



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 18, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Rob Glaser ^{RG}
Principal Regional Planning Assistant
Zoning Permits North Section

**SUBJECT: ADDITIONAL CORRESPONDENCE FOR HEARING
PROJECT NUMBER 03-170 – (5)
CONDITIONAL USE PERMIT NO. 03-170**

**RPC Public Hearing: October 19, 2011
Agenda Item No. 6**

The following attachments were received by staff on October 18, 2011, regarding the above-referenced item:

- Letter dated October 14, 2011, from the applicant's attorney, on behalf of Waste Management of California, Inc, requesting the Regional Planning Commission to reschedule the public hearing to November 16, 2011, to allow additional time for discussion with County representatives and staff.
- Letter dated October 18, 2011, from Jeffery Robinson, an attorney representing Larry Sommerfield, with a letter of opposition to the Lancaster Landfill CUP request.
- Email dated October 18, 2011, from Sue Ann Davidson in opposition of the Lancaster Landfill CUP request.
- Phone call dated October 18, 2011, from D'Andre Vernon in opposition of the Lancaster Landfill CUP request because of increased traffic of trash trucks on the 14 freeway from Los Angeles to Lancaster.
- Phone call dated October 18, 2011, from Alex Trosch in opposition of the Lancaster Landfill CUP request because of the heavy truck traffic on Avenue G.

Andrea K. Leisy
aleisy@rtmmlaw.com

October 14, 2011

Via Electronic & Regular Mail

Rob Glaser
Principal Planner
Zoning Permits North Section
Los Angeles County Dept. of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Re: Lancaster Landfill and Recycling Center (Project No. 03-170-(5)/ CUP No.
03-170) – Request for Continuance

Dear Mr. Glaser:

I am writing on behalf of our client Waste Management of California, Inc. (WM) to request a continuance of the upcoming Planning Commission hearing currently scheduled for October 19th to be rescheduled to November 16, 2011, if at all possible, to allow additional time for discussions with County representatives and staff. Please let me know if you have any concerns with this request or if the County is unable to accommodate this request. Thank you for your consideration.

Very truly yours,



Andrea K. Leisy

cc: Mark Child, Assistant Administrator (via e-mail)
Patricia Keane, Assistant Deputy County Counsel (via e-mail)
Christina Tran, Dept. of Regional Planning (via e-mail)

OCT 17 2011

October 18, 2011

By Email and Courier

Los Angeles County Regional Planning Commission
Attn: Mr. Rob Glaser (rglaser@planning.lacounty.gov)
320 West Temple Street
Los Angeles, CA 90012

Re: Public Hearing October 19, 2011
Project No. 03-170-(5)
Opposition to Proposed Conditional Use Permit

Dear Mr. Glaser:

Robinson & Robinson, LLP represents Mr. Larry Sommerfield, the co-trustee of a property co-owned by his 92-year old mother (the "Sommerfield Property"). The Sommerfield Property is directly adjacent to the Lancaster Landfill and Recycling Center ("Dump"). Mr. Sommerfield opposes the above Conditional Use Permit ("CUP") proposal requested by Waste Management concerning its operations at the Dump. Mr. Sommerfield and I appeared at the Lancaster town hall meeting on July 21, 2011 and expressed opposition to the CUP for multiple reasons. The CUP would have the effect of unnecessarily extending Dump operations for 30 years, and of drastically increasing Dump operations. The CUP will be considered by the Los Angeles County Regional Planning Commission ("Commission") at the public hearing set for October 19, 2011. Mr. Sommerfield and I each request the opportunity to speak at the hearing. The CUP should be **denied** at that hearing.

Background

The Sommerfield Property is a 5-acre undeveloped parcel bordering the west edge of the Dump. The property has been co-owned by the Sommerfield family since the early 1950's. Over the years, what was originally conceived as a limited "sanitary landfill" (a "simple low intensity local use," according to the 2007 Staff Report prepared by the Department of Regional Planning) has morphed into a giant, ever-expanding trash mountain with no end in sight. The proposed CUP unreasonably interferes with the use and enjoyment of the Sommerfield Property.



The owners of the Sommerfield Property have been unable to sell it or realize any value. The CUP has the effect of substantially impairing and taking the Sommerfield property. The proponents of the CUP have not met their burden of proof that the CUP meets applicable requirements. The applicable agencies have not met their obligations in evaluating the CUP. The CUP should be denied as inconsistent with the applicable planning guidelines. In addition, it is unsound and unwarranted from environmental, legal, and public policy perspectives.

The Dump CUP Improperly Takes The Sommerfield Property As Part of A Buffer Zone

The Staff Analyses (2007 and 2011) prepared by the Department of Regional Planning note that “appropriate buffering techniques” are to be used in meeting the Antelope Valley Areawide General Plan. The analyses note that the project “is in a remote area buffered by vacant land.” The analyses further note that the “surrounding land uses to the north, south, east and west are vacant land.” The “vacant land” contemplated by this buffer usage is fundamentally different from the fire and flood easements within the Dump stated in the mitigation measures. The CUP sacrifices the properties adjacent to the Dump (including the Sommerfield Property) as a buffer zone to allow the Dump’s operations in the area. It is not fair to convert the adjacent vacant land into a buffer zone for the project. In addition, as a practical matter, any reasonable development within the buffer zone is effectively prevented. The Sommerfield Property is vacant land which is being effectively taken for use as a buffer zone. The CUP should be denied. Alternatively, compensation must be paid for the acquisition of the Sommerfield Property. (Attached as Exhibit 1 is a photograph of the Dump showing a portion of the buffer zone in the approximate area of the Summerfield Property.)

Need for the Accelerated Use Is Unjustified and Unsubstantiated

The Dump is not operating at capacity even under the current CUP. Usage of the Dump has declined in recent years. There is no present or future need to accelerate the use of the Dump. There is no meaningful analysis of these factors. Since the Dump is not even being used at current capacity, there is no need to increase capacity.

No Analysis of Allowing the Dump to Expire

At the town hall meeting in August, Mr. Sommerfield and I complained that there had been no meaningful analysis of the option of allowing the current CUP to expire and Dump operations to cease. No such analysis has been done. Usage at the Dump is down from previous years’ highs and could go lower. According to the Staff’s own figures, approximately two thirds of the Dump capacity is being used for areas outside Lancaster. There is a nearby landfill in Palmdale that appears to have capacity for all of Lancaster’s local uses. No meaningful data have been collected or analyzed concerning this option, so



no proper evaluation could be done.

The Agency and Private Operator Are Using The CUP As A Trojan Horse With The Undisclosed, Unstated Objective of Creating A Permanent, Ever-Expanding Landfill With No Closure Date

Since no effective closure date has been fixed, identified, meaningfully discussed or even evaluated, it is apparent that the agency and operator have effectively created a permanent, ever-expanding landfill designed primarily to take trash from other areas and dump it in Lancaster. No 30-year extension should be considered when there is no projected need that far into the future. This is a mere rubber stamp for 30 years of continuing dumping. The proposed CUP is inherently inconsistent. On the one hand, the CUP proposes to extend Dump operations for thirty years. On the other hand, it proposes to allow accelerated operations—double or triple the current level, which would result in filling the site much earlier. If accelerated Dump operations were needed, the lifespan of the Dump should be reduced accordingly, with a fixed cut-off date. The purpose of the proposal is merely a pretext for another in a series of never-ending expansions and extensions of the Dump.

The Dump Inhibits Local Expansion and Development

The CUP sacrifices local needs and development for regional trash dumping. There is a reason why the area surrounding the Dump is vacant land: the Dump has created a dead zone where no one wants to develop. The 2007 Staff report noted the mandatory criteria that “Regional need should not outweigh the impact on the community.” The CUP violates these criteria.

Failure to Consider Impacts On Adjacent Property and Local Development

The Commission fails to consider the impact on the adjacent and local properties, and the adverse impacts of on local development.

Accelerated Visual Pollution and Other Items

The largest structure in the Antelope Valley appears to be the trash mountain created by the Dump. There has been no adequate consideration of alternatives such as burying the trash, and keeping the valley floor level.

Effect on Health of Lancaster Area Residents

No adequate consideration has been given to health and welfare of Lancaster area residents. The Dump site appears to be used for open air storage of one or more large piles of discarded materials, with undisclosed health risks. (See Exhibit 2, showing open air storage pile on Dump grounds.) The Dump operator and planning agency have not tested for seepage, leakage, and leaching from the Dump to the surrounding properties. After



decades of operations at the location, the operator should be required to test ground and water samples in the buffer area properties to confirm its representations that the health and welfare of the Lancaster residents and property owners is not being adversely affected by the Dump, and that the situation will not be worsened by the proposed CUP.

Unexplained Activity in Buffer Zone Including Grading and Discolored Vegetation

A recent inspection of property in or around the Lancaster Property disclosed a bulldozed cut or graded swale adjacent to the Dump. (See Exhibits 3, 4 and 5.) The vegetation in this cut appears discolored. The Dump operator has not given any explanation as to what activity it has undertaken in the buffer zone, including the Lancaster Property, nor whether its employees have engaged in bulldozing, grading, treatment of vegetation, or other operations outside the Dump.

Failure to Consider Alternatives

The Commission has failed to meaningfully gather data and evidence concerning one or more alternatives (including but not limited to the alternative of letting the CUP expire) and has not selected the most environmentally appropriate alternative. For years, public comment has been against the proposed expansion and commenters have decried the Dump. One commenter stated: "I feel that this is an egregious abuse of Antelope Valley. We have been a dumping ground for decades for many other things and this has got to stop here and now." The Commission and operator have not planned for potential alternatives, making it impossible to meaningfully consider such alternatives at the present time.

No Meaningful Exploration of Option of Other Remote Locations

The Dump is near a population center in Lancaster. At the Lancaster town hall meeting, it was mentioned that the landfill in the LaPuente area is being closed in the immediate future, and that trash now being sent to the La Puente location will be sent by rail to a remote location away from a population center. If the out-of-area trash now being sent to the Lancaster Dump (which is at least two thirds of the total) were sent to that remote location, there would be no claim for any CUP expansion. There has been no adequate explanation or consideration of this option.

Failure to Consider Factors Identified In Staff's 2007 Report

The Commission has failed to gather the data necessary to evaluate or meaningfully consider multiple items deemed important in its 2007 Staff report. For instance, and without limitation, the Commission has failed to follow its 2007 Staff report recommendations for evaluation of plan consistency: "...further definition of the subject landfill capacity and permanent closure date, may assist the Commission in making a final consistency determination."

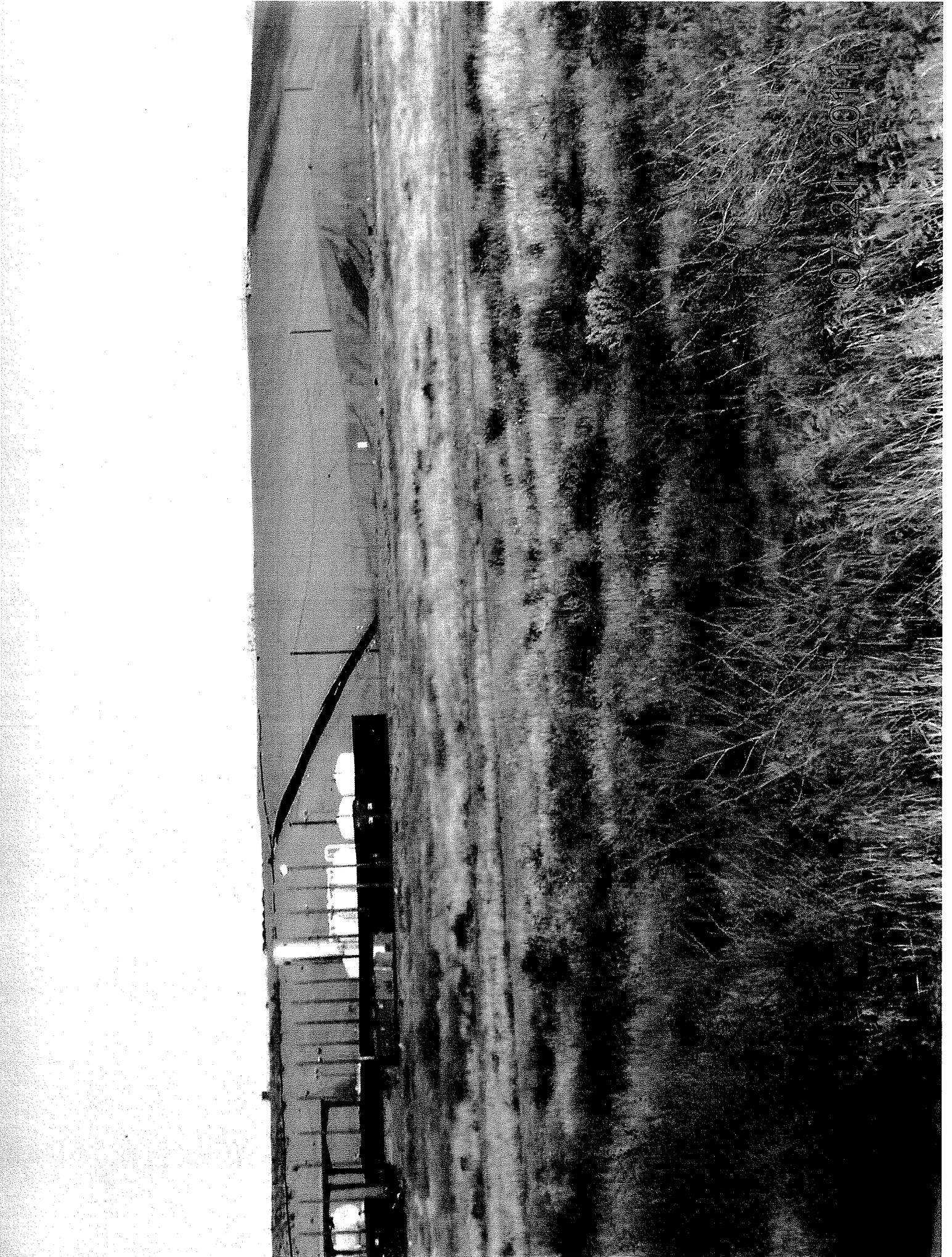


Mr. Rob Glaser
Los Angeles County Department of Regional Planning
Opposition of Larry Sommerfield to CUP 03-170-(5)/Public Hearing October 19, 2011
October 18, 2011
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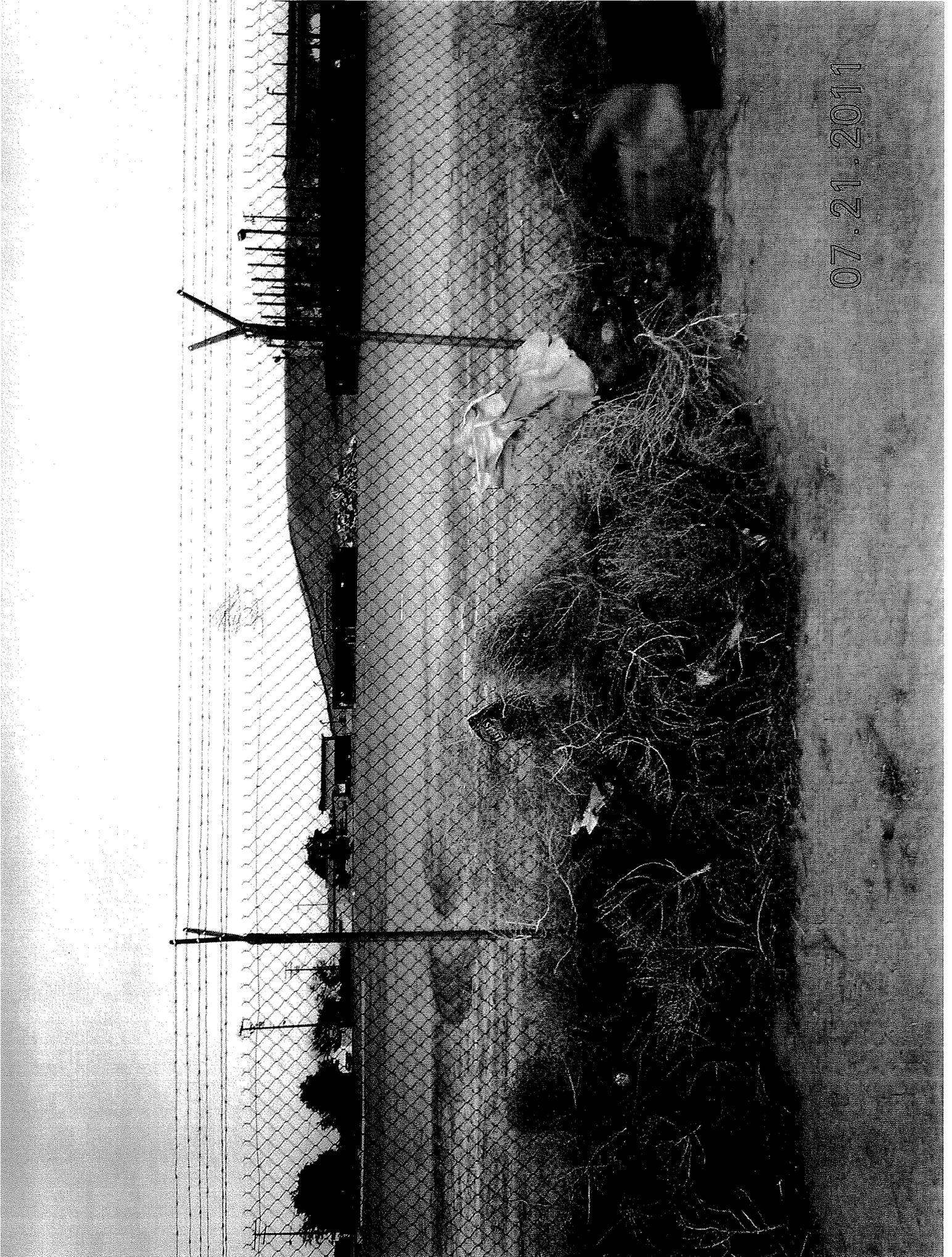
The proposed CUP should be denied.

Sincerely,

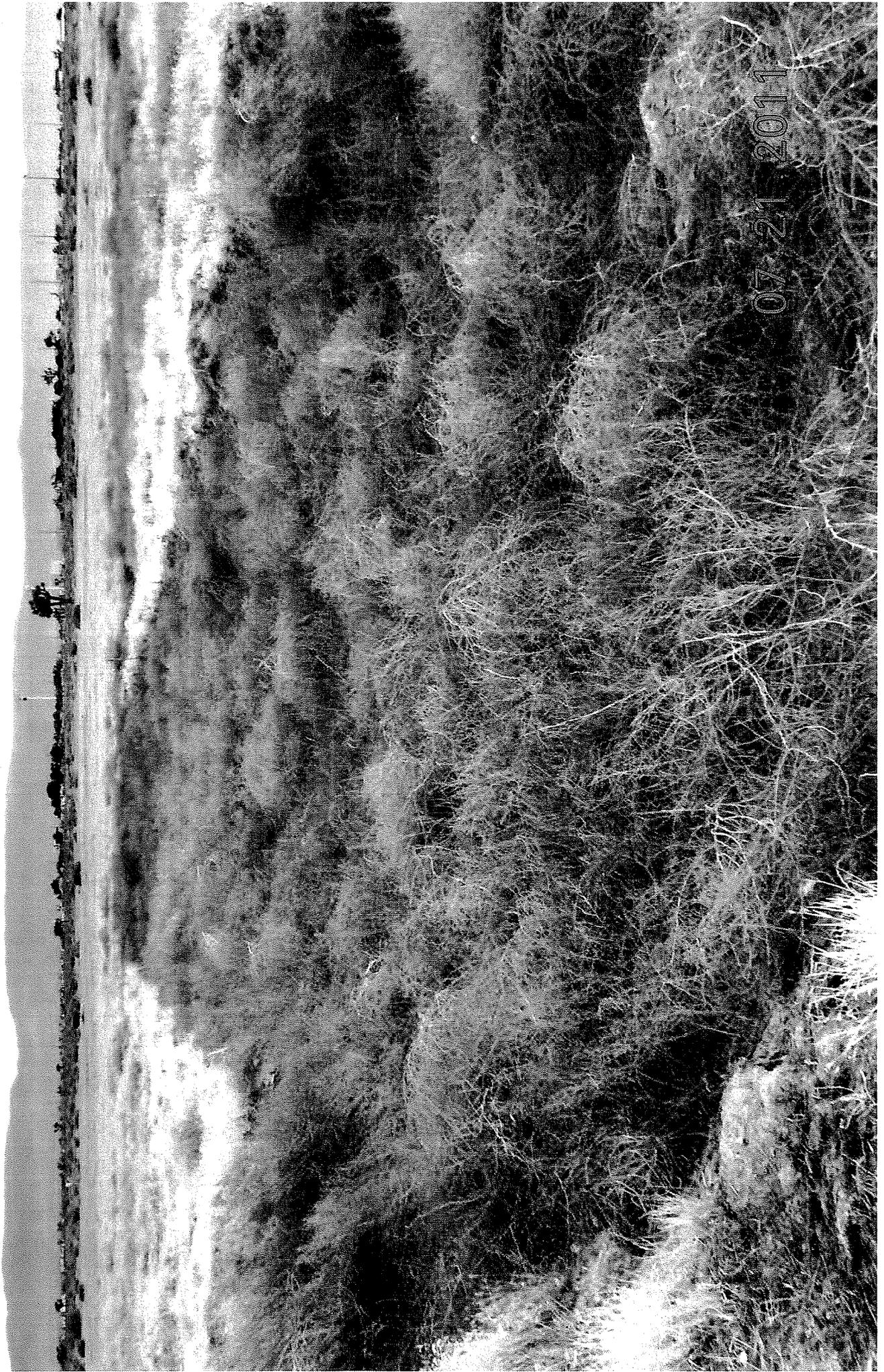
Jeffrey A. Robinson



07-21-2011

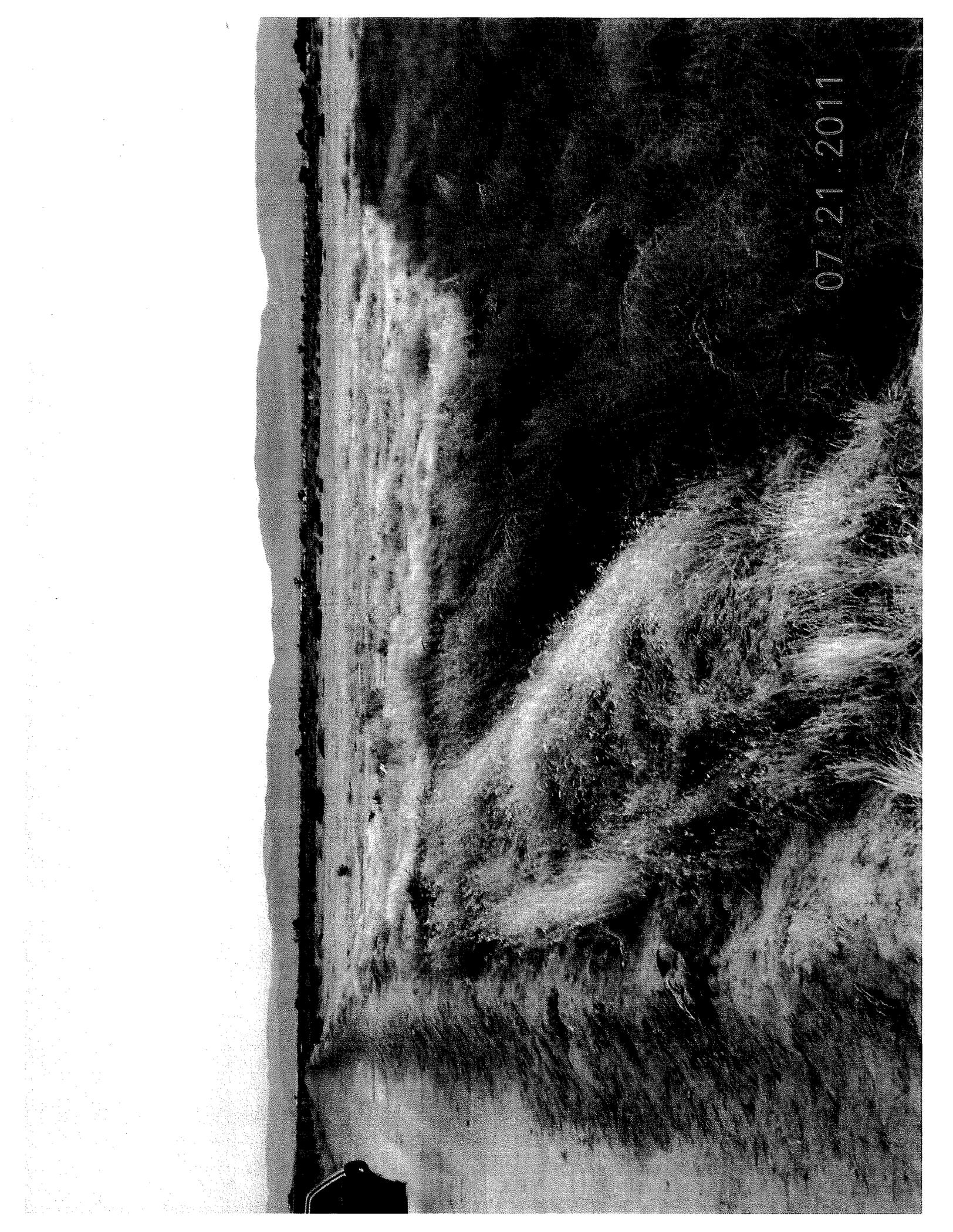


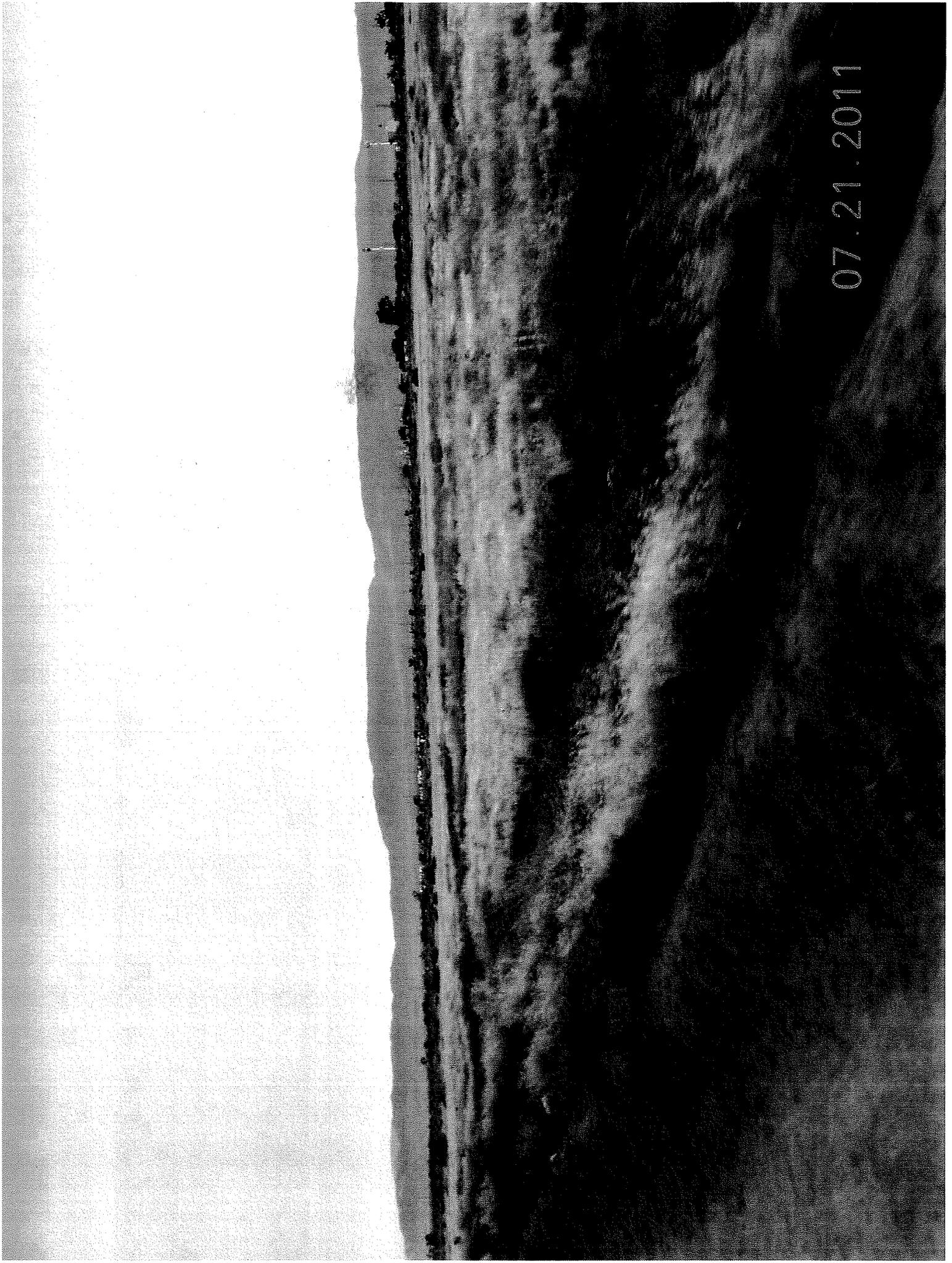
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Glaser, Rob

From: Barbara L. Dawson [BDawson@rrlawyers.com]
Sent: Tuesday, October 18, 2011 1:43 PM
To: Glaser, Rob
Cc: Jeffrey A. Robinson
Subject: Opposition to Lancaster Landfill CUP 03-170-(5) & Public Hearing 10.19.2011
Attachments: Letter to R. Glaser Opposition to Landfill CUP.10.18.2011.pdf

Dear Mr. Glaser:

Mr. Robinson had trouble sending the attached opposition letter due to its size.

Below is language from Mr. Robinson's email to Mr. Glaser:

"On Behalf of Mr. Larry Sommerfield, attached please find the written opposition to the proposed CUP Project. No. 03-170-(5) for the "Lancaster Landfill and Recycling Center."

The original will be hand delivered to your office later today.

I request time for Mr. Sommerfield and myself to address the Regional Planning Commission at the public hearing set for October 19, 2011.

Please contact me if you have any questions.

Jeff Robinson"

Thank you,
Barbie Dawson,
Assistant to Jeffrey A. Robinson



Barbara L. Dawson
Robinson & Robinson, LLP
2301 Dupont Drive, Suite 530
Irvine, CA 92612
Phone: 949.752.7007
Fax: 949.752.7023

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Glaser, Rob

From: L. E. Davidson [ls-davidson@sbcglobal.net]
Sent: Tuesday, October 18, 2011 11:43 AM
To: Glaser, Rob
Cc: JIMCHRRYA@aol.com; bluearrow@verizon.net; 'Hal Nelson'
Subject: 3175 002 004 Property next to Waste Management Landfill Ave 4F

The first email did not go through, trying again...

Dear Mr. Glaser,

I am writing in behalf of my mother, Jane Sommerfield who is half owner of the property on Ave 4F Assessor's ID # 3175 002 004, right next to Waste Management's Landfill.

I did not make it to the Town Hall Meeting on July, 21, 2011, however I have been told that my brother, Larry Sommerfield did attend.

I have also been notified that my brother opposed the increased dumping at the landfill which is adjacent to our mothers property.

It is my understanding Larry Sommerfield talked to Waste Management to see if they would purchase the property that is owned by my mother and her two nieces, Chris Stoddard and Chris' sister Debbie.

With the last two days or so I been notified that Waste Management has not responded to Larry with negotiations to purchase the property.

This is to notify you that I oppose the increased dumping at the landfill next to property 3175 002 004.

I am also copying my cousins on this email.

Best Regards,

Sue Ann Davidson
LS-davidson@sbcglobal.net
714-283-0215