

July 3, 2019



LEGAL LOT VERIFICATION REQUIREMENTS

Recent amendments to Lane Code (LC) Chapter 13 adopted with Board Ordinance No. 18-07 include changes to property line adjustment and legal lot verification submittal standards and approval criteria. Ordinance No. 18-07 necessitated amendments to planning fees at Lane Manual 60.851. New and updated fees were adopted on February 26, 2019 with Order 19-02-26-04 and June 18, 2019 with Order 19-06-18-09. Order 19-06-18-09 becomes effective on August 5, 2019.

This memorandum provides a summary of new fee requirements (effective August 5, 2019) and procedures for the following application types:

- Legal Lot Verification Type I Review
- Legal Lot Verification Type II Review, and Additional Cost per Deed Submitted
- Final Legal Lot Verification Type II Review

Legal Lot Verification Type I Review

Per LM 60.851(2), the base fee assessed for a Type I legal lot verification is \$320. Per Lane Manual, surcharges including a Technology Assessment, Administrative Fee, and Long Range Planning Surcharge will be added to the base fee. The total fee for a Type I legal lot verification including surcharges is \$416.

Multiple Legal Lots Requested: The Type I legal lot application process and fee is intended to apply to verification requested for a single subject property/legal lot. If verification is requested for more than legal lot, separate applications will be required.

Applicable Procedure: A legal lot verification may be reviewed pursuant to the Type I procedure if the subject property was created prior to April 7, 1949 and the subject property has not changed configuration since that time. As described in Lane Code 14.030(1)(a), the Type I procedure involves the ministerial review of an application based on clear and objective standards and criteria. If a requested application involves review that is not clear and objective, the Type I application will be placed on hold or may be cancelled and a Type II application will be required.

Legal Lot Verification Type II Review

Per LC 13.140(2)(b), new Type II legal lot verification submittal requirements include a narrative, map of deeds, and a copy of every deed listed on the property description card(s) for the subject property. Per LC 13.140(2)(b)(v), the application must also include any other documentation that demonstrates how the subject property was lawfully created, which may consist of additional deeds not included on the property description card for which verification and notice is requested by the applicant.

Per LM 60.851(2), the base fee assessed for a Type II legal lot verification is \$2,120 and the additional cost per deed submitted is \$50. Per Lane Manual, surcharges including a Technology Assessment, Administrative Fee, and Long Range Planning Surcharge will be added to the base fees. With surcharges, the total fee required is currently \$2,756 for application and an additional \$65 per deed submitted.

While an applicant is required by Chapter 14 to submit all deeds listed on the property description card, not every deed listed on the property description card may require in-depth review as part of the legal lot verification application. Therefore, the 'additional per deed submitted' cost will be assessed for:

- Deeds that reconfigured the subject property
- Any additional deeds provided by the application provided per LC 13.140(2)(b)(v)

Multiple Legal Lots Requested: The above described Type II legal lot verification process and fee are intended to apply to one legal lot. If multiple legal lots are requested to be reviewed within one tax lot, multiple applications and base fees will be required. Additional per deed fees will only be collected once per deed. In other words, where multiple legal lots are requested within one tax lot and require review of the same deed, only one fee will be assessed for the review of the deed. When legal lot verifications are requested for adjacent, but separate properties, separate applications and fees will be required.

Final Legal Lot Verification Type II (Notice)

Per LM 60.851(2), the base fee for final legal lot verification (formerly called 'notice only') is \$850. Per Lane Manual, surcharges including a Technology Assessment, Administrative Fee, and Long Range Planning Surcharge will be added to the base fee. With surcharges, the total fee required is currently \$1,105.

Previously, this fee applied to notice only of preliminary legal lot verification determinations issued by the County. Due to changes in case law and local appeal decisions, not all preliminary legal lot verifications remain valid approvals. Therefore, staff review of preliminary legal lot verifications is now required prior to final legal lot notice.

Questions?

For questions regarding legal lot verification process and fee requirements, please contact the Planner-on-Duty at 541-682-3577.

Please note: This memorandum summarizes new fee schedule requirements effective August 5, 2019. Lane Code Chapter 13, Lane Manual 60.851, and the planning fee schedule are subject to change.