



## GUIDE TO LEGAL PARCELS

This guide will answer questions regarding the importance of having a legal parcel, how to determine a property's legal parcel status, and available opportunities to validate a parcel that was improperly created. This handout is informational in nature, is not a substitute for the Wasco County Land Use and Development Ordinances (LUDO) or state law, and in no way offers tacit approval for any use or development.

### WHAT IS A LEGAL PARCEL?

The Wasco County LUDO defines **legal parcel** as a unit of land created as follows:

- a. *A lot in an existing, duly recorded subdivision; or*
- b. *A parcel in an existing, duly recorded major or minor land partition; or*
- c. *By deed or land sales contract prior to September 4, 1974.*

This means a lot in an approved and recorded subdivision plat and a parcel created by and approved partition plat are both legal parcels. Additionally, in Wasco County you may have a legal parcel if your property was created by deed or sales contract prior to September 4, 1974, in compliance with applicable zoning and land use regulations that applied at the time of creation. Property created by deed may require a legal parcel determination or other action through the Wasco County Planning Department in order to establish that it is a legal parcel.

### WHY IS IT IMPORTANT THAT MY PROPERTY BE A LEGAL PARCEL?

By law, Wasco County cannot approve development, permits, or land uses on property that is not a legal parcel. State law requires that property owners obtain approval to create new parcels or alter existing property boundaries. Wasco County reviews land use applications to ensure development and reconfigured parcels comply with zoning, are accurately described, and can accommodate the intended use.

Occasionally, someone will “create” new property by sale and record a deed with the Wasco County Clerk; this does not create a legal parcel. Wasco County does not regulate the sale of land, so remedies under the law are a civil matter between the Seller and Buyer (ORS 92.018). Before purchasing property, we strongly recommend that you confirm the legal parcel status.

### HOW DO I KNOW IF MY PARCEL IS LEGAL?

If you have questions about whether property is a legal parcel, contact the Wasco County Planning Department. A planner can check to see if the property was created by subdivision, partition, or has been subject to a previous legal parcel determination. In addition, Wasco County maintains an online map that shows properties that have undergone legal parcel determinations at one point in time. You can access this map at [http://co.wasco.or.us/departments/administrative\\_services/gis\\_division/web\\_map.php](http://co.wasco.or.us/departments/administrative_services/gis_division/web_map.php).

If there is no clear record to confirm that your property is a legal parcel, you can submit an application for a legal parcel determination. Property status can be determined through the land use decision process, with findings addressing the legal parcel criteria, and notice mailed to adjacent property owners and other interested parties.

### **WHAT IS NOT A LEGAL PARCEL?**

There are some common misconceptions about legal parcels. The following do not necessarily constitute a legal parcel:

- Tax lots. A tax lot is a unit of land created solely to establish a separate tax account;
- Property conveyed by deed or contract. Deeds and contract may describe or transfer ownership of land, but they do not guarantee that it was created in compliance with applicable regulations;
- Property created by a partition or subdivision where final approval was not received or nothing was recorded with the County Clerk;
- Property which crosses county boundaries;
- Property located in different sections or government lots;
- Property with multiple land use or zoning designations;
- Property which is dissected by a public or private road.

### **WHAT CAN BE DONE IF MY PARCEL IS NOT LEGAL?**

Each property contains its own set of unique circumstances. Depending on the circumstances, there are a number of options available to establish the legal status of improperly created parcels. Please note however, that not all properties possess the circumstances to qualify for validation. In some cases, properties are restored to their pre-1974 configurations to qualify.

A new option became available in 2007 when Oregon law changed, allowing counties to legalize or validate certain improperly created parcels. Properties eligible for validation include those created by deed between September 4, 1974 and December 31, 2006; and satisfy at least one of the following criteria:

- 1) Could have complied with the adopted applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. This includes the property development standards of the zone, the land division standards and any other listed or referenced standards in the ordinance; OR
- 2) Received approval for a permit, as defined in ORS 215.402 for the construction or placement of a dwelling or other building on the unit of land after the sale and the building was constructed.

### **QUESTIONS?**

Legal parcel issues can be complicated and require significant research. We encourage you contact the Wasco County Planning Office for additional details, fees, and forms. Visit us Monday through Friday from 10am to 4pm; call us at (541)-506-2560; or visit us online at <http://co.wasco.or.us/departments/planning>