

9-7-4 MINOR BOUNDARY ADJUSTMENTS:

A. **APPLICABILITY:** Only those boundary adjustments specified below shall be permitted as a minor boundary adjustment according to this section. All other boundary adjustments shall comply with Section 9-7-2 Vacations of Plats Procedure.

1. Adjustment for encroachment, setback violation, and boundary dispute: A minor boundary adjustment necessitated by encroachments, setback violations, bona fide boundary disputes, or similar circumstances.
2. Adjustment to combine with an adjacent parcel: The adjustment of the boundary of a parcel not within a platted subdivision for the purpose of combining portions thereof with an adjacent parcel subject to the following:
 - a. Merge divided portion. The divided portion shall be totally merged with and combined into the adjoining parcel so that no additional parcels are created, and the resulting parcel shall be established as a single parcel for all purposes, by means of an acceptable recorded instrument; and
 - b. Conformance with zoning district. Each of the resulting parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of either parcel shall not be increased, except for cases involving parcels that do not conform to the minimum lot size standards in Section 8-3-5 Zoning District Descriptions. In such cases, a parcel may be made more noncompliant in order to make another parcel more compliant, provided the Planning Administrator makes the following findings:
 - i. Improves situation. The benefit of the increased compliance of one parcel outweighs the detriment of the increased noncompliance of the other parcel, resulting in a greater overall compliance with the intent and/or the standards of the Title 8, Teton County Zoning Ordinance and Title 9, Teton County Subdivision Ordinance.
 - ii. Buildability. The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.
 - iii. No net increase in density. The acreage transferred from one parcel to another does not allow for increased density on the subject parcels.
 - iv. Adjustments between public and private land. The conveyance of a parcel from a public agency to a private party who owns land, which is contiguous to the conveyed public land, shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate legal building lot.

B. PROCESS FOR MINOR BOUNDARY ADJUSTMENT:

1. Pre-application Meeting: A pre-application meeting shall be held with the Planning Department prior to the submittal of the minor boundary adjustment application.
2. Submission to Planning Office: The application for a minor boundary adjustment shall include current deeds for the property and a draft copy of the Map of Survey containing a Certificate of Surveyor, Certificate of Owners, Certificate of Acceptance of Mortgagees signed by any holders of Mortgages of the properties being adjusted, and Certificate of Approval by the Planning Department. The Survey Map shall be appropriately acknowledged and comply with applicable sections of Idaho Statutes.
3. Fees: Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review by the Planning Department. The fees for this process are nonrefundable after the Planning Department reviews the proposed adjustment.

4. Recording: After a Minor Boundary Adjustment is approved by the Planning Administrator, a Mylar copy of the Map of Survey and all other required materials outlined above for a Minor Boundary Adjustment shall be submitted to the Planning Department prior to recordation with the County Clerk. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.
5. Action by the Planning Administrator: The Planning Administrator shall review and may approve or disapprove the application. An application that is disapproved may be appealed to the Board of County commissioners for review and final determination.

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