



## LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

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### **MORTGAGE-LOT APPLICATION** **Application Fee \$350.00**

A mortgage-lot is an area of land used as collateral to secure financing for a structure, typically but not necessarily a dwelling, and which is treated, only for that purpose, as if it were separated from the balance of the property. The creation of a mortgage-lot does not constitute a division of land or a legal partitioning. Once created and recorded, a mortgage-lot remains a part of the originating unit of land. Although the mortgage-lot and the remainder of the land may subsequently be identified by the Linn County Assessor's office with different tax lot and tax account numbers, neither tax lot may be sold separately from the other under State law unless a new parcel is created pursuant to the applicable sections of the Linn County Code (LCC).

An application to create a mortgage-lot is generally decided by the planning staff under a Type I (ministerial) review procedure. Under a ministerial review, neither public notice nor a public hearing is required. The Director will issue a written decision on mortgage-lot application. An appeal of the Director's decision is reviewed by the Planning Commission. At the discretion of the Director, the application may be referred to the Planning Commission for public hearing as a Type II review. An appeal of a Planning Commission decision is reviewed by the Board of Commissioners.

When filling out the mortgage-lot application, it is important to provide complete and accurate responses. The burden of proof is on the applicant to show why the application meets the decision criteria and should be approved. If any questions arise while filling out the application, please contact the Department. A staff member will review the application for completeness after it is submitted to the Department.

An application must be type-written or in ink and submitted to the Department with the specified fee. Only the owner or contract purchaser of the land, or a representative having written authorization of the owner or contract purchaser of record, may submit the application.

The Department cannot accept an application unless it is complete. To be deemed complete, an application must:

1. Include a statement from the Linn County Environmental Health Program showing that the applicant's proposed or existing uses can be supported by a sewage disposal system and repair area located entirely within the proposed mortgage-lot.
2. Include a detailed site development plan, drawn to scale, showing the structure subject to the mortgage, the domestic well serving the development, and the road access serving the development.
3. Include copies of any documents referenced by the application.
4. Include all documents and evidence relied upon by the applicant to demonstrate compliance with the applicable decision criteria.
5. Include the review fee.

**MORTGAGE-LOT APPLICATION**

**Application Check List (for department use only)**

Date received: \_\_\_\_\_ Receipt number: \_\_\_\_\_ Fee paid: \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Completeness reviewed by: \_\_\_\_\_

Other applications included: \_\_\_\_\_

Date deemed complete: \_\_\_\_\_ Review procedure type: I II III

\_\_\_\_\_ Environmental Health Program approval

New site \_\_\_\_\_ Existing system \_\_\_\_\_ Review not required \_\_\_\_\_

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_ Attached copy of current deed or contract showing ownership and legal property description

\_\_\_\_\_ Legal parcel/lot-or-record \_\_\_\_\_ Signature(s) \_\_\_\_\_ Complete Site plan

\_\_\_\_\_ Mortgage-lot contains:

All structure(s) subject to mortgage \_\_\_\_\_ Road access \_\_\_\_\_

Sewage disposal system and repair area \_\_\_\_\_ Well \_\_\_\_\_

\_\_\_\_\_ Property development standards can be met:

Mortgage-lot size (one acre min.) \_\_\_\_\_ Setbacks \_\_\_\_\_ Coverage \_\_\_\_\_

Width \_\_\_\_\_ Depth \_\_\_\_\_ Frontage \_\_\_\_\_

\_\_\_\_\_ Proposal is located within:

Zoning district \_\_\_\_\_ Plan designation \_\_\_\_\_

UGB \_\_\_\_\_ Planning area \_\_\_\_\_

A.O. zone/airport notification area \_\_\_\_\_

Floodplain \_\_\_\_\_ Habitat \_\_\_\_\_ Wetland \_\_\_\_\_

Mass movement area \_\_\_\_\_ S.B.H.O. \_\_\_\_\_ Historic \_\_\_\_\_ Greenway \_\_\_\_\_

\_\_\_\_\_ Mortgage-lot near: FCM \_\_\_\_\_ AXP \_\_\_\_\_

**THIS FORM MUST BE FILLED OUT COMPLETELY, IN INK OR TYPEWRITTEN**

I. Property Owner/Applicant Information

- A. Applicant(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- B. Property owner(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- C. Applicant's representative (if any) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_
- D. Mortgage holder to be notified of action this request:  
Agent: \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone number (home) \_\_\_\_\_ (work) \_\_\_\_\_

II. Property Information

- A. Map number: Twnshp \_\_\_\_\_ Rnge \_\_\_\_\_ Section(s) \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_
- B. Site address (if any): \_\_\_\_\_  
\_\_\_\_\_
- C. Parcel size \_\_\_\_\_ Proposed mortgage-lot size: \_\_\_\_\_
- D. Zoning designation \_\_\_\_\_ Comp Plan designation \_\_\_\_\_

III. Development Information

- A. What type of development is proposed?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. Describe any existing structures, fences, wells, septic systems or other improvements which are on the property. Specify whether the improvements are on the proposed mortgage-lot. (Show these improvements on your site plan.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Describe any natural features on the property such as drainage ways and streams. (Show these features on your site plan.)

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D. How is access to be provided? (Show the access/driveways on your site plan.)

Mortgage-lot: \_\_\_\_\_

Balance of property: \_\_\_\_\_

E. Describe the proposed driveway(s):

1. Will it be a public or private road? (Specify) \_\_\_\_\_

2. How wide will the road right-of-way be? \_\_\_\_\_

3. How wide will the road surface be? \_\_\_\_\_

4. How long will the roadway be? \_\_\_\_\_

5. Will any water bodies be crossed by road? \_\_\_\_\_

If so, will the crossing be by bridge or culvert(s) \_\_\_\_\_

6. Will the road intersect with a county/public road at any existing access point or will this be a new access point? \_\_\_\_\_

7. Is there a wet area on the property? (If yes, indicate location on site plan) \_\_\_\_\_

#### IV. Attachments

**YOU MUST SUBMIT THE FOLLOWING ATTACHMENTS WITH THIS APPLICATION:**

1. The current deed or contract showing ownership and containing the legal description of the property.
2. A site plan showing the property dimensions, location of existing and proposed structures and natural features. A more complete description of what is required in a site plan is attached to the application.

V. Owner/Applicant Certifications

**YOUR SIGNATURE CERTIFIES THAT YOU HAVE READ AND AGREE WITH THE FOLLOWING STATEMENTS. PLEASE READ BEFORE SIGNING THIS DOCUMENT.**

1. I agree to treat the total acreage of the property as one parcel even though the parcel will have two separate tax account and tax lot numbers.
2. I understand that the sale of either portion of the parcel will be treated as a violation of the Linn County Land Development Code, subject to enforcement and civil penalties.
3. I understand that, if this application is approved, the mortgage-lot shall be surveyed and a copy of the filed survey of the land area and the metes and bounds description, if necessary for the road access, shall be provided to the Department within 120 calendar days of the date of approval. The survey map shall have a signature line for the Director of the Planning and Building Department and shall carry the disclosure that these units of land are for mortgage purposes only are not to be considered separate parcels.
4. I agree to sign and record in the Linn County Clerk's Office a deed covenant containing the following statement:

**The Owner(s)/Contract Purchaser(s) agree that the land described herein (*county survey number*) is a single unit, notwithstanding the fact that portions may be given separate tax account numbers. Sale of any portion of this property without prior approval for a land partition by the Linn County Planning and Building Department is a violation of the Linn County Land Development Code. However, a division of land resulting from a lien foreclosure subsequently adjudged by a court of competent jurisdiction is exempted by ORS 92.010(7) from partitioning.**

The above statement shall be recorded at the time of escrow closing but not later than 180 days of application approval. A copy of the recorded covenant shall be provided to the Department.

5. I agree that once the mortgage is paid, the mortgage-lot and the balance of the land shall be consolidated into one tax-lot. The survey map shall contain a statement that the two tax-lots shall be consolidated into one tax-lot at the time the mortgage is satisfied.
6. **I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true, and any approval granted based on this information may be revoked if it is found that such statements are false.**

Owner/applicant signature \_\_\_\_\_ Date \_\_\_\_\_

Owner/applicant signature \_\_\_\_\_ Date \_\_\_\_\_

Mortgagee signature \_\_\_\_\_ Date \_\_\_\_\_

VI. Verification of Ownership

**Only the owner of the property should complete this section.**

PLEASE NOTE: County code does not allow an application to be reviewed unless the owner has first authorized it. Assessor's office records are used to verify the ownership.

A. The application does not violate any recorded codes, covenants or restrictions that are attached to the subject property.

B. I have the following legal interest in the property:

- \_\_\_\_\_ owner of record
- \_\_\_\_\_ land sales contract purchaser
- \_\_\_\_\_ holder of a recorded exclusive option to purchase

C. Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

D. Linn County Assessor's Office records indicate that:

Tnshp \_\_\_\_\_, Rnge \_\_\_\_\_, Section(s) \_\_\_\_\_, Tax Lot(s) \_\_\_\_\_  
is owned or is being purchased by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Ownership verified by

\_\_\_\_\_  
Date

## STANDARD SITE PLAN DRAWING

For a complete and accurate evaluation of your proposal, it is necessary to include sufficient information and detail on a site plan drawing. An example is provided as a guide to the preparation of your plan. The site plan you submit will constitute the formal development plan upon which your request is based.

You may submit separate plans to show details of particular aspects of your proposal, i.e. landscaping, off-street parking, topography and drainage plans.

Any public or semi-public use or activity will require written detail and description of such use, i.e. number of employees, hours of operation, unusual equipment or activities that may produce noise, odor, glare, vibration, etc., equipment storage areas, guard or watchman requirements, aerial hazards and road access needs.

This site plan requirement is in addition to any other requirements for zoning, building, sanitation or other governmental permits or standards compliance.

### SITE PLAN REQUIREMENTS:

- (1) The site plan must be submitted on paper no larger than 8½ inches by 14 inches and drawn to scale.
- (2) Indicate the scale (for example, 1" = 200') on the site plan.
- (3) Include a North arrow indicating the direction of North on the map.
- (4) Include the applicant's name and address in an information block at the bottom of the page.
- (5) Show the dimensions of the property. These may be taken from surveys, deeds and assessor's records.
- (6) Indicate the names of roads adjacent to the property.
- (7) Indicate the approximate distance and direction to nearest city or town.
- (8) Indicate the dimensions and distance from property lines to all structures, both existing and proposed, as well as fences, culverts, light standards and signs on the property and adjacent properties.
- (9) Indicate the location of existing and proposed access ways, parking and loading areas, approaches and barriers. The type of surfacing should be indicated.
- (10) Identify the location of significant land features, such as streams, creeks, drainage areas and slope.
- (11) Identify the location of existing and/or proposed septic tanks, repair areas and wells. If known, indicate any wells or septic systems on adjacent properties if they are within 10 feet of this property.
- (12) Indicate existing uses of land (cultivation, pasture, timber, etc.). Indicate types of crops, pasture, grass and timber species.

Attach sample plot plan (see sample plotplan on Planning and Building webpage)