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October 3, 2022

Via email: [lup-submittals@multco.us](mailto:lup-submittals@multco.us)

Multnomah County Land Use Hearings Officer  
c/o Land Use Planning Division  
1600 SE 190th Avenue  
Portland, OR 97233-5910

Re: Final Argument  
County Case File: T2-2021-15041  
Our File No.: PRI37.1

Dear Hearings Officer:

Recall that we represent applicants Dan and Jennifer Prince in the referenced matter. The Hearings Officer has noted that “this case turns on whether there is sufficient credible evidence in the record from which a reasonable person could conclude that, ‘at the time of establishment,’ the dwelling in question ‘was constructed in compliance with the laws in effect.’ This appears to be a snap-shot in time determination.” Hearings Officer’ Order on Request for Continuance, dated Sept. 28, 2022. I do not disagree, so will simply reiterate the basic case I set forth at the hearing.

Agency permits and approvals evidence of compliance with law at a given point in time. No one disputes that the City of Gresham was the building authority for the site at the time of its construction and occupancy in 1980’s. Peter Finley Fry, a professional land use planner who sat on the planning commission for 15 years, explained his review of the evidence and conclusion that the city issued all approvals necessary to lawfully take occupancy of the dwelling, including water, sanitary disposal, electrical, and structural (fire/life safety).

Furthermore, each owner of the unit of land on which the dwelling sits (John Chamberlin and Dennis Wiancko) attested to their support for the application. Chamberlin testified even to direct knowledge that the agency in charge approved construction and occupancy of the dwelling.



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Given the foregoing, the Hearings Officer possesses sufficient evidence to find that at the time of establishment, the dwelling in question was constructed in compliance with the laws in effect. Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ty K. Wyman', written over a light blue rectangular background.

Ty K. Wyman

TKW:

cc: Clients (via email)  
Peter Finley Fry (via email)  
John Chamberlin (via email)  
Dennis Wiancko (via email)

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