

LOT OF RECORD VERIFICATION

Not all tax lots are legal “lots of record.” Deschutes County will not issue any permits on a lot or parcel until it is determined that it is a legal lot of record. If your parcel is not in an approved subdivision or partition, or if your parcel has never been determined to be a lot of record, you will need to file an application for a lot of record verification. This will determine when your parcel was created and if it was created in accordance with the County Code. Below are some answers to common questions on lots of record and an explanation of how to complete an application for a lot of record verification.

What is a lot of record?

A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision/partition requirements, in effect on the date the lot or parcel was created, and which was created by any of the following means:

- (a) by partitioning land as defined in (Oregon Revised Statutes) ORS 92.010 (8);
- (b) by a subdivision plat, as defined in ORS 92.010 (9), filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;
- (c) by deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe separate lots in accordance with the format for a recorded subdivision or town plat;
- (d) by a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or
- (e) by the subdividing or partitioning of all adjacent or surrounding land, leaving a remainder lot or parcel.

If a unit of land is not a legal lot of record via one of the means above, a lot or parcel may qualify for validation pursuant to ORS 92.176 and be recognized as a lot of record.

What is not a lot of record?

- (a) A lot or parcel created solely by a tax lot segregation because of an assessor's roll change or for the convenience of the assessor;
- (b) A lot or parcel created by an intervening section or township line or right-of-way;
- (c) A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed in accordance with paragraph #1(c) above; or
- (d) A parcel created by the foreclosure of a security interest.

Isn't my tax lot a legal lot? I've been paying taxes on it for a number of years.

Not all tax lots are created properly. If it falls under the criteria listed under paragraph #1 (a-e), then it would be considered a lot of record. If it falls under the criteria under paragraph #2 (a-d), then it would not be considered a lot of record.

What happens if my tax lot is not a lot of record? What can I do?

Lot of record determinations vary. In many cases these situations can be corrected by a partition or subdivision application. Some lot of record problems are not easily corrected. Each situation is unique and requires an in-depth consideration of all facts involved.

How do I apply for a lot of record verification?

You need to submit the correct fee and application materials in order for your application to be complete. Incomplete applications will not be accepted by the Planning Division until the missing material is provided.

- (1) From the County Assessor's Office in person (2nd floor of Deschutes Services Building at 1300 NW Wall Street) or online (<http://dial.deschutes.org>, see attached instructions) retrieve a copy of your tax lot card from the Cartographer. This provides the volume and page numbers of recorded documents for your tax lot.

Note: The Assessor's Office cannot offer land use advice nor know whether the information provided will be adequate for the Community Development Department to make a decision on a lot of record verification.

- (2) From the County Clerk's Office (2nd floor of Deschutes County Services Building at 1300 NW Wall Street) or online (<http://recordings.deschutes.org> – see attached instructions) retrieve a copy of all the deeds on the tax lot card, including the current vesting deed that describe your parcel and your parcel only.

Note: The Clerk's Office cannot offer land use advice nor know whether the information provided will be adequate for the Community Development Department to make a decision on a lot of record verification.

- (3) Fill out the application form and attach copies of the tax lot card and recorded documents.
- (4) Submit the application and documents, along with the filing fee, to the Planning Division.

Note: Application forms and fee schedule are available online at www.deschutes.org/cd

- (5) You will receive a letter stating whether or not your parcel is a lot of record, and explaining upon what facts the decision is based.

Where can I get more information?

Main Office: Deschutes County
Community Development Department
117 NW Lafayette Avenue
P.O. Box 6005
Bend, OR 97708-6005
Phone: (541) 388-6560 Fax: (541) 385-1764
www.deschutes.org/cd

Please send all mail to P.O. Box 6005.

