



CITY OF
**West
Linn**

LAND USE PRE-APPLICATION CONFERENCE

Thursday, February 17, 2022

Webex virtual meeting

10:00 am: **Water Resource Area application for a new home**
Applicant: **Darren GUSDORF, applicant**
Property Address: **1220 9th Street, Lot C**
Neighborhood Assn: **Willamette Neighborhood Association**
Planner: **Betty Avila**

Project #: **PA-22-01**





PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION

CONFERENCE DATE:	2/17/22	TIME:	10:00 AM	PROJECT #:	PA-22-01
STAFF CONTACT:	Betty Avila	FEE:	\$350		

Pre-application conferences occur on the first and third Wednesdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted by 4:00pm at least 15 days before the conference date. Twenty-four hour notice is required to reschedule.

Address of Subject Property (or map/tax lot): 31E02AC 300 (Lot C)

Brief Description of Proposal: WRA application to allow construction of a new home on the platted Lot C of the 1908 Willamette and Tualatin Tracts subdivision. Alternative review is proposed to modify the required wetlands buffer.

Applicant's Name: Darren Gusdorf, Icon Constructin & Development, LLC

Mailing Address: 1969 Willamette Falls Dr., Suite 260, West Linn, OR 97068

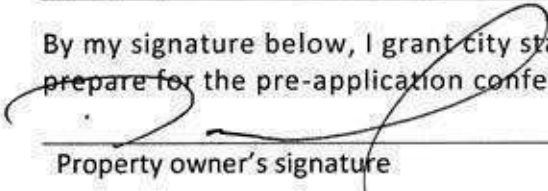
Phone No: (503) 657-0406 Email Address: darren@iconconstruction.net

Please attach additional materials relating to your proposal including a site plan on paper up to 11 x 17 inches in size depicting the following items:

- North arrow
- Scale
- Property dimensions
- Streets abutting the property
- Conceptual layout, design and/or building elevations
- Easements (access, utility, all others)
- Access to and from the site, if applicable
- Location of existing trees, highly recommend a tree survey
- Location of creeks and/or wetlands, highly recommend a wetland delineation
- Location of existing utilities (water, sewer, etc.)

Please list any questions or issues that you may have for city staff regarding your proposal:

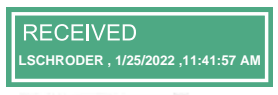
By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.



Property owner's signature

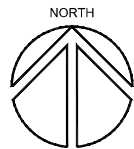
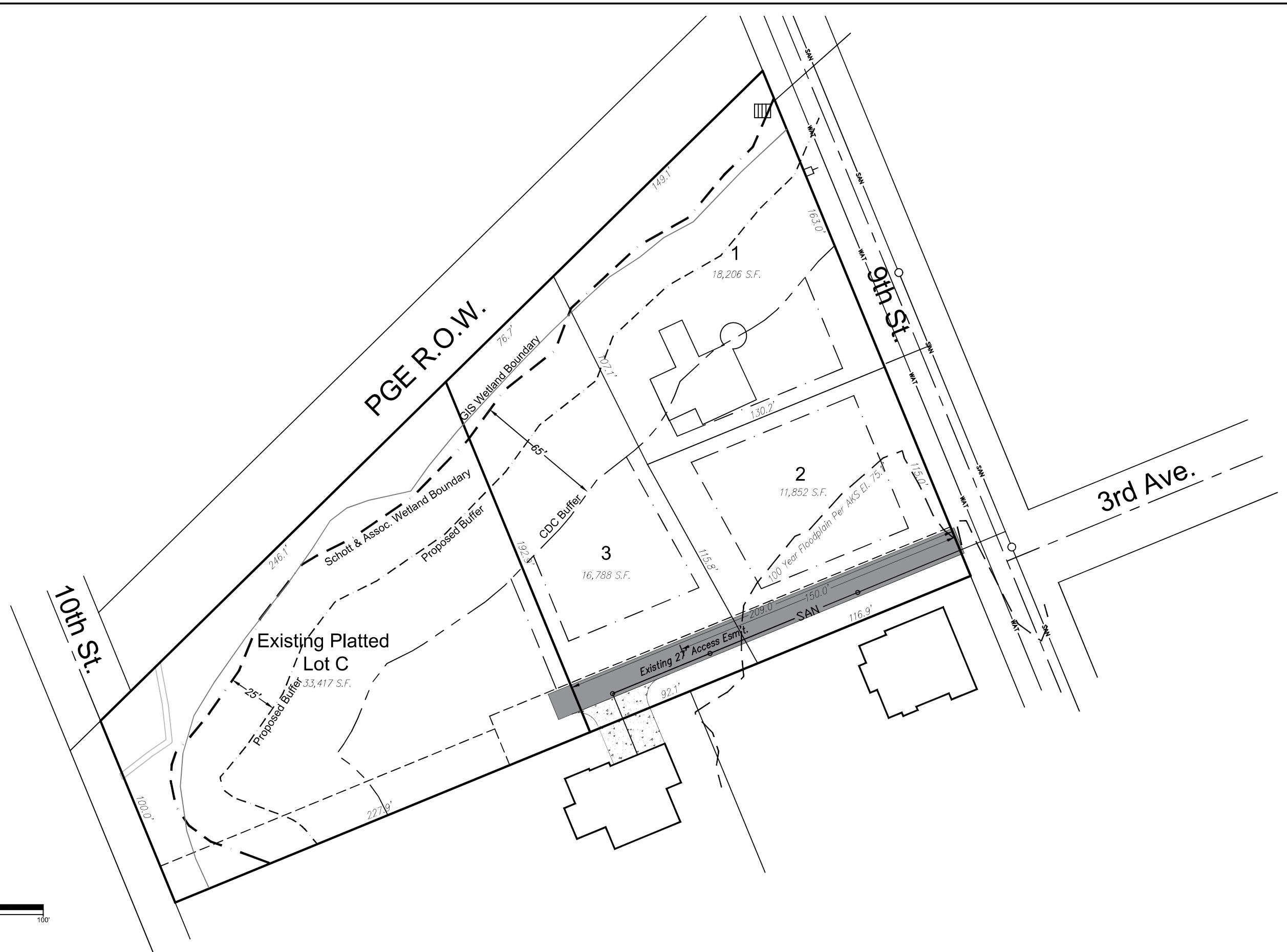
1/25/22

Date



DARREN GUSDORF; AUTHORIZED SIGNER

Property owner's printed name and mailing address
(if different from above)



Scale: 1" = 50'

DESIGNED:	R.E.G.			
DRAWN:	R.E.G.			
SCALE:	1" = 50'			
DATE:	1-25-21			
FILE:	21-ICN-105	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
 18680 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
 1969 Willamette Falls Dr # 260
 West Linn, OR 97068
 PH: (503) 657-0406

Lot D Partition - Lot C WRA
 Conceptual Site Plan

SHEET:
 1/1

January 25, 2022

Betty Avila, Associate Planner
City of West Linn Planning Dept.
22500 Salamo Rd.
West Linn, Oregon 97068

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

RE: 1220 9th Street Pre-Application Conferences

Dear Betty:

In response to your email of Jan. 20, 2022, we are submitting this letter and the attached information to assist with the determination of the legal status of the two lots that make up Tax Lot 300, Map 31E02AC. As you note in your email, the West Linn Community Development Code states that a legal lot is one which meets one of the following criteria:

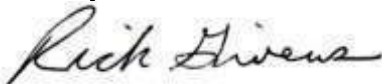
1. A lot in an existing, duly recorded subdivision;
2. A parcel in an existing, duly recorded major or minor land partition;
3. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or
4. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bounds description, and recorded with the County Clerk.

In the case of the subject property, Tax Lot 300 is comprised of two lots that were created in 1908 by the Willamette and Tualatin Tracts subdivision (attached) recorded in 1908. The two lots are identified on that plat as Tracts C and D of Block 21. Criterion 1 is met.

We are attaching a copy of the current deed as well as the previous one recorded in 1960. According to research by First American Title Company of Oregon, these are the only two deeds currently on record at the County Recorder's Office. Please note that both deeds refer to Tracts C and D as the legal description for the property.

Under the provisions of ORS 92.234, a replat is the only method for revising a recorded subdivision plat. According to Clackamas County Surveyor's Office records, no such replat that would affect the subject property has ever been recorded. For these reasons, we conclude that the subject Tracts C and D meet the CDC criteria for legal lot status.

Sincerely,



Rick Givens
CC: Darren Gusdorf

WILLAMETTE & TUALATIN TRACTS

PORTLAND RAILWAY LIGHT AND POWER COMPANY
SCALE 1"=400'

AS SHOWN BY CERTAINING CO. 1881
RECORDED IN CLATSOP COUNTY, OREGON
CLATSOP COUNTY DEED BOOKS
E. O. HUNGERFORD COUNTY SURVEYOR
BY DEPOSIT BOOKS

AS SHOWN BY DEEDS BOOKS, 1881
RECORDED IN CLATSOP COUNTY, OREGON
CLATSOP COUNTY DEED BOOKS
E. O. HUNGERFORD COUNTY SURVEYOR
BY DEPOSIT BOOKS



DEDICATION OF WILLAMETTE AND TUALATIN TRACTS
 KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, THE WILLAMETTE FALLS COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF OREGON, AND HAVING ITS CORPORATE OFFICE AT PORTLAND IN SAID STATE, DOES HEREBY MAKE AND DECLARE THE ACCOMPANYING AND ANNEXED PLAT TO BE A TRUE AND CORRECT PLAT OF WILLAMETTE AND TUALATIN TRACTS, SITUATE IN SECTIONS THIRTY-FIVE (35) AND THIRTY-SIX (36) TOWNSHIP TWO (2) AND SOUTH RANGE ONE (1) EAST AND SECTIONS ONE (1) TWO (2) AND THREE (3) IN TOWNSHIP THREE (3) SOUTH OF RANGE ONE (1) EAST OF THE WILLAMETTE MERIDIAN IN CLATSOP COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT SIX HUNDRED FORTY-ONE (641) FEET EAST AND TWO HUNDRED TWELVE AND ONE-HALF (252 1/2) FEET SOUTH 22 DEG. 21 MIN. EAST OF THE SECTION CORNER OF SECTIONS THIRTY-FIVE (35) AND THIRTY-SIX (36) IN TOWNSHIP 2, SOUTH RANGE 1 EAST OF THE WILLAMETTE MERIDIAN AND SECTIONS ONE (1) AND TWO (2) TOWNSHIP THREE (3) SOUTH RANGE ONE (1) EAST OF THE WILLAMETTE MERIDIAN:

THENCE BEGINNING NORTH 22 DEG. 21 MIN. WEST 496 FEET, THENCE RUNNING SOUTH 80 DEG. 13 MIN. WEST 496 FEET, THENCE RUNNING SOUTH 69 DEG. 27 MIN. WEST 458 FEET, THENCE RUNNING SOUTH 67 DEG. 33 MIN. WEST 516 FEET, THENCE RUNNING SOUTH 22 DEG. 21 MIN. EAST 876 FEET, THENCE RUNNING SOUTH 67 DEG. 33 MIN. WEST 1852 FEET, THENCE RUNNING NORTH 22 DEG. 21 MIN. WEST 18 FEET, THENCE RUNNING SOUTH 67 DEG. 33 MIN. WEST 1100 FEET ALONG THE SOUTH BOUNDARY OF WILLAMETTE FALLS.

THENCE BEGINNING NORTH 22 DEG. 21 MIN. WEST 280 FEET ALONG THE SOUTH BOUNDARY OF WILLAMETTE FALLS.

THENCE RUNNING SOUTH 67 DEG. 33 MIN. WEST 360 FEET, THENCE NORTH 22 DEG. 21 MIN. WEST 300 FEET, THENCE SOUTH 67 DEG. 33 MIN. WEST 360 FEET, THENCE NORTH 22 DEG. 21 MIN. WEST 280 FEET, THENCE SOUTH 67 DEG. 33 MIN. WEST 110 FEET, THENCE NORTH 22 DEG. 41 MIN. WEST 1201 FEET, THENCE NORTH 66 DEG. 16 MIN. WEST 1028 FEET, THENCE NORTH 51 DEG. 30 MIN. WEST 768 FEET, THENCE SOUTH 67 DEG. 33 MIN. WEST 307 FEET, THENCE SOUTH 42 DEG. 40 MIN. EAST 988 FEET, THENCE SOUTH 51 DEG. 40 MIN. WEST 1614 FEET, THENCE NORTH 79 DEG. 35 MIN. WEST 315 FEET, THENCE SOUTH 77 DEG. 25 MIN. EAST 2328 FEET, THENCE SOUTH 45 DEG. 38 MIN. WEST 459 FEET, THENCE NORTH 72 DEG. 09 MIN. EAST 459 FEET, THENCE NORTH 96 DEG. 25 MIN. EAST 507 FEET, THENCE NORTH 54 DEG. 25 MIN. EAST 1576 FEET, THENCE NORTH 35 DEG. 07 MIN. WEST 852 FEET, THENCE NORTH 53 DEG. 17 MIN. EAST 393 FEET, THENCE SOUTH 95 DEG. 07 MIN. EAST 847 FEET, THENCE NORTH 59 DEG. 23 MIN. WEST 416 FEET, THENCE NORTH 38 DEG. 00 MIN. WEST 1100 FEET, THENCE NORTH 49 DEG. 00 MIN. WEST 352 1/2 FEET, THENCE SOUTH 38 DEG. 12 MIN. EAST 8042 FEET ALONG THE EAST LINE OF ANNEBEE FIELDS CLAIM, THENCE NORTH 54 DEG. 23 MIN. EAST 888 FEET, THENCE NORTH 40 DEG. 37 MIN. WEST 200 FEET, THENCE NORTH 81 DEG. 08 MIN. WEST 88 FEET TO POINT OF BEGINNING.

THE SIZE AND NUMBER OF TRACTS AND THE LETTERS OF THE LOTS ARE AS INDICATED ON THE PLAT. THE DIMENSIONS OF ALL ROADS, STRAITS, TRACTS AND LOTS BEING STATED IN FIGURES APPROXIMATING FEET, THE TECHNICAL SURVEYERS 5/8 INCH BEING USED FOR THE WORD FEET. THE APPROPRIETY OF THE SURVEYOR MENTIONED ANNEBEE SHOWS THE INITIAL POINT OF THE SURVEY. ALL LANDS SHOWN ON SAID PLAT LYING BETWEEN WILLAMETTE AND TUALATIN RIVERS AND THE SOUTHERLY AND WASTERLY LINES OF SAID PLAT ARE HEREBY RESERVED AS PRIVATE PROPERTY, THE USE OF ALL STRAITS ARE HEREBY RESERVED TO THE PUBLIC, RESERVING, HOWEVER, TO THE WILLAMETTE FALLS COMPANY, ITS SUCCESSORS AND ASSIGNS THE EXCLUSIVE RIGHT TO LAY AND MAINTAIN TRACKS FOR RAILWAY OR STREET CAR LINES THROUGH ANY OF THE STRAITS AND TO CHANGE THE SAME WITH WATERS OR OTHER RIVERS, AND THE EXCLUSIVE RIGHT TO LAY AND MAINTAIN AND OPERATE THROUGH GAS AND WATER MAINS, STEAM PIPES FOR HEATING OR POWER, ANNEBEE TRUNKS, TELEGRAPHS, TELEPHONE AND ELECTRIC WIRES, AND THE INITIAL POINT OF THE SURVEY. ALL STRAITS AND LINES OF POLES AND TO CROSS, TELEGRAPH AND ELECTRIC WIRES, TELEPHONE AND ELECTRIC WIRES AND LINES OF WIRES IN AND THROUGH ANY AND ALL SAID STRAITS. IN WITNESS WHEREOF THE SAID WILLAMETTE FALLS COMPANY HAS CAUSED ITS CORPORATE NAME TO BE HEREBY AFFIXED AND THESE PRESENTS TO BE INDICATED BY ITS PRESIDENT AND ITS CORPORATE SEAL TO BE HEREBY AFFIXED, ATTESTED BY THE SIGNATURE OF ITS SECRETARY, PURSUANT TO A RESOLUTION OF ITS BOARD OF DIRECTORS, THE SECOND DAY OF SEPTEMBER, 1908.

IN THE PRESENCE OF—
 Geo. J. KELLY, Clerk
 PHILIP NEIL, Atty.

WILLAMETTE FALLS COMPANY
 BY E. S. JOSELYN, PRESIDENT
 ATTEST—FRANKLIN T. GRIFFITH, SECRETARY

STATE OF OREGON } 88
 COUNTY OF CLATSOP }
 I, S. D. HUNGERFORD, COUNTY SURVEYOR OF THE COUNTY OF CLATSOP, STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ANNEXED PLAT OF WILLAMETTE AND TUALATIN TRACTS, THAT THE SAID PLAT IS PARTLY WITHIN THE CORPORATE LIMITS OF THE TOWN OF WILLAMETTE, THAT THE SAID TOWN OF WILLAMETTE WAS AS CITY ENGINEER OR CITY SURVEYOR, THAT THE STREETS LAID OUT IN SAID PLAT CONFORM TO THE BUILDING PLAT, AND I HEREBY APPROVE SAID PLAT.
 IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND SEAL THIS 3RD DAY OF SEPTEMBER, 1908.
 S. D. HUNGERFORD
 COUNTY SURVEYOR, CLATSOP CO., OREG.

STATE OF OREGON } 89
 COUNTY OF CLATSOP }
 OF THIS 2ND DAY OF SEPTEMBER, 1908, BEFORE ME APPEARED E. S. JOSELYN AND FRANKLIN T. GRIFFITH, TO AS PERSONALLY KNOWN, AND BEING DULY SWORN DID SAY THAT HE, THE SAID E. S. JOSELYN IS THE PRESIDENT AND THAT HE, THE SAID FRANKLIN T. GRIFFITH IS THE SECRETARY OF WILLAMETTE FALLS COMPANY, THE CORPORATION FORMED IN THE FOREGOING DECLARATION, AND THAT THE SEAL AFFIXED TO SAID INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY FRANKLIN T. GRIFFITH AND SAID E. S. JOSELYN AND SAID FRANKLIN T. GRIFFITH REACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION. IN TESTIMONY WHEREOF, I HAVE HEREBY SET MY HAND AND AFFIXED AN OFFICIAL SEAL THIS 2ND DAY AND YEAR IN THIS CERTIFICATE FIRST WRITTEN.
 GEO. J. KELLY NOTARY PUBLIC FOR OREGON.

STATE OF OREGON } 90
 COUNTY OF CLATSOP }
 I, C. A. MILLER, BEING FIRST DULY SWORN DEPOSE AND SAY THAT I CONVEYED THE LAND REFERENCED ON THE ANNEXED PLAT OF WILLAMETTE AND TUALATIN TRACTS, THAT I CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REFERENCED UPON THE SAID PLAT, THAT AT THE INITIAL POINT OF SAID SURVEY I PLACED A PERMANENT MONUMENT, TO WIT—AN ANNEBEE ONE (7) OF SAID WILLAMETTE AND TUALATIN TRACTS, SAID T-RAIL BEING PLACED 307 FEET SOUTH 82 DEG. 21 MIN. EAST OF THE SECTION CORNER OF SECTIONS THIRTY-FIVE (35) AND THIRTY-SIX (36) OF TOWNSHIP TWO (2) SOUTH OF RANGE ONE (1) EAST AND SECTIONS ONE (1) AND TWO (2) OF TOWNSHIP THREE (3) SOUTH OF RANGE ONE (1) EAST OF THE WILLAMETTE MERIDIAN IN CLATSOP COUNTY, STATE OF OREGON.
 C. A. MILLER
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 2ND DAY OF SEPTEMBER, 1908.
 F. J. JOHNSON, NOTARY PUBLIC FOR OREGON.

STATE OF OREGON } 91
 COUNTY OF CLATSOP }
 I, JAMES F. NELSON, COUNTY ATTORNEY OF CLATSOP COUNTY, STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ANNEXED PLAT OF WILLAMETTE AND TUALATIN TRACTS AND HAVE ALSO EXAMINED THE TAX RECORDS OF THE SAID CLATSOP COUNTY, OREGON, AND FIND THEREFROM THAT ALL TAXES AND ASSESSMENTS AGAINST THE LANDS SHOWN IN THE SAID PLAT HAVE BEEN PAID, THAT THE STREETS LAID OUT IN SAID PLAT CONFORM TO THE BUILDING PLAT, AND THAT THE NAME OF SAID PLAT DOES NOT CONFLICT WITH THE NAMES OF THE OTHER TOWN PLATS IN SAID CLATSOP COUNTY, OREGON, AND I DO HEREBY APPROVE THE SAID PLAT.
 IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND SEAL THIS 3RD DAY OF SEPTEMBER, 1908.
 JAMES F. NELSON, COUNTY ATTORNEY OF CLATSOP CO., OREGON.
 BY J. A. AMBERG, DEPUTY.

STATE OF OREGON } 92
 COUNTY OF CLATSOP }
 I, E. S. JOSELYN, PRESIDENT OF SAID COMPANY, CERTIFY THE DETAIL AND FORWARDING TO BE A TRUE AND CORRECT COPY OF THE MAP SHOWN ON FILE IN MY OFFICE AND IN MY CARE AND CUSTODY, AUGUST 20, 1912.
 E. S. JOSELYN
 COUNTY ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That JEAN B. DUNGEY

, grantor, in consideration of One and no/100 Dollars,

to her paid by WALTER E. DUNGEY

do. es. hereby grant, bargain, sell and convey unto the said grantee, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Tracts C and D, Block 21, and Tracts A, B, C and D, Block 20, WILLAMETTE AND TUALATIN TRACTS, in the County of Clackamas and State of Oregon.

To Have and to Hold, the above described and granted premises unto the said grantee, his heirs and assigns forever.

Witness my hand and seal this 30 day of January, 1964

Jean B. Dungey (SEAL)

(SEAL)

(SEAL)

STATE OF OREGON,

County of Clackamas ss. On this 30 day of January, 1964, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JEAN B. DUNGEY

who is known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Robert Schumacher
Notary Public for Oregon.
My commission expires 01/6/64

Bargain and Sale DEED

TO

AFTER RECORDING RETURN TO

W.E. Dungey
1220 S.E. 92nd
West Linn

BOOK 637 PAGE 493

STATE OF OREGON,
County of Clackamas,

I, Robert Schumacher, County Clerk, Ex-Officio Recorder, Commissioner and Ex-Officio Clerk of the Circuit Court for the County of Clackamas, do hereby certify that the within instrument was recorded for the records of said County at

DEED 23

Mar 23 4 36 PM '64

In Book 637 Page 493

Witness my hand and seal of said Court affixed.
ROBERT SCHUMACHER
County Clerk,

Robert Schumacher
Deputy Recording Certificate

723/50 4849

DOCKET No.

KNOW ALL MEN BY THESE PRESENTS, That I, Walter F. Dungey, husband of Jean Dungey

of West Linn County of Clackamas State of Oregon,

in consideration of One & No/100

Dollars &

Love and affection

to me paid by Jean Dungey, my wife,

of West Linn County of Clackamas, State of Oregon,

have bargained and sold, and by these presents do grant, bargain, sell and convey unto said

Jean Dungey

, an undivided one-half interest in all the following bounded and described real property, retaining to myself a like undivided one-half interest therein, situated in the County of Clackamas and State of Oregon; for the purpose of creating an estate in entirety between myself the grantor herein and my wife the grantee herein:

Tracts C and D, Block 21, and Tracts A, B, C, and D, Block 20, WILMAMITE AND TUALATIN TRACTS, in the County of Clackamas, State of Oregon

19803

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and also my estate, right, title and interest, in and to the same.

To Have and to Hold, the above described and granted premises unto the said Jean Dungey

forever

IN WITNESS WHEREOF, I the grantor above named hereunto set my hand and seal this 1st day of November, 1960.

Executed in the presence of

Walter F. Dungey

STATE OF OREGON,

County of Clackamas

} ss.

BE IT REMEMBERED, That on this 1st day of November, 1960, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Walter E. Dungey husband of Jean Dungey

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public for Oregon.

My Commission expires Nov. 12, 1960



19803

DEED

Creating Estate in Entirety

(FORM No. 169)

Walter E. Dungey

TO

STATE OF OREGON, County of Clackamas

I, Robert Schumacher, County Clerk, Ex-Officio, Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for record and indexed in my records of

DEED

of said County at

1960 NOV 2 PM 1 20



In Book BOOK 579 PAGE 189

Witness my hand and seal of said Court at the City of West Linn, Ore.

[Signature]
ROBERT SCHUMACHER, County Clerk

Deputy, expires 1961

[Signature]
Walter E. Dungey
1220 - S.E. 9th.
West Linn, Ore.

BOOK 579 PAGE 170