June 12, 2018

Portland Planning and Sustainability Commission

c/o Leslie Lum

Bureau of Planning and Sustainability

1900 SW 4th Ave, Suite 7100

Portland, OR 97204

Re: PSC Manufactured Dwelling Parks (MDP) Amendments

Dear Commissioners:

I am writing on behalf of the Manufacturing Housing Communities of Oregon (MHCO) regarding the City of Portland’s Manufactured Dwelling Parks (MDP) zoning and comprehensive plan amendments proposed draft dated May 7, 2018.

MHCO is the largest organization representing owners of manufactured housing communities in Oregon, and represents a significant number of manufactured housing communities in Portland that will be affected by MDP amendments. MHCO is particularly concerned about restrictions in the MDP amendments that prevent MDP owners from closing their parks and converting them to other uses; including other uses currently allowed in the existing zoning district.

The key components of the MDP amendments that MHCO objects to are as follows:

1. Amendments that define a MDP, and create a new RMP zone for all MDPs.  (See MDP at 9 and 21)
2. Amendments that apply the new RMP designation to all existing MDPs.  (See MDP at 32 and 37)
3. Amendments that allow, with minor exceptions, a RMP designated property to be used only as an MDP. (See MDP 9, 21, 31 and 33)

While MHCO applauds the city for its attempt to protect needed affordable housing in the form of manufactured housing parks, doing so by preventing park owners from closing their parks and converting them to other uses goes too far, and would likely give rise to a regulatory takings claim under the framework set forth in *Penn Central Transportation Co. v New York City*, 438 US 104, 98 S Ct. 2646, 57 L. Ed. 2d 631 (1978), a Measure 49 Claim under the provisions of ORS 195.300-336, and other state law claims.

Accordingly, MHCO would urge the City to rethink the proposed restrictions mentioned above, and concentrate its efforts to promote affordable housing by working together with MHCO, its members, and other private sector providers of affordable housing, to achieve our common goals without placing such severe restrictions on manufactured home parks.

We would also note that while the density transfer provision proposed under PCC 33.120.205 (G)(4)(d) (See MDP at 37) provide some incentives that may lessen the impact of the prohibitions contained in the MDP amendments, those density transfer provisions do not go far enough, and will likely be of no use to smaller “Mom & Pop” MDPs, who do not have extra density on their site to transfer. At the very least, MHCO urges the City to open a dialogue with MHCO and specific park owners who will be most affected by these prohibitions.

We would be happy to meet with the City to discuss both our objections and suggestions, in hopes of finding a more reasonable solution. Please include this letter in the record of your proceedings regarding the proposed MDP amendments.

Respectfully Submitted,

Davis Wright Tremaine LLP

Phil Grillo

cc: Client