

December 29, 2009

TO: Paul McCarthy
Hearing Officer

FROM: Donald Kress
Land Divisions Section

**SUBJECT: JANUARY 5, 2010 HEARING OFFICER MEETING
PROJECT NO. 03-079 – (5)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE
NO. 200600136
30501 BOUQUET CANYON ROAD**

Pursuant to Section 22.56.1600 of the Los Angeles County Code (“County Code”) Zoning Ordinance (Conditional Use Permits—Modifications or Elimination of Conditions), the project applicant has requested to modify Condition Nos. 42, 43, 44, 45, and 46 of Conditional Use Permit (“CUP”) Case No. 200600136, which was approved July 24, 2007, to ensure compliance with hillside management design review criteria pursuant to Section 22.56.215(D)(2b) of the County Code to allow a shared water well. The CUP was approved with Tentative Parcel Map No. 27121, a related request to create four single-family lots on 28.69 gross acres.

Condition No. 42, as currently approved, read as follows:

The owner of the lot that contains the shared well shall agree to ensure a continuous flow of water to all properties that share the well.

With the requested modification, the applicant is revising and adding the following to Condition No. 42, and it would read as follows:

~~The owner of the lot that contains the shared well~~ covenant shall state that the owner of the shared water well shall agree to ensure a continuous flow of water to all properties that share the well.

Condition No. 43, as currently approved, read as follows:

The owner of the lot that contains the shared well and/or the permittee shall submit a bacteriology report to the County Department of Public Health every

**HEARING OFFICER MEMO
MINOR MODIFICATION TO CUP 200600136**

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three years following the approval of the shared well, prepared by a civil engineer, registered engineering geologist, or a certified hydrologist with hydrology-related experience, describing the quality for the water from the shared wells. The permittee shall provide a copy of this report to the Department of Regional Planning

With the requested modification, the applicant is revising and adding the following to Condition No. 43, and it would read as follows:

~~The owner of the lot that contains the shared well~~ covenant shall state that the owner of the shared well and/or the permittee shall submit a bacteriology report to the County Department of Public Health every three years following the approval of the shared well, prepared by a civil engineer, registered engineering geologist, or a certified hydrologist with hydrology-related experience, describing the quality for the water from the shared wells. The owner of the shared water well and/or permittee shall provide a copy of this report to the Department of Regional Planning.

Condition No. 44, as currently approved, read as follows:

The owner of the lot that contains the shared well and/or permittee shall submit a report to the county Department of Public Health every three years following the approval of the shared well, prepared by a California-registered geologist or registered engineer holding a valid Class A general engineering contractor C-57 or C-61 (D-21) license, certifying that the shared water well is fully operational.

With the requested modification, the applicant is revising and adding the following to Condition No. 44, and it would read as follows:

~~The owner of the lot that contains the shared well~~ covenant shall state that the owner of the shared water well and/or permittee shall submit a report to the county Department of Public Health every three years following the approval of the shared well, prepared by a California-registered geologist or registered engineer holding a valid Class A general engineering contractor C-57 or C-61 (D-21) license, certifying that the shared water well is fully operational.

Condition No. 45, as currently approved, read as follows:

The owner of the lot that contains the shared well has agreed that each owner of a lot that will share the well has agreed to ensure that the water from the shared

water well will be used exclusively to serve those dwelling unites described in this application for a shared well.

With the requested modification, the applicant is correcting, revising, and adding the following to Condition No. 45, and it would read as follows:

~~The owner of the lot that contains the shared well has agreed~~ The covenant shall state that each owner of a lot that will share the well has agreed to ensure that the water from the shared water well will be used exclusively to serve those dwelling unites described in this application for a shared well.

Condition No. 46, as currently approved, read as follows:

The applicant will obtain all necessary permits and approvals from the county Departments of Public Health, Fire, and Public Works.

With the requested modification, the applicant is adding the following to Condition No. 46, and it would read as follows:

The applicant covenant shall state that the permittee will obtain all necessary permits and approvals from the county Departments of Public Health, Fire, and Public Works.

The purposes of the requested modification are to allow the owner of the shared water well, and not the owner of the lot the shared water well is on, responsible for certain actions related to the shared water well; to clarify that these conditions must be included in a covenant; and to correct a typographical error.

Pursuant to Section 22.56.1630 of the County Code, the Hearing Officer shall approve an application to modify any condition of a previously approved conditional use permit only when not more than one protest to the application is received within the specified comment period and only when the information submitted by the applicant substantiates the required findings. Staff did not receive any letters of opposition to the subject proposal. The information submitted by the applicant substantives the required findings:

1. That the burden of proof for the CUP as modified has been satisfied as required by County Code Section 22.56.040, which requirements are state in (A) through (C) below:
 - A. That the requested use at the location will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate; and
 2. By other public or private service facilities as are required;
2. 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 CUP; and
 3. That the approval of the application is necessary to allow the reasonable operation of the use granted in the CUP.

Consequently, staff recommends **approval** of this minor modification request.

SMT:dck
12/29/09

ATTACHMENTS: Draft findings

**PROJECT NO. 03-079 - (5)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 200600136
DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

HEARING OFFICER MEETING DATE: January 5, 2010

SYNOPSIS:

The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") Case No. 200600136 to authorize modification of Condition Nos. 42, 43, 44, 45, and 46 of the approved CUP. The modification request consists of making the owner of the shared water well, and not the owner of the lot the shared water well is on, responsible for certain actions related to the shared water well; clarifying that these conditions must be included in a covenant; and correction of a typographical error. The subject property is located at 30501 Bouquet Canyon Road, in the Bouquet Canyon Zoned District.

PROCEEDINGS BEFORE THE HEARING OFFICER:

January 5, 2010 Public Meeting

Findings

1. The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") Case No. 200600136 to authorize modification of Condition Nos. 42, 43, 44, 45, and 46 of the approved CUP. The modification request consists of making the owner of the shared water well, and not the owner of the lot the shared water well is on, responsible for certain actions related to the shared water well; clarifying that these conditions must be included in a covenant; and correction of a typographical error.
2. The 28.69-acre subject property is located at 30501 Bouquet Canyon Road, in the Bouquet Canyon Zoned District.
3. Zoning on the site is A-1-1 (Light Agricultural - One Acre Minimum Required Lot Area) zone.
4. The surrounding properties are zoned as A-1-1 to the north, south, east, and west.
5. Surrounding land uses within 500 feet of the subject property include single-family residences to the east and south, vacant property to the west, and the Angeles National Forest to the north of the subject property.
6. The subject property is depicted within the Hillside Management land use category of the Santa Clarita Valley Area Plan ("SCVAP"), a component of the Los Angeles Countywide General Plan. Density in this category is determined by slope. The

density of 0.14 dwelling units per acre, resulting from the four single-family parcels approved by Tentative Parcel Map No. 27121 ("PM 27121"), is allowed under the SCVAP.

7. Modification of the conditions as proposed will allow the applicant to process the required shared water well documentation without requiring additional commitments from offsite property owners for any work within existing easements.
8. The applicant proposed a shared water well as a water source for the subdivision approved by PM 27121. The applicant applied for a CUP for shared water wells before Los Angeles County Code ("County Code") Section 22.56.1764, Director's Review—Shared Water Wells, went into effect. The CUP was conditioned to meet all requirements for shared water wells specified in the Director's Review.
9. This project was determined by the Los Angeles County Department of Regional Planning ("Regional Planning") to be included within the analysis of the Mitigated Negative Declaration approved with PM 27121 and CUP 200600136 on July 24, 2007.
10. On November 30, 2009, 25 notices were mailed out to property owners within 1,000 feet of the subject property. The notice was published in the The Signal on December 4, 2009 and in La Opinion on December 5, 2009. Staff received verification that the subject property was posted with a notice of the proposed CUP modification on November 28, 2009.
11. No correspondence was received within the required comment period of 15 days from receipt of the notice, which was by December 17, 2009.
12. 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 Regional Planning, 13th 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 Land Divisions 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 requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;

- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. That the burden of proof for the CUP as modified has been satisfied as required by County Code Section 22.56.040;
- F. 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 CUP; and
- G. That the approval of the application is necessary to allow the reasonable operation of the use granted in the CUP.

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 to conditional use permit as set forth in Section 22.56.1630 of the County Code.

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that this project is included within the Mitigated Negative Declaration approved with PM 27121 and CUP 200600136 on July 24, 2007.
- 2. In view of the findings of fact and conclusions presented above, Minor Modification to Conditional Use Permit Case No. 200600136 is APPROVED subject to the attached conditions.

Action Date: January 5, 2010

SMT:dck
12/29/09



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The requested use of the shared well will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or value of properties adjacent to the properties where the shared well is located because it has its own easement road access from bouquet canyon road.

the use of the sharedwell will not jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare because it has it's own pump, and electrical service.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

Access to the shared well would only be facilitated for maintenance and testing of the shared well and is accessible to each property owner who is to be served by the well facilitated by a dirt easement passable dirt road located off of a main throughway, bouquet canyon road accessible with each property, by existing and proposed, recored document, of the proposed minor land division.

This easment is not a through road and would only be used for well maintenance.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

Access to the shared will is from a major thoroughfare on a dirt road, vehicle passable easement, that is not restricted nor, would it serve any kind of through traffic; it dead ends to another property.

The well is serviced with its own plumbing, pump and electrical service.