

AMENDED IN SENATE JUNE 30, 1997  
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 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~~ *an undeveloped* substandard parcel, as defined, that the *undeveloped* substandard parcel be merged into any other parcel or parcels that are contiguous to it and were held in common ownership on or after the effective date of the enactment of these provisions, with specified ~~exceptions~~ *exemptions*.

*The bill would provide that its provisions shall not be construed as affecting the right of the County of Napa, pursuant to its authority under the existing Subdivision Map Act relating to merger and unmerger of parcels, to merge any parcels of land in the unincorporated area of that county, including, but not limited to, those parcels eligible for exemption from an ordinance adopted under the provisions of this bill.*

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 66451.25 is added to the  
2 Government Code, to read:

3 66451.25. (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 winegrape growing region of worldwide importance and  
8 should thereby be protected from parcelization.

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

16 (3) The full potential build-out of parcels not  
17 previously recognized in Napa County's agricultural  
18 preserve and watershed areas could devastate the wine  
19 industry of California and Napa County.

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

28 (b) Notwithstanding any other provision of ~~this~~  
29 ~~division~~ law, the County of Napa may adopt ordinances  
30 to require, as a condition of the issuance of any permit or  
31 the grant of any approval necessary to develop any real  
32 property which includes in whole or in part *a* ~~an~~  
33 *undeveloped* substandard parcel, that the *undeveloped*  
34 substandard parcel be merged into any other parcel or  
35 parcels that are contiguous to it and were held in common  
36 ownership on or after the effective date of this act,  
37 *whether or not the contiguous parcels are a part of the*



1 *development application*, except as otherwise provided  
2 in subdivisions (d) and (e).

3 (c) For purposes of this section, ~~“substandard~~  
4 *“undeveloped substandard parcel”* means a parcel or  
5 parcels *that qualify as undeveloped pursuant to*  
6 *subdivision (a) of Section 66451.11*, are located in areas  
7 designated as Agricultural Resource (AR) or  
8 Agricultural, Watershed, and Open Space (AWOS) on  
9 the General Plan Map of Napa County ~~that fail to meet~~  
10 ~~current standards for sewage disposal, water supply, slope~~  
11 ~~stability, or vehicular access; or is inconsistent with the~~  
12 ~~general plan and any applicable specific plan including~~  
13 ~~minimum lot size and density standards. Napa County~~  
14 ~~and are inconsistent with the parcel size established by~~  
15 ~~the general plan and any applicable specific plan.~~

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

18 ~~(1) Substandard parcels for which a certificate of~~  
19 *(1) Undeveloped substandard parcels for which a*  
20 *conditional or unconditional certificate of compliance*  
21 ~~had~~ *has been issued pursuant to subdivision (a) or (b) of*  
22 ~~Section 66499.35 prior to the effective date of this act. or~~  
23 *(b) of Section 66499.35, so long as the application for the*  
24 *certificate of compliance, together with the*  
25 *documentation required by the County of Napa on or*  
26 *before August 1, 1997, to commence the processing of an*  
27 *application, is filed on or before the effective date of this*  
28 *act; provided that this exemption shall not be applicable*  
29 *to conditional certificates of compliance, whenever*  
30 *issued, if the parcels involved were created on or after*  
31 *January 1, 1997, in a manner not in compliance with this*  
32 *division or local ordinances enacted pursuant thereto.*

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

35 *(2) Substandard parcels created by the recordation of*  
36 *a final or parcel map approved by the County of Napa on*  
37 *or after December 29, 1955.*

38 *(3) Substandard parcels lawfully created by the*  
39 *recordation of a record of survey prior to February 27,*  
40 *1969.*



1 (4) *Property that has been assigned an assessor's*  
2 *parcel number and depicted on the assessor's parcel maps*  
3 *in existence on or after January 1, 1997, as a single parcel,*  
4 *provided that the owner of that single parcel, prior to*  
5 *filing an application development, records a document*  
6 *merging any underlying parcel lines that may exist,*  
7 *provided further that this exemption shall not be*  
8 *applicable to property that is either marked "separated*  
9 *for assessment purposes (SFAP)" or was created because*  
10 *of a tax rate area boundary or map page boundary, in*  
11 *which case only the property previously depicted as a*  
12 *parcel on the assessor parcel maps shall be entitled to the*  
13 *exemption.*

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

21 SEC. 2. *Nothing contained in this act shall be*  
22 *construed as affecting the right of the County of Napa,*  
23 *pursuant to the provisions of Article 1.5 (commencing*  
24 *with Section 66451.10) and Article 1.7 (commencing with*  
25 *Section 66451.30), to merge any parcels of land in the*  
26 *unincorporated area of that county, including, but not*  
27 *limited to, any parcels eligible for the exemption as*  
28 *described in subdivision (d) of Section 66451.25.*

29 SEC. 3. The Legislature finds and declares that,  
30 because of the unique circumstances applicable only to  
31 the County of Napa, a statute of general applicability  
32 cannot be enacted within the meaning of subdivision (b)  
33 of Section 16 of Article IV of the California Constitution.  
34 Therefore, this special statute is necessary.

