

Senate Bill 778

Sponsored by COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows State Department of Geology and Mineral Industries to require use of risk mitigation methods in, or to prohibit construction of, certain facilities and structures in tsunami inundation zone.

Changes threshold occupancy qualifying buildings for colleges or adult education schools as special occupancy structures subject to evaluation for seismic hazard vulnerability.

A BILL FOR AN ACT

1
2 Relating to reviews for planned construction vulnerability to hazards from seismic activity; creating
3 new provisions; and amending ORS 455.447.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 455.447 is amended to read:

6 455.447. (1) As used in this section, unless the context requires otherwise:

7 (a) "Essential facility" means:

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

9 (B) Fire and police stations;

10 (C) Tanks or other structures containing, housing or supporting water or fire-suppression mate-
11 rials or equipment required for the protection of essential or hazardous facilities or special occu-
12 pancy structures;

13 (D) Emergency vehicle shelters and garages;

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

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

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

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

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

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

26 (e) "Special occupancy structure" means:

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (C) Buildings for colleges or adult education schools with a capacity greater than [500] _____
 2 persons;

3 (D) Medical facilities with 50 or more resident, incapacitated patients not included in subpara-
 4 graphs (A) to (C) of this paragraph;

5 (E) Jails and detention facilities; and

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

7 (2) The Department of Consumer and Business Services shall consult with the Seismic Safety
 8 Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to
 9 adopting rules. Thereafter, the Department of Consumer and Business Services may adopt rules as
 10 set forth in ORS 183.325 to 183.410 to amend the state building code to:

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

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

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

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

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

26 (4) Developers of new essential facilities, hazardous facilities and major structures described in
 27 subsection (1)(a)(E), (b) and (c) of this section and new special occupancy structures described in
 28 subsection (1)(e)(A), (D) and (F) of this section that are located in an identified tsunami inundation
 29 zone shall consult with the State Department of Geology and Mineral Industries for assistance in
 30 determining the impact of possible tsunamis on the proposed development. *[and for]* **The depart-**
 31 **ment shall provide** assistance in preparing methods **recommended or required by the depart-**
 32 **ment** to mitigate risk at the site of **unreasonable danger to occupant safety from** a potential
 33 tsunami. **The department may prohibit the construction of new facilities or structures de-**
 34 **scribed in this subsection in an identified tsunami inundation zone if the department deter-**
 35 **mines that no available methods can adequately mitigate the risk of unreasonable danger to**
 36 **occupant safety at the site from a possible tsunami. Decisions made under this subsection**
 37 **are not land use decisions under ORS 197.015.** Consultation *[shall]* **and design plan compliance**
 38 **with any requirements the department imposes for risk mitigation must take place prior to**
 39 **submittal of design plans to the building official for final approval.**

40 **SECTION 2. The amendments to ORS 455.447 by section 1 of this 2015 Act apply to new**
 41 **facilities and structures for which design plans are submitted on or after the effective date**
 42 **of this 2015 Act to a building official for final approval.**