

**AN AMENDMENT TO TITLE 9 TO ADD SECTION  
9-7-4 MINOR BOUNDARY ADJUSTMENTS**

Planner: Curt Moore

Prepared January 31 for the Planning & Zoning Commission  
Public Meeting of February 8, 2011

**APPLICANT:** Teton County Planning Department

**APPLICABLE CODES:** Title 9 Teton County Subdivision Ordinance

**REQUEST:** Amend Title 9 to include a new section of text on minor boundary adjustments. Such a section presently does not exist and therefore adding it would provide greater clarity to citizens and surveyors about the applicable circumstances, review standards, and procedures where the minor boundary adjustment process could be used.

**DESCRIPTION:** The proposed text that would be added as Section 9-7-4 Minor Boundary Adjustments is attached to this report. It is also proposed that Chapter 7 be renamed to VACATIONS, DEDICATIONS AND BOUNDARY ADJUSTMENTS

**BACKGROUND:** Presently, there is very little guidance for citizen or for Planning Staff to read in the county code about boundary adjustments between non-platted parcels. For example, this lack of boundary line adjustment standards has allowed two buildable lots to become reconfigured into a situation where one of the lots would have great difficulty in building a structure that met zoning setbacks and septic separation distances.

Title 9, Chapter 2 DEFINITIONS is the primary place in the code to evaluate boundary adjustments. It states:

*BOUNDARY ADJUSTMENT: The adjusting of common property lines or boundaries between adjacent tracts, or parcels for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.*

The new section 9-7-4 would only apply to parcels outside of recorded, platted subdivisions. The new section of code would better state what is in the Title 9 definition that shows the intent that newly adjusted lots should be buildable and should not become inconsistent with minimum lot size in the zoning district. Where lots are already non-conforming, the boundary adjustment should be reviewed according to standards that seek to avoid making a given situation less buildable overall.

## **PUBLIC COMMENT**

The Planning Staff asked several Idaho Public Land Surveyors for comment about the Teton County Wyoming code on Minor Boundary Adjustments. These surveyors were familiar with that code and had used it for boundary adjustments in Teton County, Wyoming. Two responses are attached to this report.

### **STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY CODE**

**Consistent with purposes.** The proposed amendment is consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

**Consistent with Comprehensive Plan.** The proposed amendment is consistent with the Teton County Comprehensive Plan 2004-2010, specifically in Chapter 2, which states: *To ensure that the development on land is commensurate with the physical characteristics of the land.*

**Consistent with other section of the Zoning and Subdivision Ordinance.** The proposed amendment is consistent with other provisions of this Teton County Code.

**Additional flexibility.** The proposed amendment to the text provides additional flexibility in meeting the objectives of Title 9 Teton County Subdivision Ordinance and Tile 8, the Teton County Zoning Ordinance without lowering the general standards of these regulations.

### **PLANNING COMMISSION ACTIONS:**

- A. Approve both the text amendment as presented in the application, having provided the reasons and justifications for the approval.
- B. Approve the text amendment with modifications, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the text amendment request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

#### **Staff suggests the following motion:**

Having found that Section 9-7-4 Minor Boundary Adjustments is consistent with the purposes and goals of the Comprehensive Plan and with the County Ordinance's general goals and purposes statements, I recommend approval to the Board of County Commissioners of the proposed section, as presented by Planning Staff in the attachment entitled Section 9-7-4 Minor Boundary Adjustments. The title of Chapter 7 would also be renamed Vacations, Dedications and Boundary Adjustments.