LEGAL LOT

Why is it important to know if a property owner or lessee has a legal lot?

Grays Harbor County Code and Washington State Code require the segregation of a lot be completed in conformance with County and State codes governing land subdivision.

Before a property owner can build or subdivide, a lot must meet the requirements of a *legal lot*. Even if it is determined to be a *legal lot*, other requirements must be met before it can be subdivided or built upon, as the lot must meet applicable zoning, health, building criteria, and all land use codes.

It is important to note that there is a difference between a *legal lot* and a *tax lot*. A *tax lot* can be created by the Grays Harbor County Assessor's office and is intended solely for the purpose of property tax collection. A *legal lot,* on the other hand, is created for the purpose of sale and is subject to County codes governing lot segregation. The existence of a *tax lot* does not automatically mean that it is also a *legal lot.*

How does one determine the legal status of a lot?

A *legal lot* is a parcel of land that has been determined to be in accordance with the subdivision, short subdivision, or other land segregation laws in existence at the time that the lot was created. The requirements for legal lots are organized according to the way the lots were created or divided, by the date, and by other relevant governmental agency criteria.

This bulletin is not intended to replace legal or other professional services. Rather, it is designed to help customers decide if legal or other professional assistance may be needed, and to help anticipate problems that may be encountered in determining or maintaining the legal status of a lot.

Determining and maintaining the legal status of a lot

A property owner may request that the Planning and Building Division determine whether a lot was legally segregated. The property owner shall demonstrate to the satisfaction of the Division that a lot was created in compliance with applicable Washington State and Grays Harbor County land segregation statutes or codes in effect at the time the lot was created, including but not limited to demonstrating that the lot was:

1. Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to September 22, 1966.
2. Recognized prior to September 22, 1966 as a separate tax lot by the County Assessor.
3. Segregated through a subdivision process creating five or more lots under 5-acres in size on or after September 22, 1966.
4. Segregated through the short subdivision process creating four or fewer lots less than 5-acres in size on or after November 27, 1972.
5. Segregated through a subdivision process creating lots less than 20-acres in size on or after June 6,1983.
6. Segregated through a subdivision process creating lots less than 40-acres in size on or after May 23, 2005.
7. Segregated through the following alternative means allowed by the Washington State statute or Grays Harbor County Code:
   a. For cemeteries or other burial plots, while used for that purpose on or after August 11, 1969.
   b. Divisions made by testamentary provisions or the laws of descent, provided the resulting lots satisfy the minimum lot size and width requirements of the applicable zoning district, recorded on or after August 11, 1969.
   c. A lot created at a size 5-acres or greater after September 22, 1966.
   d. A lot created at a size 20-acres or greater after June 6, 1983.
   e. A lot created at a size 40-acres or greater after May 23, 2005.
   f. Lots created solely for purposes of Boundary Line Adjustment (BLA) after August 11, 1969 provided that (1) the total number of lots was not increased and (2) did not result in the creation of a lot that was smaller in square-footage than the smallest existing parcel.
   g. The creation of a lot, solely as a result from a mortgage or deed trust foreclosure, after August 11, 1969.
   h. As a result of deeding land to a public body,

for purposes of creating or extending a public-right-of-way, after August 11, 1969.

   i. The exchange of ownership rights associated with real property, such as easements or development rights, provided the area of any lot was not divided or re-divided, after August 11, 1969.

   j. The rental or lease of buildings or similar improvements where the lot itself was not divided or re-divided, after August 11, 1969.

   k. Through an Assessor's plat made in accordance with Revised Code of Washington 58.18.010 after August 11, 1969.

   l. By a partial fulfillment deed pursuant to a real estate contract recorded prior to August 11, 1969.

In requesting a determination, the property owner shall submit evidence, deemed acceptable to the County, such as:

- Recorded subdivisions or division of land into four lots or less.
- Grays Harbor County documents indicating approval of a short subdivision.
- Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description.
- Historic tax records or other similar evidence that describes the lot as an individual parcel. The County shall give great weight to the existence of historic tax records or tax parcels in making its determination.

Once the County has determined that the lot was legally created, the County shall continue to acknowledge the lot as such, unless the property owner re-aggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site.
2. Implement a deed restriction or condition, a covenant, or a court decision.

The County's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in Grays Harbor County Code Title 15, Title 16, and Title 17.

Grays Harbor County encourages the retention of existing *legal lots* whenever possible and discourages the combining or re-aggregation of *legal lots* onto one deed as part of the purchase and sale process for real property.

Documenting that a property owner has a *legal lot*

The responsibility of proving that a lot has been legally segregated and established lies with the person claiming *legal lot* status. Acceptable proof presented to the Grays Harbor County Planning and Building Division includes:

- ❑ Recording document for plats or short plats.
- ❑ Grays Harbor County approval for unrecorded subdivisions of four or fewer lots prior to July 1, 1974.
- ❑ A dated deed.
- ❑ A real estate contract.

- ❑ A letter or notice from Grays Harbor County recognizing a legal lot.
- ❑ Other reliable documentation that clearly demonstrates that a parcel satisfies the requirements of Grays Harbor County Code Title 15, Title 16, and Title 17.

Tax statements and records, assessor maps, survey maps or other historical records alone are not sufficient proof of a *legal lot*, except where the record is the sole evidence issued to demonstrate lot segregation. An example would be a tax record issued by the Grays Harbor County Assessor as evidence of a 20-acre division of land, which may have been exempt from State and County subdivision requirements at the time of its creation.

Locating the evidence needed to prove *legal lot* status

The information that property owners need to prove *legal lot* status generally is not available through the Planning and Building Division. The Grays Harbor County Assessor's office may have historical records that can be useful in determining *legal lot* status, but generally the most appropriate method of researching and obtaining older deeds or real estate contracts would be from a title company or from the Grays Harbor County Auditor's office.

What if the evidence shows that the lot was not created legally?

If research for evidence of *legal lot* proves that a lot was not segregated legally, potential purchasers or owners should contact Planning and Building Division staff for further assistance.