

## Lawmakers approve brownfields legislation

### House Bill 2734 aims to encourage brownfield cleanup and redevelopment

BY INKA BAJANDAS

[inka.bajandas@djcoregon.com](mailto:inka.bajandas@djcoregon.com)

Industry-backed state legislation aimed at giving government agencies another tool to encourage the cleanup and redevelopment of contaminated properties is on its way to becoming law.

House Bill 2734 is awaiting Gov. Kate Brown's signature after passing 26-2 in the Oregon Senate last week and 43-15 in the House in early June. The legislation would allow city and county governments to form land banks -- public limited liability organizations -- to purchase brownfield sites and ensure the properties are cleaned up and redeveloped.

Supporters of the bill say because brownfield land banks relieve government entities from state liability for pre-existing contamination on the site, the often vacant or abandoned properties would be more likely to be cleaned up and eventually sold to developers. Liability is one reason why government officials have been hesitant to acquire a brownfield because someone could sue the city or county for environmental or physical harm caused by contamination on the site.

More than 13,000 brownfields are scattered throughout Oregon, including former factories, gas stations and dry cleaners. But only 35 percent have been cleaned up because the process is often complicated and costly for property owners and developers, according to the Oregon Brownfields Coalition. The more than 40-member coalition backed HB 2734 and includes private companies, city, county and regional governments, nonprofits, environmental groups and building industry advocates, such as the Oregon State Building & Construction Trades Council and the Oregon Home Builders Association.

Land banks make it less risky for cities and counties to take ownership of derelict brownfield properties that the private sector has been hesitant to invest in and ensure the sites are decontaminated and eventually brought back into productive use, said Seth Otto, a senior planner with the Portland office of Maul Foster Alongi.

"It provides protection for that risk of liability for the contamination," he said. "Brownfield cleanups are slow and driven by the market. Having the ability to hold these properties and be patient with them is a great benefit and that's what this provides."

Maul Foster Alongi, an environmental engineering firm that specializes in brownfield remediation, backed HB 2734 as a member of the Oregon Brownfields Coalition and Otto testified twice in Salem on behalf of the proposed legislation. The firm's work includes brownfield inventories for Metro and the cities of Portland and Beaverton. Firm staffers have also investigated how state regulations could be revised to encourage the redevelopment of more brownfields in Oregon, Otto said.

"One of those that rose to the top is the concept of a land bank," he



Sam Tenney/DJC

Seth Otto, a senior planner with the Portland office of Maul Foster Alongi, testified on behalf of state legislation allowing city and county governments to form land banks in order to clean up and redevelop brownfield sites.

said. "It's a quasi-public entity that can acquire land and hold it for the time that it takes to clean it up."

The ability to create land banks to clean up brownfields could be a boon for municipalities seeking to provide more land for industrial development, Otto said. It's also good news for the private sector if the legislation leads to more redevelopment of brownfields, he said.

"We're optimistic that there will be some cities that will take advantage of it in the coming year," Otto said.

HB 2734 was once wrapped into the Oregon Brownfields Coalition's larger legislative proposal for the 2015 session, said Noah Siegel, a Metro policy advisor who helped form the public-private coalition. Another bill proposed by the coalition, HB 2289, would have created a tax credit allowing property owners and developers to write-off brownfield cleanup costs, but it died in committee.

Giving local governments land banking authority for brownfields could help speed up and streamline the remediation process, Siegel said.

"Many states have adopted land bank authority," he said. "Our focus on brownfields is a little bit unusual. It provides a number of useful alternatives for communities to take on properties that are at-risk."

The legislation is already attracting attention from the city of Portland, the Port of Portland and other public agencies as a means to oversee the cleanup of brownfields, Siegel said.

"It's new and we know that a number of jurisdictions are looking at it," he said. "We hope that it will be part of the solution."