

WASCO COUNTY PROCESS FOR VALIDATING OR LEGALIZING IMPROPERLY CREATED PROPERTY

House Bill 2723 went into effect on January 1, 2008. While it is not incorporated into the Wasco County Land Use and Development Ordinance (LUDO) ORS 92.176 is applied directly pursuant to ORS 197.646 because it is a required statutory change. Language in ORS 92.177 has also been amended to require a county or city to accept an application for the consideration of legalizing an improperly created property pursuant to this bill.

WASCO COUNTY DEFINITION OF LEGAL PARCEL:

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

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- Is a unit of land created solely to establish a separate tax account;
- Lies in different counties;
- Lies in different sections or government lots;
- Lies in different land use or zoning designations; or
- Is dissected by a public or private road.

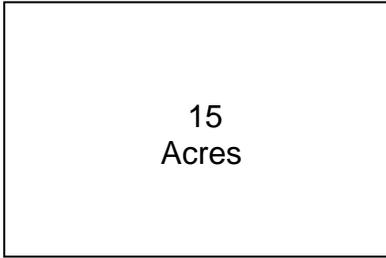
PROPERTIES ELIGIBLE FOR VALIDATION OR LEGALIZATION:

Those properties created by sale between September 4, 1974 and December 31, 2006, rather than through the established partition or subdivision process; and either:

- 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.

PROPERTIES NOT ELIGIBLE FOR CONSIDERATION:

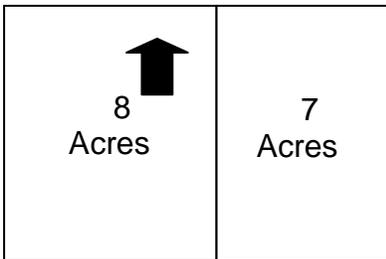
All improperly created properties not meeting the standards listed above. This includes improperly created pieces of a legal parent property even though one or more of the other pieces may be eligible for legalization. See the illustrations below for further explanation.



THE FOLLOWING TWO EXAMPLES ARE BASED ON A 15 ACRE PARENT PARCEL, LEGALLY CREATED PRIOR TO SEPTEMBER 4, 1974



EXAMPLE 1: Property was improperly divided in 1990 when it was zoned R-R (10) with a 10 acre minimum lot size. No approval on a permit was issued after the improper creation. The 11 acre piece is now eligible for validation but the 4 acre piece is not.



EXAMPLE 2: Property was improperly divided in 1990 when it was zoned R-R (10) with a 10 acre minimum lot size. The 8 acre property was sold, and a dwelling was approved and built on the 8 acre property. The 8 acre property is now eligible for validation. No permit was approved on the 7 acre property, so it's not eligible for validation.

CREATION DATE

Pursuant to the Bill and ORS 92.176, the property becomes a legal parcel if Wasco County validates the property AND the property owner records the final partition plat with the Wasco County Clerk within 90 days of the validation. The creation date is the date the final plat map is recorded with the Clerk.

This creation date is particularly important when considering potential development that is limited to properties lawfully created prior to a certain date. For example, a property legalized through HB 2723 will not qualify for a nonfarm division because the creation date of the parcel will be after July 1, 2001

PROCESSING

The attached sheet shall be submitted along with a partition application. The partition will be reviewed according to a combination of the applicable current partition criteria and ORS 92.176. For the property to become legal, the applicant shall hire a surveyor and have the final partition plat signed by all applicable signatories and filed with the Wasco County Clerk within 90 days of the appeal period following approval by the Wasco County Planning Department.

VALIDATING IMPROPERLY CREATED PROPERTY APPLICATION

STANDARDS FROM ORS 92.176

1. Date improperly created property was first sold: _____

Deeds or other documents verifying this date are attached? NO YES

2. Zoning Information of improperly created property when it was first sold:

Zoning Designation: _____

Minimum parcel size: _____

Minimum parcel width: _____

Access requirements: _____

Other: _____

Does the property comply with ALL of the above standards?

NO, proceed to question 3

YES, proceed to question 4.

3. Was a permit, as defined in ORS 215.402, approved on the property for the construction or placement of a dwelling or other building after the sale? NO, the property does not qualify to be considered for legalization.

YES, attach a copy of the permit.

4. An application for a partition has been submitted with this application? NO YES