
ZONING & PLANNING - CALIFORNIA

JCCrandall, LLC v. County of Santa Barbara

Court of Appeal, Second District, Division 6, California - October 29, 2024 - Cal.Rptr.3d - 2024 WL 4599704

Servient tenement owner petitioned for writ of administrative mandate challenging county's grant of conditional use permit to lessor of dominant tenement estate to cultivate cannabis on property, which required lessor to use easement over servient owner's land to access dominant tenement property.

The Superior Court, Santa Barbara County, denied petition. Servient owner appealed.

The Court of Appeal held that:

- Trial court's application of its independent judgment was proper standard of review;
- California statute providing that cannabis cultivation and transportation were legal in California was preempted by federal Controlled Substances Act; and
- Owner of servient tenement estate could not be forced to allow his property to be used to transport cannabis.

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