

Peter Finley Fry AICP Ph.D.

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February 10, 2022

MEMORANDUM

TO: Ty Wyman, Attorney-at-Law
Dunn Carney
FROM: Peter Finley Fry
RE: Prince Dwelling

**EXHIBIT 23
PRINCE
T2-2021-15041**

Purpose

Investigation to identify if a dwelling could be built on 1S5E06D Tax Lot 100 in 1984.

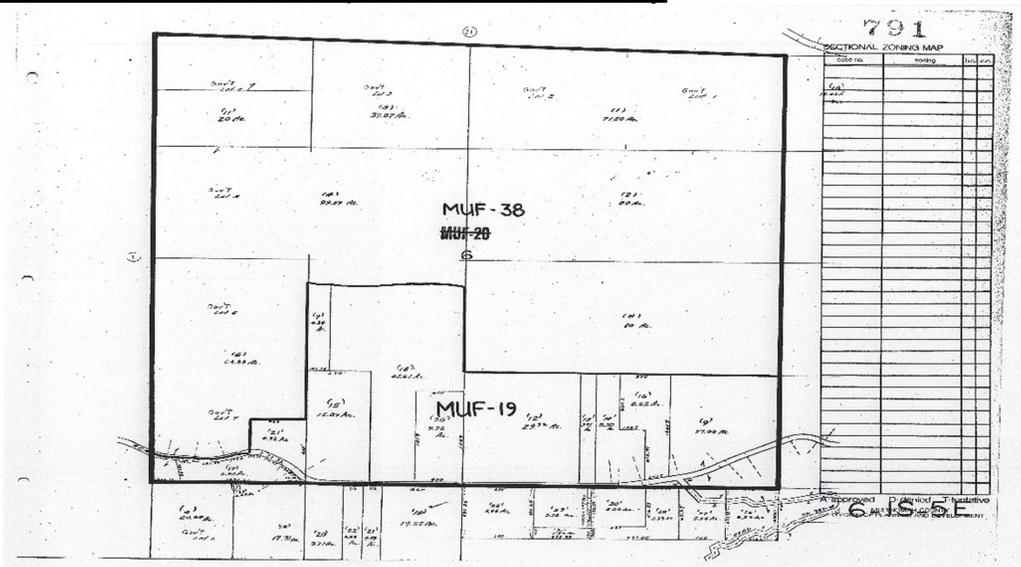
Conclusion

A dwelling unit could have been established on this lot in 1984 under the regulatory framework of the 1982 zoning code.

Assumptions

- 1) Dwelling was permitted in 1984. Portlandmaps identifies the date as 1984.
- 2) The lot was zoned MUF – 38 in 1984.

1980-08-14 New rural zones map – Multnomah County



1982-3-23 Zoning Code – Multnomah County

The 1982 zoning code – 11.15.2170 allowed construction of a dwelling unit of a legal lot if the lot was over 38 acres. The lot (6-1S-5E #8) was 80 acres.

“11.15.2168 Primary Uses

(E) Residential use consisting of a single-family dwelling including a mobile or modular home, on a lot of 38 acres or more, subject to the residential use development standards of MCC .2194.

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11.15.2194 Residential Use Development Standards

A residential use located in the MUF district after August 14, 1980, shall comply with the following:

(A) The fire safety measure outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:

(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and

(2) Maintenance of a water supply and of firefighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;

(B) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;

(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2058 (B).

(D) The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval.

(E) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (C), above;

(F) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:

(1) A setback of 30 feet or more may be provided from a public road,
or

(2) The location of dwellings(s) on adjacent lot(s) at a lesser distance will allow for the clustering of dwellings or the sharing of access;

(G) Construction shall comply with the standards of the Building Code or as prescribed in ORS 466.002 through 446.200 relating to mobile homes.

(H) The dwellings shall be attached to a foundation for which a building permit has been obtained.

(1) The dwelling shall be attached to a foundation for which a building permit has been obtained,

(I) The dwelling shall have a minimum floor area of 600 square feet.

(J) The dwelling shall be located outside a big game habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable."

The residential development standards (11.15.2194) can be met on this lot as the lot is 80 acres.