



UNION COUNTY Planning Department

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Is My Parcel a Lawful/Legal Parcel?

Why this matters.

Before the County can grant or recommend approval of land use permits or give zoning approval for building permits or septic permits, the underlying parcel must have been lawfully created. If it isn't, permits must be denied until the issue is resolved, if it can be.

Quick definitions.

Tax lot: A unit of land, usually described similar to a parcel, that is assigned a number by the Assessor for taxation and billing only.

Parcel: A unit of land described by

- metes and bounds description, or
- as lots, blocks, or tracts in a partition or subdivision plat, or
- as one of a number of subsections or sections in a township(s) created by the Public Land Survey System.

A parcel may include one or more tax lots. Planning looks at parcels, not tax lots.

What is a lawful parcel?

Your parcel is generally lawful if one or more of the following apply:

- It was created by deed(s) dated on or before November 8, 1973, normally recorded with the Clerk of the Court, and has not been reconfigured since;
- It matches a lot or parcel shown on an approved and finalized partition plat or subdivision plat; or
- It was reconfigured through an approved County land use process, consistent with the rules in effect at the time of reconfiguration.

How we determine lawful parcel status.

When a planner looks to see if a parcel was lawfully created, we check readily available records Typical items reviewed:

- 1) Deed card(s)
- 2) Associated deeds
- 3) Historic surveys or plats
- 4) Historic planning records

We try to find a deed recorded prior to and closest to November 8, 1973 describing the parcel. Then we match it to the latest deed available. If the legal descriptions match then we know the parcel boundaries were not changed and the parcel is considered lawful. If there is a change in the legal description then we look to see if there was a land use decision, such as a property line adjustment or partition.

What if the planner can't determine lawful parcel status?

Some changes are very convoluted, such as if the parcel was a remainder parcel left after some other deeds sold part of the land off. Sometimes there are multiple transfers with multiple parcels and it is difficult to figure out which piece is the one we need to find. We try our best at reading legal descriptions but sometimes it is necessary to give it to an expert to prove.

If a planner is unable to make a determination based on information available to them, then it is up to the property owner to supply information that will determine the transfers of ownership and legal descriptions of each transfer. You may need to get the help of a title company, attorney, or surveyor to help find documents and read legal descriptions.

Common red flags

- Post-1973, a deed splits off a piece of land without an approved partition or subdivision.
- The legal description of the property changes after November 8, 1973 without an approved property line adjustment.
- Parcel configuration today doesn't match the recorded plat that supposedly created it.

Is there a remedy if planning determines that my parcel was not lawfully created?

State statute has provided a limited remedy. ORS 92.176 allows counties to validate a unit of land not lawfully established. This has requirements that need to be met. You can find those listed in Chapter 92 – www.oregonlegislature.gov/bills_laws/ors/ors092.html

Research by a planner does not result in a formal determination. However, if a land use permit is denied based on a legal parcel determination and you do not agree, you can appeal that decision to the next level of review. You can also request a formal lawful parcel determination and appeal that decision to the Planning Commission.

We're here to help.

Many times, we are asked if a parcel is developable and the first thing we need to check is if the parcel was lawfully created. We are happy to help by doing the research to answer the question. However, if it appears that it will take more than an hour to answer your question, we will contact you and ask that you pay a research fee, which is \$50 per hour. And again, we may have to conclude that we are unable to determine if a parcel is lawful and then the owner must provide evidence.

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 Mon–Thu, 8:30–5:00 (closed 12–1)

This flyer is informational and does not replace Union County ordinances or Oregon law. When rules change, the rules in effect at the time of the parcel's creation or reconfiguration control.