

Enrolled House Bill 2605

Sponsored by Representatives GOMBERG, SMITH DB, WEBER; Representatives EVANS, LEIF, WRIGHT (Presession filed.)

CHAPTER

AN ACT

Relating to tsunami risk; creating new provisions; and amending ORS 455.447 and 672.107.

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

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

(a) “ASCE” means the American Society of Civil Engineers.

(b) “ASCE 7” means the ASCE Minimum Design Loads and Associated Criteria for Buildings and Other Structures that appear in the Oregon Structural Specialty Code.

(2) Notwithstanding any contrary standard under the structural specialty code, the following must be designed to meet or exceed the tsunami loads and effects design standards applicable under the provisions related to tsunamis in ASCE 7:

(a) Risk Category III buildings and structures, as defined in “Risk Category of Buildings and Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other structures described in this paragraph must be designated as Tsunami Risk Category III for design.

(b) Risk Category IV buildings and structures, as defined in “Risk Category of Buildings and Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other structures described in this paragraph must be designated as Tsunami Risk Category IV for design.

SECTION 2. ORS 455.447 is amended to read:

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

[(a) “Essential facility” means:]

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

[(B) Fire and police stations;]

[(C) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;]

[(D) Emergency vehicle shelters and garages;]

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

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

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

[(b) “Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.]

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

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

[(e)] "Special occupancy structure" means:]

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

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

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

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

[(E)] Jails and detention facilities; and]

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

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

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

(A) Major structures; or

(B) Designated under section 1 of this 2021 Act as Tsunami Risk Category III or IV for design.

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

(c) Provide for the review of geologic and engineering reports for seismic design of new [buildings of large size, high occupancy or critical use] **major structures or buildings that have been designated under section 1 of this 2021 Act as Tsunami Risk Category III and IV for design.**

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

(3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected under the structural and mechanical specialty codes for [essential facilities, hazardous facilities,] major structures and [special occupancy structures] **buildings that have been designated under section 1 of this 2021 Act as Tsunami Risk Category III or IV for design**, which fees are retained by the jurisdiction enforcing the particular specialty code as provided in ORS 455.150 or enforcing a building inspection program under ORS 455.148.

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

(4) **Before submitting design plans for a proposed building designated under section 1 of this 2021 Act as Tsunami Risk Category III or IV for design, the developer shall request consultation from the State Department of Geology and Mineral Industries with respect to the impacts from potential tsunami activity on the proposed building and the department shall provide the developer with the best available scientific evidence of potential impacts.**

The department shall make a determination as to the likely impacts and recommend any design or other changes to mitigate the impacts that the department deems advisable or necessary. The department shall notify the developer and the official responsible for approving the development not later than 45 days after receiving the developer's request. An official that approves the development shall include the department's determination and recommendations with permit documents for the building.

SECTION 3. The State Department of Geology and Mineral Industries shall report regarding requests, determinations and recommendations made under ORS 455.447 (4) to an interim committee of the Legislative Assembly related to general government in the manner provided by ORS 192.245, no later than September 15 of each year.

SECTION 4. ORS 672.107 is amended to read:

672.107. (1) For purposes of this section:

(a) **"Essential facility"** means Risk Category IV buildings and structures, as defined in "Risk Category of Buildings and Other Structures," Table 1604.5 of the Oregon Structural Specialty Code.

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

[(a)] (c)(A) "Significant structure" means:

[(A)] (i) Hazardous facilities and special occupancy structures[, as defined in ORS 455.447];

[(B)] (ii) Essential facilities[, as defined in ORS 455.447,] that have a ground area of more than 4,000 square feet or are more than 20 feet in height;

[(C)] (iii) Structures that the Director of the Department of Consumer and Business Services determines to have irregular features; and

[(D)] (iv) Buildings that are customarily occupied by human beings and are more than four stories or 45 feet above average ground level.

[(b)] (B) "Significant structure" does not mean:

[(A)] (i) One-family and two-family dwellings and accompanying accessory structures;

[(B)] (ii) Agricultural buildings or equine facilities, both as defined in ORS 455.315; or

[(C)] (iii) Buildings located on lands exempt from Department of Consumer and Business Services enforcement of building code regulations.

(d) **"Special occupancy structure"** means Risk Category III buildings and structures, as defined in "Risk Category of Buildings and Other Structures," Table 1604.5 of the Oregon Structural Specialty Code.

(2) Consistent with ORS 672.255, the State Board of Examiners for Engineering and Land Surveying shall adopt rules establishing standards of competence in structural engineering analysis and design relating to seismic influence.

(3) An engineer may not provide engineering services for significant structures unless the engineer possesses a valid professional structural engineer certificate of registration issued by the board.

SECTION 5. Section 1 of this 2021 Act, and the amendments to ORS 455.447 by section 2 of this 2021 Act, apply to buildings for which a building permit is initially issued on or after January 1, 2022.

Passed by House April 15, 2021

Repassed by House June 8, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 7, 2021

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State