

AMENDED IN ASSEMBLY MAY 21, 1997
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~~ 66451.25 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.

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 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, *as defined*, 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~~ *on or after the effective date of the enactment of these provisions*, 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~~ 66451.25 is added to
- 2 the Government Code, to read:
- 3 ~~66499.35.5.~~
- 4 66451.25. (a) The Legislature hereby finds and
- 5 declares that:
- 6 (1) The agricultural area of Napa County has become
- 7 extremely important over the last 25 years as a premier



1 winegrape growing region of worldwide importance and
2 should thereby be protected from parcelization.

3 (2) The county has determined that because of the
4 land's extraordinary agricultural value as a winegrape
5 production area and the fact that the county's tourism
6 industry entrusts its significant economic interests to its
7 agricultural and open-space lands, the highest and best
8 use for the agricultural land in the Napa Valley is for
9 agricultural production.

10 (3) The full potential build-out of parcels not
11 previously recognized in Napa County's agricultural
12 preserve and watershed areas could devastate the wine
13 industry of California and Napa County.

14 (4) To adequately protect the value and productivity
15 of the county's agricultural lands, Napa County needs
16 relief from the Subdivision Map Act's implied
17 preemption of local ordinances that may require merger
18 of parcels that do not meet current zoning and design and
19 improvement standards as well as the provisions that
20 recognize parcels created prior to, or before, the current
21 Subdivision Map Act.

22 (b) Notwithstanding any other provision of this
23 division, the County of Napa may adopt ordinances to
24 require, as a condition of the issuance of any permit or the
25 grant of any approval necessary to develop any real
26 property which includes in whole or in part a substandard
27 parcel, that the substandard parcel be merged into any
28 other parcel or parcels that are contiguous to it and were
29 held in common ownership ~~with it as of February 28, 1997~~
30 *on or after the effective date of this act*, except as
31 otherwise provided in subdivisions (d) and (e).

32 (c) For purposes of this section, "substandard parcel"
33 means a parcel or parcels *located in areas designated as*
34 *Agricultural Resource (AR) or Agricultural, Watershed,*
35 *and Open Space (AWOS) on the General Plan Map of*
36 *Napa County* that fail to meet current standards for
37 sewage disposal, water supply, slope stability, or vehicular
38 access; or is inconsistent with the general plan and any
39 applicable specific plan including minimum lot size and
40 density standards.

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

3 (1) Substandard parcels for which a certificate of
4 compliance had been issued pursuant to subdivision (a)
5 or (b) of Section 66499.35 prior to ~~February 28, 1997~~ *the*
6 *effective date of this act.*

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

9 (e) Notwithstanding the provisions of subdivision (b),
10 the Board of Supervisors of the County of Napa shall not
11 require merger or deny the issuance of any permit or the
12 grant of any approval necessary to develop any real
13 property in a manner that would constitute a taking of the
14 landowner's property in violation of the United States and
15 California Constitutions.

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

