

LAND MANAGEMENT DIVISION



LEGAL LOTS

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

This guide outlines zoning and land use laws concerning legal lots. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations. The information in this handout is derived from Oregon Revised Statutes (ORS) Chapters 92 and 215, and the policies of the Lane County Land Management Division.

WHAT IS A LEGAL LOT?

By Lane Code definition, a Legal Lot is a lot or a parcel (LC13.010). Under present State law and County regulations, subdivisions and partitions creates either lots or parcels, respectively. Thus, a lot in a subdivision or a parcel in a partition is a legal lot. Additionally, Lane County's Land Division Code recognizes parcels created by means other than partition provided the parcel was created in compliance with, or prior to, applicable land division and land use laws and regulations. Parcels created under this method may require a legal lot verification to determine its lawful status.

WHY IS IT IMPORTANT?

A legal lot may be important to Land Owners desiring to build as well as individuals looking to buy or sell land. The reason for this is that legal lots provide the basis for many land use decision and administrative approvals that permit development and building on land. In other words, the land must be a legal lot (lot or parcel) before the issuance of a permit to development and build.

It is highly recommended that you make sure that the unit of land you are buying or planning to develop was lawfully established.

HOW DO YOU IDENTIFY A LEGAL LOT?

The legal lot verification application process identifies legal lots. Some lots and parcels have been identified through prior land use actions while others have not. The Planner on Duty can look up your land to let you know if it has been verified.

The criteria used by staff to determine a legal lot are found in the definition of "lot" and "parcel" in Lane County Code 13.010 including page two (2) of this handout. A lot or parcel becomes a final legal lot only after the Director has made a determination and has noticed it. Thus, a legal lot is identified as such only after it has been determined to be a legal lot and noticed by the Director.

Lane County Planning Department will assist you in obtaining property information or by helping you apply for a Legal Lot Verification application.

THE LEGAL LOT PROCESS

If it isn't immediately apparent by staff that you have a legal lot, you will be directed to go through the legal lot process. A Legal Lot Verification involved two steps, research and notice:

Research: State and local laws regulate how a unit of land must be created. Since laws change frequently, we must know how, when, why, and where it was created. With complete and accurate information, Lane County then applies the appropriate law to the unit of land's creation to make an informed determination.

Notice: Once the County has made a determination from the Legal Lot research, the next step is to send notice of the determination. A notice gives you and your neighbors the opportunity to voice concerns and /or to submit information that may have been missed during the Legal Lot Verification determination. With Notice, there is a 12 day appeal process and at the end of the 12th day the Legal Lot process is final.

WHAT IS NOT A LEGAL LOT

The following are some misconceptions of a legal lot:

- 1) A tax lot is not necessarily a legal lot. A tax lot is a unit of land used by the County Assessor to set a value for property taxation. Tax lot creation or modification often uses methods that do not meet Legal Lot standards. Also included in this category are individual tax accounts. A tax account is used for taxing purposes and do not necessarily constitute a lawfully established unit of land.
- 2) A unit of land conveyed by deed or contract is not necessarily a Legal Lot. Units of land created by this method define ownership and title, but do not necessarily mean it was lawfully created under State and Local laws at the time.
- 3) A lot or parcel created by a land division without final county approval is not a legal lot. Legal Lots created by a partition or subdivision require preliminary approval followed by final approval by Lane County.

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4) A Legal Lot Verification after 1992 is not a Legal Lot until it has been "Noticed". Legal Lot Verification is an application for the Planning Department to review how the unit of land was created. The County will determine whether or not it was lawfully created. This is called a Preliminary Legal Lot. A Preliminary Legal Lot only becomes a Final Legal Lot after Legal Lot Notice is complete.

BOUNDARY AND OWNERSHIP OF A LEGAL LOT

Through the Legal Lot process, Lane County ensures that your property was created lawfully for development purposes. The Legal Lot process does not make claims as to ownership, title or boundary locations

LEGAL LOT CRITERIA

1. The unit of land was created by an approved partition;
2. The unit of land was created by an approved subdivision;
3. The unit of land was created by deed, lease or land sales contract signed prior to any applicable zoning, partitioning or subdivision ordinances;
4. The unit of land was created by deed, lease or land sales contract in compliance with applicable zoning requirements at a time prior to applicable partitioning or subdivision ordinances;
5. The unit of land was created by deed, lease or land sales contract between May 2, 1962 and March 26, 1975, and:
 - Was located in the urbanizing area as shown on the map entitled "Lane County Urbanizing Area" contained in the Revised Subdivision Ordinance enacted on May 2, 1962, and
 - Was a division of land for agricultural purposes, where each resulting lot or parcel is 5 acres or larger in size, and
 - Has a width of not less than 300 feet for the entire length between the front lot line and rear lot line, and
 - Has frontage of not less than 300 feet on a street, provided that such street has a right of way width of not less than 50 feet and not less than such width as may be called for in the Master Road Plan.
6. The unit of land was created as a result of dedication of a public road prior to 1990;
7. A unit of land determined to be a legal lot through a prior County approval of a land use decision or building permit;
8. The unit of land was created by a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots ;
9. The unit of land was created by a surveyed tract prior to April 8, 1949;
10. The unit of land was created by a circuit court decision between Oct.3, 1973 and Oct. 4, 1977;
11. The unit of land was created by deed in a resource zone from March 26, 1975 to August 31, 1978 and not more than three units of land were created in a calendar year, and:
 - Each resulting unit of land constituted a government lot, or
 - Each unit of land contained at least 38 acres.
12. The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
13. The unit of land was created by the sale or grant of federal lands by the federal government;
14. The unit of land is recognized as a legal lot as the result of court decisions or LUBA opinions;
15. The unit of land is the remainder of a parcel divided under a method listed above;
16. The unit of land has previously been determined to be a legal lot.

Other Considerations:

Words such as "and" or "also" in legal descriptions in deeds or other instruments conveying real property, do not operate to establish individual legal lots unless the properties are noncontiguous.

Reconfigured lots or parcels must follow applicable Property Line Adjustment laws to be considered a legal lot (See Property Line Adjustment Handout). A Property Line Adjustment does not create additional lots or parcels