

Bond Case Briefs

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ENVIRONMENTAL - CALIFORNIA

King and Gardiner Farms, LLC v. County of Kern

Court of Appeal, Fifth District, California - February 25, 2020 - Cal.Rptr.3d - 2020 WL 913788 - 20 Cal. Daily Op. Serv. 1691 - 2020 Daily Journal D.A.R. 1786

Farm company and environmental organizations filed separate petitions for writ of mandate and complaint for declaratory and injunctive relief against county, naming oil associations as real parties in interest and alleging that ordinance facilitating oil and gas exploration, drilling, and production violated California Environmental Quality Act (CEQA) and State Planning and Zoning Law.

Actions were consolidated. Following trial, the Superior Court found environmental impact report (EIR) was deficient in analyzing environmental impacts of ordinance on rangeland and of road paving mitigation measure, but denied all other CEQA claims, and issued judgments. Petitioners appealed.

The Court of Appeal held that:

- EIR improperly deferred formulation of mitigation measures for water supply impacts;
- EIR improperly delayed implementation of mitigation measures for water supply impacts;
- Insufficient evidence supported county's implied finding that all feasible measures to mitigate water supply impacts had been adopted;
- County's failure to disclose specific information about mitigation measures and extent of water supply impacts prejudicially violated CEQA;
- Purported mitigation measures for conversion of agricultural land would not render impacts of ordinance insignificant;
- EIR insufficiently responded to comments proposing clustering of oil and gas infrastructure; and
- Standard of whether ambient noise would increase beyond maximum in general plan due to ordinance was inadequate threshold of significance.