



Department of Planning and Building Services

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LEGAL LOT DETERMINATION

WHAT IS A LEGAL LOT DETERMINATION?

A legal lot determination is a research service that the Planning and Building Services Department offers in order to discover if a lot(s) was legally created by subdivision or partition and has separate development rights. The determination requires a review of the deeds from the date of either the plat (subdivision or partition) or deed preceding a partition by deed that created the parcel of the subject property forward, and a review of any covenants or development restrictions.

In most cases, the person wishes to ascertain if a property contains two or more legally created lots that could be buildable. The degree to which a legal lot is buildable depends upon the current Community Development Code requirements (e.g., building setbacks, lot coverage, floor area, etc.) on the lot.

Determination Process

Requests are submitted to the Planning Department and then reviewed by the City Attorney's Office. Based on the information provided by the applicant, the City Attorney's Office will prepare a memorandum that discusses the results of the research. The memorandum will provide the applicant and planning staff with a recommendation on the legality of a lot(s). Planning staff can then assist the applicant in identifying applicable Community Development Code requirements.

The determination is the City Attorney's Office's recommendation to the Planning Division on how a parcel should be considered in determining the applicability of code requirements to the parcel if it were the subject of a future land use application. Thus, any challenge to the determination would be within the future land use application process. The determination is not an Informal Code Interpretation; it is not subject to public notice or appeal and is not binding on future land use decisions on the subject property or in general.

Legal lot determinations take approximately two weeks to complete. The response time depends upon staff workload and the unique complexity of the chain of title of the property. The person seeking a Legal Lot Determination is contacted by Planning staff when the written Legal Lot Determination is ready and advised of the fee. There is an hourly research fee that will be charged to the person seeking the Legal Lot Determination prior to the release of the memorandum. Please contact the Planning Department for the current hourly research fee amount.

[See next page for Request Procedure]

REQUEST PROCEDURE

A request for a legal lot determination is made by submitting the following items to the Planning Department:

- A letter requesting the research to be performed and stating specific questions that the applicant wishes to have answered, i.e., are there two legal lots on this site?. Include your name, site address, and email contact / telephone number.
- Copy of a title report that includes:
 - a chain of the deeds for the subject lot(s), with either a hard copy or PDF copy of the recorded deeds, including any deed restrictions; and
 - covenants, with either a hard copy or PDF copy of the recorded covenants.
(Deeds from 1940 to date are usually necessary; earlier deeds can also be helpful.)
- A scaled site plan showing existing structures on the site:
 - Structures to remain: state the date of construction for each structure; the current use of the structures (e.g., dwelling, accessory structure, etc.).
 - Structures to be removed from the site: state the structures will be removed as a condition of development of the lot(s).