

# House Bill 4119

Sponsored by Representative GOMBERG, Senator ROBLAN, Representative SMITH DB; Representative MITCHELL  
(Pre-session filed.)

## 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**.

Imposes tsunami design standards for certain buildings and other structures. Allows local government to impose vertical evacuation standards for new or existing buildings and other structures as part of local tsunami evacuation plan.

Requires that sites for new structures be evaluated for vulnerability to seismic geologic hazards if structures are essential facilities, hazardous facilities, major structures or special occupancy structures or are designated as having specified tsunami risk for design.

Requires developer of building owned by public body and designated as having specified tsunami risk for design to obtain determination and suggestions from State Department of Geology and Mineral Industries. Requires department to report annually regarding requests, determinations and suggestions.

Makes tsunami design standards, site review requirement and department determination and suggestion requirement applicable to buildings receiving initial building permit on or after July 1, 2021.

## A BILL FOR AN ACT

1  
2 Relating to tsunami risk; creating new provisions; and amending ORS 455.447.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) "ASCE" means the American Society of Civil Engineers.

6 (b) "ASCE 7-16" means ASCE Minimum Design Loads and Associated Criteria for  
7 Buildings and Other Structures (2016 Edition).

8 (2) Notwithstanding any contrary standard under the structural specialty code, the fol-  
9 lowing must be designed to meet or exceed the tsunami loads and effects design standards  
10 applicable under chapter 6 of ASCE 7-16:

11 (a) Risk Category III buildings and structures, as defined in chapter 1, section 1.5.1 of  
12 ASCE 7-16. Buildings and other structures described in this paragraph must be designated  
13 as Tsunami Risk Category III for design.

14 (b) Risk Category IV buildings and structures, as defined in chapter 1, section 1.5.1 of  
15 ASCE 7-16. Buildings and other structures described in this paragraph must be designated  
16 as Tsunami Risk Category IV for design.

17 (3) This section does not make any buildings or other structures subject under the state  
18 building code to ASCE 7-16 standards for refuge structures for vertical evacuation.

19 **SECTION 2. (1) As used in this section:**

20 (a) "ASCE" means the American Society of Civil Engineers.

21 (b) "ASCE 7-16" means ASCE Minimum Design Loads and Associated Criteria for  
22 Buildings and Other Structures (2016 Edition).

23 (2) The state building code does not impose, or apply to, vertical evacuation planning and  
24 design requirements. A local government may adopt ASCE 7-16 standards for refuge struc-

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 **tures for vertical evacuation for buildings or other structures as part of a local tsunami plan.**  
 2 **A local government may apply standards adopted as provided in this subsection to all or part**  
 3 **of new or existing buildings or structures within the jurisdiction of the local government.**

4 **SECTION 3.** 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  
 29 school through secondary level or child care centers;

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

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

33 (E) Jails and detention facilities; and

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

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

39 (a) Require new building sites [*for essential facilities, hazardous facilities, major structures and*  
 40 *special occupancy structures*] to be evaluated on a site specific basis for vulnerability to seismic  
 41 geologic hazards **if the sites are for structures that are:**

42 **(A) Essential facilities, hazardous facilities, major structures or special occupancy**  
 43 **structures; or**

44 **(B) Designated under section 1 of this 2020 Act as Tsunami Risk Category III or IV for**  
 45 **design.**

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

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

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

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

13 *[(4) Developers of new essential facilities, hazardous facilities, major structures and special occu-  
14 pancy structures that are located in an identified tsunami inundation zone, as described in ORS  
15 455.446 (2), shall consult with the State Department of Geology and Mineral Industries for assistance  
16 in determining the impact of possible tsunamis on the proposed development and for assistance in pre-  
17 paring methods to mitigate risk at the site of a potential tsunami. Consultation must take place prior  
18 to submittal of design plans to the building official for final approval.]*

19 **(4) A developer of a proposed building owned by a public body as defined in ORS 174.109  
20 and designated under section 1 of this 2020 Act as Tsunami Risk Category III or IV for design  
21 shall request that the State Department of Geology and Mineral Industries determine the  
22 impact of possible tsunamis on the proposed building and suggest methods to mitigate risk  
23 at the building site of a potential tsunami. The developer must make the request for the  
24 determination and suggestions prior to submitting the building design plans to the building  
25 official for final approval. The State Department of Geology and Mineral Industries shall send  
26 the determination and suggestions to a developer no later than 45 days after receiving a re-  
27 quest.**

28 **SECTION 4. The State Department of Geology and Mineral Industries shall report re-  
29 garding requests, determinations and suggestions made under ORS 455.447 (4), to an interim  
30 committee of the Legislative Assembly related to general government in the manner pro-  
31 vided by ORS 192.245, no later than September 15 of each year.**

32 **SECTION 5. Section 1 of this 2020 Act, and the amendments to ORS 455.447 by section 3  
33 of this 2020 Act, apply to buildings for which a building permit is initially issued on or after  
34 July 1, 2021.**