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ENVIRONMENTAL - CALIFORNIA

Protect Agricultural Land v. Stanislaus County Local Agency Formation Commission

Court of Appeal, Fifth District, California - January 28, 2014 - Cal.Rptr.3d - 2014 WL 308137

Objector filed petition for writ of mandate challenging county local agency formation commission's (LAFCO) compliance with California Environmental Quality Act (CEQA) and Reorganization Act in approving city's application for modifications to city's sphere of influence and annexation of 960 acres. The Superior Court, Stanislaus County, granted judgment on pleadings for LAFCO and city without leave to amend. Objectors appealed.

The Court of Appeal held that:

- Evidence supported finding that no good cause existed for objector's failure to comply with summons and publication requirements, and
- Summons and publication requirements applied to objector's CEQA claim.

A LAFCO annexation determination is quasi-legislative and, before the annexation is completed, i.e., final, may be challenged by a petition for a writ of ordinary mandamus.

Once a county LAFCO annexation determination is completed, its validity may be challenged only by an in rem proceeding under the validating statutes or by a quo warranto proceeding filed by the Attorney General.

Trial court's finding that no "good cause" existed for objector's failure to comply with the summons and publication requirements applicable to a reverse validation action in filing a petition for writ of mandate challenging was supported by substantial evidence, including evidence that the information that challenges to certain LAFCO decisions must be pursued as reverse validation actions appeared in the guide to the Reorganization Act produced by the California LAFCO and in many treatises about California land use litigation.