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Appellate Court Rules San Diego County Must Vacate Approvals of Hoskings Ranch Subdivision Plan

Court finds San Diego County erred in approving subdivision of ranchland near Julian

San Diego – Late last week, California’s Fourth District Court of Appeal published a decision that reverses a Superior Court ruling in *Cleveland National Forest Foundation et al. v. County of San Diego*. The July 25th decision held that San Diego County officials acted wrongly when they approved a map for the subdivision of the 1,400-acre Hoskings Ranch near Julian. The court found the subdivision would have set the stage to replace ranching with residential development on the property, all while allowing the property owner to enjoy tax breaks intended to keep the land in agriculture.

“This decision is an important victory in the long effort to protect San Diego County’s agricultural land and open space from sprawling development,” said Cleveland National Forest Foundation Director Duncan McFetridge. “Over the years, the county has repeatedly sided with developers to promote growth in our fragile forests and ranchlands. This decision is a clear rebuke to the county’s approach.”

At issue in this case was San Diego County’s interpretation of state law designed to protect agricultural lands from development and to support agriculture as a financially viable land use. Under the Williamson Act, agricultural landowners can enter into a contract with the county to reduce the landowner’s property tax burden in exchange for a commitment to maintaining agricultural uses on the land for at least the next 10 years. The contracts renew perpetually until a landowner indicates that they would like to leave the agreement.

The companion Subdivision Map Act sets the terms under which land under a Williamson Act contract can be divided into parcels and sold for development. Specifically, it requires that subdividing Williamson Act land must “not result in residential development not incidental to the commercial agricultural use of the land.” The court found that San Diego County’s approval of the plan to allow Genesee Properties to subdivide Hoskings Ranch into 40-acre ranchettes violated the Map Act.

The court’s decision noted, “The practical effect of the tentative map [for the Hoskings Ranch subdivision] is to permit Genesee to prepare its land for future residential development that is not tied to the commercial agricultural use, while still giving it the preferential tax treatment for owners who are supposed to be engaged in purely agricultural or compatible uses.” The court also found that, “...if residential development

proposed by a tentative map has no relation to or is unnecessary for the commercial agricultural use, the law mandates that the local body deny tentative map approval.”

The residential use proposed for Hoskings Ranch, the court found, lacked the required relationship to agriculture, making the subdivision illegal. San Diego County must now vacate its approval of the tentative map for the proposed Hoskings Ranch subdivision, which will prevent the project from moving forward.

This recent decision is yet another clear rebuke of San Diego County’s deficient approach to land use planning, and a reminder that the county must adhere to state land use laws.

The appellate court’s published decision means that its finding in this case may be cited in future court cases with similar facts. Local governments across the state must also now follow the court’s ruling when evaluating proposed subdivisions of land under Williamson Act contract. “This decision sends a signal to jurisdictions throughout California that they must comply with state laws designed to keep agricultural land in agricultural use,” noted attorney Gabriel Ross of Shute, Mihaly & Weinberger LLP, who represented Cleveland National Forest Foundation in the case.

Background

Land use advocates have been pressing San Diego County to protect its agricultural preserve lands from subdivision and sprawl-style development for more than 20 years. Groups like the Cleveland National Forest Foundation and Save Our Forests and Ranchlands (SOFAR) pushed the county to establish rules for the primary use and lot size on 200,000 acres of agricultural preserve lands that would protect these lands from development due to their significant cultural and ecological value. At one point, the county’s actions were so egregious that the court declared a temporary moratorium on development proposals on any of the county’s agricultural preserve lands and granted SOFAR land use authority over these lands.

To receive a copy of the decision, or to arrange an interview with the petitioners in this case, contact Nina Erlich-Williams at 510-336-9566 or nina@publicgoodpr.com.

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