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KG
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

0083-0627

87-11444

An Ordinance Amending Ordinance No. PL-15, the Deschutes County Zoning Ordinance of 1979, Revising Provisions Concerning Nonconforming Lots and Parcels, and Declaring an Emergency. *

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MARY SUE PENNINGTON
COUNTY CLERK

ORDINANCE NO. 87-015

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ORDAINS as follows:

Section 1. Section 1.030, Definitions, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended by the addition of the following:

"(67)(J) Lot of Record.

(i) 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 or partition requirements, if any, 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 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 lots in accordance with 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

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(e) By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

(ii) The following shall not be deemed to be 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 (i)(c) of this section.

(d) A parcel created by the foreclosure of a security interest.

(iii) Lots or parcels not created by a recorded subdivision or town plat and held in contiguous ownership shall be deemed to be one lot or parcel."

"(76)(A) Nonconforming Lot or Parcel. A lot or parcel which is smaller in area than the minimum lot or parcel size in the zone."

"(91)(B) Pre-existing Nonconforming Lot or Parcel. A nonconforming lot or parcel which is a lot of record."

Section 2. Section 6.020, Nonconforming Lot Size, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to read as follows:

(1) Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this ordinance.

(2) Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot size, where applicable, shall be considered a standard metes and bounds land section division, i. e., 160 acres, 80 acres, 40 acres, 20 acres, etc.; lot sizes, therefore, may be reasonably smaller than set forth by this ordinance if a total section acreage reduction is

due to a survey adjustment or other man-made barriers over which the applicant has had no control.

(3) Any lot or parcel which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:

(A) The lot or parcel is a lot of record, as defined in Section 1.030 (67)(J) of this ordinance.

(B) The use conforms to all other requirements of that zone.

(C) If there is an area deficiency, residential use shall be limited to a single dwelling unit.

(D) All necessary permits are obtained."

Section 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 10th day of June, 1987.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Lois Bristow Prante
LOIS BRISTOW PRANTE, Chair

Tom Throop
TOM THROOP, Commissioner

Dick Maudlin
DICK MAUDLIN, Commissioner

ATTEST:

Susan L. Courtain
Recording Secretary