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Topsail Court Homeowners Ass'n v. County of Santa Cruz, 116 Cal. Rptr. 2d 145 (Cal. Ct. App. 2002)

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assessment district lacked the indicia of general governmental powers and therefore qualified as the sort of special-purpose unit of government exempt from the one person, one vote standard.

The court also considered whether the particular voting scheme in question—which assigned more weight to those who would pay more if the assessment proposal passed—violated constitutional requirements. Relying on Supreme Court authority indicating that a rational basis standard was appropriate under these circumstances, the court held that it was rational to allocate weight based on potential financial outlay. Having determined that the voting scheme in no way offended the United States Constitution, the court observed that Proposition 218, now articles XIII(C) and XIII(D) of the California Constitution, required the use of weighted voting schemes in all referenda on proposed assessments.

Dealing finally with the issue of civil conspiracy, the court sympathized with the Committee Residents' position, but pointed to a total lack of evidence upon which the court could fashion a remedy.

Curtis Graves

Topsail Court Homeowners Ass'n v. County of Santa Cruz, 116 Cal. Rptr. 2d 145 (Cal. Ct. App. 2002) (holding a challenge to the legality of land parcels is a challenge to the original parcel map approval, and is therefore subject to the statute of limitations governing such approval; and water treatment facilities are not exempt from city and county zoning laws).

Topsail Court Homeowner's Association ("Topsail") represented three homeowners of adjoining land parcels. Soquel Creek Water District ("SCWD") owned the fourth parcel of land at issue and planned to build a water treatment facility on the property. The County of Santa Cruz ("County") was responsible for approving the initial division of property into parcels. Topsail originally filed for a writ of mandate in the Superior Court of Santa Cruz County to compel the County to issue certificates of compliance for all four parcels of land, and to compel SCWD to comply with all zoning laws with respect to the water treatment facility it planned to build. The trial court issued an alternative writ of mandate compelling the County to issue conditional certificates of compliance for the land parcels, and determined that SCWD's proposed water treatment facility was exempt from zoning laws. The County appealed the trial court's writ of mandate, asserting that the statute of limitations barred Topsail's challenge to the legality of the parcels. Topsail cross-appealed, challenging the trial court's judgment exempting SWCD's proposed water treatment facility from zoning laws. The Court of Appeal of California for the Sixth Appellate District concluded that Topsail's original petition challenging the legality of the four parcels was also a challenge to the County Surveyor's original parcel map approval, and

therefore subject to the ninety-day statute of limitations governing such approval. In addition, the court concluded that the trial court erred in exempting SCWD's proposed water treatment facility from zoning laws.

The court first determined whether Topsail's original petition, which challenged only the County's 1999 parcel legality determination, also represented a challenge to the County's 1992 parcel map approval. Topsail challenged the legality of the parcels pursuant to a determination made by the County's Planning Department in 1999 that the parcels were legal, despite the original subdivider's failure to comply with conditions to the 1992 Minor Land Division approval. The court concluded that any challenge to the legality of the parcels represented a challenge to the erroneous 1992 approval, since that approval originally established the legality of the parcels. The court then determined that a ninety-day statute of limitations governed the 1992 approval pursuant to the relevant government code. Thus, the trial court should have barred Topsail's challenge.

The court then addressed whether SCWD's proposed water treatment plant was subject to zoning laws. Specifically, the governing statute exempts facilities that produce or generate water from zoning laws. Finding minimal help in the plain meaning of the statute and the legislative history behind the statute, the court resorted to the general rules of construction that mandate courts to strictly construe exceptions in statutes. The court determined that a strict construction of the statute leads to the conclusion that the proposed water treatment facility is subject to zoning laws; therefore, the trial court erred in exempting SCWD's proposed facility from the zoning ordinances.

The court directed the trial court to vacate its original order, and to enter a new order denying Topsail's challenge to the legality of the parcels and granting Topsail's petition to compel SCWD compliance with zoning laws regarding its planned water treatment facility.

Kate Osborn

Vadnais v. Cambria Cmty. Servs. Dist., No. B153607, 2003 Cal. App. Unpub. LEXIS 1549 (Cal. Ct. App. Feb. 19, 2003) (denying property owners' takings claim because receiving a water connection is not a protected property interest).

Dean and Gloria Vadnais and Fred Keeler ("Vadnais") filed a petition for a writ of mandate and complaint for damages against the County of San Luis Obispo ("County") and the Cambria Community Services District ("District") for denying their permit for a condominium project. Vadnais also filed a cease and desist motion for an alleged violation of the County's Local Coastal Program ("LCP"). The Superior Court of San Luis Obispo County sustained the