ARTICLE XIV. REVERSIONS TO ACREAGE, RESUBDIVISION, AND MERGERS

Sec. 26-151. Reversions to acreage

Property previously subdivided by final map or parcel map may be reverted to the acreage of the parent parcel pursuant to this section, Sections 62-151.1 through 26-151.10, and Article I (commencing with Section 66499.11) of Chapter 6 of the Subdivision Map Act. The reversion shall be by final map if the previous subdivision created five or more lots exclusive of any remainder parcel or by parcel map if the previous subdivision created four or less lots exclusive of any remainder parcel, regardless of whether the previous subdivision was by final map or parcel map.

(Ord. No. 1608, §2)

Sec. 26-151.1. Initiation of proceedings

Proceedings may be initiated by petition of all of the owners of record of the property or by resolution of the Board of Supervisors. An owner's petition shall be in a form prescribed by and shall be submitted to the Department of Environmental Management.

(Ord. No. 1608, §2)

Sec. 26-151.2. Data required to be submitted for reversion

The petition in the case of owner-initiated proceedings, or the staff report of the Department of Environmental Management in the case of Board-initiated proceedings, shall include the following:

- (a) Adequate evidence of title to the real property within the subdivision;
- (b) Evidence sufficient to permit the Board of Supervisors or the Zoning Administrator to make all of the findings required by Section 26-151.6;
- (c) A tentative map in the form prescribed by the Director of Environmental Management which delineates existing dedications which will not be vacated, new dedications which will be required as a condition of reversion, private roads or rights-of-way which are to remain in effect after the reversion, and such other information as the Director of Environmental Management may require; and
- (d) Such other of the documents listed in Section 26-63 as may be required by the Director of Environmental Management.

(Ord. No. 1608, §2)

Sec. 26-151.3. Fees

Fees shall be as prescribed by resolution of the Board of Supervisors. If a person requests the Board of Supervisors to initiate reversion proceedings, that person shall pay the required fees. The appellant shall pay appeal fees.

Sec. 26-151.4. Hearing

A public hearing respecting a proposed reversion to acreage shall be held by the Zoning Administrator if the reversion is to be by parcel map or by the Board of Supervisors if the reversion is to be by final map. Any decision of the Zoning Administrator may be appealed to the Planning Commission and any decision of the Planning Commission may be appealed to the Board of Supervisors by any interested person who, within 10 calendar days after the date of the decision, deposits with the Secretary or Clerk of the appropriate body, the appeal fee and an appeal application on a form approved by the Director of Environmental Management. The decision of the Board of Supervisors on appeal shall be final and conclusive.

(Ord. No. 1608, §2)

Sec. 26-151.5. Notice

All pubic hearings respecting a proposed reversion to acreage, or appeal of a decision on a reversion to acreage, shall be noticed by the Department of Environmental Management in the manner prescribed by Section 26-95.1.

(Ord. No. 1608, §2)

Sec. 26-151.6. Findings

The Zoning Administrator or the Board of Supervisors may approve a reversion to acreage only if it finds that:

- (a) The Board of Supervisors has found that the dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes: and
- (b) Either: (1)All owners with an interest in the real property within the subdivision have consented to the reversion; or (2) none of the improvements required to be made has been made within two years from the date the final map or parcel map which created the subdivision was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or (3) no lots shown on the final map or parcel map which created the subdivision have been sold within five years from the date such map was filed for record.

(Ord. No. 1608, §2)

Sec. 26-151.7. Conditions

The Zoning Administrator or the Board of Supervisors shall require as conditions of the reversion:

(a) That the property owners dedicate or offer to dedicate all of those lands and easements described in Section 26-133.1 through 26-133.4 which the Zoning

Administrator or the Board of Supervisors finds are reasonable and in the best interest of the public health, safety or welfare;

(b) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes of this Chapter or the Subdivision Map Act.

(Ord. No. 1608, §2)

Sec. 26-151.8. Recordation

After approval of the reversion, the final map or parcel map for reversion shall be submitted to the County Surveyor for review and certification pursuant to Section 26-102, provided that the final map or parcel map may be considered to be in substantial compliance with the tentative map even if the parent parcel to which the subdivision is reverted is smaller than the required minimum lot size. The final map or parcel map for reversion shall contain a certificate signed and acknowledged by all parties whose consent would be required by Sections 66430 and 66436 of the Subdivision Map Act for a subdivision of the parent parcel, unless the reversion has been initiated by resolution of the Board of Supervisors. If the County Surveyor certifies the final map or parcel map for reversion, he or she shall deliver it to the County Recorder for filing.

(Ord. No. 1608, §2)

Sec. 26-151.9. Effect of filing final map or parcel map

The filing of the final map or parcel map for reversion shall constitute a legal reversion to acreage of the land, vacation of all roads, easements, dedications or offers of dedication not shown on the final map or parcel map, and a merger of the previously separate lots into one parcel which shall thereafter be shown as such on the assessment roll.

(Ord. No. 1608, §2)

Sec. 26-151.10. Return of fees, deposits, release of securities

Except as otherwise provided in this Chapter or the Subdivision Map Act, upon filing of a final map or parcel map for reversion by the County Recorder, all original fees and deposits designated for refund by the Board of Supervisors shall be returned to the current owner of the property and all original improvement securities shall be released, except those retained pursuant to Section 26-151.7.

(Ord. No. 1608, §2)

Sec. 26-152. Resubdivisions

Previously subdivided real property, regardless of whether it was previously subdivided by maps or by conveyance, may be merged and resubdivided without first reverting to acreage by following all the procedures and requirements, including the payment of fees, for subdividing property that are contained in this Chapter and the Subdivision Map Act. Such merger and resubdivision shall occur automatically upon recordation of the applicable final map, parcel map, or certificate of compliance.

(Ord. No. 1608, §2)

Sec. 26-153. Merger, applicant-initiated

Property owner(s) may request and initiate proceedings for the merger of real property by meeting all of the requirements, including the payment of fees, for an application for the subdivision of property by parcel map that are contained in this Chapter and the Subdivision Map Act, provided that all references to the proposed merger and all references to the "subdivider" shall be deemed to be to the applicant for the merger. Any two or more contiguous lots in common ownership, regardless of whether they were created by map or by conveyance, may be merged so as to create one new lot. An application for a merger shall be processed as an application for a ministerial permit. without public notice or hearing, where all of the preexisting lots are legal lots. In all other cases, upon receipt of the request, the Director of Environmental Management shall process the application and schedule the matter for a hearing before the Planning Commission. The Planning Commission may impose those conditions, with respect to the illegal lot(s), which it could require for the issuance of a conditional certificate of compliance pursuant to Article V of this Chapter. If the request is approved, the recording of the parcel map, certificate of compliance, or conditional certificate of compliance shall create one new lot out of the affected existing lots by eliminating all common lot lines that separate such lots from each other.

(Ord. No. 1608, §2)