



# Planning & Zoning Department

## Property Boundary Adjustment/Lot Splitting

**Staff Use Only**

Project Name: \_\_\_\_\_

File Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Nonrefundable Fee: **\$150**

Please check what is being completed:     Property Boundary Adjustment     Lot Split

**Please provide the following required documentation and information**

Applicant	Staff	Description
<b>A Copy of <u>ONE</u> of the following</b>		
		A recorded warranty deed for the property
		Proof of Option
		Earnest money agreement
<b>One copy of <u>EACH</u> of the following</b>		
		Signed & Notarized Affidavit of Legal Interest. Form <b>must</b> be completed by the legal owner (if the owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
		Narrative fully describing the reason for the proposed property boundary adjustment/lot split
		Vicinity map showing the location of the subject property
		Provide existing Record of Survey OR reference the existing plat
		Record of Survey, completed by a Professional Land Surveyor (PLS), that includes each of the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> The original plat lot or parcel line(s) involved in the request</li> <li><input type="checkbox"/> The proposed location(s) of the altered line(s)</li> <li><input type="checkbox"/> The square footage of the adjusted lots, correct street names, positions of all existing building</li> <li><input type="checkbox"/> Depiction of all existing easements of record pertinent to the property(ies) involved and any newly proposed easements</li> <li><input type="checkbox"/> Certification that no utility lines exist within an easement that will be affected by the lot line and easement adjustment</li> <li><input type="checkbox"/> Any recorded easements needing to be vacated (see application regarding vacations if applicable)</li> </ul>
		Master application form
		Associated fees

***Application will not be accepted unless all items on the checklist are submitted***

**Planning and Zoning Department Review of Zoning Compliance:**

- Notation of paved parking and drive areas together with provision of a proper striping and backup/maneuvering/service drive layout
- Provision of adequate setbacks to property and/or street lines
- Provision of adequate property size (including square footage, width, and depth)
- Provision of adequate landscaping
- Provision of adequate handicap accessible parking and sign(s)

**Engineering Division Review of Compliance:**

- Access locations and dimensions
- Site retention and/or drainage of storm water
- Demarcation of utility lines under parking area
- Location of fire hydrants

**Next Steps**

1. Following completion and approval of the above checklist, have the Record of Survey recorded at the Canyon County Recorder’s Office in Caldwell.
2. Draw up and record new deeds to match the new legal descriptions.
  - Canyon County will not assign new parcel numbers until this step is completed.
  - A title company has the ability to do this.

**Applicable Code References**

The purpose of the property boundary adjustment/lot splitting checklist and application is to ensure that lots/parcels being adjusted conform to the City of Nampa zoning standards. See the relevant sections of City Code *10-1-7: Lot Splitting Controls* and *10-27-4: Special Subdivisions and Developments* below.

Please visit our website at [www.cityofnampa.us](http://www.cityofnampa.us) for additional information, click on City Government to access City Codes. Planning codes are found under Title 10 Planning and Zoning.

*New parcels/lots shall also be encumbered with sufficient easements/maintenance agreements to allow shared vehicular maneuvering and parking access across and via service drives between the buildings unless total site redevelopment, that would legally separate parking for each building, is done. The Planning Director or his/her designee may review and/or inspect such proposals to determine their legitimacy before the law.*

**10-1-7.D.2:** *Either a record of survey or subdivision plat shall be required to be approved and recorded in order to divide property that the City will recognize and may issue building permits upon. That is, creation of new lots or parcels merely/solely by creation of metes and bounds descriptions is/shall not be considered an acceptable means of land division (where the intent is to split a property into various properties for immediate or future conveyance) and will prevent the City from issuing building permits upon such pieces of land so divided. Lot splits done by description for lending purposes shall not create nonconforming setbacks or lot areas without variance approval as reiterated in subsection G of this section. This restriction shall not preclude site clearance work nor emplacement of utilities where approved by City Engineering and/or the State Division of Environmental Quality.*

**10-1-7.G: Lot Splitting/Property Boundary Adjustment:**

**10-1-7.G.1:** *In the process of splitting property, unless otherwise allowed in accordance with applicable City ordinances, no space needed to meet the width, depth, yard, area, coverage, parking or other requirements of this title for a property or building may have ownership transferred apart from such property or building unless other space is simultaneously provided back to the grantor in order to keep the grantor property compliant with pertinent bulk zoning requirements.*

**10-1-7.G.2:** *Unless otherwise allowed in accordance with applicable City ordinances, no property that has less than the minimum width, depth and area requirements for the zoning district in which it is located, may be divided off from a larger property for the purpose, whether immediate or future, for building or development and still be considered a "buildable" lot or parcel.*

**10-1-7.G.3:** *Division of a building into condo units may and shall not have the effect of increasing the density of dwelling or non-dwelling (e.g., office, store, or storage) units of said building beyond that normally allowed in the zone in which the building is located. (For example, division of a single-family dwelling into 2 condo units shall not be allowed but division of a legal fourplex into 4 condo units could be allowed.)*

**10-1-7.G.4:** *Permit Required: A property boundary adjustment permit is required to adjust a property line or to create a new property boundary, upon any property within the City limits.*

## **10-27-4: SPECIAL SUBDIVISIONS AND DEVELOPMENTS**

**10-27-4.E:** *Exceptions: The platting requirement and regulations governing for platting contained within this chapter shall not apply to any of the following:*

**10-27-4.E.1:** *A readjustment of property lines of a non-common lot as shown on a recorded final plat or established via a survey which does not reduce the area, frontage, width or depth of each building lot/parcel below the minimum prescribed by applicable zoning standards. In the case of a readjustment, a record of survey that conforms to Idaho Code title 55, chapter 19 shall be required. The following shall be included on the record of survey: 10-27-4.E.1.a: The original plat lot or parcel line(s) involved in the request.*

**10-27-4.E.1.b:** *The proposed location(s) of the altered line(s).*

**10-27-4.E.1.c:** *The square footage of the adjusted lots, correct street names, positions of all existing buildings, a note giving the zone standard in effect for the area or as specifically approved.*

**10-27-4.E.1.d:** *Depiction of all existing easements of record pertinent to the property(ies) involved and any newly proposed easements.*

**10-27-4.E.1.e:** *Certification and acknowledgment of the owners of property involved in the request together with a copy of the surveyor's Idaho State certification or with an imprint of the surveyor's seal or stamp witnessing that they are licensed in Idaho.*

**10-27-4.E.1.f:** *Certification that no utility lines exist within an easement that will be affected by the lot line and easement adjustment.*

**10-27-4.E.1.g:** *Any recorded easements needing to be vacated be so vacated, by official action via public hearing review and vote of the City Council.*

**10-27-4.E.2:** *One division of any original lot or parcel of land (after June 14, 1977, in the City's impact area or June 11, 2002, if in the City proper, as appropriate) into not more than two (2) lots or parcels may be done, provided that each building lot or parcel resulting from such a split meets applicable zoning standards in order to be considered by the City as "buildable" property. Any subsequent divisions will require filing for subdivision plat approval. In the matter of a simple division of a platted lot or non-platted parcel that does not involve a change to a recorded public right-of-way or easement, the person desiring the division may execute the division via a metes and bounds description provided the description will close, does not change or interfere with recorded rights-of-way or easements (public or private) and does/will not conflict with contiguous property boundaries. Said description may need to be written by a professional land surveyor, attorney, real estate broker, title company or civil engineer. (However, note that a survey will still be required for the property when and if an application for a building permit for a structure is later submitted for those new properties.)*

**10-27-4.E.3:** *Divisions occurring as a result of condemnation.*

**10-27-4.E.4:** *A division of land in the settlement of an estate or as part of and subject to a court ordered property distribution and layout.*

**10-27-4.E.5:** *A reduction in the number of lots (executed by a "density reduction survey") which does not otherwise violate any City ordinance(s).*

**10-27-4.E.6:** *A division into parcels greater than five (5) acres in size that does not require any new street dedications.*

**10-27-4.E.7:** *A split of a lot or parcel annexed from Canyon County into two (2) parcels (even if a previous lot split had occurred prior to annexation and after June 14, 1977), provided that each building lot or parcel resulting from such a split meets applicable zoning standards in order to be considered by the City as "buildable" property.*

**10-27-4.E.8:** *A one-time split of a subdivision lot into two (2) parcels, provided that each building lot or parcel resulting from such a split meets applicable zoning standards in order to be considered by the City as "buildable" property.*



Planning & Zoning Department
Master Application

Staff Use Only
Project Name:
File Number:
Related Applications:

Type of Application

- Accessory Structure, Annexation/Pre-Annexation, Appeal, Design Review, Comprehensive Plan Amendment, Conditional Use Permit, Development Agreement, Home Occupation, Kennel License, Mobile Home Park, Legal Non-Conforming Use, Planned Unit Development/MPC, Subdivision, Short, Preliminary, Final, Condo, Temporary Use Permit, Fireworks Stand, Vacation, Variance, Staff Level, Zoning Map/Ordinance Amendment (Rezone), Other:

You must attach any corresponding checklists with your application or it will not be accepted

Applicant Name: Phone:
Applicant Address: Email:
City: State: Zip:
Interest in property: Own Rent Other:

Owner Name: Phone:
Owner Address: Email:
City: State: Zip:

Contractor Name (e.g., Engineer, Planner, Architect):
Firm Name: Phone:
Contractor Address: Email:
City: State: Zip:

**Subject Property Information**

Address: \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_ Total acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_

Type of proposed use:  Residential  Commercial  Industrial  Other: \_\_\_\_\_

Project/Subdivision Name: \_\_\_\_\_

Description of proposed project/request: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_ Acres of each proposed zone: \_\_\_\_\_

**Development Project Information (if applicable)**

Lot Type	Number of Lots	Acres
Residential		
Commercial		
Industrial		
Common (Landscape, Utility, etc.)		
Right of Way (internal roadways, ROW to be dedicated, etc.)		
Qualified Open Space		
<b>Total</b>		

**Please answer all questions that are relevant to your project**

Minimum square footage of structure: \_\_\_\_\_ Maximum building height: \_\_\_\_\_

Minimum property size (s.f.): \_\_\_\_\_ Average property size (s.f.): \_\_\_\_\_

Gross density: \_\_\_\_\_ Net density: \_\_\_\_\_

Type of dwelling proposed:  Single-family Detached  Single-family Attached

Duplex  Multi-family  Condo  Other: \_\_\_\_\_

Proposed number of units: \_\_\_\_\_

Total number of parking spaces provided: \_\_\_\_\_

% of qualified open space: \_\_\_\_\_

**Additional information may be requested after submittal.**

**Authorization**

Print applicant name: \_\_\_\_\_

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

**City Staff**

Received by: \_\_\_\_\_ Received date: \_\_\_\_\_



# City of Nampa

PLANNING and ZONING DEPARTMENT

OFFICE (208) 468-5484

CITY HALL

411 THIRD STREET SO.

NAMPA, IDAHO 83651

FAX (208) 465-2261

## AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO )  
 :SS  
COUNTY OF CANYON )

A. I, \_\_\_\_\_, whose address is \_\_\_\_\_, being first duly sworn upon oath, depose and say that I am the owner of record of the property described on the attached application.

B. I grant my permission to \_\_\_\_\_, whose address is \_\_\_\_\_, to submit the accompanying application pertaining to the property described on the attached application.

C. I agree to indemnify, defend and hold the City of Nampa and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_