites to their original condition.
33. The project shall be developed in substantial conformity with the approved plan marked Exhibit "B" dated 12/15/82 as amended by this permit and with the project details as outlined in 82-EIR-11.
34. The Planning Commission shall review the Production Plan and Conditional Use Permit on an annual basis. At this review the Planning Commission may make reasonable modifications to these conditions as necessary to respond to changes in circumstances in the area.
35. Compliance with departmental conditions outlined in: a) Department of Public Works letter dated 11/23/82; b) Fire Department letter dated 11/11/82
36. Within one year of the granting of the Conditional Use Permit and approval of the Production Plan by the Board of Supervisors, the Coastal Development Permit shall be applied for and a contribution of \$40,000.00 shall be made to the County of Santa Barbara for purpose of providing, 24-hour weekend Sheriff's patrol. Subsequent annual contributions, not to exceed \$40,000, will be determined at the annual review of the permit by the Planning Commission.

IV. Mitigation Measures from the Supplemental Environmental Impact Report (13EIR-00000-00005)

Special MM REC-1: In-Lieu Property Acquisition. Shell Exploration and Production, Inc. (Applicant) shall provide an in-lieu fee to the County for the purpose of mitigating the recreational impact of the Proposed Project (18.9 acres footprint) through the acquisition of property by the County, another public agency, or a qualified non-profit entity for public

recreational or open space purposes at a ratio of not less than 3:1 (56.7 acres). Such property acquisition may include the following:

- acquisition of property in fee title
- acquisition of an easement which allows for public access
- acquisition of easements for public trails

This property would be designated and preserved for recreational and open space use. The optimal property would be located within the north coastal region of the County, in the vicinity of the Project Site, characterized by similar dune habitat and substantial scenic value, and be suitable for recreational or open space uses by the public. In addition to offsetting recreational impacts, this in-lieu fee would result in additional indirect benefits to aesthetics, geological resources, and biological resources. **TIMING:** The Applicant shall provide the in-lieu fee to the County to fund acquisition of land for public recreational purposes at a ratio of not less than 3:1 prior to issuance of a Coastal Development Permit (14CDH-00000-00072).

V. Conditions Unique To Conditional Use Permits

- 37. Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Land Use Permit within the six years following the effective date of this Conditional Use Permit. If the required Land Use Permit is not issued within the six years following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 38. Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Land Use Permit approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit (ARTICLE II §35-172.9).
- 39. CUP Revisions.** Further approval by the Planning Commission of a revised CUP shall automatically supersede any previously approved CUP upon the effective date of the revised CUP.
- 40. CUP Revisions-Change of Use.** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.

VI. County Rules & Regulations / Legal Requirements

- 41. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

42. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
43. **Rules-23 Processing Fees Required.** Prior to issuance of zoning clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
44. **Rules-25 Signed Agreement to Comply.** Prior to issuance of zoning clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the permit Owner agrees to comply with the project description, approved attachments and all conditions of approval. Form may be obtained from the P&D office.
45. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
46. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

ATTACHMENT C

COASTAL DEVELOPMENT PERMIT

Shell Guadalupe Gravel Remediation In-Lieu Proposal Project
14CDP-00000-00072



COUNTY OF SANTA BARBARA

Planning and Development

COASTAL DEVELOPMENT PERMIT

Case No.: 14CDP-00000-00072

Project Name: Shell Guadalupe Gravel Remediation In-Lieu Proposal Project

Project Address: 6350 West Main Street

Assessor's Parcel No.: 113-020-018, 113-020-020, 113-020-021

Applicant Name: Shell Western Exploration and Production

The County Planning Commission hereby approves this Coastal Development Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

Date of Approval: June 29, 2016

Associated Case Number(s): 13RVP-00000-00119/82-CP-75(cz)

Project Description Summary: Retention of remnant gravel from former drilling project (82-PP-2)

Project Specific Conditions: See Attached Exhibit A.

Permit Compliance Case: Yes No;

Permit Compliance Case No.: _____

Appeals: The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant or an aggrieved person. The written appeal and accompanying fee must be filed with the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, or the Clerk of the Board of Supervisors at 105 Anacapa Street, Santa Barbara, 93101 by 5:00 p.m. on or before Monday, July 11, 2016.

The final action by the County on this Coastal Development Permit may be appealed to the California Coastal Commission after the appellant has exhausted all local appeals. Therefore a fee is not required to file an appeal of this Coastal Development Permit.

Terms of Permit Issuance:

- 1. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Coastal Development Permit and/or any other required permit (e.g., Building Permit). **Warning! This is not a Building/Grading Permit.**

EXHIBITA: PROJECT SPECIFIC CONDITIONS

1. This Coastal Development Permit is based upon and limited to compliance with the project description, the Planning Commission Hearing Attachments A-G, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: The request is to leave in place approximately 293,752 cubic yards of sand impacted by remnant gravel that remains from an exploratory drilling project. The original drilling and production project was approved by the County in 1983 (82-CP-75[cz]) and included the placement of gravel for road base to accommodate heavy equipment access and stabilize sand near the proposed drilling islands. Permit Condition No. 31 of 82-CP-75(cz) for the drilling project requires removal of all materials brought into the dunes to support the exploratory drilling project as follows:

- No. 31. All introduced materials on or near the surface (depth of 15 feet) shall be removed when the drilling islands are abandoned.

The project ceased operation in 1989 after only partially developing the approved plan, and commenced abandonment and reclamation of the site as required by the County. With the exception of the remnant gravel sites, all production wells and infrastructure were abandoned and site reclamation was completed under 96-CDP-010 in 1997 in compliance with County and DOGGR regulations. A portion of the gravel and some asphaltic materials were removed in 1997; however, up to 293,752 cy of sand impacted by gravel remain. In exchange for being allowed to leave gravel in place, the Applicant would provide a monetary in-lieu fee to the County for enhancement of public recreation in the north coastal region of Santa Barbara County.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above, the referenced exhibits, and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. **Special MM REC-1: In-Lieu Property Acquisition.** . Shell Exploration and Production, Inc. (Applicant) shall provide an in-lieu fee to the County for the purpose of mitigating the recreational impact of the Proposed Project (18.9 acres footprint) through the acquisition of property by the County, another public agency, or a qualified non-profit entity for public recreational or open space purposes at a ratio of not less than 3:1 (56.7 acres). Such property acquisition may include the following:

- acquisition of property in fee title
- acquisition of an easement which allows for public access
- acquisition of easements for public trails

This property would be designated and preserved for recreational and open space use. The optimal property would be located within the north coastal region of the County, in the vicinity of the Project Site, characterized by similar dune habitat and substantial scenic value, and be suitable for recreational or open space uses by the public. In addition to offsetting recreational impacts, this in-lieu fee would result in additional indirect benefits to aesthetics, geological resources, and biological resources. **TIMING:** The Applicant shall provide the in-lieu fee to the County to fund acquisition of land for public recreational purposes at a ratio of not less than 3:1 prior to issuance of a Coastal Development Permit (14CDH-00000-00072).

3. **Property Acquisition.** Prior to issuance of a Land Use Permit effectuating the Coastal Development Permit (14CDP-00000-00072), the County of Santa Barbara, another public agency, or a qualified non-profit entity shall enter into a contract to acquire a property interest sufficient to meet the requirements of mitigation measure MM REC-1.
4. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
5. **Rules-11 CDP Expiration-With CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

6. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
7. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
8. **Rules-23 Processing Fees Required.** Prior to issuance of zoning clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
9. **Rules-25 Signed Agreement to Comply.** Prior to issuance of zoning clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the permit Owner agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
10. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

11. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

