



March 8, 2021

Representative Pam Marsh, Chair  
House Committee on Energy and Environment  
900 Court Se. NE  
Salem, OR 97301

**RE: HB 2488 – Adding Climate Goal and Addressing Environmental Justice in Land Use – Support with Amendments**

The City of Eugene supports the concepts and vision for addressing climate change and environmental justice within the state-wide land use goals included in HB2488. Yet, because local governments are responsible for implementing those goals, we request the bill be amended from the introduced version. We have been notified that a group of stakeholders are working on amendments, but as of an hour before the bill's public hearing in House Energy and Environment Committee (3/8/21 at 1pm), no formal amendment has been publicly posted. We ask that Committee schedule a follow-up public hearing once the negotiated amendment(s) have been posted.

The City's concerns and questions related to the base bill and amendment negotiations include:

- The base bill and proposed amendments are an unfunded mandate to local governments. There is currently \$800,000 identified for associated work within the Governors' Recommended Budget and this funding would be directed to DLCD for creating a new Goal 20. There is no mention of the funding requirement for local governments to implement the new requirements. As in past mandates (e.g. HB 2001), cities rely heavily on implementation funding from the state to update our land use code to be in compliance with the new state law and existing code.
- As part of the draft amendments, there is a requirement that would prioritize state resources to 'those counties and cities with fewer resources.' Eugene requests equitable distribution of resources. Regarding the need for state financial assistance, the complexity of the land use code should be considered as a factor when prioritizing the need for financial assistance, as well as the value of local match dollars a local government offers to implement state mandates. Lastly, financial assistance should be front-loaded to those communities with the earliest requirement timelines outlined in the base bill and amendments.
- It's unclear how HB 2488 works with other state mandates cities must comply with including the Climate Friendly and Equitable Communities rulemaking or HB 2003. Per HB 2003 (2019), Eugene will be required to adopt a new Housing Capacity Analysis (formerly Housing Needs Analysis) by the end of 2026. If the analysis shows we don't have enough land to accommodate our projected

housing need, we will have to also adopt efficiency measures (land use changes to make more efficient use of land inside UGB) or expand the UGB or both, at the same time that we adopt the Housing Capacity Analysis. We are unclear as to how HB 2488 would impact this work and the associated timeframes associated with these state mandates.

- We are confused about implementation requirements. Within the draft amendments, it is not clear if the language means that compliance with Goal 20 isn't triggered until a City amends the comprehensive (comp) plan, expand the UGB or adopt urban reserves. Is compliance with Goal 20 limited to the specific portion of the comp plan we are updating or will this bill require that the entire comp plan be updated for compliance with Goal 20 as soon as any portion of it is updated? The implementation timeline suggests cities have a hard deadline for implementation, so we are not sure how to reconcile the two requirements. Is the trigger not active until 2026? That is, if Eugene amends the comp plan, expand the UGB or adopt urban reserves before 2026 we aren't required to comply with Goal 20 but if we do those things after 2026, we have to comply?

Also, as drafted, it appears a privately initiated comp plan change might trigger this requirement. Those are typically site specific and involve changing the diagram for one property from one land use designation to another. It would not make sense for such an amendment to trigger the need for compliance with the new goal/rule.

As you can see, implementing the bill as introduced or the forthcoming proposed amendments, we are concerned with several technical issues that severely impact our ability to implement the bill at the local level. We ask that before this bill is moved to a future work session, that all stakeholders have been able to address the technical nature of the bill. We need to ensure clarity of the statute and funding to implement in recognition of our support for this transformational concept.

Sincerely,

*Submitted Electronically*

Ethan Nelson, Intergovernmental Relations Manager