

D R A F T

SUMMARY

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 at proposed development site 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 resilience planning; creating new provisions; and amending ORS
3 455.447.

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
9 treatment areas;

10 (B) Fire and police stations;

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

14 (D) Emergency vehicle shelters and garages;

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

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

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

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 (b) "Hazardous facility" means structures housing, supporting or con-
2 taining sufficient quantities of toxic or explosive substances to be of danger
3 to the safety of the public if released.

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

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

11 (e) "Special occupancy structure" means:

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

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

16 (C) Buildings for colleges or adult education schools with a capacity
17 greater than [500] — persons;

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

20 (E) Jails and detention facilities; and

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

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

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

31 (b) Require a program for the installation of strong motions

1 accelerographs in or near selected major buildings.

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

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

6 (3) For the purpose of defraying the cost of applying the regulations in
7 subsection (2) of this section, there is hereby imposed a surcharge in the
8 amount of one percent of the total fees collected under the structural and
9 mechanical specialty codes for essential facilities, hazardous facilities, major
10 structures and special occupancy structures, which fees shall be retained by
11 the jurisdiction enforcing the particular specialty code as provided in ORS
12 455.150 or enforcing a building inspection program under ORS 455.148.

13 (4) Developers of new essential facilities, hazardous facilities and major
14 structures described in subsection (1)(a)(E), (b) and (c) of this section and
15 new special occupancy structures described in subsection (1)(e)(A), (D) and
16 (F) of this section that are located in an identified tsunami inundation zone
17 shall consult with the State Department of Geology and Mineral Industries
18 for assistance in determining the impact of possible tsunamis on the proposed
19 development [*and for assistance in preparing methods to mitigate risk at the*
20 *site of a potential tsunami. Consultation shall take place prior to submittal of*
21 *design plans to the building official for final approval*]. **The department**
22 **shall also assist the developers in preparing methods recommended or**
23 **required by the department to mitigate the risk at the proposed de-**
24 **velopment site of unreasonable danger to occupant safety from a po-**
25 **tential tsunami. The department may prohibit construction of the new**
26 **facilities or structures at the proposed development site if the depart-**
27 **ment determines that no available methods can adequately mitigate**
28 **the risk of unreasonable danger to occupant safety from a possible**
29 **tsunami. Decisions made under this subsection are not land use deci-**
30 **sions as defined in ORS 197.015. Consultation and design plan compli-**
31 **ance with any requirements the department imposes for risk**

1 mitigation must take place prior to submittal of design plans to the
2 building official for final approval.

3 SECTION 2. The amendments to ORS 455.447 by section 1 of this
4 2017 Act apply to new facilities and structures for which design plans
5 are submitted on or after the effective date of this 2017 Act to a
6 building official for final approval.

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