

## **CHAPTER 4 - PROPERTY BOUNDARY ADJUSTMENTS**

### **Sections:**

- 10-4-1: Purpose**
- 10-4-2: Applicability**
- 10-4-3: Process**
- 10-4-4: Standards**
- 10-4-5: Required Finding**

### **Section 10-4-1: Purpose:**

The regulations of this Chapter allow for the adjustment of parcel lines or platted lot lines between existing legal, or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

### **Section 10-4-2: Applicability:**

These regulations apply to existing lots and parcels in Elmore County.

### **Section 10-4-3: Process:**

- A. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one (1) year to complete the following tasks:
  - 1. Cause the property to be surveyed and a record of survey recorded; and
  - 2. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved; and
  - 3. Verify taxes have been paid for both properties from the Treasurer; and
  - 4. Provide copies of the recorded Record of Survey and recorded deeds to the Director.
- C. Issuance of Approval Letter: Upon determination by the Director that the final property boundary adjustment is in conformance with this Ordinance, the Director shall issue a letter stating that the property boundary adjustment has received final approval.

#### **Section 10-4-4: Standards:**

- A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as set forth this Ordinance and Idaho Statute respectively.
- B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this Ordinance; the property boundary adjustment shall not increase the nonconformity.
- C. A property boundary adjustment shall not increase the original number of properties.
- D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
- E. The property boundary adjustment shall not constitute a relocation of a property. For the purpose of this Chapter, the "relocation of a property" shall be defined as relocating any property line greater than sixty (60%) percent of the properties width or length whichever is less restrictive as recorded or documented prior to the property boundary adjustment. Property line adjustments greater than sixty (60%) percent of the property width or length are only allowed to make nonconforming parcels conforming to dimensional standards of this Ordinance. Subsequent boundary requests shall be held to this standard as originally recorded or documented prior to the first property boundary adjustment.
- F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

#### **Section 10-4-5: Required Finding:**

- A. In order to approve the application, the Director shall find that the proposed property boundary adjustment complies with the standards below:
  - 1. The property boundary adjustment does not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as required by this Ordinance; and
  - 2. The property boundary adjustment does not further increase the nonconformity of any nonconforming property; and

3. The property boundary adjustment does not diminish the minimum dimensional standards prescribed by this Ordinance or create a nonconforming property; and
4. The property boundary adjustment did not increase the original number of properties or lots; and
5. The property boundary adjustment did not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner unless approved by the applicable highway district; and
6. The property boundary adjustment did not constitute a relocation of a property; and
7. For platted lots, the property boundary adjustment was in substantial conformance to the recorded plat, in terms of plan notes, setbacks, minimum lot sizes, easements, or any other specific plat requirement.

