

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

SHARON SIMPSON CARROLL and
SHARON SIMPSON CARROLL INHERITANCE TRUST,
Petitioners,

vs.

LANE COUNTY,
Respondent.

LUBA No. 2024-054

FINAL OPINION
AND ORDER

Appeal on remand from the Court of Appeals.

Michael M. Reeder represented petitioners.

Tiffany A. Johnson represented respondent.

BASSHAM, Board Member; ZAMUDIO, Board Chair; WILSON, Board
Member, participated in the decision.

REMANDED 07/17/2025

You are entitled to judicial review of this Order. Judicial review is
governed by the provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a hearings official's decision denying a legal lot verification and four property line adjustments.

FACTS

This matter is on remand from the Court of Appeals. *Carroll v. Lane County*, 340 Or App 514, ___ P3d ___ (2025). In the underlying LUBA decision, we affirmed a hearings official's decision denying petitioners' consolidated applications for a legal lot verification and four property line adjustments. *Carroll v. Lane County*, LUBA No 2024-054 (Dec 11, 2024). In brief, the hearings official concluded that one of the units of land proposed for adjusted boundaries, identified as Property 1 or the northern portion of tax lot 2701, was not a lawfully established unit of land. Because the county code allows property line adjustment only for lawfully established units of land, the hearings official denied all of the requested property line adjustments.

On appeal to LUBA, petitioners advanced three assignments of error. The first and second assignments of error alleged that the county committed various errors in processing petitioners' applications. The third assignment of error challenged the hearings official's conclusion that Property 1 is not a lawfully established unit of land under Lane Code (LC) 13.030(3)(n)(ii)(bb), which implements ORS 215.010(1) and ORS 92.010(3)(a)(B)(ii). Petitioners argued that, as a matter of law, Property 1 was lawfully established by deed in 1908 as a

1 remainder parcel. In our decision, we denied all three assignments of error,
2 agreeing with the county that it had not committed procedural error, and that
3 petitioners had failed their burden to demonstrate that Property 1 is a lawfully
4 established unit of land.

5 The Court of Appeals reversed and remanded our decision, agreeing with
6 petitioners that, as a matter of law, Property 1 is a lawfully established unit of
7 land. Specifically, the court concluded that “the legal consequence of the 1908
8 deed was to create Property 1 as a lawfully established unit of land which is
9 entitled to lot verification from the county.” *Carroll*, 340 Or App at 527.

10 **FIRST AND SECOND ASSIGNMENTS OF ERROR**

11 The Court of Appeals’ decision did not disturb our dispositions of the first
12 and second assignments of error, which rejected petitioners’ arguments that the
13 county committed errors in processing petitioners’ applications.

14 **THIRD ASSIGNMENT OF ERROR**

15 For the reasons set out in the Court of Appeals’ decision, the third
16 assignment of error is sustained.

17 **DISPOSITION**

18 The county’s decision is remanded for further proceedings consistent with
19 this opinion.