

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - CALIFORNIA

City of Hesperia v. Lake Arrowhead Community Services District

Court of Appeal, Fourth District, Division 1, California - July 19, 2019 - Cal.Rptr.3d - 2019 WL 3242974 - 19 Cal. Daily Op. Serv. 6998 - 2019 Daily Journal D.A.R. 6755

City brought action against community services district, seeking writ of mandate and declaratory and injunctive relief, alleging that district's solar energy project was beyond the scope of its authority and the project violated zoning ordinances.

The Superior Court granted the petition for writ of mandate in part. District appealed.

The Court of Appeal held that:

- Exception applied to absolute exemption from city's zoning ordinances, and
- Qualified exemption from city's zoning ordinances did not apply.

Electrical-energy-production exemption from city's zoning ordinances applied to community services district's solar energy project, despite city's contention that exemption did not apply because project was not integral to district's authorized operations; exemption was based on purpose of proposed facilities, not purpose of district developing proposed facilities.

Electrical-energy-transmission exception applied to electrical-energy-production exemption from city's zoning ordinances, and thus zoning ordinances applied to community services district's solar energy project; even if exemption may have never applied to facilities for production of electrical energy, because some mechanism of conveying energy would always be required, according to agreement between district and electric company, district was planning to "export electrical energy" to electrical grid distribution system, and district was responsible for making necessary arrangements for "delivery of electricity."

Community services district's finding that there was no feasible alternative to installing solar farm at any other location was not supported by substantial evidence, and thus qualified exemption from city's zoning ordinances did not apply to district's solar energy project; administrative record did not contain any evidence of an alternative location for project, so record necessarily did not contain any evidence of economic, environmental, social, or technological factors associated with an alternative location, and evidence indicating that location was "prime" and was in "excellent" solar region merely supported a finding that project site was good location for project.