

Senate Bill 231

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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 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 emergency planning; creating new provisions; and amending ORS 455.447.

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

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

5 455.447. (1) As used in this section, unless the context requires otherwise:

6 (a) "Essential facility" means:

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

8 (B) Fire and police stations;

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

12 (D) Emergency vehicle shelters and garages;

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

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

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

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

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

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

25 (e) "Special occupancy structure" means:

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

28 (B) Buildings with a capacity greater than 250 individuals for every public, private or parochial

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 school through secondary level or child care centers;

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

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

6 (E) Jails and detention facilities; and

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

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

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

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

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

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

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

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

43 **SECTION 2. The amendments to ORS 455.447 by section 1 of this 2019 Act apply to new**
44 **facilities and structures for which design plans are submitted on or after the effective date**
45 **of this 2019 Act to a building official for final approval.**

