
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 DIVISION
PRE-APPLICATION CONFERENCE
COMMENT SHEET** December 17, 2025

SITE: 510 Helman Street
APPLICANT: Nicholas Beall for Suncrest Homes
REQUEST: Physical & Environmental Constraints Review Permit for new Single-Family Dwelling Encroachment in the Ashland Modified Floodplain and Steep Slopes

PLANNING STAFF COMMENTS:

It is important to highlight that regardless of flood zones on maps (locally adopted or otherwise) from a standpoint of fluvial geomorphology the bank that exists just to the east of Helman St is the edge of the terrace of the valley margin. This valley margin is the result of flood waters that have shaped the valley that far exceed the ‘base flood.’

The Base Flood is “a flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFEs) are typically shown on Flood Insurance Rate Maps (FIRMs).

The NFIP requires that all development be “reasonably safe from flooding.” In the context of the Code of Federal Regulations (CFR), 44 CFR Part 65, "reasonably safe from flooding" means that base floodwaters won't inundate the land or damage structures, with any subsurface water managed by drainage/sump pumps and structures designed to withstand flood loads, often requiring engineering certification for removal from Special Flood Hazard Areas (SFHA). It involves elevating structures, using flood-resistant materials, anchoring them, and ensuring utilities are protected, all guided by FEMA Technical Bulletins.

Development in the terraced area may indeed be safe from the *base flood*, but it is important to realize that the ‘Natural hillside to remain largely intact’ that the application materials discuss was actually created by flood events that obviously far exceed the base flood.

The Base floods have been calculated with no more than 55 years (bear creek at Medford). In the face of changing precipitation regimes in the face of climate change care should be given to respect more than the base flood. There have been a multitude of examples of storms exceeding 1,000-year events in multiple locations. (See the state of Washington at present, 2025 Central Texas, Harvey Houston, TX, North Carolina, ARkStorm, etc.

Summary: The proposal is for a new single-family dwelling to be constructed on the uphill portion of the lot, with some encroachment into the Ashland Modified Floodplain, but not into the 100-year floodplain, and some development into the steep slopes on the southern edge of the property. Due to the encroachment into the floodplain, a Flood Elevation Certificate (FEC) will be required at various stages of the project. The FEC would need to reflect both the requirements of AMC Chapter 15 (requiring 2' above BFE) and AMC Chapter 18 (requiring 1' above BFE) with 2' of additional freeboard (elevation above the BFE).

As stated in the July 8th, 2025 email from Aaron Anderson, CFM, Senior Planner with City of Ashland to the applicant, the FEMA BFE at section O appears to be 1791 and the Ashland Modified Floodplain elevation appears to be 1795 at the southern edge and 1790 at the northern edge of the lot. Due to this, the entire structure will need to be raised 2 feet above the highest elevation, making the structure elevated to 1797' or approximately 7 feet above the low elevation of the lot. Applicant should be aware that building to this standard may come with substantial expense to the applicant to be in compliance with floodplain regulations based on the current proposal and elevation data.

Note: An FEC prepared by a Professional Land Surveyor (PLS) or Professional Engineer (PE) will be required to confirm actual on the ground elevations for the structure's proposed location. There will need to be onsite inspections to verify finished floor elevations at foundation, framing, and final inspections.

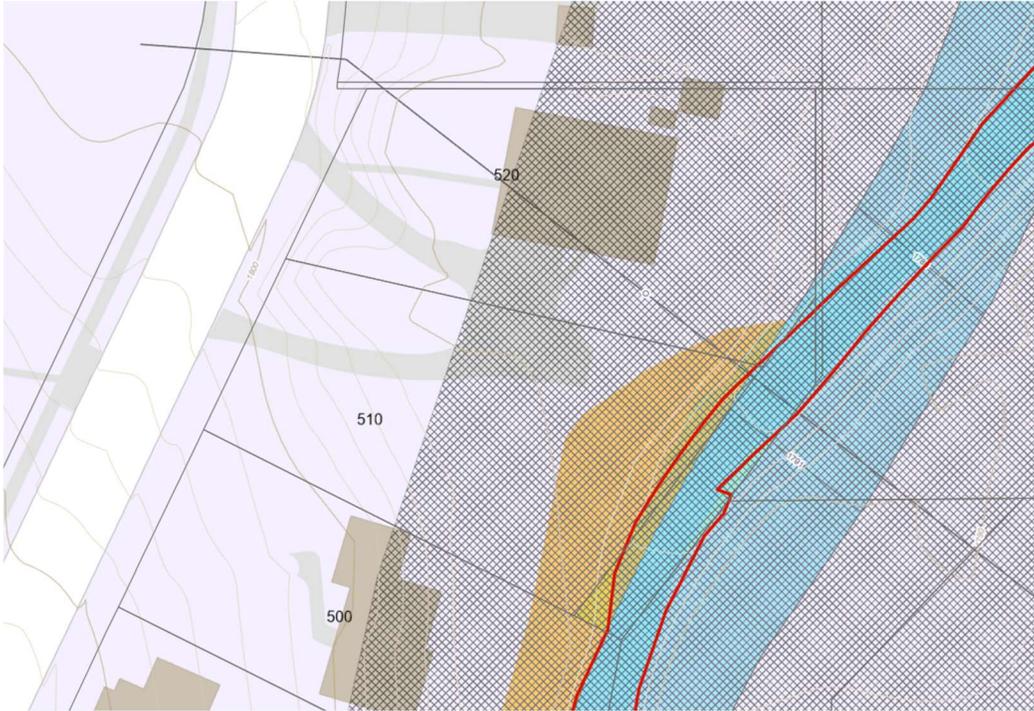
Floodplain Development: The site has a number of constraints due to the location of the FEMA 100-year floodplain, the Ashland Adopted Floodplain, the Water Resource Protection Zone, and the steep slopes.

The purpose of the Physical and Environmental Constraints review is to provide safe, orderly and beneficial development of the floodplain while limiting alteration of topography and reducing encroachment upon or alteration of the area. The Ashland Modified Floodplain Corridor was not based upon detailed hydrological analysis of individual properties, but on information about the characteristics of past historic flooding events. The Ashland Modified Floodplain Corridor is a zoning overlay that depicts the general area of potential hazard based upon document accounts depicting extremely erratic behavior of flood waters.

The floodplain corridor includes not only the FEMA 100- yr. floodplain but also additional area to either side designated to minimized risk to life and damage to private property and public infrastructure.

As stated in AMC 18.3.10.080.E, to the **maximum extent feasible, structures shall be placed on other than floodplain corridor lands.** The front yard setback is 15-feet from the front property line for the residence and 20-feet for the garage, the new residence should be moved as far away from the creek and to the furthest extent away from the flood zone as possible. Applicant's materials currently indicate a 26.83 foot setback from the front property line to the face of the structure. This is in excess of the minimum front yard setback by 6.83 to 11.83 feet (depending on if a garage/carport is proposed or not). As such, staff does not find that the building placement is at the furthest point from the flood source and the shallowest point of flooding has not yet been determined.

An FEC will be required to make a determination for the shallowest flood point. Without additional information, the applicant's claims cannot be substantiated to meet the "maximum extent possible" requirement, due to significant tree location and removal, additional adequate uphill space outside of the floodplain corridor, etc. In the case where development is permitted in the floodplain corridor, then development shall be limited to that area which would have the shallowest flooding.



Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. This lot is approximately 15,681 square feet with approximately 9,586 square feet located within the Floodplain Corridor (see right). Since more than 50 percent of the lot is in the Floodplain Corridor, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 50 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section [18.3.10.070](#). Construction shall be subject to the requirements in subsection [18.3.10.080.D](#), above. While these two sections appear to be in direct conflict with one another, staff's application of these sections is that *both* requirements will need to be met: the structure is located on the most uphill portion of the land outside of the floodplain as possible, and when not possible, must be constructed only within the shallowest portion of flooding and at or above 2 feet above the BFE for that portion of land).

Applicant's narrative indicates, "*Locating a portion of the structure within the shallow fringe of the Modified Floodplain avoids these impacts and allows the natural hillside to remain largely intact. This siting approach minimizes grading, preserves natural contours, and reduces erosion and stormwater concerns associated with deeper hillside construction.*" However, the proposal does encroach into the steepest portion of the lot, which conflicts with the applicant's statement

of leaving the hillside “largely intact.” Additionally, since the proposal already includes disruption of the steep slopes, it would be more beneficial for the proposal to *only* affect the steep slopes and be located wholly outside of the floodplain corridor. Revision of the building footprint to be outside of the floodplain would result in less cost to the applicant as they would no longer be required to meet the floodplain corridor requirements (such as building 2 feet above the BFE, providing several FEC’s, potential cost of flood insurance, etc.).



Floodplain Construction Requirements (AMC 15.10):

Additional standards for floodplain construction from FEMA and adopted into the Ashland Municipal

AMC 15.10.080.B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.10.060(B), "Basis for Establishing the Areas of Special Flood Hazard", or Section 15.10.070(C)(2), "Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction:

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet or above base flood elevation. Prior to the issuance of a certificate of occupancy by the City, the property owner shall furnish certification by a registered engineer or surveyor of the actual elevation of the lowest habitable floor, including a basement.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for entry and exit of flood-waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood-waters.

AMC 15.10.080.D. *Structures Located in Multiple or Partial Flood Zones*. In coordination with the State of Oregon Specialty Codes:

2. 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.

Water Resource Protection Zone (WRPZ): Ashland Creek is identified as a Riparian Corridor, fish-bearing stream, and all long within 50-feet upland from the top of bank are required to be protected. The setback for the 50-feet is from the top of bank of the stream. Additionally, the Water Resource Protection Zone has regulations regarding modifications to vegetation, lawns, tree removal, type of equipment allowed, etc. Please review AMC 18.63 to determine how this chapter will impact your development. Since the more restrictive of the codes applies, staff does not believe that the Water Resource Protection Zone applies since the floodplain regulations require the building to be located much further away from the creek than the WRPZ.

Tree Preservation/Protection/Removal: Tree Preservation & Protection, and Tree Removal, Chapters 18.4.5 and 18.5.7: Additional attention to Tree protection and removal will be required for a successful application. A complete inventory of all trees greater than six inches in diameter at breast height (DBH) is required, however portions of the property that are not proposed to be disturbed by development do not need to be included in the inventory.

All trees indicated on the tree inventory of existing trees shall be identified as to their suitability for conservation. “Significant trees” are defined as coniferous trees having a trunk 18 caliper inches or larger in DBH, and broadleaf trees having a trunk 12 caliper inches or larger in diameter at DBH. All significant trees shall be preserved, protected, and incorporated into the project design whenever possible.

Tree removal would be considered both in terms of Tree Removal Permit requirements found in AMC 18.5.7, which regulates the removal of significant trees from the property, and more broadly in terms of the impacts of tree removal to the severe constraints and Special Flood Hazard Areas as part of a Physical & Environmental Constraints Review Permit, which requires building design and site planning to preserve the maximum number of trees possible. A report

from a certified arborist should be included in the formal application to address any tree removal permit request and should respond to the applicable criteria, and any floodplain corridor tree removals should also be addressed in terms of the Floodplain Development Standards and by the geotechnical expert.

All planning actions are required to include a tree preservation/protection plan; this is intended to ensure that trees on and near the property are protected during all site disturbance (*including demolition, construction, driveway/parking installation, staging of materials, etc.*). The trees identified to be preserved during the course of development shall be required to be protected in accordance with the tree protection standards in AMC 18.3.10.090.D4.

Development Standards for Wildfire Lands (AMC 18.3.10.100): The property is located within the designated Wildfire Lands Overlay. As a result, a Fire Prevention and Control Plan, prepared at the same scale as the building permit plans, addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.B is required. Additionally, any new landscaping proposed is required to meet the General Fuel Modification Area standards and not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

Public Facilities: The application will need to identify existing and proposed public facilities including water, sewer, electric, and storm water. Capacity of the existing facilities should be addressed and necessary upgrades identified. Connection locations and routes of all lines should be addressed in the application submittal as well, with particular attention to how the trenching of utility lines may affect trees.

Street Improvements: The north side of Helman Street is developed with sidewalk and space for park row while the south side of Heman Street is only developed with curbside gutter. All new single-family dwellings and accessory residential units (ARUs) or duplexes are required to sign in favor of an LID for future street improvements, as outlined in AMC 18.4.6.030. when improvements do not currently exist.

Setbacks: For standard shaped lots, setbacks include fifteen (15) feet for front yards or twenty (20) feet for front-facing garages; six (6) feet for side yards; ten (10) feet per story and five (5) feet per half-story for rear yards. In addition, the setbacks must comply with the solar access requirements.

Neighborhood Outreach: Projects involving changes to established neighborhood patterns can be a concern for neighbors, and staff always recommends that applicants approach the affected neighbors, make them aware of the proposal, and try to address any concerns as early in the process as possible. Notices are sent to neighbors within a 100-foot radius of the property.

Written Findings/Burden of Proof: Applicants should be aware that written findings addressing the ordinance and all applicable criteria are required for granting approval. 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.

APPROVAL CRITERIA

18.3.10.050 Approval Criteria for Physical Constraints Review Permit

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.

18.5.7 Tree Removal Permits

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to

allow the property to be used as permitted in the zone.

- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
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UNDERLYING ZONE PROVISIONS (18.2.5.030.A.)

ZONING: R-1-5, Single Family Residential with a 5,000 square foot minimum lot size for one or two dwellings. Minimum lot width is 50 feet. Minimum lot depth of 80 feet.

OVERLAYS: The property is located in the wildfire lands, floodplain, water resource protection zone, and steep slopes overlay.

SETBACKS: Eight (8) feet for unenclosed porches, fifteen (15) feet for front yards, and twenty (20) feet for front-facing garages; six (6) feet for side yards; ten (10) feet per story and five (5) feet per half-story for rear yards. In addition, the setbacks must comply with the solar access requirements (*the railroad to the north will fulfill the solar requirements*).

LOT COVERAGE: A maximum of 50 percent of the lot may be covered with impervious surface. Please identify on site plan and in text all areas of landscaping, impervious surface, patio space, outdoor recreational space, etc.

Staff would note that the plans submitted have a very thin line weight and light colors that do not print well.

OTHER DEPARTMENTS' COMMENTS

BUILDING DEPT: No comments provided. Please contact Building Official Steven Mاتيaco in the Building Division for any Building Code-related information at 541-488-5305.

ENGINEERING DEPT: See comments at the end of this document. Please contact Karl Johnson of the Engineering Division for any further information at 541-552-2415 or via e-mail to karl.johnson@ashland.or.us.

FIRE DEPARTMENT: No specific comments provided. Please contact Fire Marshal, Mark Shay with Ashland Fire & Rescue for any Fire Department-related information at 541-552-2217 or via e-mail to mark.shay@ashland.or.us.

CONSERVATION: For information on currently available Conservation programs, please contact the City of Ashland Conservation Division at (541) 552-2062 or e-mail Dan.Cunningham@ashland.or.us. Conservation staff are available to provide any further information or assistance on these programs.

WATER AND SEWER SERVICE: Please Contact Steve Walker at 541-552-2326 or via e-mail to walkers@ashland.or.us with any questions regarding water utilities.

ELECTRIC SERVICE: Electric approves; please contact Rick Barton in the Electric Department at (541) 552-2082 to discuss service requirements and fees.

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APPLICATION REQUIREMENTS

Submittal Information.

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

- a. The information requested on the zoning application form at <https://ashlandoregon.gov/DocumentCenter/View/262/Zoning-Permit-Application-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 of the relevant criteria and standards in sufficient detail (see below).
- d. Information demonstrating compliance with all prior decision(s) and conditions of approval for the subject site, *as applicable*.
- e. The required fee (see below).

The Ashland Land Use Ordinance, which is Chapter 18 of the Municipal Code, is available on-line in its entirety at: <https://ashland.municipal.codes/LandUse>

Written Statements

Please provide two copies of a written statements explaining how the application meets the approval criteria from the sections of the Ashland Municipal Code listed below. These written statements provide the Staff Advisor or Planning Commission with the basis for approval of the application:

- **Physical & Environmental Constraints:** 18.3.10.050
- **Development Standards for Severe Constraint Lands:** 18.3.10.110 (if required)
- **Provisions for Flood Hazard Protection:** 15.10.080.

Plans & Exhibits Required

Please provide electronic exhibits addressing the submittal requirements from the sections of the Ashland Municipal Code listed below. These exhibits are used to copy the Planning Commission packets and for notices that are mailed to neighbors. Please provide electronic reproducible copies that are drawn to a standard architect's or engineer's scale.

- **Physical & Environmental Constraints:** 18.3.10.040
- **Tree Preservation and Protection Plan:** 18.4.5.030, 18.3.10.090.D
- **Establishment of Floodplain Development Permit:** 15.10.070.A.

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FEES (*non-refundable*):

Physical & Environmental Constraints Review Permit (Slopes) \$1,349.60
Physical & Environmental Constraints Review Permit (Floodplain) \$1,349.60

***NOTE:** Applications are accepted on a first-come-first-served basis. All applications received are reviewed by staff and must be found to be complete before being processed or scheduled at a Planning Commission meeting. Applications will not be accepted without [a complete application form](#) signed by the applicant(s) and property owner(s), all required materials and full payment. Applications are reviewed for completeness in accordance with ORS 227.178. The first fifteen COMPLETE applications submitted are processed at the next available Planning Commission meeting.

For further information, please contact:

Veronica Allen, *Associate Planner*
City of Ashland, Department of Community Development
Phone (541) 552-2042 or e-mail veronica.allen@ashland.or.us

December 17, 2025

Date

For further information, please contact:

Aaron Anderson, *Senior Planner*
City of Ashland, Department of Community Development
Phone: (541) 552-2052 or e-mail: aaron.anderson@ashlandoregon.gov

Dec 17, 2025

Date

Please see attached Warning regarding Scammers attempting to collect Payment for your application.



Scam ALERT

Beware of Fraudulent Payment Requests

Important Notice:

The Ashland Community Development Department is aware that customers are being targeted by a sophisticated scam attempt.

The City of Ashland will **never** request payment via wire transfer. All legitimate invoices will resemble the format shown below.

Tips to Stay Safe:

- If you are uncertain about a payment request, please **verify its authenticity** by contacting us directly at **Planning@ashland.or.us** or by phone at **541-488-5305**
- Legitimate emails from the Community Development Department will always come from **@ashland.or.us** or **@ashlandoregon.gov** addresses
- Do **not** click on suspicious links
- Do **not** provide banking information or personal financial details
- If you suspect you have received a fraudulent invoice, please report it immediately to the City of Ashland using the contact information above.

INVOICE (INV-00016928)
FOR CITY OF ASHLAND

BILLING CONTACT
[REDACTED]



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00016928	09/15/2025	10/15/2025	Paid In Full	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
[REDACTED]	Residential Site Review (Type I)	\$2,782.40
[REDACTED]	Solar Setback Variance (Type I)	\$1,349.60
[REDACTED]	Ashland, OR 97520	
	SUBTOTAL	\$4,132.00

October 15, 2025 Page 1 of 1

Sample Invoice



Wire Instruction

Please remit payment for Invoice # [REDACTED] in the amount of \$4,900.00 USD using the following wire transfer information:

Bank Name: [REDACTED]
Routing Number: [REDACTED]
Account Number: [REDACTED]
Account Beneficiary Name: Ashland Planning
Account Beneficiary Address: 200 E. Main St, Ashland, OR 97520
Bank Address: 9450 SW BEAVERTON RD, BEAVERTON OR 97157 USA

Payment Confirmation Instructions

After completing the wire transfer, please email the following items to Our Email :

- A signed copy of your invoice (digital signature is acceptable)

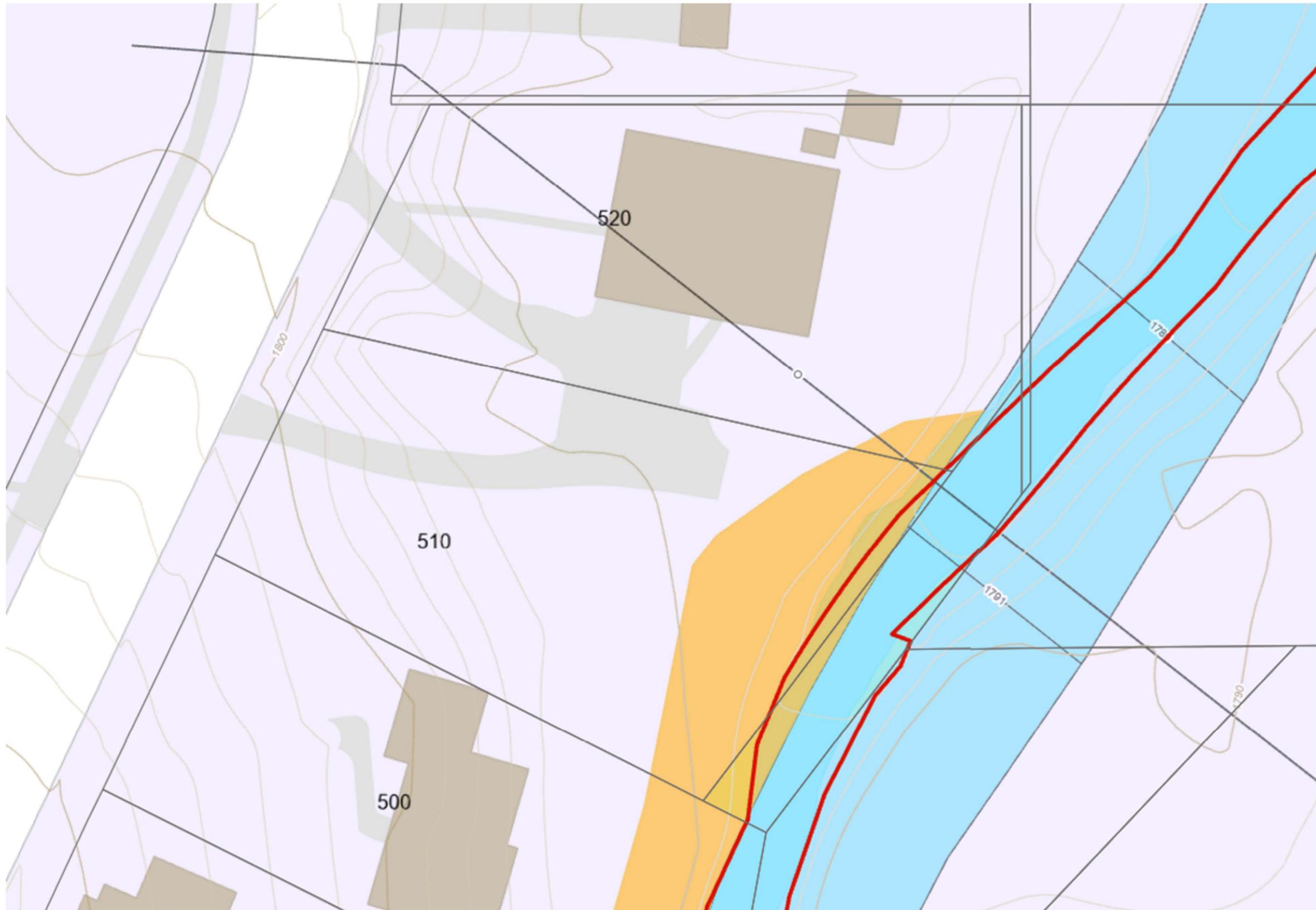
Scam

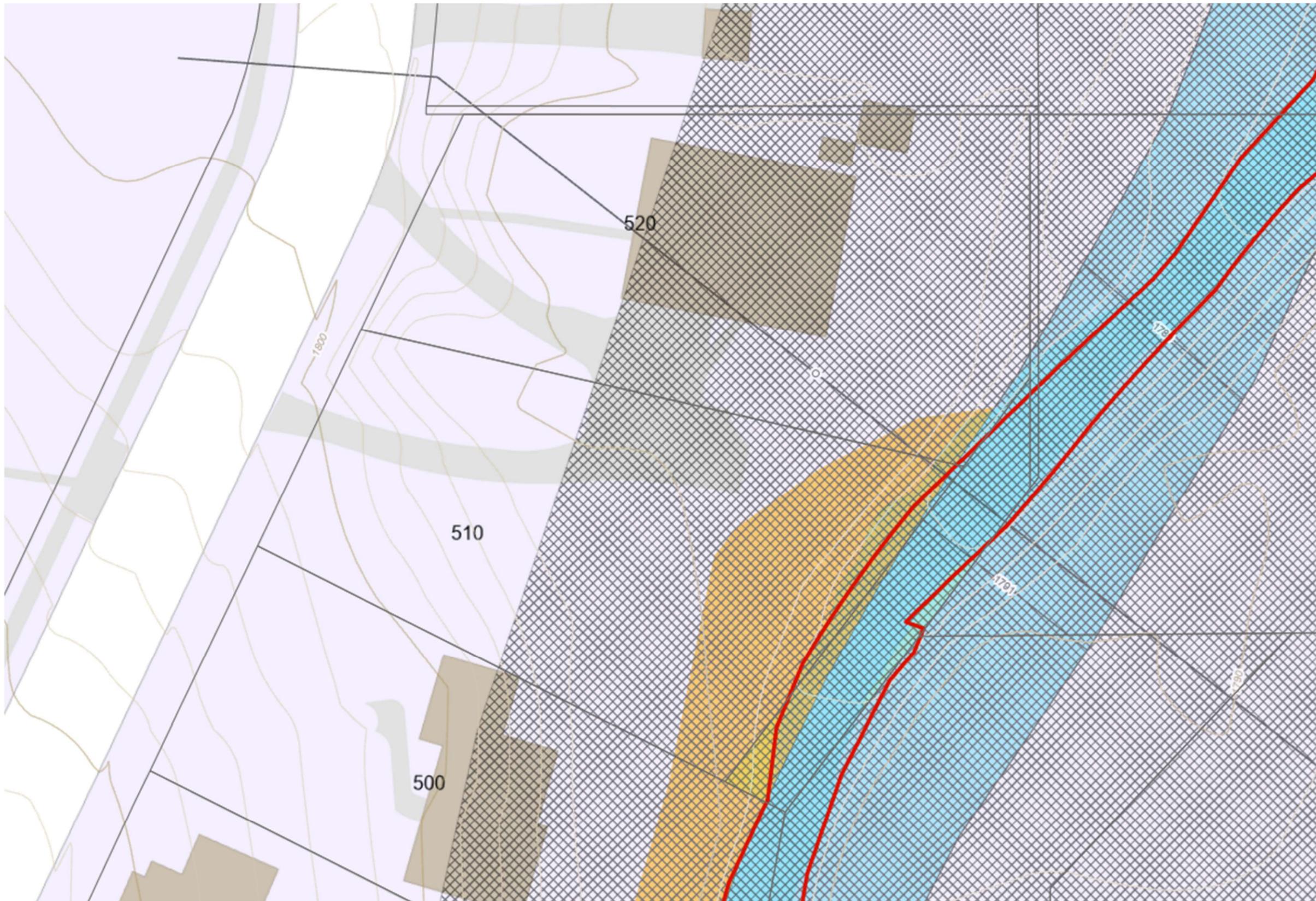


510 Helman

39-1E-04-CA 3302 0.36 ac







FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION (FEET NAVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY ²	WITH FLOODWAY ²	INCREASE ²
Ashland Creek								
A	400	54	167	13.5	1704.1	1705.8	1706.6	0.8
B	1020	130	277	8.1	1711.3	1712.6	1713.6	1.0
C	1660	39	183	12.4	1716.9	1719.2	1719.2	0.0
D	1750	53	202	11.2	1718.0	1718.7	1719.5	0.8
E	2040	51	143	15.8	1718.3	1721.4	1721.9	0.5
F	2270	50	197	11.5	1722.8	1724.3	1725.3	1.0
G	2740	125	146	15.5	1728.8	1735.2	1735.9	0.7
H	3050	61	243	9.3	1739.4	1741.6	1741.6	0.0
I	3275	66	200	11.3	1741.7	1744.2	1744.2	0.0
J	3625	45	87	25.9	1744.3	1757.4	1758.4	1.0
K	3695	60	105	7.5	1760.2	1760.6	1761.3	0.7
L	4195	54	204	11.1	1761.8	1764.4	1764.4	0.0
M	4695	54	139	16.2	1768.4	1774.3	1774.3	0.0
N	5165	61	186	12.2	1782.5	1785.5	1785.5	0.0
O	5565	65	173	13.0	1790.9	1793.3	1794.1	0.8
P	6435	49	147	15.4	1813.9	1818.0	1818.0	0.0
¹ Feet Above Confluence with Bear Creek ² Energy Grade Line Elevations								
Table 5	FEDERAL EMERGENCY MANAGEMENT AGENCY				FLOODWAY DATA			
	JACKSON COUNTY, OR AND INCORPORATED AREAS				ASHLAND CREEK			



Ash
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1800



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18.3.10.080 Development Standards for Flood Plain Corridor Lands

D. Elevation of Residential Structures. All residential structures shall be elevated so that the lowest habitable floor shall be raised to **one foot above the elevation contained in the maps adopted in AMC 15.10**, or to the elevation contained in the official maps adopted pursuant to section [18.3.10.070](#), Official Maps, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section [18.3.10.070](#); and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section [18.3.10.070](#), or one foot above visible evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify the elevation of the finished lowest habitable floor prior to issuance of a certificate of occupancy for the structure.

E. Structure Placement. **To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands.** In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in Corridor Land, **structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps**, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section [18.3.10.070](#). Construction shall be subject to the requirements in subsection [18.3.10.080.D](#), above.

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4. Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be:

- a. **Elevated to at least two (2) feet above the base flood elevation;** or

b. 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.

15.10.080.A.6

6. *Review of Building Permit.*

a. Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source (AMC [15.10.070.C](#)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two (2) feet above grade in these zones may result in higher insurance rates.

b. To determine the flood base elevation, the applicant's Oregon registered engineer or land surveyor shall investigate all available sources of information, such as historic flooding profiles, high water marks, photographs of past flooding, soil characteristics, or any other feasible methods. A report shall be submitted to the City by the applicant, setting forth said elevation and citing the evidence upon which the estimate is made. Said report may be accepted or rejected by the City. The Oregon registered engineer or surveyor shall place a permanent elevation marker on the property.

c. When base flood elevation data has not been provided in accordance with AMC [15.10.060.B](#), the local Floodplain Administrator or their designee shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source in order to administer this chapter. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection [A.5](#) of this section.

d. Base flood elevations shall be determined for development proposals that are five (5) acres or more in size or are fifty (50) lots or more, whichever is lesser in any "A" zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered "A" zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided base level engineering data, and photographs of past flooding where available.

e. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered “A” zone is a minimum of two (2) feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

15.10.080.B

B. *Specific Standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in AMC [15.10.060.B](#), Basis for Establishing the Areas of Special Flood Hazard, or AMC [15.10.070.C.2](#), Use of Other Base Flood Data, in addition to the general standards listed in AMC [15.10.070](#), the following provisions are required:

1. *Residential Construction.*

a. Any new construction, conversion of existing structures, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least two (2) feet above the base flood elevation. Prior to the issuance of a certificate of occupancy by the City, the property owner shall furnish certification by a registered engineer or surveyor of the actual elevation of the lowest habitable floor, including a basement.

b. Enclosures that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

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

Aaron Anderson

From: Aaron Anderson
Sent: Tuesday, July 08, 2025 10:15 AM
To: Nicholas Beall
Subject: RE: Helman St - Floodplain
Attachments: 520Helman.pdf

Hi Nicholas,

- I have a question regarding a lot on Helman St (391E04CA 3302).

I'm very familiar with these properties (tax lots 3301 & 3302). They were on the market for a long time and I got numerous inquiries.

First before we get into flood there are some survey things worth discussing. The property was partitioned in 1982 recorded as CS 9266 <https://apps.jacksoncountyor.gov/gis/surveys/9266.pdf>

That plat also created a 'greenway dedication' [which would have been unconstitutional post-Nollan v. California (1987)]. This piece of property owned by the city (tax lot 3303) has caused enough concern to blow up at least one real estate transaction in the past that I am aware of. Additionally the official Parks and Trails map has Ashland creek identified as a "Trails Master Plan Corridor". I personally believe that it is a low probability to ever be a pedestrian / bike trail, but it is on the map.

<https://maps.ashlandoregon.gov/documents/ashlandgis::2024-parks-trails-and-open-space/about>

Next. All along this stretch of Helman there is a shift of about 8.5 feet northerly shift between the deeds and lines of possession due to an old erroneous deed call. In some places this has been resolved by boundary line agreements or re-platting. This is briefly discussed in the procedure portion of the survey narrative of CS 9266 and explained further in CS20840 (bottom of the first page of procedure and continuing onto the next page).

<https://apps.jacksoncountyor.gov/gis/surveys/20840.pdf>

With regarding to flood regulations:

- I noticed that over 50% of the lot is within the Ashland Modified Floodplain, and I wanted to get your insights on potential restrictions associated with building in this area.

It is true that section F which provides for the hardship if more than 50% of the lot is in the flood zone, the previous section E is also still in effect "**To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands.**" It appears that there is at least 75 feet of land that is outside of the modified flood zone, and we would encourage any new development to occur in that area. [Additionally there is a 50' riparian buffer from the bank per the WRPZ [AMC 18.3.11]

That said, IF someone were to propose a project that encroached into the flood plain construction to finished floor elevation would need to be +2 over BFE (chapter 18 only requires 1 foot, but chapter 15 where the NFIP regulations reside requires two-feet of freeboard). A planning action would be required and flood elevation certificates would be required at several stages in construction.

- Do you know where I can find the official flood elevation data for that lot?

Below is a screen cap of a scan that I did of the locally adopted flood plain which includes the flood elevations. I have also attached a PDF with the relevant pages from the FEMA FIS, and the full scan.

The FEMA BFE appears to be 1791 at section O which runs through the existing house, 500 year elevation is 1792. The Ashland local flood elevation appears to be 1795 at the southern edge of the lot and 1790 just north of the northern lot, in between these we would need to interpolate.

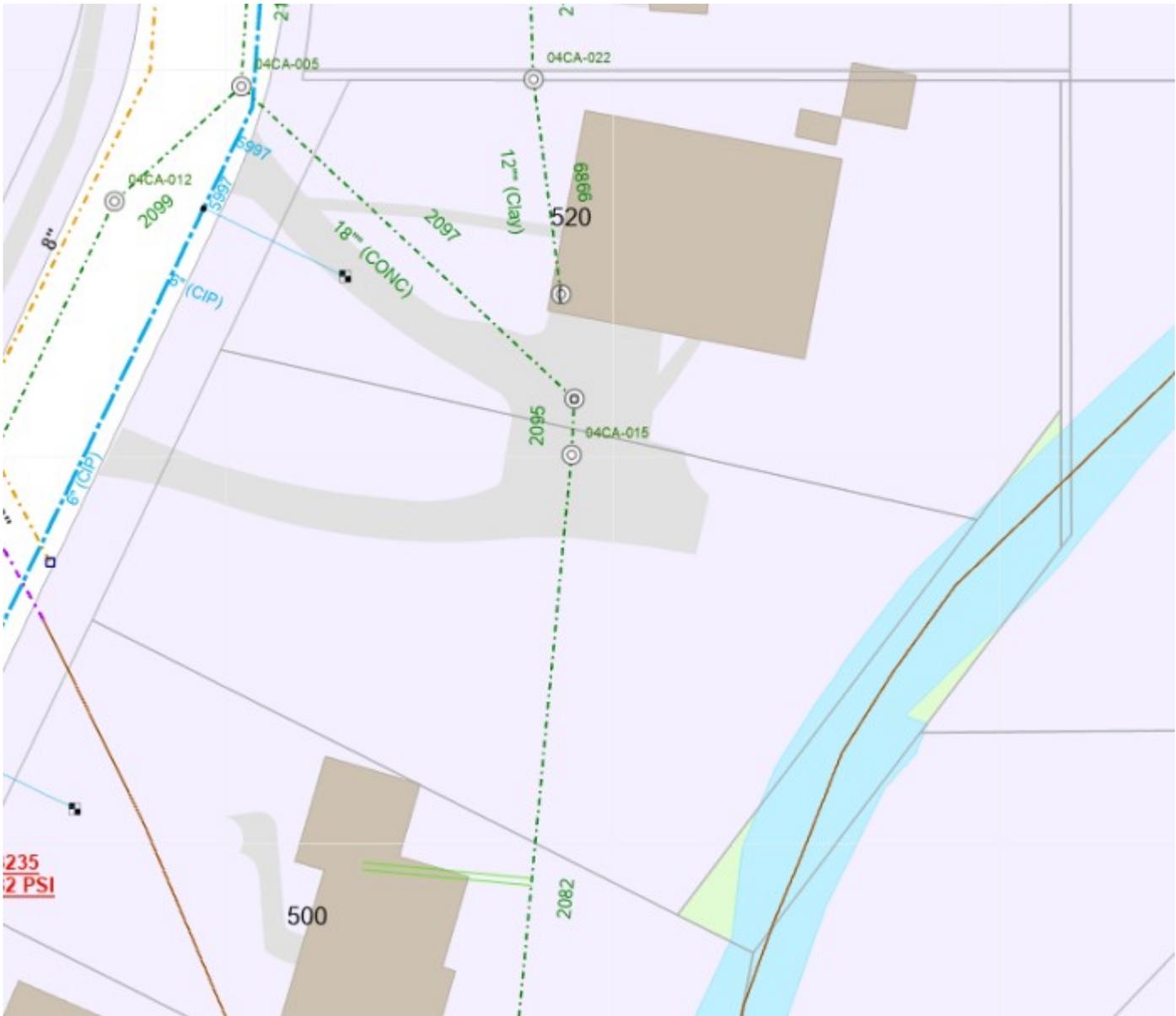
Finally, in the third screen shot below is a clip from our utility locates GIS showing a 21" sewer main crossing the property. On the south side its about 120' east of the ROW, on the north side its roughly 90'.

Please let me know if you have any questions.

Aaron







<https://ashland.municipal.codes/LandUse/18.3.10.080> **Development Standards for Flood Plain Corridor Lands**

D. Elevation of Residential Structures. All residential structures shall be elevated so that the lowest habitable floor shall be raised **to one foot above the elevation contained in the maps** adopted in AMC [15.10](#), or to the elevation contained in the official maps adopted pursuant to section [18.3.10.070](#), Official Maps, whichever height is greater. Where no specific elevations exist, then they must be constructed at an elevation of ten feet above the stream channel on Ashland, Bear, or Neil Creek; to five feet above the stream channel on all other Riparian Preservation Creeks identified on the official maps adopted pursuant to section [18.3.10.070](#); and three feet above the stream channel on all other Land Drainage Corridors identified on the official maps adopted pursuant to section [18.3.10.070](#), or one foot above visible evidence of high flood water flow, whichever is greater. An engineer or surveyor shall certify the elevation of the finished lowest habitable floor prior to issuance of a certificate of occupancy for the structure.

E. Structure Placement. **To the maximum extent feasible, structures shall be placed on other than Flood Plain Corridor Lands. In the case where development is permitted in the Flood Plain Corridor area, then development shall be limited to that area which would have the shallowest flooding.**

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50

percent of the lot in Corridor Land, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section [18.3.10.070](#). Construction shall be subject to the requirements in subsection [18.3.10.080.D](#), above.

<https://ashland.municipal.codes/AMC/15.10.080> Provisions for Flood Hazard Protection

1. *Residential Construction.*

a. Any new construction, conversion of existing structures, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least **two (2) feet above the base flood elevation.**

Aaron Anderson CFM, Sr. Planner

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City of Ashland

Community Development

51 Winburn Way, Ashland, Oregon 97520

541.552.2052 | TTY 800.735.2900

aaron.anderson@ashland.or.us

Online ashland.or.us; social media (Facebook @CityOfAshlandOregon | Twitter @CityofAshland)

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From: Nicholas Beall <nicholasbeall@rogueplanning.com>

Sent: Monday, July 07, 2025 4:33 PM

To: Aaron Anderson <aaron.anderson@ashland.or.us>

Subject: Helman St - Floodplain

[EXTERNAL SENDER]

Hi Aaron,

I hope all is well with you!

I have a question regarding a lot on Helman St (391E04CA 3302). I noticed that over 50% of the lot is within the Ashland Modified Floodplain, and I wanted to get your insights on potential restrictions associated with building in this area.

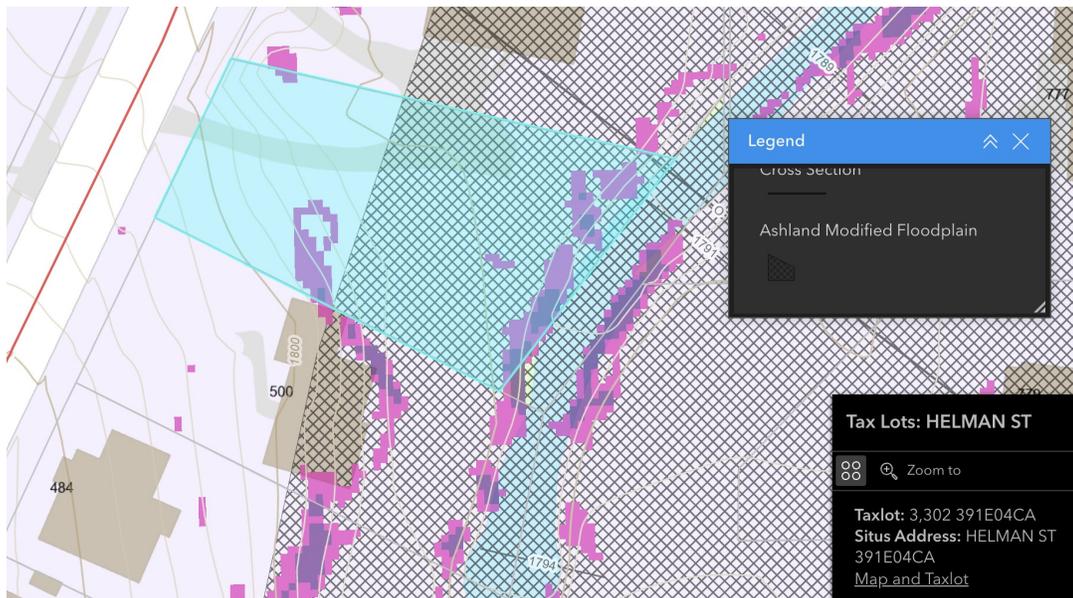
Specifically, I saw the code mentions that if more than 50% of the lot is within the floodplain,

construction may be allowed on the portion that is two feet or less below the flood elevations. Do you know where I can find the official flood elevation data for that lot?

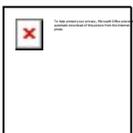
I've attached a screenshot of the lot for your reference.

Thanks in advance for your assistance—it's much appreciated!

F. Residential Structure Placement. Existing lots with buildable land outside the Flood Plain Corridor shall locate all residential structures outside the Corridor Land, unless 50 percent or more of the lot is within the Flood Plain Corridor. For residential uses proposed for existing lots that have more than 50 percent of the lot in Corridor Land, structures may be located on that portion of the Flood Plain Corridor that is two feet or less below the flood elevations on the official maps, but in no case closer than 20 feet to the channel of a Riparian Preservation Creek identified on the official maps adopted pursuant to section [18.3.10.070](#). Construction shall be subject to the requirements in subsection [18.3.10.080.D](#), above.



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Nicholas Beall

Land Use Consultant, Rogue Planning & Development

619-775-9023 | www.rogueplanning.com

[670 Superior Ct #209, Medford OR 97504](#)