

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 10/20/2015	(3) CONTACT/PHONE John McKenzie, Senior Planner/ (805) 781-5452	
(4) SUBJECT Request to approve and record a Defense and Indemnity Agreement between the County of San Luis Obispo and Corral De Piedra Land Company for Conditional Use Permit DRC2005-00170 (Cold Canyon Landfill). District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Approve and instruct the Chairperson to sign the Defense and Indemnity Agreement between the County of San Luis Obispo and Corral De Piedra Land Company for Conditional Use Permit DRC2005-00170 (Cold Canyon Landfill), and</li> <li>2. Direct the Clerk to record the signed Agreement.</li> </ol>			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>11/20/2012</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 3			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / John McKenzie, Senior Planner

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: 10/20/2015

SUBJECT: Request to approve and record a Defense and Indemnity Agreement between the County of San Luis Obispo and Corral De Piedra Land Company for Conditional Use Permit DRC2005-00170 (Cold Canyon Landfill). District 3.

## **RECOMMENDATION**

It is recommended that the Board:

1. Approve and instruct the Chairperson to sign the Defense and Indemnity Agreement between the County of San Luis Obispo and Corral De Piedra Land Company for Conditional Use Permit DRC2005-00170 (Cold Canyon Landfill), and
2. Direct the Clerk to record the signed Agreement.

## **DISCUSSION**

The attached Defense and Indemnity Agreement was required as a condition of approval for Conditional Use Permit DRC2005-00170 (Cold Canyon Landfill). The Agreement was required to assure the County that it would be held harmless for the life of the project in the event that a claim was brought against the approved landfill expansion. The attached contract fulfills the intent of Condition of Approval #119, which reads as follows:

119. The applicant shall, as a condition of the approval and use of this conditional use permit, enter into, and maintain for the life of the project, an agreement with the County providing for the defense and indemnification of the County, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve and issue this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The agreement shall provide that the applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of its obligation under this condition.

The approved project, an expansion of the existing Cold Canyon Landfill, includes the following eight primary components:

1. Expanding the disposal area footprint by approximately 46 acres;
2. Increasing the total facility allowable tonnage limit from 1,620 to 2,050 tons per day;
3. Expanding and relocating the Resource Recovery Park to the eastern corner of the site;
4. Expanding and enhancing the Materials Recovery Facility;
5. Constructing a new scalehouse and entrance approximately one-half mile south of the existing entrance on Highway 227;
6. Increasing the operating hours for the Landfill and the Resource Recovery Park (7:00 a.m. to 5:00 p.m.) and the Materials Recovery Facility (7:00 a.m. to 10 p.m., processing only after 5 p.m.);
7. Increasing the staffing levels from 75 to 114; and
8. Other miscellaneous improvements (e.g., relocating fuel tanks, landscaping, replacing equipment maintenance building).

Many of the existing operations at the Landfill continue as they did prior to approval of this expansion.

**OTHER AGENCY INVOLVEMENT**

County Counsel has approved the agreement as to form and legal effect.

**FINANCIAL CONSIDERATIONS**

None.

**RESULTS**

Approving and accepting the Defense and Indemnity Agreement will provide financial protection to the County of San Luis Obispo. The attached agreement is found to be consistent with the County's vision of a safe and well-governed community.

**ATTACHMENTS**

1. Attachment 1 – Defense & Indemnity Agreement