

**216 VALIDATION OF AN UNLAWFULLY CREATED UNIT OF LAND**

- 216-1 An application to validate a unit of land created by a sale that did not comply with the applicable criteria for creation of a unit of land may be approved through a Type II procedure if the unit of land:
- A. Is not a lawfully established unit of land; and
  - B. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- 216-2 Notwithstanding Section 216-1.B., an application to validate a unit of land under Section 216 may be approved if the county approved a permit for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the dwelling must qualify for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).
- 216-3 The application for a permit for continued use of a dwelling or other building on a unit of land that was not lawfully established may be approved if:
- A. The dwelling or other building was lawfully established prior to January 1, 2007; and
  - B. The permit does not change or intensify the use of the dwelling or other building.
- 216-4 An application to validate a unit of land is not subject to the minimum lot or parcel sizes established by ORS 215.780.
- 216-5 A unit of land becomes a lawfully established parcel when the owner of the unit of land causes a partition plat to be recorded within ninety (90) days after the date the county validated the unit of land.
- 216-6 An application to validate a unit of land shall not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- 216-7 Development or improvement of a parcel created under Section 216 must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

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