



Just Passing More Laws Won't Solve Oregon's Industrial Lands Problem

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This article was originally written in late Spring for the *Bend Bulletin*. None of the 2013 bills identified in this article reached the Governor's desk.

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It seems like every Legislative session, we hear complaints about the lack of "shovel ready" industrial sites in Oregon. Bills are trotted out and we are told that, this time, these new laws will be the key to the magic door that unleashes a flood of new industrial development and jobs in the state. New laws are passed, but little actually happens and the cycle repeats.

The reason we see little actual progress is not that we have insufficient laws encouraging industrial development. Rather, the problem is that few people know about the laws we already have, and as a result the programs are either under-utilized or unintentionally sabotaged.

Consider Senate Bill 766, which became law in 2011. SB 766 created an entire new agency called the Economic Recovery Review Council (ERRC) to administer two brand-new industrial development programs. One program requires ERRC to identify up to ten high-priority industrial projects per year and bless them with expedited permitting. The second requires ERRC to identify between five and fifteen significant statewide industrial areas where local land use decisions are prohibited if they work at cross-purposes to industrial growth. These programs are on top of other already existing programs to certify "shovel ready" industrial sites, to redevelop contaminated sites and to provide loans and loan guarantees to industrial developers.

Apparently none of these programs have opened the magic door yet, because this year

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the Legislature considered two new bills – House Bills 2284 and 2285 – to create more grants and loans for industrial developers. Also pending is a third bill – House Bill 2657 – that would create more hurdles to clear before local governments can rezone industrial land for non-industrial use. HB 2284 and 2285 seem to have died in committee, but HB 2657 has passed the House and is being reviewed by the Senate.

I am a Portland land use lawyer who regularly represents developers, and even I knew little about all these myriad programs and proposals before I researched them for this column. I can only imagine what little, if any, information reaches industrial businesses or local officials. So rather than passing another round of bills that says we want industrial development in Oregon, no we really mean it this time, maybe what the state needs instead is an effective communication strategy.

That strategy should focus on two things. First, we need to find a better way to get the word out to potential users and developers of industrial land about the programs and incentives we already have in Oregon. That will increase the flow of information back to ERRC to help it identify good projects and industrial zones for the SB 766 programs.

Second, and perhaps more importantly, we need to educate and inform local land use officials about existing programs and laws, and to better explain how they fit together to further the common goal of statewide industrial growth. Local governments don't need another law like HB 2657 telling them not to rezone land away from industrial use. Most local officials I meet ask how to spur industrial growth in their communities, not how to avoid it. But while the will is there, the knowledge is not. Local officials and their staffs rarely seem to have a good grip on how the existing programs and rules are supposed to work towards a common goal. If they did, it would be easier for them to spot and avoid counter-productive actions at the local level before they happen.

We don't need another law to encourage industrial development. What we need is to get everyone on the same page to make the laws we already have work better.

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