



Oregon

Kate Brown, Governor

Department of Geology and Mineral Industries

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Office of the Governor
State of Oregon
900 Court Street NE, 254
Salem, Oregon 97301

Dear Governor Brown:

The Governing Board of the Department of Geology and Mineral Industries (DOGAMI) takes very seriously its statutory and regulatory responsibility to help mitigate the impact of tsunamis that have, and will in the future, affect the life, safety, and property of Oregonians and visitors to our coastal communities.

It has been nearly twenty-five years since Oregon passed legislation that adopts an updated scientific understanding of the magnitude of the risk posed by tsunamis to the Pacific Northwest coast. Much has been learned since then and the Board believes a fresh look is needed to thoughtfully evaluate: 1) roles and responsibilities among state agencies; 2) recent national tsunami research and mitigation design developments; and 3) the impact of the regulatory framework on local communities. The Board wants to ensure the most effective framework is in place to help protect life and public safety. The Board also recognizes that the economic implications of planning and preparing for a potentially devastating future tsunami must be balanced with present-day community needs.

To this end, the Board adopted a motion to formally request the Governor's Office to convene and lead a multi-agency Tsunami Line Taskforce that will recommend updates to the statutory requirements found in ORS 455.446 (Construction of certain facilities and structures in tsunami inundation zone prohibited) and ORS 455.447 (Regulation of certain structures vulnerable to earthquakes and tsunamis). The Taskforce will also propose a legislative approach and timeline for any recommended statutory changes. The Taskforce is proposed to include the following agencies:

- Oregon Office of Emergency Management (OEM)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Parks and Recreation Department (OPRD)
- Oregon Department of Transportation (ODOT)
- Oregon Seismic Safety Policy Advisory Commission (OSSPAC)
- Oregon Department of Consumer and Business Services (DCBS)
- Oregon Department of Geology and Mineral Industries (DOGAMI)

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In addition to taskforce members listed above, the Board strongly encourages the addition of up to two public members who reside on the coast.

If I can be of any assistance as you contemplate this request, please do not hesitate to contact me. The Board and I look forward to your response.

Respectfully Yours,



Laura Maffei
DOGAMI Board Chair

cc: Brad Avy, DOGAMI Executive Director/State Geologist

2017 ORS 455.446¹

Construction of certain facilities and structures in tsunami inundation zone prohibited

1)(a) New essential facilities described in ORS 455.447 (Regulation of certain structures vulnerable to earthquakes and tsunamis) (1)(a)(A), (B) and (G) and new special occupancy structures described in ORS 455.447 (Regulation of certain structures vulnerable to earthquakes and tsunamis) (1)(e)(B), (C) and (E) may not be constructed in the tsunami inundation zone established under paragraph (c) of this subsection. The provisions of this paragraph apply to buildings with a capacity greater than 50 individuals for every public, private or parochial school through secondary level and child care centers.

(b)The State Department of Geology and Mineral Industries shall establish the parameters of the area of expected tsunami inundation based on scientific evidence that may include geologic field data and tsunami modeling.

(c)The governing board of the State Department of Geology and Mineral Industries, by rule, shall determine the tsunami inundation zone based on the parameters established by the department. The board shall adopt the zone as determined by the department under paragraph (b) of this subsection except as modified by the board under paragraph (d) of this subsection.

(d)The board may grant exceptions to restrictions in the tsunami inundation zone established under paragraph (c) of this subsection after public hearing and a determination by the board that the applicant has demonstrated that the safety of building occupants will be ensured to the maximum reasonable extent:

(A)By addressing the relative risks within the zone. *Repealed by 2017 ORS 455.446*

(B) By balancing competing interests and other considerations.

(C) By considering mitigative construction strategies.

(D) By considering mitigative terrain modification.

(e) The provisions of paragraph (a) of this subsection do not apply:

(A) To fire or police stations where there is a need for strategic location; and

(B) To public schools if there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.

(f) All materials supporting an application for an exception to the tsunami inundation zone are public records under ORS **192.005** (**Definitions for ORS 192.005 to 192.170**) to **192.170** (**Disposition of materials without authorization**) and must be retained in the library of the department for periods of time determined by its governing board.

(g) The applicant for an exception to the tsunami inundation zone established under paragraph (c) of this subsection shall pay any costs for department review of the application and the costs, if any, of the approval process.

(2) The definitions in ORS **455.447** (**Regulation of certain structures vulnerable to earthquakes and tsunamis**) apply to this section.

(3) The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.

(4) Decisions made under this section are not land use decisions under ORS **197.015** (**Definitions for ORS chapters 195, 196, 197 and ORS 197A.300 to 197A.325**) (10). [1995 c.617 §2; 2005 c.22 §329; 2007 c.354 §31]

Note: **455.446 (Construction of certain facilities and structures in tsunami inundation zone prohibited)** was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 455 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

2017 ORS 455.447¹

Regulation of certain structures vulnerable to earthquakes and tsunamis

1)As used in this section, unless the context requires otherwise:

(a)“Essential facility” means:

(A)Hospitals and other medical facilities having surgery and emergency treatment areas;

(B)Fire and police stations;

(C)Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(D)Emergency vehicle shelters and garages;

(E)Structures and equipment in emergency-preparedness centers;

(F)Standby power generating equipment for essential facilities; and

(G)Structures and equipment in government communication centers and other facilities required for emergency response.

(b)“Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

(c) "Major structure" means a building over six stories in height with an aggregate floor area of 60,000 square feet or more, every building over 10 stories in height and parking structures as determined by Department of Consumer and Business Services rule.

(d) "Seismic hazard" means a geologic condition that is a potential danger to life and property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation, fault displacement, and subsidence.

(e) "Special occupancy structure" means:

(A) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;

(B) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;

(C) Buildings for colleges or adult education schools with a capacity greater than 500 persons;

(D) Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs (A) to (C) of this paragraph;

(E) Jails and detention facilities; and

(F) All structures and occupancies with a capacity greater than 5,000 persons.

(2) The Department of Consumer and Business Services shall consult with the Seismic Safety Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to adopting rules. Thereafter, the Department of Consumer and Business Services may adopt rules as set forth in ORS **183.325** (Delegation of rulemaking authority to named officer or

employee) to **183.410 (Agency determination of applicability of rule or statute to petitioner)** to amend the state building code to:

(a) Require new building sites for essential facilities, hazardous facilities, major structures and special occupancy structures to be evaluated on a site specific basis for vulnerability to seismic geologic hazards.

(b) Require a program for the installation of strong motions accelerographs in or near selected major buildings.

(c) Provide for the review of geologic and engineering reports for seismic design of new buildings of large size, high occupancy or critical use.

(d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible to the public.

(3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected under the structural and mechanical specialty codes for essential facilities, hazardous facilities, major structures and special occupancy structures, which fees shall be retained by the jurisdiction enforcing the particular specialty code as provided in ORS **455.150 (Selective municipal building inspection programs)** or enforcing a building inspection program under ORS **455.148 (Comprehensive municipal building inspection programs)**.

(4) Developers of new essential facilities, hazardous facilities and major structures described in subsection (1)(a)(E), (b) and (c) of this section and new special occupancy structures described in subsection (1)(e)(A), (D) and (F) of this section that are located in an identified tsunami inundation zone shall consult with the State Department of Geology and Mineral Industries for assistance in determining the impact of possible tsunamis on the proposed development and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation

shall take place prior to submittal of design plans to the building official for final approval. [1991 c.956 §12; 1995 c.79 §229; 1995 c.617 §1; 2001 c.573 §12]

Note: **455.447** (**Regulation of certain structures vulnerable to earthquakes and tsunamis**) was added to and made a part of **455.010** (**Definitions for ORS chapter 455**) to **455.740** (**Denial of certificate**) by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.