



# Oregon

Kate Brown, Governor

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April 7, 2015

**To:** The Honorable Senator Brian Boquist, Chair  
Senate Committee on Veterans and Emergency Preparedness

**From:** Jim Rue, Director  
Department of Land Conservation and Development

**Regarding:** Senate Bill 94

Senate Bill 94 directs LCDC to enact rules establishing requirements for local governments to plan and zone to minimize the impacts of tsunami inundation. Current state requirements that regulate permissible development within tsunami inundation zones are codified at ORS 455.446 and 455.447. These use limitations are implemented through administration of the building code. SB 94 directs the establishment of rules requiring local governments to implement land use and zoning measures addressing tsunami hazards that would presumably be in addition to existing statutory requirements.

Local governments may, through the exercise of their land use planning authority and the application of Statewide Planning Goal 7, establish local land use measures addressing tsunami hazard. Most local governments currently rely on the building code requirements to address tsunami hazards, but the department strongly supports efforts by our local government partners to integrate additional tsunami resilience measures into their comprehensive planning programs. To that end, the department has recently published a guidance document for local implementation of tsunami resilience measures, and is currently providing technical assistance to coastal communities interested in engaging in such work. The department expects that these pilot efforts will be important in identifying how to best approach implementation of "best practices" at the local level and should be useful in informing further discussions on the need for additional state guidance and/or policy.

Based on our experience in the development of the tsunami land use guidance document and through our early work with coastal communities, we anticipate that the rule making directed by SB 94 would be complex and challenging. The needs for addressing tsunami hazard vary widely among coastal communities. Among other factors, long established community development patterns present significant challenges in developing land use prescriptions appropriate for all at-risk communities. Although the department's recently published guidance document provides a number of promising planning concepts that communities may employ to address tsunami hazard, most of these approaches are as yet untested.

We believe that developing the concepts currently contained in the department's guidance into specific rule requirements for local governments should be preceded by an assessment of individual community risk and an evaluation of the outcomes of current and anticipated work at the local level. This assessment and evaluation will help identify how to best align proposed rules with existing policy, and to gauge the

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fiscal needs and technical capacity for implementation of new rules at the local level. We anticipate that this advance work will likely take twelve to eighteen months.

In summary, the department fully supports the integration of tsunami hazard considerations into local land use planning as an important tool to further increased resilience in our at-risk coastal communities. We are currently working with coastal communities to develop approaches to achieve this integration. While this work is in its early stages, the completion of these pilot efforts over the next twelve to eighteen months will be critical in informing the rulemaking directed by SB 94. The department is committed to continuing our collaboration with our local partners to advance this important work.

Thank you for considering this testimony.

Copy: Richard Whitman, Governor's Office  
Greg Macpherson, LCDC Chair