

**Planning Commission
Regular Meeting Agenda
Wednesday, December 1, 2021 at 7:00 P.M.**

**70 N. Pioneer St.
Lowell, OR 97452**

COVID-19 protocols are required for those attending in person, including mask wearing and social distancing.

Members of the public are encouraged to provide comment or testimony through the following:

- Joining by phone, tablet, or PC. For details, click on the event at www.ci.lowell.or.us.
- In writing, by using the drop box at Lowell City Hall, 107 East Third Street, Lowell, OR 97452.
- By email to: admin@ci.lowell.or.us.

Meeting Agenda

Call to Order/Roll Call

Commissioners: Dragt ___ Kintzley ___ Wallace ___ Galvin ___ Priser___

Approval of Agenda

Approval of Minutes

- Minutes from the September 22, 2021 meeting

Old Business

New Business

1. Administer oath of office for Commissioner William Priser.
2. Land Use file #2021-12 – “Adoption of text amendments to the Lowell Development Code to incorporate the Oregon State Model Floodplain Code.”
 - a. The public hearing is now open at ___ (state time)
 - b. Staff report – Henry Hearley, City Planner
 - c. Public comment
 - d. The public hearing is now closed at ___ (state time)
 - e. Planning Commission decision on Land Use file #2021-12

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities must be made at least 48 hours before the meeting to City Clerk Sam Dragt at 541-937-2157.

Recommended motion: Motion to recommend that City Council enact an ordinance adopt the proposed text amendments to Section 9.622 of the Lowell Development Code, as set forth in Land Use File #2021-12.

3. Discussion and direction on presentation of staff reports to the Planning Commission.

Other Business

Adjourn

**City of Lowell, Oregon
Minutes of the Planning Commission Meeting
September 22, 2021**

The meeting was called to order at 7:06 PM by Commissioner Chair Dragt.

Members Present: Lon Dragt, Mary Wallace, Suzanne Kintzley, Michael Galvin

Staff Present: CA Jeremy Caudle, City Planner Henry Hearley LCOG

Swearing in of Michael Galvin as Planning Commissioner

Approval of the Agenda: Commissioner Kintzley moved to approve second by Commissioner Wallace. PASS 4:0

Approval of Minutes: Commissioner Kintzley moved to approve the minutes from August 4, 2021, second by Commissioner Galvin. PASS 4:0

New Business:

Land Use application #2021-09 – Review and render a decision on a conditional use permit for a Lowell School District 13-space parking lot that will also be used as a community parking lot when not in use by the school.

Open Public Hearing: 7:10 PM

Staff Report – Henry Hearley City Planner, LCOG, presented report, with recommendation to approve the conditional use permit for a 13-space parking lot at the Lowell School District. With 2 recommended conditions of approval.

Close Public Meeting: 7:20 PM

Commission Deliberation: Commissioner Kintzley made a motion to approve Land Use application #2021-08 “Conditional Use Permit for a Community Parking Lot as a Semi-Public Use in the R1 Zone for 13 South Moss on Map and Tax Lot 19-01-14-23-07000,” subject to the findings, conclusions, and conditions as presented in the staff report as delivered by staff. Seconded by Commissioner Wallace. PASS 4:0

Land Use application #2021-10 – Review and render a decision on a conditional use permit allow a home occupation in the form of an exercise/Pilates studio

Staff Report – Henry Hearley City Planner, LCOG, presented report, with recommendation to deny a variance to the front yard setback for the property at 103 North Shore Drive, on Map and Tax Lot 19-01-14-23-09809. Lane County Transportation Planning reviewed application and stated it will have no impact on North Shore Drive.

Applicants Presentation – Joseph Brazille, 156 Wetleau Dr, described his length of residency and experience and desire to continue teaching locally.

Public Testimony – Ava Lipton, 172 Wetleau Dr, gave testimony in opposition due to parking and/or congestive issues.

Steve Paulson, 520 Sunridge Lane, statement in opposition to approval

Jill Paulson, 520 Sunridge Lane, citizen previously offered a written opposition, and restated her opposition to the conditional use permit

Public Hearing Closed: 7:50 PM

Reconvene Public Meeting: 7:50 PM

Commission Deliberation: Commissioner Galvin made a motion to deny Land Use application #2021-10, “Conditional Use Permit for a Home Occupation at 156 Wetleau Drive in Lowell, Oregon,” subject to the findings, conclusions, and conditions as presented in the staff. Seconded by Commissioner Wallace. PASS 4:0

Other Business: None

Adjourn: 8:25 PM

Approved: _____
Lon Dragt - Chair

Date: _____

Attest: _____
Jeremy Caudle, City Recorder

Date: _____



PO Box 490 Lowell, OR 97452
Phone: 541-937-2157 Fax: 541-937-2936
Email: cityadmin@ci.lowell.or.us

Oath of Office

I, WILLIAM D. PRISER, do solemnly swear that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Oregon, the Ordinances and Resolutions of the City of Lowell, Oregon, and that I will faithfully and impartially discharge the duties of the office of Planning Commissioner for the City of Lowell, Oregon, according to the best of my ability, so help me God.

DATED this 1st day of December, 2021.

William D. Priser

SWORN before me this 1st day of December, 2021.

ATTEST:

Jeremy Caudle - City Recorder

Agenda Item Summary

TO: Jeremy Caudle, City Administrator & Lon Dragt, Planning Commission Chair
FROM: Henry Hearley, Lane Council of Governments (LCOG)
DATE: November 23, 2021
SUBJECT: Agenda Item Summary for Floodplain Updates

This agenda item summary is intended to orient Planning Commissioners to the materials prepared by staff for the floodplain text amendments to the Lowell's Development Code and provide some context for the amendments.

The City of Lowell participates in the National Flood Insurance Program (NFIP). As such, the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) routinely require participating cities to review their floodplain development ordinance to ensure that the newest regulations and guidelines are being followed. These proposed text amendments to the Lowell Development Code (LDC) are specific to the floodplain development section; no other sections of the development code are being amended. The proposed text amendments are based on the most recent State of Oregon's Model Flood Hazard Ordinance, which FEMA directs DLCD to implement at the local level.

For Planning Commission's review, staff have included the following Exhibits:

Exhibit A: Proposed findings of fact in support of the text amendments.

Exhibit B: Code matrix showing the existing code language and proposed amendments, consistent with the Model Flood Hazard Ordinance.

Exhibit C: Marked up version of code amendments for Section 9.620. This exhibit is color coded to show Commissioners the exact language being proposed as consistent with the Model Flood Hazard Ordinance. **Red text is language that is specific to Lowell. Green text is existing Lowell code that is not contained in the Model Flood Hazard Ordinance and is being proposed to remain as is. Black text represents the NFIP and state minimum requirements and must be included.**

Exhibit D: Is the same content as seen in Exhibit C, but without any color coding. This is the version that will be adopted; it is a clean version of the amendments.

Exhibit E: Is a signed Resolution by City Council authorizing the City to initiate the amendments as directed by DLCD and incorporate the Model Flood Hazard Ordinance into Lowell's Development Code.

Exhibit F: Notice materials prepared for the amendments.

EXHIBIT A
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FINDINGS OF FACT

**ADOPTION OF TEXT AMENDMENTS TO THE LOWELL DEVELOPMENT CODE TO INCORPORATE THE
OREGON STATE MODEL FLOODPLAIN CODE**

I. BACKGROUND

The City of Lowell participates in the National Flood Insurance Program (NFIP). As such, the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) routinely require participating cities to review their floodplain development ordinance to ensure that the newest regulations and guidelines are being followed. These proposed text amendments to the Lowell Development Code (LDC) are specific to the floodplain development section; no other sections of the development code are being amended. The proposed text amendments are based on the most recent State of Oregon's Model Flood Hazard Ordinance, which FEMA directs DLCD to implement at the local level. There are no changes in zoning designations or changes to the allowed uses in any particular zone. DLCD approached the City about updating the floodplain development ordinance as a result of routine inspection and assessment that are required of cities that participate in the NFIP. The amendments are required for Lowell to continue to participate in the NFIP. These findings of fact serve as the factual basis for the amendments to be adopted by City Council.

II. APPLICABLE CRITERIA & FINDINGS

The proposed amendments to the LDC only apply to Lowell's floodplain development section (Section 9.620). As noted above in the background, the proposed updates are necessary for Lowell to continue participating in the NFIP. The proposed amendments implement the revised Oregon Model Flood Hazard code. As the amendments are TYPE IV- Legislative, the proposed amendments will go through two public hearings: one before Planning Commission and one before the City Council.

Section 9.253, Amendments.

(b) Decision Criteria. All requests for an amendment to the text or map of this Code or the Comprehensive Plan may be permitted upon authorization by the City Council in accordance with following findings:

(1) The proposed amendment does not conflict with the intent of the Comprehensive Plan.

Staff Response: The proposed amendments to Lowell’s floodplain development code, specifically, Section 9.622 of the LDC implement the policies and goals of the Comprehensive Plan with respect to development in the floodplain and natural hazards. As outlined below, the proposed amendments to Section 9.622, to implement the revised floodplain development standards of the Model Code of the State of Oregon, do not conflict with the intent of the Comprehensive Plan.

Specifically, the Goals and Policies of the Comprehensive Plan as they relate to development in the floodplain and protection from natural hazards include:

- Goal 7 of the Lowell Comprehensive Plan reads *“to protect life and property from natural disasters and hazards. The primary hazards in the Lowell area are related to potential flooding, localized ponding, and steep erosion earth slide potentials.”*
 - **Staff Response:** The floodplain development code mitigates hazards from occurring to development in the floodplain.
- Policy 3 of Goal 1 Environmental Policies reads *“development proposals in areas considered to pose geological hazards such as flooding, poor drainage, ponding, high water table and slippage shall submit engineering investigations for review and approval of the City to ensure that environmental problems can be mitigated.”*
 - **Staff Response:** Development in the floodplain is regulated and restricted by the Floodplain Manager of Lowell, which is the City Administrator. When development is proposed on a property that lies within the floodplain, a greater level of review is triggered and may require base elevation certificates to be obtained by the developer from a registered engineer in the State of Oregon. All floodplain development mitigation measures , such base floor elevations, flood vents and floodproofing of equipment or electrical components, are inspected by the Building Official for compliance, prior to the issuance of certificates of occupancy.
- Section 9.983 Development Constraints (5).
 - **Staff Response:** This section addresses the City’s desire to constrain future development in areas prone to flood hazards and states that the City of Lowell is a participating City in the NFIP. The proposed amendments to the City’s floodplain development code directly address the goal of Section 9.983 by placing restrictions on development within the floodplain and keeps the City in good order with the federal requirements of the NFIP.

FINDING: As outlined above, the proposed amendments to Section 9.622 to implement the revised floodplain development standards of the Model Code of the State of Oregon, do not conflict with the intent of the Comprehensive Plan. Criterion met.

(2) There is a need for the proposed amendment to comply with changing conditions, new laws or to correct existing deficiencies.

FINDING: The proposed amendments to Lowell’s floodplain development code are necessary (and a federal requirement) for Lowell to remain a participating City in FEMA’s NFIP. Every few years, floodplain development standards and definitions are updated by FEMA and DCLD, causing Cities to update their local development codes - this is the case as with the proposed amendments. The amendments are to specifically implement the new State of Oregon’s Model Flood Hazard Ordinance, developed by DLCD and FEMA. The amendments are required due to changing conditions. Criterion met.

(3) The amendment will not have a significant adverse impact on adjacent properties.

FINDING: The proposed amendments will not have a significant adverse impact on adjacent properties. The City of Lowell already has adopted floodplain development regulations – the floodplain development standards are not new. The floodplain regulations are intended to minimize significant adverse impacts on properties that lie within the regulated floodplain. Criterion met.

(4) The amendment will not have a significant adverse impact on the air, water and land resources of the City

FINDING: The proposed amendments have no bearing on the air, water and land resources of the City. Criterion not applicable.

(5) The amendment will not have a significant adverse impact on public facilities, transportation, the economy, and on the housing needs of the City.

FINDING: The proposed amendments will not have an adverse impact on public facilities, transportation, the economy, or the housing needs to the City. Development within the floodplain in Lowell is already regulated by the City’s current floodplain development code. The proposed amendments are necessary to keep the City in good standing with the federal requirements of the NFIP. Criterion met.

(6) The amendment does not conflict with the intent of Statewide Planning Goals.

Staff Response: The proposed amendments do not conflict with the intent of the Statewide Planning Goals. To further address this criterion, staff will present a finding for each applicable Statewide Planning Goal for subsection (6).

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Text Amendments – Floodplain Development Code Update - Findings of Fact – Exhibit A

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Oregon Statewide Planning Goal 1: Citizen Involvement.

Staff Response: Goal 1 requires that citizens be involved in the local land use planning process and have an opportunity to review and comment on proposed land use actions. For the proposed amendments, the City duly noticed the proposed amendments by publishing notice of the public hearings in a newspaper of general circulation and posting notice in public spaces. The City is processing the proposed code amendments as a TYPE IV process, which means there will be at least two public hearings on the matter – both of which will be free and open to the public to participate in the local land use hearings process. Goal 1 addressed.

Oregon Statewide Planning Goal 2: Land Use Planning.

Staff Response: As its most basic level, Goal 2 requires the land use actions of local governments to be consistent with the adopted Comprehensive Plan and any adopted refinement plans. As found in Section 9.253(1) of these findings, the adopted Comprehensive Plan sets out the goals and policies with respect to development within the regulated flood plain and protection of life and property from natural hazards. The proposed amendments to the City’s floodplain development are consistent with the Comprehensive Plan and thus consistent with Goal 2. Criterion met.

Oregon Statewide Planning Goal 7: Natural Hazards.

Staff Response: Goal 7 requires local governments to adopt Comprehensive Plan policies, inventories and implementing measures to reduce risk to people and property from natural hazards. As Lowell is already a participating member in the NFIP, having adopted floodplain regulations is a pre-requisite for participation in the NFIP. Lowell’s participation in the NFIP and the proposed amendments are directly intended to reduce risk to people and property from the natural hazard of flooding or high-water events.

FINDING: As discussed in the above three findings, the proposed amendments do not conflict with the Intent of the Statewide Planning Goals. Criterion met.

III. CONCLUSION:

The amendments to Section 9.622 of the Lowell Development Code, amending the City’s floodplain development code and implementing the State of Oregon’s Model Flood Hazard standards, are consistent with the Lowell Comprehensive Plan and the Oregon Statewide Planning Goals. Staff recommend the proposed amendments be adopted by the Lowell City Council through enactment of an ordinance.

Exhibit A prepared by Henry Hearley, Lane Council of Governments on November 23, 2021.

CITY OF LOWELL FLOOD CODE AMENDMENT MATRIX (November 2021) - EXHIBIT B

Code Section	Current Code Language or Description	Potential Amendments
LAND DEVELOPMENT CODE SECTIONS 9.620-9.625 FLOOD HAZARD DEVELOPMENT		
SECTION 9.620	<i>The City of Lowell's only Floodplain area is along the shore of Dexter Reservoir and development in that area is restricted and controlled by the Corps of Engineers.</i>	Unchanged.
SECTION 9.621 STATEMENT OF PURPOSE.	<p>(a) <i>It is the purpose of this Code to minimize public and private losses due to flood conditions in specific areas by provisions designed:</i></p> <p>(1) <i>To protect human life and health.</i></p> <p>(2) <i>To minimize expenditure of public money and costly flood control.</i></p> <p>(3) <i>To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.</i></p> <p>(4) <i>To minimize prolonged business interruptions.</i></p> <p>(5) <i>To minimize damage to public facilities and utilities such as water and gas mains, electric telephone and sewer lines, streets and bridges located in areas of special flood hazard.</i></p> <p>(6) <i>To provide for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.</i></p> <p>(7) <i>To ensure that potential buyers are notified that property is in an area of special flood hazard.</i></p> <p>(8) <i>To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.</i></p>	<p>Move to 9.621(c) and minor changes.</p> <p>(c) STATEMENT OF PURPOSE</p> <p>It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:</p> <p>(1) Protect human life and health;</p> <p>(2) Minimize expenditure of public money for costly flood control projects;</p> <p>(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;</p> <p>(4) Minimize prolonged business interruptions;</p> <p>(5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;</p> <p>(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;</p> <p>(7) Notify potential buyers that the property is in a special flood hazard area</p>

Code Section	Current Code Language or Description	Potential Amendments
		<p>(8) Notify those who occupy special flood hazard areas that they assume responsibility for their actions</p> <p>(9) Participate in and maintain eligibility for flood insurance and disaster relief.</p>
SECTION 9.621 STATEMENT OF PURPOSE.	<i>(b) In order to accomplish its purposes...</i>	Move to (d). Language unchanged.
SECTION 9.622 GENERAL PROVISIONS		Move to SECTION 9.623 GENERAL PROVISIONS to align with Model Code
	<p><i>(a) This Section shall apply to all areas of special flood hazards within the jurisdiction of the City of Lowell.</i></p> <p><i>The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.</i></p> <p><i>This Code shall not create liability on the part of the City of Lowell, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on</i></p>	<p>Move to Section 9.623 and replace with model code language</p> <p>(a) LANDS TO WHICH THIS ORDINANCE APPLIES This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Lowell.</p> <p>(g) WARNING AND DISCLAIMER OF LIABILITY (1) WARNING The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.</p> <p>(2) 3.7.2 DISCLAIMER OF LIABILITY This ordinance shall not create liability on the part of the City of Lowell, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on</p>

Code Section	Current Code Language or Description	Potential Amendments
	<p><i>this Code or any administrative decision lawfully made thereunder.</i></p>	<p>this ordinance or any administrative decision lawfully made hereunder.</p>
	<p><i>(b) The areas of special flood hazard identified by the Flood Insurance Study for Lane County and incorporated areas and the Flood Insurance Rate Map (FIRM) Number 41039C1695 F, dated June 2, 1999, and any revision thereto, are adopted by reference and declared to be a part of this Code.</i></p>	<p>Move to Section 9.623 and replace with model code language (b) BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for “Lane County, Oregon and Incorporated Areas” dated June 5, 2020, with accompanying Flood Insurance Rate Map (FIRM) panel 41039C1695 F, effective on June 2, 1999, and any revision thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Lowell City Hall.</p>
	<p><i>(c) New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within the 100 year floodplain as identified on FIRM, or as may be established on subsequent updates unless no practicable, non-floodplain sites are available. The burden of proof that such sites are not available rests with an applicant. A finding that no practicable, non-floodplain sites are available must be approved by the City Council to allow floodplain development.</i></p> <p><i>(d) Exception to (c) above: New development of recreational facilities and commercial facilities along the shores of Dexter Reservoir under the control of the US Army Corps of Engineers for which a permit has been issued by the Corps, may be permitted conditional upon such development meeting the requirements of this section.</i></p>	<p>Items moved to SECTION 9.623 with minor changes (h) NEW DEVELOPMENT (1) New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within special flood hazard areas established in Section 9.623(b), unless no practicable site outside the special flood hazard area is available. <u>For purposes of Section (h)(1), no practical site includes properties on which the area outside the SFHA is less than 2,500 square feet and a 35X35-foot square cannot fit within the area unincumbered by the SFHA, the property is presumed to have no practical, non-floodplain site available. A finding based on this standard is an administrative action by the Floodplain Manager and does not require approval by the City Council.</u> The burden of proof that such sites are not available rests with an applicant. A finding that no practicable, non-floodplain sites are available must be approved by the City Council to allow floodplain development.</p>

Code Section	Current Code Language or Description	Potential Amendments
	<p>(e) <i>Additional development and redevelopment of currently developed lots within the floodplain is permitted conditional upon such development meeting the requirements of this section.</i></p>	<p>(2) Exception to (1) above: New development of recreational facilities and commercial facilities along the shores of Dexter Reservoir under the control of the US Army Corps of Engineers for which a permit has been issued by the Corps, may be permitted conditional upon such development meeting the requirements of this section.</p> <p>(3) Additional development and redevelopment of currently developed lots within the floodplain is permitted conditional upon such development meeting the requirements of this section.</p>
	<p>(f) <i>A Development Permit shall be required before construction or development begins within designated 100 year floodplain. The permit shall apply to all structures including manufactured dwellings and all other development including fill and other activities.</i></p>	<p>Move to and replace with model code language SECTION 9.624 (c) ESTABLISHMENT OF DEVELOPMENT PERMIT A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 9.623(b). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 9.622, including fill and other development activities.</p>
	<p>(g) <i>The City Administrator is the Permit issuing authority. The issuing authority shall:</i> (1) <i>Determine that the requirements of this Code have been satisfied.</i></p>	<p>Move to and replace with model code language SECTION 9.624(b) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR Duties of the floodplain administrator, or their designee, shall include, but not be limited to: (1) PERMIT REVIEW Review all development permits to determine that: A The permit requirements of this ordinance have been satisfied; B. All other required local, state, and federal permits have been obtained and approved.</p>

Code Section	Current Code Language or Description	Potential Amendments
	<p>(2) Determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.</p> <p>(3) Review all development proposals to determine if proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this Code, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.</p> <p>A. If it is determined that there is no adverse effect, then the proposal shall be granted consistent with provisions of this Code without further consideration of these effects.</p> <p>B. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.</p> <p>(4) When base flood elevation data has not been provided, the City Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Section.</p> <p>(5) Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).</p> <p>(6) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or</p>	<p>C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 9.625 (b) (4) are met; and</p> <p>D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 9.625 (a) (7); and</p> <p>E. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.</p> <p>F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 9.622.</p> <p>G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 9.625 (a) (1).</p> <p>H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.</p> <p>(2) INFORMATION TO BE OBTAINED AND MAINTAINED The following information shall be obtained and maintained and shall be made available for public inspection as needed:</p> <p>A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance</p>

Code Section	Current Code Language or Description	Potential Amendments
	<p><i>relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.</i></p> <p><i>(7) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.</i></p> <p><i>(8) Information to be obtained and maintained:</i></p> <p><i>A. Where base flood elevation data is provided through the Flood Insurance Study, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.</i></p> <p><i>B. For all new or substantially improved floodproofed structures:</i></p> <ol style="list-style-type: none"> <i>1. Verify and record the actual elevation (in relation to mean sea level), and;</i> <i>2. Maintain the floodproofing certifications required in Section 4.1 (3) of the NFIP.</i> <p><i>C. Maintain for public inspection all records pertaining to the provisions of this Code.</i></p>	<p>Rate Map (FIRM), or obtained in accordance with section 9.625 (a) (7).</p> <p>B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 9.625 (b) (4) and 9.624 (b) (1B) are adhered to.</p> <p>C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).</p> <p>D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.</p> <p>E. Maintain all Elevation Certificates (EC) submitted to the community;</p> <p>F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 9.625 (a) (7).</p> <p>G. Maintain all floodproofing certificates required under this ordinance;</p> <p>H. Record and maintain all variance actions, including justification for their issuance;</p> <p>I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 9.625 (b) (4).</p>

Code Section	Current Code Language or Description	Potential Amendments
		<p>J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 9.624 (b) (4).</p> <p>K. Maintain for public inspection all records pertaining to the provisions of this ordinance.</p> <p>(3) REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA</p> <p>A. COMMUNITY BOUNDARY ALTERATIONS The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community’s boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.</p> <p>B. WATERCOURSE ALTERATIONS Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:</p> <ol style="list-style-type: none"> 1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or

Code Section	Current Code Language or Description	Potential Amendments
		<p>2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.</p> <p>The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 9.624 (b) (3C). Ensure compliance with all applicable requirements in sections 9.624 (b) (3C) and 9.625 (a) (1).</p> <p>C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA A community’s base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.</p> <p>The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:</p> <ol style="list-style-type: none"> 1. Proposed floodway encroachments that increase the base flood elevation; and 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway. <p>An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA.</p> <p>This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).</p>

Code Section	Current Code Language or Description	Potential Amendments
		<p>(4) SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS</p> <p>Conduct Substantial Improvement (SI) (as defined in section 9.622) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 9.624 (b) (2). Conduct Substantial Damage (SD) (as defined in section 9.622) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 9.623 (b)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.</p>
	<p>(h) <i>In approving or disapproving a Flood Hazard development proposal, the deciding authority shall also consider all technical evaluations, all relevant factors, standards specified in other sections of this Code, and:</i></p> <p>(1) <i>The danger that materials may be swept onto other lands to the injury of others.</i></p> <p>(2) <i>The danger to life and property due to flooding or erosion damage.</i></p> <p>(3) <i>The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.</i></p> <p>(4) <i>The importance of the services provided by the proposed facility to the community.</i></p> <p>(5) <i>The necessity to the facility of a waterfront location, where applicable.</i></p>	<p>Removed and replaced with various model code language</p>

Code Section	Current Code Language or Description	Potential Amendments
	<p>(6) <i>The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage.</i></p> <p>(7) <i>The compatibility of the proposed use with existing and anticipated development.</i></p> <p>(8) <i>The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area.</i></p> <p>(9) <i>The safety of access to the property in times of flood for ordinary and emergency vehicles.</i></p> <p>(10) <i>The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.</i></p> <p>(11) <i>The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.</i></p>	
	<p>(i) <i>Flood Hazard Development Permit Fee Established.</i></p> <p>(1) <i>The City, by resolution, will establish fees for application and issue of floodplain and floodway development permits.</i></p> <p>(2) <i>If any development activity occurs prior to issuing a permit under this section, the fee for approval of the permit, after the fact, will be five (5) times the normal cost of the permit as established by resolution. If a permit is not subsequently issued, the property owner is responsible, in addition to the permit fee, for all costs to remove the development. If not approved, the development must be removed within 90 days of the date of notice of disapproval.</i></p>	<p>Move to 9.624 (c)(1) FLOODPLAIN DEVELOPMENT PERMIT REQUIRED</p>

SECTION 9.62B	(a) <i>Anchoring</i>	Moved to and replaced by SECTION 9.625(a)(2) ANCHORING
	(b) <i>Construction materials and methods</i>	Move to and replace with model code language SECTION 9.625(a)(3) CONSTRUCTION MATERIALS AND METHODS
	(c) <i>Utilities</i>	Move to and replace with model code language 9.625(a)(4) UTILITIES AND EQUIPMENT
	(d) <i>Subdivision proposals</i>	Move to and replace with model code language 9.625(a)(6) SUBDIVISION PROPOSALS & OT DEVELOPMENTS
	(e) <i>Review of building permits</i>	Move to and replace with model code language 9.625(a)(7) USE OF OTHER BASE FLOOD ELEVATION DATA
	(f) <i>Residential construction</i>	Move to and replace with model code language 9.625(b)(3)B. RESIDENTIAL CONSTRUCTION 9.625(a)(7) USE OF OTHER BASE FLOOD ELEVATION DATA
	(g) <i>Nonresidential construction</i>	Move to and replace with model code language 9.625(b)(3)C. NON-RESIDENTIAL CONSTRUCTION 9.625(a)(7) USE OF OTHER BASE FLOOD ELEVATION DATA
	(h) <i>Manufactured dwellings</i>	Move to and replace with model code language 9.625(b)(3)D. MANUFACTURED DWELLINGS
	(i) <i>Recreational Vehicles</i>	Move to and replace with model code language 9.625(b)(3)E. RECREATIONAL VEHICLES
	(j) <i>Placing Fill in the Floodplain</i>	Partially replaced by Floodway language in 9.625(b)(3)A. below.
	(k) <i>Floodways</i>	Move to and replace with model code language 9.625(b)(3)A. BEFORE REGULATORY FLOODWAY 9.625(b)(4) FLOODWAYS
SECTION 9.624 FLOOD HAZARD DEFINITIONS.		Move definitions to SECTION 9.622 FLOOD HAZARD DEFINITIONS and replace in entirety with the Model Code's more comprehensive definition list



EXHIBIT C

New Code Language Legend:

- Black: Represents the NFIP and state minimum requirements and must be included in your community's ordinance (code) to ensure compliance.
- Red: Represents language replaced with Lowell specific information.
- Green: Represents parts of existing Lowell code **without** an analog in model code that were added back in

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SECTION 9.620 FLOOD HAZARD DEVELOPMENT

The City of Lowell's only Floodplain area is along the shore of Dexter Reservoir and development in that area is restricted and controlled by the US Army Corps of Engineers.

SECTION 9.621 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

(a) STATUTORY AUTHORIZATION

The State of Oregon has in **ORS 197.175** delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Lowell does ordain as follows:

(b) FINDINGS OF FACT

- (1)** The flood hazard areas of **the City of Lowell** are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2)** These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(c) STATEMENT OF PURPOSE

It is the purpose of this **code** to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- (1)** Protect human life and health;
- (2)** Minimize expenditure of public money for costly flood control projects;
- (3)** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4)** Minimize prolonged business interruptions;
- (5)** Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;

- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (7) Notify potential buyers that the property is in a special flood hazard area
- (8) Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- (9) Participate in and maintain eligibility for flood insurance and disaster relief.

(d) **METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this code includes methods and provisions for:

- (1) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 9.622 FLOOD HAZARD DEFINITIONS

Unless specifically defined below, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this code or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. “Special flood hazard area” is synonymous in meaning and definition with the phrase “area of special flood hazard”.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: See "Structure."

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: See "Flood Insurance Study".

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean sea level (MSL): For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Lowell and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: See “Area of special flood hazard” for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure.”

Variance: A grant of relief by **the City of Lowell** from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this **code** is presumed to be in violation until such time as that documentation is provided.

SECTION 9.623 GENERAL PROVISIONS

(a) LANDS TO WHICH THIS **CODE APPLIES**

This **code** shall apply to all special flood hazard areas within the jurisdiction of **the City of Lowell**.

(b) BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for “**Lane County, Oregon and Incorporated Areas**” dated **June 5, 2020**, with accompanying Flood Insurance Rate Map (FIRM) panel **41039C1695 F**, effective on June 2, 1999, and any revision thereto, are hereby adopted by reference and declared to be a part of this **code**. The FIS and FIRM panels are on file at Lowell City Hall.

(c) COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that **the City of Lowell** administers and enforces the State of Oregon Specialty Codes, **the City of Lowell** does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this **code** is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

(d) COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

(1) COMPLIANCE

All development within special flood hazard areas is subject to the terms of this **code** and required to comply with its provisions and all other applicable regulations.

(2) PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this **code** and other applicable regulations. Violations of the provisions of this **code** by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a **nuisance**. See **Land Use Development**

Code section 9.108 for specific information on enforcement of this code, including remedies, procedures and penalties. Nothing contained herein shall prevent the City of Lowell from taking such other lawful action as is necessary to prevent or remedy any violation.

(e) ABROGATION AND SEVERABILITY

(1) ABROGATION

This code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code and another code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2) SEVERABILITY

This code and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the code is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this code.

(f) INTERPRETATION

In the interpretation and application of this code, all provisions shall be:

- (1)** Considered as minimum requirements;
- (2)** Liberally construed in favor of the governing body; and
- (3)** Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) WARNING AND DISCLAIMER OF LIABILITY

(1) WARNING

The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

(2) DISCLAIMER OF LIABILITY

This code shall not create liability on the part of the City of Lowell, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.

SECTION 9.624 ADMINISTRATION

(a) DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Administrator and their designee is hereby appointed to administer, implement, and enforce this **code** by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

(b) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

(1) PERMIT REVIEW

Review all development permits to determine that:

- A. The permit requirements of this **code** have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this **code** in section 9.625 (b) (4) are met; and
- D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 9.625 (a) (7); and
- E. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 9.622.
- G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 9.625 (a) (1).
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

(2) INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of

all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 9.625 (a) (7).

- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 9.625 (b) (4) and 9.624 (b) (1)(B) are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this **code** and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 9.625 (a) (7).
- G. Maintain all floodproofing certificates required under this **code**;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 9.625 (b) (4).
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 9.624 (b) (4).
- K. Maintain for public inspection all records pertaining to the provisions of this **code**.

(3) REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

A. COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard

Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

B. WATERCOURSE ALTERATIONS

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 9.624 (b) (3)(C). Ensure compliance with all applicable requirements in sections 9.624 (b) (3)(C) and 9.625 (a) (1).

C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA.

This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

(4) SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 9.622) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 9.624 (b) (2). Conduct Substantial Damage (SD) (as defined in section 9.622) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 9.623 (b)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(c) ESTABLISHMENT OF DEVELOPMENT PERMIT

(1) FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 9.623 (b). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 9.622, including fill and other development activities.

A. Floodplain Development Permit Fee Established

1. The City, by resolution, has established fees for application and issuance of a Flood Hazard Development permit.
2. If any development activity occurs prior to issuing a permit under this section, the fee for approval of the permit, after the fact, will be five (5) times the normal cost of the permit as established by resolution. If a permit is not subsequently issued, the property owner is responsible, in addition to the permit fee, for all costs to remove the development. If not approved, the development must be removed within 90 days of the date of notice of disapproval.

(2) APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 9.624 (b) (2).
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 9.625 (b) (3)(C).
- D. Description of the extent to which any watercourse will be altered or relocated.
- E. Base Flood Elevation data for subdivision proposals or other development when required per sections 9.624 (b) (1) and 9.625 (a) (6).
- F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- G. The amount and location of any fill or excavation activities proposed.

(d) VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

(1) CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 9.624 (d) (1C and 1E), and 9.624 (d) (2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or codes.
- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 9.624 (d) (1B-D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(2) VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 9.624 (b) (2).

SECTION 9.625 PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

(1) ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 9.624 (b) (3)(B) and 9.624 (b) (3)(C).

(2) ANCHORING

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- B. All manufactured dwellings shall be anchored per section 9.625 (b) (3)(D).

(3) CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(4) UTILITIES AND EQUIPMENT

A. WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

B. ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated to at or above **one (1) foot above the Base Flood Elevation (BFE), or two (2) feet above highest adjacent grade where BFE is not available**, or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement, meet all the requirements of this section.

(5) TANKS

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B. Above-ground tanks shall be installed **one (1) foot above the Base Flood Elevation (BFE), or two (2) feet above highest adjacent grade where BFE is not available**, or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(6) SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - 1. Be consistent with the need to minimize flood damage.
 - 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - 3. Have adequate drainage provided to reduce exposure to flood hazards.

(7) USE OF OTHER BASE FLOOD ELEVATION DATA

When Base Flood Elevation data has not been provided in accordance with section 9.623 (b) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 9.625. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 9.625 (a) (6).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within an unnumbered A Zone shall be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available.

Residential structures and non-residential structures within an unnumbered A Zone that are not dry floodproofed must be elevated such that the lowest floor is a minimum elevation of two feet above highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(8) STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

- B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(9) NEW DEVELOPMENT

- A. New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within special flood hazard areas established in Section 9.623(b), unless no practicable site outside the special flood hazard area is available. For purposes of this section, ~~no practical site includes properties~~ on which the area outside the SFHA is less than 2,500 square feet and a 35X35-foot square cannot fit within the area unincumbered by the SFHA, ~~the property~~ is presumed to have no practical, non-floodplain site available. A finding based on this standard is an administrative action by the Floodplain Manager and does not require approval by the City Council. The burden of proof that such sites are not available, as described herein, rests with an applicant.
- B. Exception to (A) above: New development of recreational facilities and commercial facilities along the shores of Dexter Reservoir under the control of the US Army Corps of Engineers for which a permit has been issued by the Corps, may be permitted conditional upon such development meeting the requirements of this section.
- C. Additional development and redevelopment of currently developed lots within the floodplain is permitted conditional upon such development meeting the requirements of this section.

(b) SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 9.625 (a) of this **code**.

(1) FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

1. A minimum of two openings,
2. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
3. The bottom of all openings shall be no higher than one foot above grade.
4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

(2) GARAGES

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 1. If located within a floodway the proposed garage must comply with the requirements of section 9.625 (b) (4).
 2. The floors are at or above grade on not less than one side;
 3. The garage is used solely for parking, building access, and/or storage;
 4. The garage is constructed with flood openings in compliance with section 9.625 (b) (1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 6. The garage is constructed in compliance with the standards in section 9.625 (a); and
 7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 9.625 (b) (3)(F) or non-residential structures in section 9.625 (b) (3)(C) depending on the square footage of the garage.

(3) FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section 9.625 (a) the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

A. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

B. RESIDENTIAL CONSTRUCTION

1. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at or above **one (1) foot** above the Base Flood Elevation (BFE).
2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 9.625 (b) (1).

C. NON-RESIDENTIAL CONSTRUCTION

1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement elevated to at or above **one (1) foot** above the Base Flood Elevation (BFE). Or, together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 9.624 (b) (2).

2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 9.625 (b) (1).
3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).

Additional Recommended Language Provided in Appendix B

D. MANUFACTURED DWELLINGS

1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 9.625 (b) (1);
2. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

E. RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of section 9.625 (b) (3)(D), including the anchoring and elevation requirements for manufactured dwellings.

F. APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and nonresidential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

1. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 9.625 (b) (4).
2. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
3. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
4. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
5. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
6. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 9.625 (b) (1);
7. Appurtenant structures shall be located and constructed to have low damage potential;
8. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 9.625 (a) (5).
9. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

Additional Optional Language Provided in Appendix B

(4) FLOODWAYS

Located within the special flood hazard areas established in section 9.623 (b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
Or,
 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- B. If the requirements of section 9.625 (b) (4) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 9.625.

(5) STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

A. STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 9.625 (a), 9.625 (b), and 9.625 (b) (5).

B. STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirements in sections 9.625 (a) and 9.625 (b) (5):

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

2. New construction, conversion to, and substantial improvements of nonresidential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 9.625 (b) (3)(C).
3. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of section 9.625 (b) (5)(B)(1), and the anchoring and other requirements for manufactured dwellings of section 9.625 (b) (3D).
4. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 9.625 (b) (3F).
5. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 9.625 (b) (1).

EXHIBIT D

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SECTION 9.620 FLOOD HAZARD DEVELOPMENT

The City of Lowell's only Floodplain area is along the shore of Dexter Reservoir and development in that area is restricted and controlled by the US Army Corps of Engineers.

SECTION 9.621 STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS

(a) STATUTORY AUTHORIZATION

The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Lowell does ordain as follows:

(b) FINDINGS OF FACT

- (1)** The flood hazard areas of the City of Lowell are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2)** These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

(c) STATEMENT OF PURPOSE

It is the purpose of this code to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- (1)** Protect human life and health;
- (2)** Minimize expenditure of public money for costly flood control projects;
- (3)** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4)** Minimize prolonged business interruptions;
- (5)** Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- (6)** Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- (7)** Notify potential buyers that the property is in a special flood hazard area
- (8)** Notify those who occupy special flood hazard areas that they assume responsibility for their actions

(9) Participate in and maintain eligibility for flood insurance and disaster relief.

(d) **METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this code includes methods and provisions for:

- (1) Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

SECTION 9.622 FLOOD HAZARD DEFINITIONS

Unless specifically defined below, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this code or a request for a variance.

Area of shallow flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: See "Structure."

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study: See “Flood Insurance Study”.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and

ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

Manufactured dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured dwelling park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean sea level (MSL): For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Lowell and includes any subsequent improvements to such structures.

Recreational vehicle: A vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: See “Area of special flood hazard” for this definition.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by the City of Lowell from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this code is presumed to be in violation until such time as that documentation is provided.

SECTION 9.623 GENERAL PROVISIONS

(a) LANDS TO WHICH THIS CODE APPLIES

This code shall apply to all special flood hazard areas within the jurisdiction of the City of Lowell.

(b) BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for “Lane County, Oregon and Incorporated Areas” dated June 5, 2020, with accompanying Flood Insurance Rate Map (FIRM) panel 41039C1695 F, effective on June 2, 1999, and any revision thereto, are hereby adopted by reference and declared to be a part of this code. The FIS and FIRM panels are on file at Lowell City Hall.

(c) COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that the City of Lowell administers and enforces the State of Oregon Specialty Codes, the City of Lowell does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this code is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

(d) COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

(1) COMPLIANCE

All development within special flood hazard areas is subject to the terms of this code and required to comply with its provisions and all other applicable regulations.

(2) PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violations of the provisions of this code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a nuisance. See Land Use Development Code section 9.108 for specific information on enforcement of this code, including remedies, procedures and penalties. Nothing contained herein shall prevent the City

of Lowell from taking such other lawful action as is necessary to prevent or remedy any violation.

(e) ABROGATION AND SEVERABILITY

(1) ABROGATION

This code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code and another code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(2) SEVERABILITY

This code and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the code is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this code.

(f) INTERPRETATION

In the interpretation and application of this code, all provisions shall be:

- (1)** Considered as minimum requirements;
- (2)** Liberally construed in favor of the governing body; and
- (3)** Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) WARNING AND DISCLAIMER OF LIABILITY

(1) WARNING

The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

(2) DISCLAIMER OF LIABILITY

This code shall not create liability on the part of the City of Lowell, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this code, or any administrative decision lawfully made hereunder.

SECTION 9.624 ADMINISTRATION

(a) DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Administrator and their designee is hereby appointed to administer, implement, and enforce this code by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

(b) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

(1) PERMIT REVIEW

Review all development permits to determine that:

- A. The permit requirements of this code have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this code in section 9.625 (b) (4) are met; and
- D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 9.625 (a) (7); and
- E. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 9.622.
- G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 9.625 (a) (1).
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

(2) INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of

all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 9.625 (a) (7).

- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 9.625 (b) (4) and 9.624 (b) (1)(B) are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this code and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 9.625 (a) (7).
- G. Maintain all floodproofing certificates required under this code;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 9.625 (b) (4).
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 9.624 (b) (4).
- K. Maintain for public inspection all records pertaining to the provisions of this code.

(3) REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

A. COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard

Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

B. WATERCOURSE ALTERATIONS

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 9.624 (b) (3)(C). Ensure compliance with all applicable requirements in sections 9.624 (b) (3)(C) and 9.625 (a) (1).

C. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA.

This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

(4) SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 9.622) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 9.624 (b) (2). Conduct Substantial Damage (SD) (as defined in section 9.622) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 9.623 (b)) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(c) ESTABLISHMENT OF DEVELOPMENT PERMIT

(1) FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 9.623 (b). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 9.622, including fill and other development activities.

A. Floodplain Development Permit Fee Established

1. The City, by resolution, has established fees for application and issuance of a Flood Hazard Development permit.
2. If any development activity occurs prior to issuing a permit under this section, the fee for approval of the permit, after the fact, will be five (5) times the normal cost of the permit as established by resolution. If a permit is not subsequently issued, the property owner is responsible, in addition to the permit fee, for all costs to remove the development. If not approved, the development must be removed within 90 days of the date of notice of disapproval.

(2) APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 9.624 (b) (2).
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 9.625 (b) (3)(C).
- D. Description of the extent to which any watercourse will be altered or relocated.
- E. Base Flood Elevation data for subdivision proposals or other development when required per sections 9.624 (b) (1) and 9.625 (a) (6).
- F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- G. The amount and location of any fill or excavation activities proposed.

(d) VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

(1) CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 9.624 (d) (1C and 1E), and 9.624 (d) (2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or codes.
- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 9.624 (d) (1B-D) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(2) VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 9.624 (b) (2).

SECTION 9.625 PROVISIONS FOR FLOOD HAZARD REDUCTION

(a) GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

(1) ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 9.624 (b) (3)(B) and 9.624 (b) (3)(C).

(2) ANCHORING

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- B. All manufactured dwellings shall be anchored per section 9.625 (b) (3)(D).

(3) CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(4) UTILITIES AND EQUIPMENT

A. WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

B. ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated to at or above one (1) foot above the Base Flood Elevation (BFE), or two (2) feet above highest adjacent grade where BFE is not available, or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement, meet all the requirements of this section.

(5) TANKS

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B. Above-ground tanks shall be installed one (1) foot above the Base Flood Elevation (BFE), or two (2) feet above highest adjacent grade where BFE is not available, or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

(6) SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - 1. Be consistent with the need to minimize flood damage.
 - 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - 3. Have adequate drainage provided to reduce exposure to flood hazards.

(7) USE OF OTHER BASE FLOOD ELEVATION DATA

When Base Flood Elevation data has not been provided in accordance with section 9.623 (b) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 9.625. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 9.625 (a) (6).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within an unnumbered A Zone shall be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available.

Residential structures and non-residential structures within an unnumbered A Zone that are not dry floodproofed must be elevated such that the lowest floor is a minimum elevation of two feet above highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(8) STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

- B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(9) NEW DEVELOPMENT

- A. New development, including the construction of dwelling units and other structures, is not allowed on undeveloped properties within special flood hazard areas established in Section 9.623(b), unless no practicable site outside the special flood hazard area is available. For purposes of this section, no practical site includes properties on which the area outside the SFHA is less than 2,500 square feet and a 35X35-foot square cannot fit within the area unincumbered by the SFHA, the property is presumed to have no practical, non-floodplain site available. A finding based on this standard is an administrative action by the Floodplain Manager and does not require approval by the City Council. The burden of proof that such sites are not available, as described herein, rests with an applicant.
- B. Exception to (A) above: New development of recreational facilities and commercial facilities along the shores of Dexter Reservoir under the control of the US Army Corps of Engineers for which a permit has been issued by the Corps, may be permitted conditional upon such development meeting the requirements of this section.
- C. Additional development and redevelopment of currently developed lots within the floodplain is permitted conditional upon such development meeting the requirements of this code.

(b) SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 9.625 (a) of this code.

(1) FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

1. A minimum of two openings,
2. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
3. The bottom of all openings shall be no higher than one foot above grade.
4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

(2) GARAGES

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
1. If located within a floodway the proposed garage must comply with the requirements of section 9.625 (b) (4).
 2. The floors are at or above grade on not less than one side;
 3. The garage is used solely for parking, building access, and/or storage;
 4. The garage is constructed with flood openings in compliance with section 9.625 (b) (1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 6. The garage is constructed in compliance with the standards in section 9.625 (a); and
 7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 9.625 (b) (3)(F) or non-residential structures in section 9.625 (b) (3)(C) depending on the square footage of the garage.

(3) FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section 9.625 (a) the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

A. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

B. RESIDENTIAL CONSTRUCTION

1. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at or above one (1) foot above the Base Flood Elevation (BFE).
2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 9.625 (b) (1).

C. NON-RESIDENTIAL CONSTRUCTION

1. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement elevated to at or above one (1) foot above the Base Flood Elevation (BFE). Or, together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 9.624 (b) (2).

2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 9.625 (b) (1).
3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).

Additional Recommended Language Provided in Appendix B

D. MANUFACTURED DWELLINGS

1. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 9.625 (b) (1);
2. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
3. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

E. RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of section 9.625 (b) (3)(D), including the anchoring and elevation requirements for manufactured dwellings.

F. APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and nonresidential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

1. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 9.625 (b) (4).
2. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
3. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
4. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
5. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
6. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 9.625 (b) (1);
7. Appurtenant structures shall be located and constructed to have low damage potential;
8. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 9.625 (a) (5).
9. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

Additional Optional Language Provided in Appendix B

(4) FLOODWAYS

Located within the special flood hazard areas established in section 9.623 (b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:

1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
Or,
 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- B. If the requirements of section 9.625 (b) (4) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 9.625.

(5) STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

A. STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 9.625 (a), 9.625 (b), and 9.625 (b) (5).

B. STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirements in sections 9.625 (a) and 9.625 (b) (5):

1. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.

2. New construction, conversion to, and substantial improvements of nonresidential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 9.625 (b) (3)(C).
3. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - i. Be on the site for fewer than 180 consecutive days, and
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet the elevation requirements of section 9.625 (b) (5)(B)(1), and the anchoring and other requirements for manufactured dwellings of section 9.625 (b) (3D).
4. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 9.625 (b) (3F).
5. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 9.625 (b) (1).

EXHIBIT E

CITY OF LOWELL, OREGON

RESOLUTION 771

A RESOLUTION TO INITIATE A TEXT AMENDMENT TO THE LOWELL DEVELOPMENT CODE TO INCORPORATE THE OR- EGON STATE MODEL FLOODPLAIN CODE

WHEREAS, the City of Lowell is a participating City in the National Flood Plain Insurance Program (NFIP).

WHEREAS, The Federal Emergency Management Agency (FEMA) and Department of Land Conservation and Development (DLCD) recommend cities in Oregon adopt the State of Oregon Model Floodplain Code.

WHEREAS, The text amendments to the Lowell Development Code incorporating the State of Oregon Model Floodplain Code is a requirement for Lowell's participation in the NFIP.

WHEREAS, DLCD has initiated with the City of Lowell a routine and required review of the City's floodplain development standards as part of the NFIP Community Assistance Visit.

WHEREAS, The City of Lowell currently has an existing floodplain development ordinance, seen as Section 9.620 in the Lowell Development Code.

WHEREAS, The City of Lowell's existing floodplain development ordinance is proposed to be amended to include revisions as recommended by FEMA and DLCD and as included in the State of Oregon Model Floodplain Code.

WHEREAS, Section 9.253 (a) of The Lowell Development Code says a text amendment to the Lowell Development Code may be initiated by City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lowell:


1. City staff are directed to work with the local DLCD representative who is coordinating the NFIP's Community Assistance Visit.
2. Publish and post public notice of the pending text amendments to incorporate the Oregon State Model Floodplain Code into the Lowell Development Code.
3. Present to the Lowell Planning Commission and Lowell City Council an amended floodplain development ordinance containing the necessary elements of the State of Oregon Model Floodplain Code.
4. Prepare Findings of Fact in support of the amendments and draft an ordinance for City Council's adoption of the text amendments.

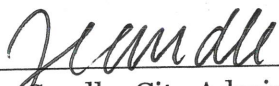
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Adopted by the City Council of the City of Lowell, this 2nd day of November 2021.

Yea: 5

Nay: 0

Approved: 
Don Bennett, Mayor

Attest: 
Jeremy Caudle, City Administrator

**The public is invited to attend and testify at a public hearing for
An Update to Lowell's Floodplain Development Code.**

The City of Lowell participates in the National Flood Insurance Program (NFIP). As such, the Federal Emergency Management Agency (FEMA) and Department of Land Conservation and Development (DLCD) require routine updates to the floodplain development code using the State of Oregon's Model Flood Hazard Ordinance.

The update of the floodplain development code is a part of a required the NFIP Community Assistance visit conducted by DLCD.

There are no changes in zoning designations or changes to the uses allowed in any particular zone.

The amendments to the Lowell Development Code will be specific to floodplain development. The City will follow a TYPE IV Legislative land use process. As such, two public hearings will be held on the proposed amendments.

The first public hearing will be December 1, 2021, at 7:00 p.m. in front of the Lowell Planning Commission. Planning Commission will issue a recommendation onto City Council for final action.

The second public hearing will be December 7, 2021, at 7:00 p.m. in front of the Lowell City Council.

Both public hearings will occur at the Maggie Osgood Library at 70 N. Pioneer Street at 7:00 p.m.

A remote hearing option via Zoom will be available. To attend remotely, please email the City Administrator at jcaudle@ci.lowell.or.us or call 541-937-2157.

The meeting materials and zoom link will also be posted on the City's website at <https://www.ci.lowell.or.us/>.

For questions or to submit written testimony, please contact the City Administrator.

Order Confirmation

<u>Ad Order Number</u> 0000254860	<u>Customer</u> LOWELL, CITY OF	<u>Payor Customer</u> LOWELL, CITY OF	<u>PO Number</u>
<u>Sales Rep.</u> eolegals	<u>Customer Account</u> 16774	<u>Payor Account</u> 16774	<u>Ordered By</u> Jeremy Caudle
<u>Order Taker</u> ISC.dylan.abeyta	<u>Customer Address</u> PO BOX 490 LOWELL OR 97452 USA	<u>Payor Address</u> PO BOX 490 LOWELL OR 97452 USA	<u>Customer Fax</u> 5419372936
<u>Order Source</u> E-mail	<u>Customer Phone</u> 5419372157	<u>Payor Phone</u> 5419372157	<u>Customer EMail</u>
			<u>Special Pricing</u>

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>
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<u>Invoice Text</u> Public Hearing 12/1/2021 and 12/7/2021	<u>Ad Order Notes</u>
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	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
	\$145.00	\$0.00	\$145.00	Invoice	\$0.00	\$145.00

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<u>Preprint Note Type</u>	<u>Preprint Note</u>
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<u>Product</u>	<u>Edition</u>	<u>Zone</u>	<u>Total</u>	<u>Run Date</u>	<u>Run Schedule Invoice Text</u>
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