

AMENDED IN ASSEMBLY MAY 8, 1997
AMENDED IN ASSEMBLY APRIL 14, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1527

Introduced by Assembly Member Brown

February 28, 1997

An act to add Section 66499.35.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

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

The existing Subdivision Map Act generally regulates the division of land for purposes of sale, lease, and finance. That 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 the Subdivision Map Act,~~

The Subdivision Map Act additionally regulates the merger of parcels for purposes of the act. The act authorizes a local agency to provide by ordinance for these mergers, as specified. Existing law permits a local agency to provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner, under specified circumstances, if any

one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land. Also, under the act, a person owning real property, or a vendee of that person, as specified, may request, and the local agency with jurisdiction is required to determine, whether the real property complies with the provisions of the act and any local ordinances enacted pursuant to it, and to subsequently issue a certificate of compliance or a conditional certificate of compliance reflecting that determination.

~~This bill would permit the County of Napa, as a condition of issuance of a certificate of compliance, or conditional certificate of compliance, to require the merger of a substandard parcel, as defined, into any other parcel or parcels contiguous to the substandard parcel if held by the same owner. The bill also would permit the County of Napa to deny the issuance of a certificate of compliance or conditional certificate of compliance, involving a substandard parcel located in agricultural, open space, and watershed areas as designated in the General Plan Map of Napa County where the parcel was created prior to review procedures in the County of Napa established by the Subdivision Map Act and where the parcel does not meet local lot requirements in existence on February 28, 1997 to adopt ordinances to require, as a condition of the issuance of any permit or the grant of any approval necessary to develop any real property which includes a substandard parcel, that the substandard parcel be merged into any other parcel or parcels that are contiguous to it and were held in common ownership with it as of February 28, 1997, with specified exceptions.~~

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 66499.35.5 is added to the
2 Government Code, to read:

3 66499.35.5. (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 25 years as a premier
7 wine grape growing region of worldwide importance and
8 should thereby be protected from ~~parcelization—created~~
9 ~~and approved prior to August 14, 1929.~~ *parcelization.*

10 (2) The county has determined that because of the
11 land's extraordinary agricultural value as a wine grape
12 production area and the fact that the county's tourism
13 industry entrusts its significant economic interests to its
14 agricultural and open-space lands, the highest and best
15 use for the agricultural land in the Napa Valley is for
16 agricultural production.

17 ~~(3) Recognition, and the full potential build-out, of~~
18 ~~parcels created prior to August 14, 1929, in the county's~~
19 ~~agricultural preserve~~

20 *(3) The full potential build-out of parcels not*
21 *previously recognized in Napa County's agricultural*
22 *preserve and watershed areas could devastate the wine*
23 *industry of California and Napa County.*

24 (4) To adequately protect the value and productivity
25 of the county's agricultural lands, Napa County needs
26 relief from the Subdivision Map Act's implied
27 preemption of local ordinances that may require merger
28 of parcels that do not meet current zoning and design and
29 improvement standards as well as the provisions that
30 recognize parcels created prior to, or before, the current
31 Subdivision Map Act.

32 (b) Notwithstanding any other provision of this
33 ~~division, the County of Napa may adopt ordinances to do~~
34 ~~both of the following:~~



1 ~~(1) Require as a condition of the issuance of any~~
2 ~~certificate of compliance, or conditional certificate of~~
3 ~~compliance, pursuant to Section 66499.35, involving a~~
4 ~~substandard parcel, the merger of that substandard~~
5 ~~parcel into any other parcel or parcels that are contiguous~~
6 ~~to the substandard parcel and held by the same owner.~~

7 ~~(2) Deny issuance of a certificate of compliance or~~
8 ~~conditional certificate of compliance involving a~~
9 ~~substandard parcel or parcels located in areas designated~~
10 ~~as Agricultural Resource (AR) or Agricultural,~~
11 ~~Watershed, and Open Space (AWOS) on the General~~
12 ~~Plan Map of Napa County if the parcel was created prior~~
13 ~~to local public review procedures in the County of Napa~~
14 ~~as authorized by the 1929 provisions of the Subdivision~~
15 ~~Map Act, and the parcel does not meet local design and~~
16 ~~improvements standards or minimum lot size, or both,~~
17 ~~and density standards in existence on February 28, 1997.~~
18 ~~*division, the County of Napa may adopt ordinances to*~~
19 ~~*require, as a condition of the issuance of any permit or the*~~
20 ~~*grant of any approval necessary to develop any real*~~
21 ~~*property which includes in whole or in part a substandard*~~
22 ~~*parcel, that the substandard parcel be merged into any*~~
23 ~~*other parcel or parcels that are contiguous to it and were*~~
24 ~~*held in common ownership with it as of February 28, 1997,*~~
25 ~~*except as otherwise provided in subdivisions (d) and (e).*~~

26 (c) For purposes of this section, “substandard parcel”
27 means a parcel or parcels that fail to meet current
28 standards for sewage disposal, water supply, slope
29 stability, or vehicular access; or is inconsistent with the
30 general plan and any applicable specific plan including
31 minimum lot size and density standards.

32 (d) Any ordinance adopted by the County of Napa
33 pursuant to subdivision (b) shall exempt the following:

34 (1) Substandard parcels for which a certificate of
35 compliance had been issued pursuant to subdivision (a)
36 or (b) of Section 66499.35 prior to February 28, 1997.

37 (2) Substandard parcels created by a final map or
38 parcel map recorded on or after January 1, 1955.

39 (e) Notwithstanding the provisions of subdivision (b),
40 the Board of Supervisors of the County of Napa shall not



1 *require merger or deny the issuance of any permit or the*
2 *grant of any approval necessary to develop any real*
3 *property in a manner that would constitute a taking of the*
4 *landowner's property in violation of the United States and*
5 *California Constitutions.*

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

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