
ZONING & LAND USE - CALIFORNIA

Hauser v. Ventura County Board of Supervisors

Court of Appeal, Second District, Division 6, California - February 20, 2018 - 20 Cal.App.5th 572 - 229 Cal.Rptr.3d 159 - 18 Cal. Daily Op. Serv. 1594 - 2018 Daily Journal D.A.R. 1623

Landowner petitioned for writ of administrative mandate, challenging denial of conditional use permit (CUP) to keep up to five tigers on her property. The Superior Court denied petition. Landowner appealed.

The Court of Appeal held that:

- Evidence was sufficient to support finding that landowner failed to establish that proposed use of property was compatible with planned uses in the general area, and
- Even if zoning board members violated county's administrative policy manual through prehearing contacts concerning petition, this was insufficient to show bias against landowner.

Evidence was sufficient to support finding that landowner failed to establish that proposed use of her property, that of keeping up to five tigers, was compatible with planned uses in the general area, as would support denial of conditional use permit (CUP) for proposed use; there were 57 residential lots within half a mile of property, landowner's claim that she had unblemished safety record with tigers was belied by a video showing tigers roaming freely in backyard of landowner's other property, and landowner's only formal training with tiger safety was an eight-day class which had no written exam and no required reading.

Even if zoning board members violated county's administrative policy manual through prehearing contacts concerning landowner's petition for conditional use permit (CUP) to allow landowner to keep tigers on her property, this was insufficient to show bias against landowner, where board members did not promise to vote in a particular way, and board members complied with policy manual by disclosing the contacts.

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