

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2447

Introduced by Assembly Member Jones

February 21, 2008

An act to add Section 66474.02 to the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2447, as amended, Jones. Subdivision maps: disapproval.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes certain findings.

This bill would require the legislative body of a county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map is in a state responsibility area or a very high fire hazard sensitivity zone unless the legislative body of a county makes specified findings.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66474.02 is added to the Government
- 2 Code, to read:
- 3 66474.02. (a) A legislative body of a county shall deny
- 4 approval of a tentative map, or a parcel map for which a tentative

1 map was not required, if the proposed map is in a state
2 responsibility area or a very high fire hazard severity zone, as both
3 are defined in subdivision (b) of Section 5117.

4 (b) Notwithstanding subdivision (a), a legislative body of a
5 county may approve a tentative map, or a parcel map for which a
6 tentative map was not required, if the legislative body of a county
7 does all of the following:

8 ~~(1) Makes a finding that based on substantial evidence the design~~
9 ~~and location of the subdivision will not increase the risk of wildfire~~
10 ~~and that the structures to be built on the parcels would be consistent~~
11 ~~with any regulations promulgated by the Department of Forestry~~
12 ~~and Fire Protection that govern construction in fire-prone areas.~~

13 ~~(2) Makes a finding that based on substantial evidence sufficient~~
14 ~~fire protection and suppression services will be available for the~~
15 ~~subdivision through any of the following:~~

16 ~~(A) Creating a community facilities district for fire protection~~
17 ~~and suppression services for the affected area pursuant to Section~~
18 ~~53313.~~

19 ~~(B) Requiring the annexation of the affected land to a city or~~
20 ~~special district that provides structural fire protection.~~

21 ~~(C) Contracting with the Department of Forestry and Fire~~
22 ~~Protection to provide fire protection services until, or unless, the~~
23 ~~county provides fire protection pursuant to either subparagraph~~
24 ~~(A) or (B) and verifies there is, or will be, sufficient fiscal~~
25 ~~resources, equipment, and water supply and pressure to suppress~~
26 ~~fire.~~

27 *(1) Makes a finding supported by substantial evidence that the*
28 *design and location of each parcel and the map as a whole would*
29 *allow improvements, such as roads, turnarounds, defensible space,*
30 *and emergency water systems, to be made consistent with the*
31 *regulations adopted by the State Board of Forestry and Fire*
32 *Protection pursuant to Sections 4290 and 4291 of the Public*
33 *Resources Code, including, but not limited to, Subchapter 2*
34 *(commencing with Section 1270) of, and Subchapter 3*
35 *(commencing with Section 1280) of Chapter 7 of Division 1.5 of*
36 *Title 14 of the California Code of Regulations.*

37 *(2) Obtains certification from the appropriate agency for either*
38 *of the following:*

39 *(A) There is or will be, prior to the issuance of occupancy*
40 *permits for the subdivision, sufficient fire protection and*

1 *suppression services provided by a local agency or agencies for*
2 *the parcels created by the map.*

3 *(B) There is or will be, prior to the issuance of occupancy*
4 *permits for the subdivision, sufficient fire protection services*
5 *provided by the Department of Forestry and Fire Protection under*
6 *contract between that department and the county or another local*
7 *agency that pays for that department's cost of providing those*
8 *services.*

9 (3) Makes a finding that there is adequate ingress and egress
10 for the subdivision, including a minimum of two access ways into
11 and out of the subdivision for emergency equipment and
12 evacuations.

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