

# BOARD OF SUPERVISORS AGENDA LETTER

## Clerk of the Board of Supervisors

105 E. Anapamu Street, Suite 407 Santa Barbara, CA 93101 (805) 568-2240 Agenda Number:

Submitted on: (COB Stamp)

Department Name: Public Works

Department No.: 054 For Agenda Of: 7/11/06

Placement: Administrative

Estimate Time:
Continued Item: NO

If Yes, date from: Vote Required 4/5

**TO**: Board of Supervisors

**FROM:** Department Director: Phillip M. Demery,

Public Works Department 568-3010

Contact Info: Mark Schleich; Deputy Director

Resource Recovery and Waste Management 882-3603

**SUBJECT:** Lease Amendment; Lease Execution, Santa Ynez Valley Recycling and Transfer Station

Third Supervisorial District

County Counsel Concurrence: Auditor-Controller Concurrence:

As to form/legality:  $\boxtimes$  Yes  $\square$  No  $\square$  N/A As to form:  $\boxtimes$  Yes  $\square$  No  $\square$  N/A

#### Recommended Action(s):

Authorize the Chair to execute the Fifth Amendment to the Lease Agreement between the County of Santa Barbara and the Foxen Canyon Landfill Limited Liability Corporation, to extend the term of the lease for an additional ten years with two five years extensions; and

#### **Summary:**

The Fifth Amendment to the Lease Agreement extends the term of the Lease for ten years from July 1, 2006 through June 30, 2016 and defines two option periods of five years each which may be exercised by mutual agreement and executed for the County by the Director of Public Works. This amendment amends the boundaries of the Lease area, grants the County a twenty foot maintenance zone around the perimeter of the Lease area and codifies the County's right to access, maintain and use the existing water well adjacent to the Lease area.

#### **Background:**

Since 1986, the County has operated the Foxen Canyon Landfill per a Lease Agreement (herein the "Lease") with the Foxen Canyon Landfill Limited Liability Corporation on Assessor Parcel Numbers 133-151-074 and -076 which are owned by the Chamberlin family, (herein the "Property"). The Lease has been amended on four occasions to extend the term, amend the Landfill boundaries and most recently to convert the landfill to a full time Transfer Station and Recycling Center.

The environmental impacts associated with operation and closure of the Landfill, operation of the Recycling and Transfer Station, and prior changes to the Lease boundaries were addressed in 90-EIR-14 (Foxen Canyon Landfill Permit Review and Expansion Environmental Impact Report, October 1992), Addendum to 90-EIR-14 (October 24, 1996) and the Final Supplemental EIR (97-SD-02) to 90-EIR-14 (June 1997), all prepared for the Santa Ynez Valley Waste Management Plan.

The Santa Ynez Valley Recycling and Transfer Station has been in operation since 2003. Waste accepted at the Santa Ynez Valley Recycling and Transfer Station which is intended for burial is hauled to the Tajiguas Landfill, and separated recyclables are taken to appropriate markets. Some south coast green waste is hauled to the Santa Ynez Valley Recycling and Transfer Station where it is processed and made available to appropriate markets.

The prior environmental review (90-EIR-14, Addendum to 90-EIR-14, and Final Supplemental EIR [97-SD-02]) conducted for the project site is adequate for the proposed Fifth Amendment to the Lease Agreement.

#### Fiscal and Facilities Impacts:

There is no change in the rent payment provision (5% of gross revenue) between the County and the Foxen Canyon Landfill Limited Liability Corporation regarding the Santa Ynez Valley Recycling and Transfer Station. The Recycling Center and Transfer Station facilities are unchanged, and therefore there are no net fiscal impacts associated with this item.

Budgeted: Yes No

#### Fiscal Analysis

Funding Sources	Current FY Cost:	<b>Annualized Cost:</b>	Total Project Cost
General Fund	\$0.00	\$0.00	\$0.00
State	\$0.00	\$0.00	\$0.00
Federal	\$0.00	\$0.00	\$0.00
Fees	\$0.00	\$0.00	\$0.00
Other:	\$0.00	\$0.00	\$0.00
Other:	\$0.00	\$0.00	\$0.00
Total:	\$ 0.00	\$ 0.00	\$ 0.00

Narrative:

Staffing Impact(s):	Legal Positions:	FTEs:
None		<del></del>

### **Special Instructions:**

1. Original Lease Extension Clerk of the Board Files

2. Duplicate Original Public Works, Attn: Jeff Havlik

3. Minute Order Public Works, Attn: Jeff Havlik

# Attachments: (list all)

Fifth Amendment to the Lease Agreement

Authored by:
J. Jeffery Havlik
Senior Right-of-Way Agent 568-3073

cc: Mark Tautrum John Pet