
The comments of this pre-app are preliminary in nature and subject to change based upon the submittal of additional or different information. The Planning Commission or City Council are the final decision making authority of the City, and are not bound by the comments made by the Staff as part of this pre-application.

**ASHLAND PLANNING DEPARTMENT
PRE-APPLICATION CONFERENCE
COMMENT SHEET**
July 13, 2022

SITE: Nevada St. Bridge
APPLICANT: APR
REQUEST: WRPZ limited use permit and P&E permit for flood plain

PLANNING STAFF COMMENTS:

This pre-application conference is intended to highlight significant issues before the applicant prepares and submits a formal application.

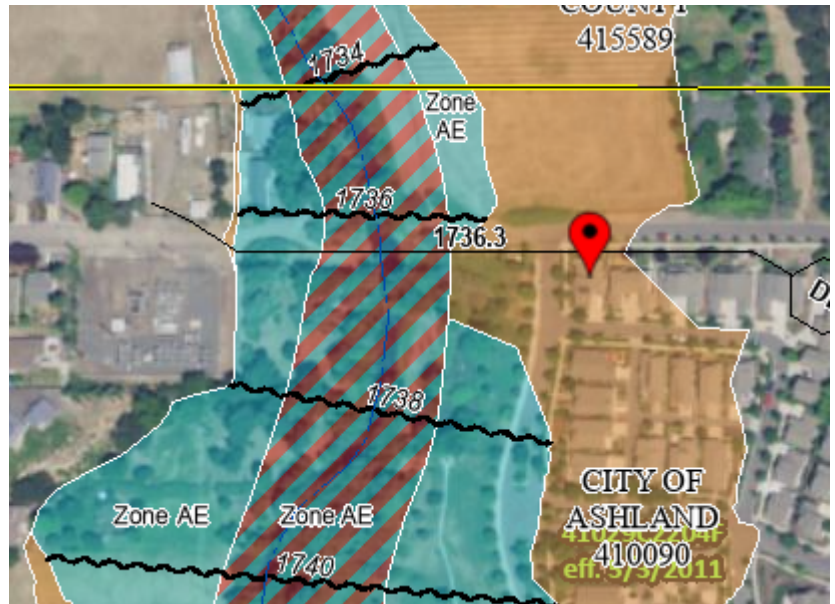
Proposal: The proposal is to build a pedestrian bridge across Bear Creek.

New public access and utilities can be approved as a Limited Activities and Use in the WRPZ & P&E For floodplain development.

The applicant should contact the Department of State Lands (DSL) / Army Core of Engineers for a determination of additional permitting requirements.

Summary: For staff, the key consideration here is that the proposed work is within both the SFHA and regulatory floodway.

Because the proposed project includes land alteration within the flood plain a P&E Permit is required.



It is obvious that the proposed development is within the Special Flood Hazard Area (SFHA), and will very likely propose encroachment to the regulatory floodway as well as the. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced, and these require a strict adherence that no development allowed in the floodway will have an adverse impact on downstream properties in the event of a flood conditions. The standard is a demonstration that there will be no additional rise of downstream flood levels during a base flood event. The federal regulations governing the NFIP are found at 44 CFR 60.3. In relevant part:

44CFR § 60.3(d)(3): Prohibit encroachments in the floodway, including fill, new construction, substantial improvements, and other development within the adopted

regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during occurrence of the base flood discharge.

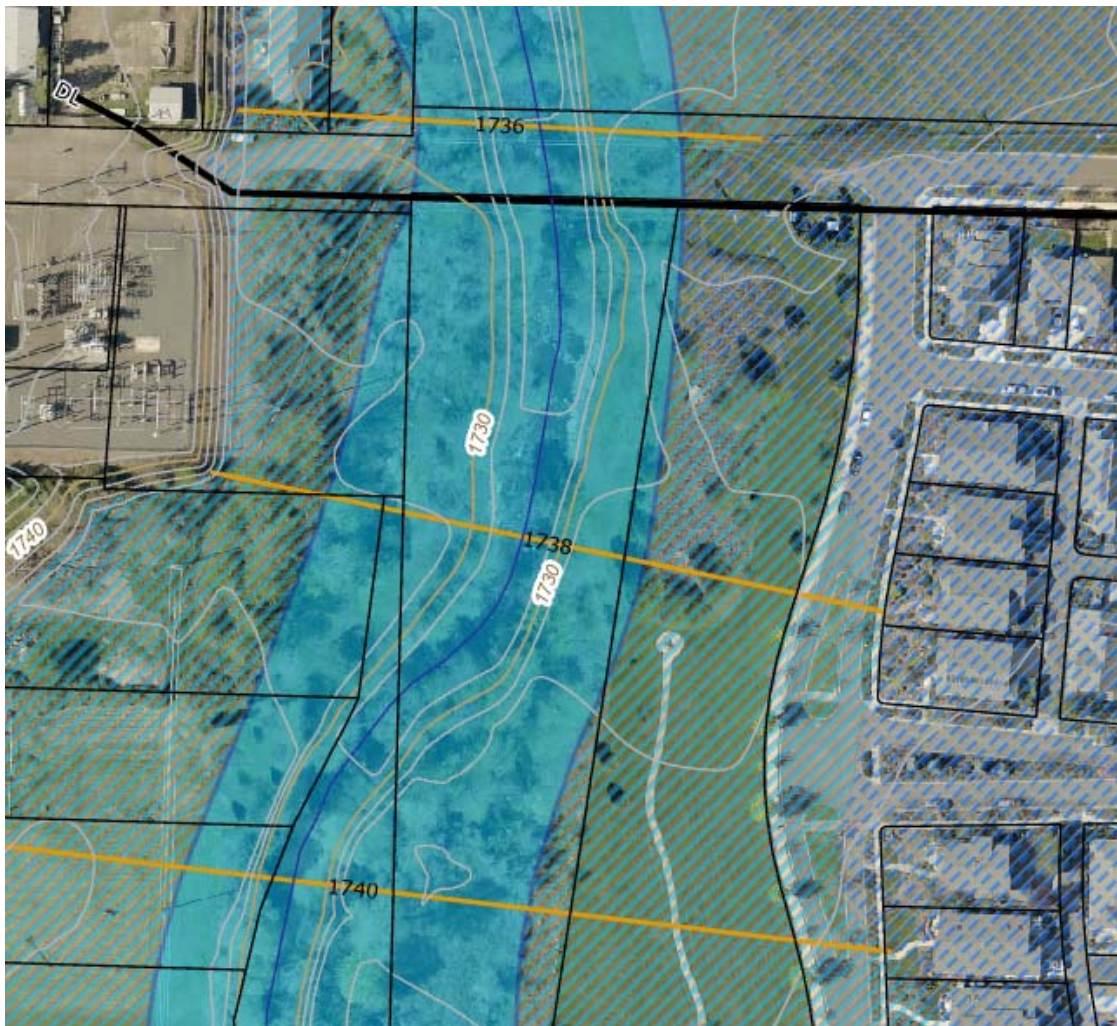
To successfully demonstrate this the applicant will need to retain the services of an engineering firm that has expertise in hydrologic and hydraulic modeling and FEMA procedures for demonstrating a no-rise analysis including:

- 1) A step-backwater analysis, and
- 2) Conveyance compensation analysis.

See attached PDF for additional information on No-rise procedures from FEMA.

Under flood conditions of the Base flood at section DL the floodway has a width of 163' an area of 1,469 and a flood velocity of 11.8 feet per second. The Base Flood Elevation (BFE) at the proposed location is roughly 1738' where the top of bank is 1728'. Other cross sections have a narrower floodway.

As surveyor will be required to prepare flood elevation certificates and set elevation bench marks at the project site.



The bridge will be required to provide 2' free board.

Staff has reached out to FEMA region X for additional information but have not heard back at the time of this writing.

Relevant chapters of the land use ordinance / municipal code:

18.3.10 - Physical and Environmental Constraints Overlay

18.3.11 - Water Resources Protection Zones (WRPZ)

15.10 – Flood Damage Prevention Regulations

C. *Flood-ways.* Located within areas of special flood hazard established in Section [15.10.060.B](#) are areas designated as flood-ways. Since the flood-way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result **in any increase in flood levels** during the occurrence of the base flood discharge.
2. If Section [15.10.080.C.1](#) above is satisfied, all new construction, and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section [15.10.080](#), "Provisions for Flood Hazard Protection". (Ord. 3046, amended, 03/15/2011; Ord. 2925, amended, 04/18/2006)

The application materials submitted for the preapplication are limited. A final application will be required to include:

- location of floodplain and floodway and riparian buffer on project plans
- An inventory of existing trees and tree protection plan (if any are affected)
- Grading and Erosion & Sediment control plan

Physical and Environmental Constraints Development, Applicability:

18.3.10.020.A.2 - Special Flood Hazard Area. All activities located within an area of special flood hazard are subject to the provisions for a Development Permit under AMC [15.10](#) Flood Damage and Prevention Regulations.

13.3.10.110.B - Development of floodways is not permitted except for bridges and road crossings. Such crossings shall be designed to pass the 100-year flood without raising the upstream flood height ~~more than six inches.~~ [15.10 and FEMA requirements take precedence]

18.3.10.050 P&E Approval Criteria

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section [18.5.1.050](#) and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

C. That the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

AMC 18.3.11.060 provides approval criteria for a Limited Uses permit.

1. All activities shall be located as far away from streams and wetlands as practicable, designed to minimize intrusion into the Water Resource Protection Zone and disturb as little of the surface area of the Water Resource Protection Zone as practicable.
2. The proposed activity shall be designed, located and constructed to minimize excavation, grading, area of impervious surfaces, loss of native vegetation, erosion, and other adverse impacts on water resources.
3. On stream beds or banks within the bank-full stage, in wetlands, and on slopes of 25 percent or greater in a Water Resource Protection Zone, excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where necessary to construct public facilities or to ensure slope stability.
4. Water, storm drain, and sewer systems shall be designed, located and constructed to avoid exposure to floodwaters, and to avoid accidental discharges to streams and wetlands.
5. Stream channel repair and enhancement, riparian habitat restoration and enhancement, and wetland restoration and enhancement will be restored through the implementation of a mitigation plan prepared in accordance with the standards and requirements in section [18.3.11.110](#), Mitigation Requirements.
6. Long-term conservation, management and maintenance of the Water Resource Protection Zone shall be ensured through preparation and recordation of a management plan as described in subsection [18.3.11.110.C](#), except a management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures. (Ord. 3191 § 19, amended, 11/17/2020)

Tree Health and Protection: An inventory of trees that are greater than 6-inch DBH (location, species, diameter, health, hazard, recommendations for treatment) within 15-feet of the project site is required and any trees proposed for removal shown. The applicants will need to provide plans assessing the health of the trees and their ability to survive the impact of the proposed disturbance as part of the application; if a tree is unlikely to survive and its removal would ultimately involve substantially less disturbance within the Water Resources Protection Zone, removal may be the preferred option. If the trees are evaluated to live through construction, a tree protection plan will also have to be submitted. Work to be done inside the protection area will require an arborist to be on site to oversee the work. Fencing will have to be installed and inspected before work can commence. (Tree Protection Plans must typically address all trees on the subject properties and on adjacent properties within 15 feet of property lines. (In this instance, staff believe that the plan could be limited to areas within 15 feet of proposed disturbance.)

Neighborhood Outreach: Staff always advised applicants to make affected property owners and those neighboring a project (within 200 feet) aware of the proposal and attempt to address any issues in advance of their receiving notice of the project from the City. This is all the more important here given the nature of the proposal and adjacent property owners' relationship to the

greenway. It is recommended that discussion with neighboring property owners begin as soon as possible (potential neighborhood meeting), especially with those who will be affected by the construction of the pathway. Also, it is recommended to focus (in layman terms) on mitigation and potential impact to and near the pond as that is likely the area the neighborhood will be most concerned with.

Written Findings/Burden of Proof: This pre-application conference is intended to highlight significant issues of concern to staff and bring them to the applicant's attention prior to their preparing a formal application submittal. Applicants should be aware that written findings addressing the ordinance and applicable criteria are required, and are heavily depended on when granting approval for a planning action. In addition, the required plans are explained in writing below. The burden of proof is on the applicant(s) to ensure that all applicable criteria are addressed in writing and that all required plans, written findings, and other materials are submitted even if those items were not discussed in specific, itemized detail during this initial pre-application conference.

OTHER DEPARTMENTS' COMMENTS:

BUILDING DEPT: None. Please contact the Building Division for any further information at 541-488-5309.

CONSERVATION: None. Please contact the Conservation Division at 541-552-2062 or pearcer@ashland.or.us.

ENGINEERING: None. Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

FIRE: Please contact Fire Marshal Ralph Sartain of the Fire Department for any additional Fire Department-related information at 541-552-2229 or via e-mail to ralph.sartain@ashland.or.us.

STREETS AND TRANSPORTATION: Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

WATER AND SEWER SERVICE: Please contact Terry Oldfield of the Water Quality Division for any further information at 541-552-2326.

STORM WATER DRAINAGE: Please contact Karl Johnson of the Engineering Division for any further information at 552-2415.

ELECTRIC SERVICE: Please contact Dave Tygerson in the Electric Department for service and meter location requirements and fee information at 552-2389.

APPLICATION REQUIREMENTS

Submittal Information.

The application is required to include all of the following information.

- a. The information requested on the application form at <http://www.ashland.or.us/Files/Zoning%20Permit%20Application.pdf>.
- b. Plans and exhibits required for the specific approvals sought (see below).
- c. A written statement or letter explaining how the application satisfies each and all

