

## How Can We Help?

It is the goal of Jackson County Development Services to assist you in understanding the rules for developing property and to help guide you so your project will comply with those rules. As part of this effort this handout has been developed to explain the process of determining lawful parcel creation.

## A Resource for Jackson County Residents

This guide outlines zoning and land use laws concerning lawful parcels. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations.

The information in this handout is derived from Oregon Revised Statutes (ORS) Chapters 92 and 215, and the policies of Jackson County Development Services.



## Development Services

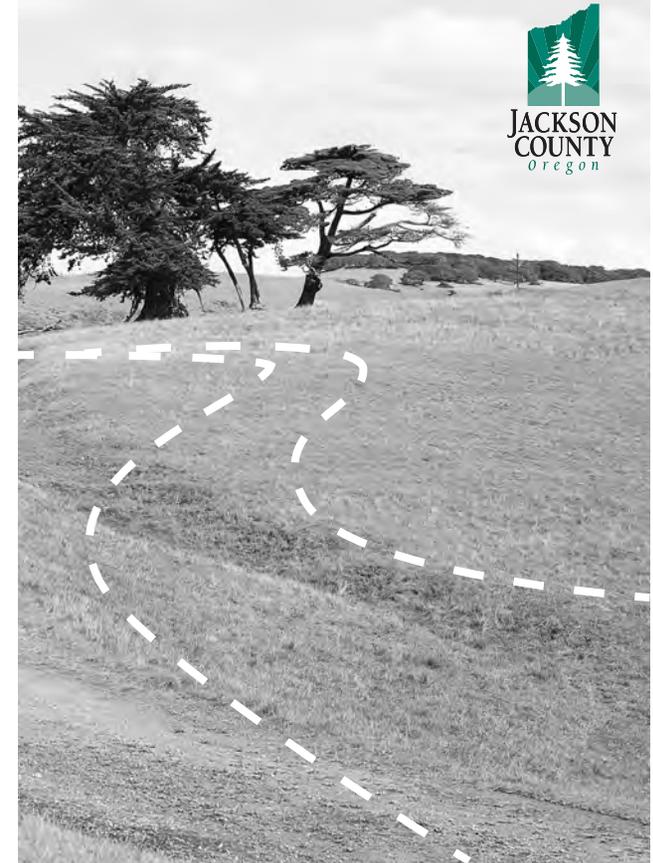
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## Development Services

# Determining Lawful Parcel Creation

— A Resource for Jackson County Residents. —



# Frequently Asked Questions

## WHAT IS A TAX LOT?

A tax lot is a unit of property created solely to establish a separate tax account for assessment purposes. A piece of property is not necessarily a lawful developable unit of land simply because it has a tax lot number and taxes have been paid.

## WHAT IS A PARCEL?

A parcel is a developable unit of land that may be comprised of one or more tax lots.

## WHAT IS THE DIFFERENCE BETWEEN A TAX LOT AND A PARCEL?

For development purposes a tax lot and a parcel are not the same. Where confusion lies is that the terms parcel and tax lot have historically been used interchangeably. This handout only addresses the parcel: a developable unit of land.

## HOW IS A LAWFUL PARCEL CREATED?

A lawful parcel would have had to conform to the rules in affect at the time the parcel was originally created. An unmodified lawful parcel will remain lawful even if zoning rules change.

Occasionally, a person will create a property or move a property line without the required review. They can accomplish this by simply recording a deed with the County Clerk. There are a number of reasons why this happens, and remedies under the law are a civil matter between the seller and buyer. The parcel will remain a lawful parcel if either:

- 1) The property lines remain in the same configuration as when it was lawfully created.

- 2) Any reconfiguration of those lines met zoning requirements at the time that the parcel was reconfigured and went through appropriate review and approval, if required.

A change in parcel configuration that does not meet the requirements in effect at the time will result in an unlawful, undevelopable parcel.

## WHY IS LAWFUL PARCEL IMPORTANT?

The reason why this is important is because the County will not issue permits for development on a unit of land that was not lawfully created. It is highly recommended that you make sure that the unit of land you are buying or planning to develop is lawfully created.

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

If your parcel meets one or more of these conditions chances are good that it is lawful:

- 1) It was created prior to September 1973 and has not been reconfigured since.
- 2) The parcel was created by an approved and finalized partition plat or subdivision.

There are some exceptions, and it is best to talk to our staff to learn about the rules that apply to your specific parcel.

At Development Services we are here to help you. It may be that a determination has already been made in regards to your parcel. The County will also verify lawful parcel status when reviewing a current land-use application. Recent decisions are available electronically and are easily accessible. If there is evidence of an approved finalized subdivision plat or partition plat on record, and the configuration is the same as what was approved, more than likely the parcel is lawful.

## *Meet with a Planner*

Development Services has planners on duty to assist you in answering your questions. A planner may be able to do a limited non-discretionary review based on information submitted by you. The minimum requirements for this type of non-discretionary review are:

- 1) A deed card
- 2) All associated deeds
- 3) The first deed describing the parcel in its current configuration
- 4) Historical documents such as a survey or plats
- 5) Payment of current fee.

If it is not clear during this cursory review whether the parcel is lawful or if you do not agree with the staff's conclusion, you can file a Type 2 Lawful Lot Creation Application. You will be required to pay an application fee for this review. Through this type of review, the decision is binding as well as appealable to a Hearings Officer.

## USE THE SELF HELP DESK

The self help research area at the County Clerk's Office is an option if you want to obtain the deed documents yourself.

## RESOURCES

Most title companies will prepare a chain of title for a fee. A realtor or attorney may also be able to help. Please note however that a title search will not necessarily resolve lawful parcel status because Real Estate Law differs from Land Use Law.