



Planning and Zoning
Department of Transportation and Development
Development Services Building
150 Beavercreek Road | Oregon City, OR 97045
503-742-4500 | zoninginfo@clackamas.us
www.clackamas.us/planning

STAFF USE ONLY

Staff Initials: File Number:

Land use application for:

FLOODWAY FISH ENHANCEMENT

Application Fee: \$315

APPLICANT INFORMATION

Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL

Brief description of proposal:

SITE INFORMATION

Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		Land area:
Adjacent properties under same ownership: Township: _____ Range: _____ Section: _____ Tax Lot: _____ Township: _____ Range: _____ Section: _____ Tax Lot: _____		

Printed names of all property owners:	Signatures of all property owners:	Date(s):
<i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i>		
Applicant signature:		Date:

A. Review applicable land use rules:

This application is subject to the Federal Emergency Management Agency Region X Appendix E, *Policy on Fish Enhancement Structures in the Floodway*.

It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

B. Turn in all of the following:

- ☐ **Complete application form:** Respond to all the questions and requests in this application, and make sure all owners of the subject property sign the first page of this application. Applications without the signatures of *all* property owners are incomplete.
- ☐ **Application fee:** The cost of this application is **\$315**. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted.
- ☐ **Plot plan:** Provide a plot plan (also called a site plan). A [Plot Plan Sample](#) is available from the Planning and Zoning website. The plot plan must be accurate and drawn to-scale on paper measuring no larger than 11 inches x 17 inches. The plot plan must illustrate all of the following (when applicable):
 - Lot lines, lot/parcel numbers, and acreage/square footage of lots;
 - Contiguous properties under the same ownership;
 - Size, location, and spatial arrangement of all proposed and existing structures, fences, roads, driveways, parking areas, and easements, each with identifying labels and dimensions;
 - Setbacks of all structures from lot lines and easements;
 - Areas of cut, fill, and grading, and any riprap, other stream bank protection measures, dams, impoundments, and channel work;
 - Significant natural features (rivers, streams, wetlands, slopes of 20% or greater, geologic hazards, mature trees or forested areas, drainage areas, etc.);
 - Location of utilities, wells, and all onsite wastewater treatment facilities (e.g., septic tanks, septic drainfield areas, replacement drainfield areas, drywells);
 - Elevations of the development site and the 100-year floodplain contour;
 - Pertinent structure, fill, or storage elevations; and
 - Soil types.

Note: All elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).

- ☐ **Feasibility analysis and certification:** Provide a feasibility analysis and certification, completed by a qualified professional, that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically possible and that no structures would be impacted by a potential rise. The feasibility analysis and certification shall also include an overview of the dynamics of the stream system where the fish enhancement structures are proposed, such as riparian conditions, hydrologic and hydraulic characteristics, and other riverine dynamics specific or unique to the project area, along with design specifications and other elements geared toward addressing those dynamics.

C. Describe the project and routine maintenance:

Accurately answer the following questions in the spaces provided. Attach additional pages, if necessary.

1. Describe the proposed fish enhancement project and associated structures or facilities:

2. Describe the routine maintenance activities and long-term monitoring program of the fish enhancement structure(s) that will be taken to sustain conveyance over time:

FAQs

When is a Floodway Fish Enhancement permit required?

Federal Emergency Management Agency Region X's Appendix E, *Policy on Fish Enhancement Structures in the Floodway* (attached on the following page) allows fish enhancement projects in the regulatory floodway, under certain circumstances. Such development requires a Floodway Fish Enhancement land use permit from the County.

What is the permit application process?

Floodway Fish Enhancement permits are subject to a "Type I" land use application process, as provided for in [Section 1307](#) of the ZDO. Public notice of Type I applications and decisions is not provided. A written decision on a Type I application is made by Planning and Zoning staff, and there is no County-level process to appeal that decision. If the application is approved, the applicant must comply with any conditions of approval identified in the decision.

How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type I land use application within 20 days of when we deem the application to be complete.

Who can help answer additional questions?

For questions about the County's land use permit requirements and this application form, contact Planning and Zoning at **503-742-4500** or zoninginfo@clackamas.us. You can also find information online at the Planning and Zoning website: www.clackamas.us/planning.

Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or drenhard@clackamas.us.

503-742-4545: ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?

翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796



FEMA

Policy on Fish Enhancement Structures in the Floodway

The balance required between anadromous fish and the human environment is unique to the Northwest. Maintaining that balance often makes implementing regulations a challenge. Sometimes the local, State and Federal regulations contradict each other. This is the case with fish enhancement structures.

FEMA's regulations require communities to prohibit encroachments in regulated floodways unless provided with a no-rise analysis. The current listing and proposed listing of certain anadromous fish species as Threatened or Endangered requires the restoration of their habitat to ensure their survivability. Restoring that habitat often entails encroaching in the floodway. A strict interpretation of this standard could require a relatively expensive analysis that might exceed the cost of the enhancement project.

FEMA recognizes this. While we believe the best course of action is to preserve the floodway encroachment standard as it exists, an informed judgment regarding fish enhancement structures can be made as to exceptions for which less than the maximum hydraulic analyses are required. The community official often does not have the qualifications to make an informed judgment regarding the impacts of these structures on flood hazards. Therefore, FEMA will allow the community to defer to the "judgment" of a qualified professional regarding such impacts. Such qualified hydraulic or hydrology professionals would include staff of Rural Conservation and Development and the Natural Resource Conservation Service. It would also include similarly qualified staff of fisheries, natural resource, or water resources agencies.

The qualified professional should, as a minimum, provide a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible and that no structures would be impacted by a potential rise. Additionally, routine maintenance of any project would be necessary to sustain conveyance over time and the community should commit to a long-term maintenance program in their acceptance of the project. FEMA also recommends a condition be placed on the projects emphasizing the dynamics of a river and, if the community deems necessary, further analysis be required.

We believe this is preferable to trying to specify in the ordinance language all the different types of "development" that need not comply with the "no rise" standard. Typically, any rise caused would require some offsetting action such as compensatory storage, channel alteration, or removal of existing encroachment. One of these alternatives would be appropriate to compensate for any rise and still preserve the integrity of the floodplain standards.

FEMA Region 10 feels this policy is in keeping with the concept of wise floodplain management which means enjoying the benefits of floodplain lands and waters while still minimizing the loss of life and damage from flooding and at the same time preserving and restoring the natural resources of floodplains as much as possible. If you have any questions regarding this policy, please contact the Mitigation Division at (425) 487-4737.

www.fema.gov