

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO
HOUSE BILL 3309**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 401.950, 455.446 and 455.447”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 455.446 is amended to read:

5 *“455.446. [(1)(a) New essential facilities described in ORS 455.447 (1)(a)(A),*
6 *(B) and (G) and new special occupancy structures described in ORS 455.447*
7 *(1)(e)(B), (C) and (E) may not be constructed in the tsunami inundation zone*
8 *established under paragraph (c) of this subsection. The provisions of this par-*
9 *agraph apply to buildings with a capacity greater than 50 individuals for every*
10 *public, private or parochial school through secondary level and child care*
11 *centers.]*

12 *“[(b)] (1) The State Department of Geology and Mineral Industries shall*
13 *establish the parameters of the area of expected tsunami inundation based*
14 *on scientific evidence that may include geologic field data and tsunami*
15 *modeling.*

16 *“[(c)] (2) The governing board of the State Department of Geology and*
17 *Mineral Industries, by rule, shall determine the tsunami inundation zone*
18 *based on the parameters established by the department. [The board shall*
19 *adopt the zone as determined by the department under paragraph (b) of this*
20 *subsection except as modified by the board under paragraph (d) of this sub-*
21 *section.]*

1 “(d) The board may grant exceptions to restrictions in the tsunami
2 inundation zone established under paragraph (c) of this subsection after public
3 hearing and a determination by the board that the applicant has demonstrated
4 that the safety of building occupants will be ensured to the maximum reason-
5 able extent:]

6 “[(A) By addressing the relative risks within the zone.]

7 “[(B) By balancing competing interests and other considerations.]

8 “[(C) By considering mitigative construction strategies.]

9 “[(D) By considering mitigative terrain modification.]

10 “[(e) The provisions of paragraph (a) of this subsection do not apply:]

11 “[(A) To fire or police stations where there is a need for strategic location;
12 and]

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

16 “[(f) All materials supporting an application for an exception to the
17 tsunami inundation zone are public records under ORS 192.005 to 192.170 and
18 must be retained in the library of the department for periods of time deter-
19 mined by its governing board.]

20 “[(g) The applicant for an exception to the tsunami inundation zone estab-
21 lished under paragraph (c) of this subsection shall pay any costs for depart-
22 ment review of the application and the costs, if any, of the approval process.]

23 “[(2) The definitions in ORS 455.447 apply to this section.]

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

27 “[(4) Decisions made under this section are not land use decisions under
28 ORS 197.015 (10).]

29 “**SECTION 2.** ORS 455.447 is amended to read:

30 “455.447. (1) As used in this section, unless the context requires otherwise:

1 “(a) ‘Essential facility’ means:

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

4 “(B) Fire and police stations;

5 “(C) Tanks or other structures containing, housing or supporting water
6 or fire-suppression materials or equipment required for the protection of es-
7 sential or hazardous facilities or special occupancy structures;

8 “(D) Emergency vehicle shelters and garages;

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

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

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

13 “(b) ‘Hazardous facility’ means structures housing, supporting or con-
14 taining sufficient quantities of toxic or explosive substances to be of danger
15 to the safety of the public if released.

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

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

23 “(e) ‘Special occupancy structure’ means:

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

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

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

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

3 “(E) Jails and detention facilities; and

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

6 “(2) The Department of Consumer and Business Services shall consult
7 with the Seismic Safety Policy Advisory Commission and the State Depart-
8 ment of Geology and Mineral Industries prior to adopting rules. Thereafter,
9 the Department of Consumer and Business Services may adopt rules as set
10 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 facili-
12 ties, major structures and special occupancy structures to be evaluated on
13 a site specific basis for vulnerability to seismic geologic hazards.

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

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

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

20 “(3) For the purpose of defraying the cost of applying the regulations in
21 subsection (2) of this section, there is hereby imposed a surcharge in the
22 amount of one percent of the total fees collected under the structural and
23 mechanical specialty codes for essential facilities, hazardous facilities, major
24 structures and special occupancy structures, which fees [*shall be*] **are** re-
25 tained by the jurisdiction enforcing the particular specialty code as provided
26 in ORS 455.150 or enforcing a building inspection program under ORS
27 455.148.

28 “(4) Developers of new essential facilities, hazardous facilities and major
29 structures [*described in subsection (1)(a)(E), (b) and (c) of this section and*
30 *new*] **and** special occupancy structures [*described in subsection (1)(e)(A), (D)*

1 *and (F) of this section]* that are located in an identified tsunami inundation
2 zone, **as described in ORS 455.446 (2)**, shall consult with the State De-
3 partment of Geology and Mineral Industries for assistance in determining
4 the impact of possible tsunamis on the proposed development and for assist-
5 ance in preparing methods to mitigate risk at the site of a potential tsunami.
6 Consultation [*shall*] **must** take place prior to submittal of design plans to
7 the building official for final approval.

8 **“SECTION 3.** ORS 401.950 is amended to read:

9 “401.950. (1) As used in this section:

10 “(a) ‘Transient lodging facility’ means a hotel, motel, inn, condominium,
11 any other dwelling unit or a public or private park that is made available
12 for transient occupancy or vacation occupancy as those terms are defined in
13 ORS 90.100.

14 “(b) ‘Tsunami inundation zone’ means an area of expected tsunami
15 inundation, based on scientific evidence that may include geologic field data
16 and tsunami modeling, determined by the governing board of the State De-
17 partment of Geology and Mineral Industries, by rule, as required by ORS
18 455.446 (1)[*(b)*] and [*(c)*] **(2)**.

19 “(2) The Office of Emergency Management, in consultation and cooper-
20 ation with the State Department of Geology and Mineral Industries, shall:

21 “(a) Develop and adopt by rule tsunami warning information and evacu-
22 ation plans for distribution to transient lodging facilities located in a
23 tsunami inundation zone; and

24 “(b) Facilitate and encourage broad distribution of the tsunami warning
25 information and evacuation plans to transient lodging facilities and other
26 locations within tsunami inundation zones frequented by visitors to the area.

27 “(3) The office is not required to carry out the duties assigned under
28 subsection (2) of this section if sufficient moneys are not available under
29 ORS 401.955.”.

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