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EMINENT DOMAIN - CALIFORNIA

Benedetti v. County of Marin

Court of Appeal, First District, Division 4, California - August 29, 2025 - Cal.Rptr.3d - 113 Cal.App.5th 1185 - 2025 WL 2490638 - 2025 Daily Journal D.A.R. 8513

Landowners filed petition for writ of mandate and complaint for declaratory relief against county, alleging that amended coastal program requirement that condition for constructing residential units in agriculturally-zoned lands in coastal zone, requiring landowners to record restrictive covenant in county's favor that would ensure owners of units would be engaged in agriculture, was facial unconstitutional condition and violated their due process rights.

The Superior Court, Marin County, denied petition and complaint. Landowners appealed.

The Court of Appeal held that:

- Challenge could proceed as facial Nollan/Dolan unconstitutional conditions claim;
- Restrictive covenant condition had the necessary nexus to government's land use interest;
- Restrictive covenant condition was proportional to each landowners' impact on land-use interest; and
- Landowners' due process rights were not violated.

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