**Subdivision Map Act Findings and Determinations**

**For Tentative Subdivision and Parcel Maps[[1]](#footnote-1)**

Note 1: The following findings must be supplemented by any local findings requirements.

Note 2: By statute, the 66474 findings are stated in the negative (the agency must deny the map if it finds….) One practice option is to find that there is no substantial evidence in the record which would support the finding compelling map denial. This shifts the burden to the opponent to argue that there is substantial evidence. By making an affirmative finding, the agency reduces the risk of a remand requiring the agency to address certain evidence in the record.

The \_\_\_\_\_\_\_\_ finds:

1. That that the proposed subdivision, together with provisions for its design and improvement is consistent with the General Plan [and any applicable specific plan]. (66473.5, 66474(a)).

Rationale:

1. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities. (66473.1) This finding applies to tentative maps required by section 66426 (generally five or more parcels).

Rationale:

1. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. (66474(b))

Rationale:

1. That the site is physically suitable for the type of development. (66474(c))

Rationale:

1. That the site is physically suitable for the proposed density of development. (66474(d))

Rationale:

1. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless the findings specified in section 66474.01 are adopted. (66474(e))

Rationale:

1. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. (66474(f))

Rationale:

1. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (66474(g))

Rationale:

**Water Quality Determination**

1. The approving body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision. Section 66474.6

Rationale:

**IF APPLICABLE: Fire/Williamson Act/Flood Supporting Rationale required for each.**

1. A finding supported by substantial evidence in the record that the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:

(A) A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

(B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

Section 66474.02

1. Findings for Williamson Act parcels Section 66474.4
2. Findings re flood hazards for parcels in Sacramento and San Joaquin River drainages. Section 66474.5
1. Applies to tentative subdivision or tentative parcel maps, or parcel maps where no tentative parcel map is required, unless noted otherwise. See #2.

**Abbott & Kindermann, Inc.** 12.14.21 [↑](#footnote-ref-1)