

COUNCILOR ROD PARK

600 NORTHEAST GRAND AVENUE
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METRO

July 29, 2000

Chuck Danner
Danner Nursery
8102 Se 242nd Ave.
Gresham, Oregon 97080

Mr. Danner,

I am familiar with your property location, both as a nursery and now as a Metro licensed facility for composting yard debris. Your call to my nursery last Saturday ended early for you to attend to a customer before I could ascertain if you actually wanted some information on the process to include land inside the Urban Growth Boundary or to just "vent" about Oregon's land use system. As I tried to explain on the phone, it is the zoning of the land, not the actual usage of the land, that is the guiding principle of Oregon's land use laws. The exception to that principle is when farming operations are incorporated into the UGB. Oregon law allows those operations to continue to receive farm use assessment for property taxes purposes as long as the land continues to be farmed. Even though you may believe certain activities such as truck repairs operations should not be permitted in your area, the activity is legal if the county so chooses.

I am going to assume that you wanted some information on how your property, and other similarly situated properties, may be affected by the state's requirement that all urban growth boundaries of cities greater than 25,000 in population, and Metro, be examined every 5 years to verify that they contain a 20 year land supply for residential housing.

Metro is just now finishing its 1997-2017 Land Needs Report which shows no need to expand the urban growth boundary. This is Task 1 of a periodic review work plan that Metro is working in partnership with the Land Conservation and Development Commission (LCDC). Task 2 of the work plan will be to examine if special needs exist in sub-regions of Metro region which require additional land for housing or for jobs. Task 2 will also cover the next five years required by state law from the time period from 2002-2022 for the mandatory 20 year land supply.

Metro is required to examine lands within one mile of the current urban growth boundary for their suitability for development if a need is found to exist. State law also requires that Exception Lands be considered first for urbanization. (ORS 197.298) Please see the attached sheet for a portion of the relevant Oregon Revised Statute. As I described to you on the phone, Exception Lands are lands that the county, not Metro, has decided to take an "exception" to Goal 3, Farm Land Protection or Goal 4, Forest Land Protection.

As Metro does not have urban reserves, paragraph (b) is the relevant one for our discussion:

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

Since I believe your land is zoned as Exclusive Farm Use (EFU) by Multnomah County, it would not normally be considered for inclusion inside the UGB. However, the text underlined above is an exception to the exception lands rule so to speak. EFU land that is within one mile of the current UGB that is SURROUNDED by Exception Lands, may be considered for inclusion within the UGB.

Metro is now examining approximately 30,000 acres within one mile of the current UGB for inclusion into the UGB in 2002 for housing and jobs. Open houses, public hearings, etc. have not been scheduled as this time, but they will be held in the fall of 2001 and/or the spring of 2002 as further complete our work. I would urge your participation in those discussions so you may understand your options. I would also urge you to work with the city of Gresham as they would most likely be the service provider for your area.

Sincerely,

Rod Park
Chair, Growth Management Committee
Metro Councilor for District One

197.298 Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.

(c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).

(d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.

(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands. [1995 c.547 s.5; 1999 c.59 s.56]

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METRO

September 28, 2000

David White
Oregon Refuse and Recycling Association
1739 NW 156th
Beaverton, Oregon 97006

Dear Mr. White:

During the debate over switching to a per ton solid waste excise tax, you and others requested that Metro examine the feasibility of providing economic incentives to haulers to encourage them to work with their customer base to increase recycling. You noted that haulers often lose any economic benefit from enhanced recycling through the local government rate-setting process. I agreed that this issue would be examined following the adoption of the per ton excise tax ordinance.

I directed Council staff to work with local government staff, REM staff, and recycling facility operators to assess the need and feasibility of a hauler-based incentive program. This research concluded that that such an incentive program does not appear to be warranted at this time.

This conclusion is based on three primary observations. First, in many portions of the region, haulers appear to have the ability to retain revenue gained from enhanced recycling efforts. For example, in the city of Portland, commercial hauler rates are unregulated and therefore allow the haulers to retain revenue gained from effective recycling programs. All residential haulers in Portland are subject to a single rate structure that allows those haulers that maximize their recycling programs to retain any economic benefits from such programs.

In east Multnomah County, Washington County and Clackamas County, many hauling interests are controlled by vertically-integrated companies that also own material recycling facilities. The regional system fee and excise tax credit programs for these facilities act as an economic incentive to their hauling companies to maximize their recycling efforts.

The second observation relates to the relative roles of Metro and the region's city and county governments related to the setting of collection rates. Metro has traditionally set only a disposal fee at the transfer stations. Metro has used this authority to set reduced rates for wood and yard debris loads and staff is currently seeking Council authority to set a subsidized rate for clean loads of organic material.

Metro's fee is included in the local collection rate, but Metro has no role in setting this rate. Haulers are free to use the local rate-setting process to convince their local regulators to adopt rate-based or other economic incentives that encourage recycling.

The third observation is my understanding that hauler interest in pursuing this issue has subsided in recent months. If this is the case, I see no reason to further pursue this matter at this time. I look forward to hearing from you concerning whether you share this conclusion.

Sincerely,

A handwritten signature in cursive script that reads "Rod Park".

Rod Park
Metro Councilor
District 1

rp:jh