



# “LEGAL LOT OF RECORD” DEFINITION

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The purpose of this handout is to assist you in determining the legal status of your lot by summarizing information in state law and Douglas County Code. Douglas County adopted subdivision regulations that became effective on April 1, 1972. Any lot, tract or parcel created after that date is considered a legal segregation if it meets one of the following criteria:

- ✓ A lot, tract, or parcel created by a major subdivision, short subdivision or binding site plan including any remnant piece created by the division.
- ✓ An exempt lot, tract, or parcel established in conformance with the requirements of RCW 58.17.040, D.C.C. 17.04.020B, and the rules and regulations in place at the time of creation. In general these provisions include: divisions of land by testamentary provisions or the laws of descent; cemetery or burial plot while used for that purpose; exempt parcel transfers; and exempt divisions for electric utility facilities.
- ✓ A lot, tract, or parcel created by intervening ownership i.e., public right-of-way or Columbia River.
- ✓ A lot, tract or parcel created on the last recorded deed prior to April 1, 1972. Multiple lots, tracts or parcels may be recognized on the deed if each lot described is a platted lot; a portion of a platted lot; or a noncontiguous lot, tract or parcel.
- ✓ A deed filed after April 1, 1972 which lists multiple legal descriptions, with each description directly corresponding to a separate last deed filed prior to April 1, 1972; or directly referencing a legal description for a lot created in conformance with Douglas County Code after April 1, 1972, shall be considered separate legal lots of record.
- ✓ Legal lots of record combined by the Douglas County Assessor’s Office under one tax parcel number after April 1, 1972 shall be considered separate legal lots of record. Lots that have been combined under a lot consolidation process, boundary line adjustment or platting action under the provisions of Title 17 and 18 of D.C.C. shall not be considered separate legal lots of record.
- ✓ Where a deed of transfer, recorded prior to April 1, 1972, has left a remnant parcel from an original larger parcel; and where this parcel remnant has not been described on a subsequent deed of transfer along with any contiguous property prior to April 1, 1972, the remnant parcel shall be considered a legal lot of record.
- ✓ \*A tax parcel, in existence between 1963 and April 1, 1972, where no deeds have been recorded associated with the tax parcel between 1963 and April 1, 1972.
- ✓ A lot, tract or parcel which has been amended but not eliminated via a recorded boundary line adjustment application, approved by Douglas County.

\*The Douglas County Assessor’s Office maintains scanned record cards of tax parcels and deed transactions as early as 1963. This record provides a means of verifying legal lots of record. Research prior to this date can be done, but is problematic for county staff given the limited time and resources available for a more intensive record search.

# Questions and Answers

**Q:** How can I determine if my lot is a legal lot?

**A:** Refer to the definition criteria for a LEGAL LOT OF RECORD. Possible resources to use in gathering necessary information include Douglas County Land Services, the Douglas County Assessor's Office, and the Douglas County Auditor's Office. Title companies, surveyors and land use attorneys may also be of assistance if you cannot determine if your lot is a legal lot of record.

**Q:** Does a survey create a legal lot?

**A:** No, a survey does not create legal lots of record.

**Q:** If I have a tax parcel number is it a legal lot of record?

**A:** Only if it meets the criteria for a legal lot of record. Parcels created for tax purposes only, such as senior exemption parcels, mortgage segregations, undivided interests, etc., are not legal lots of record.

**Q:** Do I need separate deeds for each existing legal lot of record in a multiple lot transaction?

**A:** No, after April 1, 1972, multiple existing legal lots of record can be transferred on one deed. New exempt parcel transfers require separate deeds, unless there is intervening ownership.

**Q:** What if I cannot determine if my lot is a legal lot of record?

**A:** Douglas County Land Services should be consulted on parcels that don't seem to fit any category of a legal lot of record. If a property owner wants a formal written interpretation on whether they have a legal lot of record; an application, supporting documentation and fees may be submitted to Douglas County Land Services for an administrative interpretation.

**Q:** Can a lot that was divided illegally be made legal?

**A:** While not every illegal division can be made legal, many can be legitimized under provisions of the Douglas County Subdivision Code. Please contact Douglas County Land Services to discuss opportunities that may exist to legitimize illegal divisions.

**Q:** Is a legal lot of record eligible for a building permit?

**A:** It might or might not. A building permit application would need to meet the rules and regulations in place at the time of complete building permit application submittal, which may include lot size.

**Q:** If my lot was illegally created and can't be made conforming with local and state provisions for the division of land; can I still get a building permit?

**A:** A building permit can't be issued for a lot that was created in violation of the Subdivision Act and Douglas County Code unless Douglas County finds that the public interest will not be adversely affected. RCW 58.17.210 and DCC 17.32.050 establish provisions for innocent purchasers for value without actual notice. Douglas County recommends that a property owner consult their legal counsel to evaluate their potential options under these provisions.

**Q:** Do these rules apply county wide?

**A:** No, these rules only apply in the unincorporated area of the county. If it is located in a city you would have to contact the city to determine if it is a legal lot, even if it was at one time unincorporated.