



COASTAL DEVELOPMENT PERMIT NO.: 14CDP-00000-00072

Project Name: SHELL GUADALUPE RESTORATION PROJECT
Project Address: 6150 W MAIN ST, GUADALUPE, CA 93434
A.P.N.: 113-020-021
Zone: RES-320

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

APPROVAL DATE: 9/20/2016
LOCAL APPEAL PERIOD BEGINS: 9/21/2016
LOCAL APPEAL PERIOD ENDS: 9/30/2016

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may be appealed to the California Coastal Commission; therefore payment of a fee is not required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: Request by Shell Exploration & Production for an In Lieu Proposal for the Guadalupe Dunes Restoration Project (96-CDP-10). The proposal consists of a monetary contribution to the County for the purposes of providing and/or enhancing public recreational opportunities in the Santa Barbara County north coast area in lieu of mining, screening and returning approximately 85,000 cy of sand impacted with remnant gravel. The monetary contribution is offered by Shell as a substitute to Permit Condition #31 of permit nos 77-CP-66 and 96-CDP-10 which requires removal of all materials brought into the dunes from the exploratory drilling project. To receive additional information regarding this project and/or to view the application and/or plans, please contact Joseph Dargel at 123 East Anapamu Street, Santa Barbara, by email (jdargel@co.santa-barbara.ca.us), or by phone ((805) 568-3573).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 13RVP-00000-00119

PERMIT ISSUANCE: This Coastal Development Permit will be issued following the close of the appeal period, including the Coastal Commission appeal period, provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The **Proof of Posting of Notice on Project Site** shall be signed and returned to the Planning and Development Department prior to the issuance of the permit.

2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

PERMIT EXPIRATION AND EXTENSION: This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period, including an appeal to the Coastal Commission, provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal, including an appeal to the Coastal Commission, which has the effect of upholding the approval (Article II Section 35-57B).

WORK PROHIBITED PRIOR TO PERMIT ISSUANCE: No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name	Signature	Date
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Coastal Development Permit Approval By:

Chair, County Planning Commission	Date
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PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.

Planning and Development Department Issuance By:

Planner	Date
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ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, the Board of Supervisors hearing exhibits marked 1-8, dated September 20, 2016, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. 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.

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.

- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing 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 hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Project Specific Conditions

- 3. Special MM REC-1:** 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).

4. **Property Acquisition.:** Property Acquisition. Prior to issuance of a Zoning Clearance 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.

County Rules and Regulations

5. **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.
6. **Rules-23 Processing Fees Required:** Prior to issuance of [LAND USE PERMIT / COASTAL DEVELOPMENT PERMIT / ZONING CLEARANCE / RECORDATION / FILING OF A RECORD OF SURVEY], the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
7. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
8. **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.
9. **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.

- 10. Rules-02 Effective Date-Appealable to CCC.:** 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].
- 11. Rules-03 Additional Permits Required.:** 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.