

ADMINISTRATIVE DETERMINATION

Date: November 2008

RE: **Record of Survey Procedure – Inadvertent Creation of Subdivisions Through Multiple Record of Survey Applications**

This Administrative Determination is to respond to uncertainty regarding the Record of Survey procedure (MCC 9.1.05).

The intent of the Record of Survey procedure is to allow basic and minor alterations to parcels of land (lot line adjustment, lot combinations, individual lot splits, etc.) without requiring a full subdivision process. There are ten (10) specific standards that, if a single one is met, allow an applicant to utilize the Record of Survey process. The standard that most applicants meet, MCC 9.1.05.B.1.b (see below) limits lot splits to four (4) or less parcels and prohibits evidence of a larger marketing scheme.

MCC 9.1.05.B.1.b shall be interpreted to mean that the Record of Survey process may not be used to create more than four (4) parcels from a single original parcel, regardless of the number of Record of Survey applications. This shall be reflected on the face of the recorded survey with the following note:

This record of survey has created ___ lots from the original lo as it existed on March 24, 1994. The original lot may only be divided to create ___ additional lots. No more than four (4) total lots may be created from the original lot, using the record of survey process. The creation of five (5) or more lots from a single, original lot, using the record of survey procedure, constitutes an illegal subdivision of land.

This interpretation has been made so as to apply the intent of the Record of Survey procedure to the scenario in which a subdivision may, inadvertently, be created over a long period of time due to the successive use of Record of Survey applications.

Any questions regarding this determination should be directed to Community Development Director or City Planner.

Code Sections

MCC 9.1.05.B.1.b reads as follows:

A single, existing lot of record is being divided into not more than four (4) lots other than as part of an evident marketing program of greater extent, each lot or parcel within the proposed plat or survey clearly meets the lot size regulations of the applicable zone, and the McCall area comprehensive plan, and each lot or parcel within the proposed survey either meets lot street frontage, width and depth requirements of the applicable zone or is no less conforming in each such regard than is the single, existing lot of record; or