



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

July 14, 2011

TO: HEARING OFFICER  
ALEX GARCIA

FROM: Rob Glaser *RG*  
Zoning Permits North Section

SUBJECT: **Agenda Item No. 4**  
**PROJECT NO. 89081 – (5)**  
**MINOR MODIFICATION TO CONDITONAL USE PERMIT NO. 89081**

Attached are the Draft Findings regarding the above referenced case.

**DRAFT**  
**FINDINGS AND ORDER OF THE HEARING OFFICER**  
**COUNTY OF LOS ANGELES**

**PROJECT NO. 89081 – (5)**  
**MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 89081**  
**HEARING DATE: July 19, 2011**

**SYNOPSIS:**

The applicant, Waste Connections, is requesting a minor modification of Conditional Use Permit No. 89081, which was approved by the Board of Supervisors on November 21, 2000. The permit authorized the continued use and maintenance of a waste disposal facility in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) zone.

The applicant is requesting modification of condition number 41 to delete the words “gas to energy”. This change will clarify administrative fees on renewable energy generation and will not alter the existing use, condition, size or capacity of the landfill in any matter. The condition, as *currently approved*, reads as follows:

*“41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*

*The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*

*Gas to energy or direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*

*Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41.”*

**With the requested modification, Condition Number 41 would read as follows:**

*“41. The permittee shall pay to the County of Los Angeles a fee equal to ten percent (10%) of the sum of the following:*

*The net tipping fees collected at the landfill (excluding any tipping fees received for waste processed at the materials recovery, recyclable household hazardous waste and composting facilities approved in Conditions 10, 11 and 12), the net tipping fee being the total collected less any other fees or taxes imposed by any federal, state or local agency and included in the fee charged at the landfill entrance;*

*~~Gas to energy~~ Direct gas revenues, less any federal, state or local fees or taxes included in such revenues.*

*Should the County impose a business tax on the landfill revenues, the amount received from the permittee shall be credited against the fees required by this Condition 41.”*

**PROCEEDINGS BEFORE THE HEARING OFFICER:**

July 19, 2011 Meeting Date:

Findings

1. The property is located at 29201 Henry Mayo Drive, in the unincorporated community of Santa Clarita, within the Newhall Zoned District.
2. CUP No. 89081 as approved authorized the continued use and maintenance of a waste disposal facility in the A-2-2 (Heavy Agricultural – Two Acre Minimum Required Lot Area) zone.
3. Modification to Condition No. 41 of CUP No. 89081 is needed to clarify the trigger point for when taxes are due to the County. This change will clarify administrative fees on renewable energy generation and will not alter the existing use, condition, size or capacity of the landfill in any matter.
4. The modification is consistent with the CUP approved in 1989 because the fees being collected will remain as what was expected at the time the CUP was approved.
5. Pursuant to the provisions of Sections 22.56.1620 and subsections A through E of 22.60.175 of the Los Angeles County Code, the community was notified of the application by mail, newspaper and property posting.
6. The number of public notices sent out for the modification request was 96, which included residences within a 1,000 foot radius of the subject property and interest groups from the Newhall Zoned District courtesy list. The number of protests receive during the protest period were 0.
7. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the burden of proof for the conditional use permit as modified has been satisfied as required by Section 22.56.040;
- C. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and
- D. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

AND, THEREFORE, the information submitted by the applicant and presented at the public meeting substantiates the required findings and burden of proof for a modification of conditions for conditional use permit as set forth in Section 22.56.1630 of the Los Angeles County Code.

**HEARING OFFICER ACTION:**

In view of the findings of fact and conclusions presented above, minor modification to Conditional Use Permit No. 89081 – (5) is APPROVED. All other conditions of approval of the original CUP No. 89081 grant remain in effect and unchanged.

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Alex Garcia, Hearing Officer  
Department of Regional Planning  
County of Los Angeles**

c: Hearing Officer, Zoning Enforcement, Building and Safety