

Simple Lot Legality Determination

Applicability and Procedures

Applicability:

This form is to be used when assisting the public with parcel legality determinations. It will serve as a written record of the results of a cursory review of the legality for a particular parcel. It is not a certificate of compliance, but rather a confirmation that conclusive evidence exists that a parcel is already legal. For example, the form should be used to provide a member of the public proof of legal status when they have applied to Environmental Health for a well permit on a vacant lot, or, conversely that legality cannot be easily determined and that an application for a certificate of compliance will be needed. The form should also be used to during intakes for certificates of compliance to demonstrate for the public and the project planner that the simple determinants of parcel legality have been checked before accepting an application.

Procedure:

Once a planner has determined that use of the form is applicable to a particular situation, they must proceed as follows:

1. Attempt to find evidence that the parcel was created by recordation of a map pursuant to a land division
2. Attempt to find evidence that the parcel was created by issuance of a certificate of compliance
3. Attempt to find evidence that the parcel, as a result of previous investigation by the Planning Department, was found to be legal
4. **If evidence confirms legal status**, place the specific details in the spaces provided in the legality determination section of the form (map number, certificate number, or parcel notebook reference). Check the box labeled “Legality has been determined as indicated above”. Make sure all parcel specific information at the top of the form is absolutely correct. Sign and date the form. Place a Planning Department stamp in red ink by your signature.

If evidence does not confirm legal status, put lines through all of the spaces in the legality determination section of the form. Check the box labeled “Legality has not been determined”. Make sure all parcel specific information at the top of the form is absolutely correct. Sign and date the form. Place a Planning Department stamp in red ink by your signature.

5. Enter the results of the legality determination in the Parcel Notebook, noting all the parcel specific information and the date
6. Give the original stamped form to the member of the public

It is important to remember that this is a no cost service to the public. Therefore, time spent working with this form should be limited to about 30 minutes. **Never** use this form to confirm legality unless there is **indisputable evidence** that the parcel was legally created by one of the methods listed on the form. Do not engage in a de facto lot legality determination by investigating deeds, recorded documents, or similar evidence at the counter, as there is a fee for such services and an application is required.