



Board Agenda Item 63

DATE: July 11, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

Daniel C. Cederborg, County Counsel

SUBJECT: Indemnification Agreement with Charles Maxwell

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Indemnification Agreement with Charles Maxwell, as required by a condition of approval of Director Review and Approval Application No. 4465.

ALTERNATIVE ACTION(S):

No viable alternative actions. This action is necessary to satisfy a condition of approval approved by the Board of Supervisors and is necessary in order for the applicant to exercise the approved use permit.

FISCAL IMPACT:

None. The agreement requires the Applicant to pay for costs of defense of legal challenge.

DISCUSSION:

Director Review and Approval (DRA) No. 4465, authorizes operational modifications to an existing, approved commercial horse arena authorized by DRA No. 4112.

The project site is located on the west side of Rusty Spur Lane (a private road), approximately 710 feet south of its intersection with Millerton Road, and approximately three miles east of the unincorporated community of Friant (10925 Rusty Spur Lane) (SUP. DIST. 5) (APN 138-061-49). DRA Application No. 4465 proposed operational modifications of an approved commercial horse arena previously authorized by DRA No. 4112, by increasing the number of authorized event days from twelve per year to twenty-six event days per year, allow event days to occur year-round whereas event days are currently limited to April 1st through September 30th, and increase hours of operation for event days from 8:00 am until 5:00 pm to 8:00 am until 6:00 pm. In all other aspects, the area and use were substantially the same.

At its April 25, 2017 regularly-scheduled hearing, the Board of Supervisors considered an appeal by the Applicant of the Planning Commission's denial of the subject application. At that hearing, the Board, voted four to one to uphold the Applicant's appeal, overturning the Planning Commission's denial, and approved DRA No. 4465 limiting the number of authorized event days to twenty-four.

A condition of approval of DRA No. 4465 proposed by staff and approved by the Board at the Board Hearing requires the applicant, Charles Maxwell, to defend and indemnify the County against any legal challenge filed

against the County related to the project. The agreement recommended for approval by this item will satisfy this indemnification condition of approval.

REFERENCE MATERIAL:

BAI #18 April 25, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk: Indemnification Agreement

CAO ANALYST:

John Hays