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Cacerf Norco, LLC. v. City Of Norco

Court of Appeal, Fourth District, Division 2, California - July 24, 2013 - Not Reported in Cal.Rptr.3d - 2013 WL 3836233

Plaintiff CACERF Norco, LLC (CACERF) is the owner of 428 acres in the City of Norco. It filed a declaratory relief/inverse condemnation action against the City and the City Council, contending that changes in the City's general plan and zoning ordinances resulted in a taking of CACERF's property under the Fifth and Fourteenth Amendments. CACERF plead that the City's rezoning resulted in an unconstitutional taking of the property because it deprived CACERF of all beneficial and productive use of the property.

The court stated that CACERF's facial challenge must fail. "In looking at the text of both the general plan amendment and the implementing zoning ordinance, CACERF is not denied economically viable uses of its land. There is nothing on the face of the general plan amendment or ordinance which denies CACERF an economically beneficial or productive use of its land. Here, the preservation and development zone allows for planned mixed use commercial/office park projects, planned recreational projects, and planned resort projects. On its face, CACERF is not deprived of economically viable uses of its land. The fact that the uses may not be those that CACERF desires, or uses from which it can maximize its investment, is beside the point. The general plan amendment and zone change simply do not facially result in a taking of CACERF's land under the Fifth Amendment."