

ASSEMBLY BILL

No. 1527

Introduced by Assembly Member Brown

February 28, 1997

An act to add Section 66499.30.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as introduced, Brown. Subdivision Map Act: Napa County.

The existing Subdivision Map Act generally regulates the division of land for purposes of sale, lease, and finance. This act prohibits the sale, lease, or financing of any parcel, the commencement of construction of any building for sale, lease, or financing, except for model homes, or the occupancy of any parcel or building for which a final or parcel map is required under the act, until the map has been filed for record in the county in which the subdivision is located. Under these provisions, conveyances of any part of a division of real property for which a final or parcel map is required by the act or local ordinance may not be made by parcel or block number, initial or other designation, unless and until the final or parcel map has been so filed for record.

This bill would exempt from these provisions parcels located in agricultural, openspace, and watershed areas as designated in the General Plan Map of Napa County. In addition, it would authorize Napa County to pass an ordinance that allows for the sale, lease, or finance of any parcel or parcels of real property created in compliance with or exempt

from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established if the parcel or parcels meet the conditions established in the ordinance.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique circumstances within the County of Napa that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

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 66499.30.5 is added to the
2 Government Code, to read:

3 66499.30.5. (a) The Legislature hereby finds and
4 declares that:

5 (1) The agricultural area of Napa County has become
6 extremely important over the last 20 years as a premier
7 wine grape growing region of nationwide importance
8 and should thereby be protected from parcelization
9 created and approved under prior, or before, subdivision
10 map laws.

11 (2) Recognition, and the full potential build-out, of
12 parcels created and approved under prior, or before,
13 subdivision map laws in the county's agricultural
14 preserve areas could devastate the wine industry of
15 California and Napa County.

16 (3) To adequately protect the value and productivity
17 of the county's agricultural lands, Napa County needs
18 relief from the Subdivision Map Act's provisions that
19 recognize parcels created prior to, or before, the current
20 Subdivision Map Act.

21 (b) The provisions of subdivision (d) of Section
22 66499.30 do not apply to any parcel or parcels of a
23 subdivision located in areas designated as Agricultural



1 Resource (AR) or Agriculture, Watershed, and
2 Openspace (AWOS) on the General Plan Map of Napa
3 County.

4 (c) Notwithstanding the provisions of subdivision (b),
5 the Board of Supervisors of Napa County may pass an
6 ordinance that allows for the sale, lease, or finance of any
7 parcel or parcels of real property created in compliance
8 with or exempt from any law regulating the design and
9 improvement of subdivisions in effect at the time the
10 subdivision was established if the parcel or parcels meet
11 the conditions established in the ordinance.

12 SEC. 2. The Legislature finds and declares that,
13 because of the unique circumstances applicable only to
14 the County of Napa, a statute of general applicability
15 cannot be enacted within the meaning of subdivision (b)
16 of Section 16 of Article IV of the California Constitution.
17 Therefore, this special statute is necessary.

