Legal Update: *See* *Neighbors in Support of Appropriate Land Use v. County of Tuolumne*,157 Cal. App. 4th 997, 68 Cal. Rptr. 3d 882, (5th Dist. 2007) (a development agreement may not authorize a use not allowed by the zoning ordinance)

An organization filed a petition for a writ of mandate, challenging a county's issuance of a conditional use permit allowing two property owners to use their property for weddings and similar events. The trial court entered judgment for the organization, finding that the county's action violated the Planning and Zoning Law (Gov. Code § 65000 et seq.). The Court of Appeal affirmed the judgment. The court concluded that the county could not approve the owners' application to devote a parcel of their property to a use disallowed by the applicable ordinance because the county did not rezone the property to a district allowing the use, did not amend the zoning ordinance to allow the use in the existing district, did not issue a conditional use permit consistent with the zoning ordinance, and did not grant a variance. The county's decision to grant the parcel at issue an ad hoc exception allowing a commercial use in an agricultural zoning district-an exception that was unavailable to other parcels in the same district-violated the uniformity requirement of Gov. Code § 65852. Contrary to the county's contention, it did not help that the ad hoc exception was contained in a development agreement approved pursuant to the development agreement law (Gov. Code, § 65864 et seq.).

-Thomas B. Brown, *Update On Land Use And CEQA Cases (Cases Reported Between September 1, 2007 and May 2008)*, City Attorneys Department, League of California Cities, Spring Conference, May 2008