

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category
1	Plas Newydd Farm Map Changes	Robison	Neighbor to Plas Newydd Farm asked if the proposal would change the shoreline designation on his property.	Staff researched the property in question in relation to the proposal and confirmed with the resident that no shoreline map changes would affect the resident's property.	1
2	Marinas	Mathison	Recommendation to improve marinas in Clark County, both improvements at existing marinas and adding a marina to The Waterfront in downtown Vancouver. "The Ridgefield Marina needs more transient moorage/boat rental slips and docks and the few uncovered docks and slips are so primitive and rickety a boat would surely get scratched and dented using them, and the electrical looks scary. The few marinas, docks, and boat slips we have on Washington shores should be kept in first class condition NOT distressed. The Waterfront development in downtown Vancouver should have a marina similar to the Riverplace Marina in downtown Portland. The Camas/Washougal Marina is very nice. Bottom line Clark County deserves decent Marinas in Ridgefield, Vancouver, and Camas/Washougal to cover the west, central, and eastern sides of the County. Steamboat landing is a nice private marina but not much of a destination for transient visitors. This is not too much to ask. Just look at all the marinas on the Portland side. This would be a fraction of what they have. I am not a lone voice on this subject."	Staff replied to Mr. Mathison and recommended that he also share his feedback with the cities noted, however, the reply email was not successfully delivered as a delivery has failed message was received on two attempts to send. Staff will share this comment with the cities mentioned in it: Vancouver, Ridgefield, Camas and Washougal, as the county does not have jurisdiction of the marinas within city limits. Staff are also sharing this comment with the County Council and Clark County Parks for their consideration. The county does not currently own or operate any public marinas. There are two privately owned marinas located in county jurisdiction. Review of the boating uses section of the SMP (CCC 40.460.630(C)) does not suggest the development regulations are interfering with marina improvements in unincorporated Clark County.	1
3	Salmon Creek	Steiger	Concern about proposed shoreline map not showing shoreline along Salmon Creek within the City of Battle Ground. Submitted a follow-up question on the agency responsible for approval and compliance for the incorporated areas in the county.	Staff replied to Ms. Steiger and provided an explanation about each local jurisdiction having its own Shoreline Master Program. Staff provided additional information regarding responsible authorities.	1
4	Boater Access on Private Property	James	Resident owns tide lands along the Columbia River and asked if any of the proposed changes would let boaters onto their property, such as in Oregon.	Staff replied to Ms. James and confirmed that the proposed amendments do not relate to boater access on private property. Staff also shared that if it was helpful, the other cities in the county would also be updating their SMP in the near future, in case Ms. James lives in one of the cities along the Columbia River.	1

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
5	Temporary hardship exemption	Huegel	Request to modify the list of exemptions for needing a shoreline substantial development permit. Currently WAC 173-27-040 does not have a provision that would allow a temporary hardship structure to be issued as an exemption. "I think there should be because: 1. The impact the area is less or equal to building a single family home which is currently allowed 2. The use is temporary in nature – it's a hardship 3. The cost of doing a substantial development permit is 8k – 15k and isn't guaranteed – this itself is a hardship. 4. The true number of hardships is limited in its very nature – this won't be a catalyst for major # of homes going in. 5. I have a customer that want's a house in the area but can't do it legally because she doesn't have the \$ or time to get a substantial development permit and therefore she lives in an RV – terrible situation. I hope this helps formulate a decent/persuasive case to change the code to allow Hardship Permits without the stress of doing a substantial development permit."	Staff have spoken with Mr. Huegel about his concern previously and have explained that the county is unable to create an exemption for a temporary hardship unless state legislation is changed to allow for this. State statute says that "Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process" (WAC 173-27-040(1)(a)). Staff have let Mr. Huegel know that his feedback is being shared with the County Council and Department of Ecology for their consideration.		2
6	Wetlands	Markian Wichar	The resident provided feedback on the need for increased wetlands protection and wetland restoration. "My main concern about the county's shoreline is that what little wetland remains should not be compromised in any way. Already, the only wetland remaining between the two interstate bridges is on the Washington side, at Water Resources Education Center. That is pathetic. Actually, it would be great if the county could and would restore wetland that once existed."	Staff replied to Mr. Markian Wichar and let him know that the City of Vancouver will also be updating its shoreline master plan over the course of the next year or so as the comments seem applicable in the city as well as unincorporated county. Broadly, these comments are being shared with the County Council and Department of Ecology for consideration. Additional review of the current state wetland guidelines in response to this comment and additional comments received from others, have lead staff to additional proposed amendments that would update county wetland and wetland buffer protections within shoreline jurisdiction to bring the shoreline master program into alignment with current state standards.		4
7	Multiple. See rows 7-1 through 7-17 below.	Friends of Clark County and Sierra Club - Loo Wit Group	Friends of Clark County and the Sierra Club – Loo Wit Group submitted joint comments. They expressed an overarching interest in improving the ecological function of waterbodies and their shorelands due to ecological function decline and new stressors from climate change impacts. More detailed comment summaries are provided below in rows 7-1 through 7-17.	Responses are provided below in rows 7-1 through 7-17.		See below
7-1	Shoreline designations	Friends of Clark County and Sierra Club	Some of these designations [the seven shoreline designations] are somewhat confusing. Perhaps clearer descriptions could be	We are not sure if this feedback was based on open house materials or the SMP itself. Staff reviewed relevant sections of code to see if the shoreline designations are sufficiently clear there, and hear the	No amendment needed. Staff will take comments into consideration with	1

Key						
1	No proposed changes			3	Amendment(s) proposed in response to feedback.	
2	No proposed changes. State policy consideration.			4	County Council policy direction needed.	

1 This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
		- Loo Wit Group	developed including allowable uses in each category. (Page 2)	need for improved SMP educational materials.	future SMP educational materials.	
7-2	Net ecological gain	Friends of Clark County and Sierra Club - Loo Wit Group	Review net ecological gain concept and incorporate into planning. Reference two bills in legislature: HB 2549, integrates salmon recovery efforts with growth management and HB 2550, establishing net ecological gain as a policy for application across identified land use, development, and environmental laws. Request county to be at the forefront of promoting this concept. (Page 3)	Staff reviewed bills HB 2549 and 2550. After the short 2020 legislative session, HB 2549 is currently in the House Committee on Environment & Energy. The House committee on Environment & Energy did take action on Substitute HB 2550 and referred it to the House Committee on Appropriations. This Substitute bill would require the Office of Financial Management (OFM) to submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules, including the Shoreline Management Act. To implement such a concept, a framework is needed for how the concept would be applied in the existing law. The county council would need to provide policy direction on whether or not they want staff to work on this framework prior to creation of any new state legislation. In discussing this item with Department of Ecology staff, there is some concern with the concept of net ecological gain and takings. See additional notes below in response to item number 7-15.	Check with Council	4
7-3	Mitigation	Friends of Clark County and Sierra Club - Loo Wit Group	Recommendation to evaluate each site for its site potential to correct for previous impacts that exacerbate poor water quality. Note riparian planting program of Clean Water Services in Washington County, OR as example of riparian planting as requirement in both land use permitting and component of NPDES water quality permit. (Page 4)	Riparian planting is the main form of mitigation for development impacts in the shoreline. Generally any new vegetation clearing or impervious surface within 250 ft. of the ordinary high water mark (OWHM) will require riparian habitat mitigation in proportion of the impact. Higher ratios are applied to clearing of vegetation that is more difficult or takes more time to replace. The county uses site potential as part of mitigation planning, but only in proportion to the impact. Also, in case it is of interest, Clark County Code incorporates the current Department of Ecology Wetland Rating System, Washington State Wetland Rating System for Western Washington: 2014 Update into the county wetland code by reference, in Section 40.450.020(B). This document contains a lot of detail on how wetlands are assessed, including the intersection of impaired waters, such as those on the 303(d) list, waterbodies with Total Maximum Daily Load (TMDL) plans, etc., and site potential related to water quality.	Check with Council	4
7-4	Mitigation	Friends of Clark County	In reference to open house impacts and mitigation poster, note it is not clear how these ratios are set. The different ratios per	Some mitigation ratios are in development code but we understand and acknowledge that they were not displayed on the open house	Check with Council	4

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
		and Sierra Club - Loo Wit Group	mitigation activity should be listed for the public. Also advocate for increasing the ratio of mitigation for disturbed lands in face of climate change. (Page 4)	materials. Wetland mitigation ratios are codified (Section 40.450.040(D) Clark County Code). Habitat mitigation ratios are not codified because the intent of the code is to craft mitigation that is specific to the impact on existing site conditions and accounts for other mitigation measures, such as conservation covenants. The County is required to substantially follow Washington Department of Fish and Wildlife (WDFW) management recommendations, therefore, the county biologists apply ratio guidelines developed with WDFW Habitat Program staff and consult with WDFW directly in more challenging cases. Ratio guidelines are maintained by the Program Manager and are available upon request. Permits and associated staff reports are public records, so mitigation ratios for every approved project are available upon request.		
7-5	Mitigation	Friends of Clark County and Sierra Club - Loo Wit Group	Concern that mitigation not effective and needs to be focused on ecological functions like hyporheic flow, shade, etc. (Page 4)	The comment is raising issues staff ran into with the shoreline monitoring and adaptation plan. We would like to monitor ecological metrics, but don't have the resources to do it. Mitigation assumes function will be replaced within 20-years, and we are monitoring on shorter timeframes. We also don't have a baseline of specific, detailed ecological metrics. The 2012 Inventory and Characterization Report aggregates various existing datasets and doesn't have the level of detail needed to evaluate at site level, or that you could measure before and after a project. It seems like proxies for the key metrics are needed. Also consider that the Shoreline Master Program only applies to the immediate shoreline environment and it is unlikely that analysis could separate the effects of landscape scale impacts and mitigation from shoreline mitigation for most metrics. We need reliable and affordable metrics with direct relationships to the functions in question to be able to measure performance.	Check with Council	4
7-6	Mitigation	Friends of Clark County and Sierra Club - Loo Wit Group	Literature review on mitigation not being fully successful. (Pages 5-6)	The county's new permit system is making it easier to track and extract mitigation monitoring data. The county did not complete a comprehensive review of Best Available Science (BAS) for this periodic review, as it was not part of the scope established by the Department of Ecology (Ecology). We have only reviewed new documents and guidelines included in the	Check with Council	4

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category	
				<p>periodic review checklist provided by Ecology. The BAS for critical areas will be reviewed again as part of the next comprehensive critical areas ordinance update.</p> <p>In discussing this item with Department of Ecology staff, they noted that there are some recent sources that are showing better mitigation success in conjunction with better compliance regulations.</p>		
7-7	Salmon recovery	Friends of Clark County and Sierra Club - Loo Wit Group	HB 2549 incorporates salmon recovery as goal of GMA (Page 7)	The Shoreline Master Program (SMP) is not subject to Growth Management Act (GMA) goals, but is required to be consistent with GMA critical areas ordinances to the extent that the critical areas ordinances may be more protective than the SMP. GMA requires critical areas ordinances to "give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries," and the county's critical areas ordinances are currently in compliance with GMA. The county is planning on completing a critical areas ordinance update before the next comprehensive plan update and will rely on the Department of Ecology to recommend any necessary interim updates to the SMP to ensure all ecological functions are protected to the extent required.	Check with Council	4
7-8	Sea level rise	Friends of Clark County and Sierra Club - Loo Wit Group	County needs mechanism to update mapping to reflect change in 100-year floodplain as sea level increases (Page 7)	<p>FEMA flood hazard determination modifications require as a condition of continued eligibility in the National Flood Insurance Program (NFIP) to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations in a legally enforceable document within 6 months from the date of notification from FEMA. Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to prohibitions in Section 202(a) of the 1973 Act as amended.</p> <p>The county participates in the NFIP and, as such, federal law already has in place a mechanism that prompts the county to update its flood hazard critical ordinance and Shoreline Master Program flood hazard regulations within 6-months of notification of updated flood hazard determination modifications.</p>	No amendment needed	1
7-9	Steep slopes	Friends of Clark County and Sierra Club - Loo Wit	Certain high bank areas (Wiseman development on East Fork Lewis) are currently sloughing off into the river. Setbacks on high bank or cliff areas need to be extended further back to protect homes and	This feedback sounds like the county should review its geohazards code regulations for high banks and cliff areas. While the county does not plan to complete that review as part of this project, and would want to look at this countywide, not just in shoreline management	Check with Council	4

Key					
1	No proposed changes		3	Amendment(s) proposed in response to feedback.	
2	No proposed changes. State policy consideration.		4	County Council policy direction needed.	

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
		Group	ensure family safety. (Page 7)	areas, we can add this feedback to our list of items to review during the next countywide geohazards code update. Current buffer and setback distances for steep slopes are in Section 40.430.020(D).		
7-10	Drones for compliance monitoring	Friends of Clark County and Sierra Club - Loo Wit Group	Recommendation to fly drones along rivers in summer, monitoring for illegal water withdrawals for lawns and gardens. County needs to beef up enforcement efforts and not rely on neighbors informing on fellow citizens. (Page 7)	We will share this suggestion with County Council and the county Code Enforcement team.	Share suggestion with County Council and Code Enforcement.	4
7-11	Water temperature	Friends of Clark County and Sierra Club - Loo Wit Group	Temperatures continue to increase beyond what is suitable for ESA listed fish. (Page 7)	In discussing this topic with county Clean Water Division technical staff, two of the main reasons stream temperatures are above acceptable levels in parts of Clark County are: 1) removal of woody debris from stream channels due to logging practice of 100 years ago. This makes the streams wider and shallower, exposing the stream bed to more sunlight; and 2) removal of trees from riparian areas, exposing streams to sunlight and removing the source or woody debris that causes channel complexity. Limiting clearing of riparian vegetation and riparian reforestation are accomplished through the Habitat Conservation Ordinance (Chapter 40.440 Clark County Code) and the Shoreline Master Program (Section 40.460.530(F)). This topic is largely covered by the county's Clean Water Division who manages county stormwater/National Pollution Discharge Elimination System (NPDES) issues. The county is currently in compliance with current State and Federal requirements. Details on stream health and recovery planning are available in the Clark County Stream Health Report , Clark County Stormwater Needs Assessment reports , and the Lower Columbia Fish Recovery Board Fish Recovery Plan .	Check with Council	4
7-12	Fire risk	Friends of Clark County and Sierra Club - Loo Wit Group	Increased fire risk from climate change. Extend buffers near homes. (Page 7)	The Department of Natural Resources (DNR) maintains guidelines for managing private property for wildfire risk (Firewise, https://www.dnr.wa.gov/firewise). The county biologists consider these guidelines with permitting placement of new structures, assessing hazard trees, and specifying mitigation regardless of whether or not a property is in the wildlife-urban interface.	Check with Council	4
7-13	Shoreline vegetation	Friends of Clark County and Sierra Club	Re: view and aesthetics goal, shoreline vegetation may be more beneficially then more visually pleasing options like grass. Should not remove shrubs and trees and replace with grass. Shoreline	The Vegetation Conservation and Fish and Wildlife Habitat Conservation standards in the Shoreline Master Program (Sections 40.460.530(F) and 40.460.570 Clark County Code). The ratio	Check with Council	4

Key					
1	No proposed changes	3	Amendment(s) proposed in response to feedback.		
2	No proposed changes. State policy consideration.	4	County Council policy direction needed.		

1 This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
		- Loo Wit Group	vegetation should be enhanced, particularly in Chinook habitats. (Page 8)	<p>referenced in Section 40.460.570(D) Clark County Code is a minimum for vegetation conservation, higher ratios are applied for riparian habitat under 40.460.530(F)(3)(b)(2) as warranted pursuant to Washington Department of Fish and Wildlife (WDFW) Management Recommendations for Priority Habitats: Riparian.</p> <p>These standards effectively maintain native woody vegetation within 250 ft. of the ordinary high water mark (OHWM), clearing is limited, and vegetation replacement within 20 years is required. There are exceptions in state law for forest practices; however, the SMP requires restoration upon conversion to non-forestry use.</p> <p>The Ecology Shoreline Master Program guidelines are silent on vegetation mitigation ratios.</p>		
7-14	Habitat conservation	Friends of Clark County and Sierra Club - Loo Wit Group	Protect all priority species and habitats, not just point habitats (Page 8)	<p>All priority species and habitat designations (PHS) defined in the Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species list are protected per Section 40.460.530 of the Shoreline Master Program and Chapter 40.440 Clark County Code. The “point habitats” referenced are how many priority species areas are defined in the PHS list to protect critical lifecycle stages (e.g. breeding and rearing).</p> <p>County staff agree that the code language in reference could be made more clear.</p>	Amend 40.440.010(C)(1)(b); Amend 40.460.530(F)(1)(4)	3
7-15	Net ecological gain	Friends of Clark County and Sierra Club - Loo Wit Group	Embrace shift from no net loss to net ecological gain objective; to more effectively meet standards that protect and restore public resources. We believe in the hierarchy of mitigation: to more seriously avoid impacts, keep disturbance to a minimum, mitigate on site, and if that is not possible – mitigate in the same reach. (Page 9)	<p>Net ecological gain seems like a big project and the risk of needing to re-do work after the state completes a new framework seems likely. Staff will look to the County Council for direction to work on this item. This concept also likely requires a legal paradigm shift from considering restoring ecological function to be in the general public interest to preventing harm (e.g. treating existing ecological degradation similar to existing toxic contamination in the context of constitutional takings and substantive due process claims).</p>	Check with Council	4
7-16	Mitigation monitoring	Friends of Clark County and Sierra Club - Loo Wit Group	Monitor new and existing mitigation efforts for functions and values, and to ensure full compliance over time (20 years) and report findings to the public. (Page 9)	<p>The recommended monitoring would require additional resources to collect data on most ecological function metrics at site level. The county would need to build additional infrastructure and dedicate additional ongoing resources to deliver and sustain this type of program.</p>	Check with Council	4

Key		
1	No proposed changes	3 Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4 County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category	
7-17	Climate change	Friends of Clark County and Sierra Club - Loo Wit Group	Prepare for anticipated Climate Change Effects of rising sea-level, increased water temperature, and reduced summer stream flows. (Page 9)	<p>In discussing this item with Department of Ecology (Ecology) staff, they noted that some local jurisdictions have created an SMP policy around climate change (e.g. Island County, King County, City of Olympia, City of Tacoma). There is not much current guidance from Ecology on how to account for climate change for non-coastal local jurisdiction Shoreline Master Programs, which is covered in Appendix A: Addressing Sea Level Rise in Shoreline Master Programs of the <i>Shoreline Master Program Handbook</i>.</p> <p>In Clark County, the hydroperiod and hydrograph of the county's streams and rivers are at risk from climate change (multiple sources, i.e. Washington State of Knowledge Report – Climate Change Impacts and Adaptation in Washington State: Technical Summaries for Decision Makers, 2013, Section 6). Some of these changes will fold into the existing Shoreline Master Program and be reflected in changes to the ordinary high water mark (OHWM) and 100-year floodplain as they shift over time.</p>	Check with Council	4
8	Multiple. See rows 8-1 through 8-11 below.	Trohimovich, Futurewise	Mr. Trohimovich included several recommendations as part of his submittal. A summary of each recommendation follows in rows 8-1 through 8-11.	Responses are provided below in rows 8-1 through 8-11.	See below	
8-1	Avoidance of impacts	Trohimovich, Futurewise	Futurewise agrees with the Friends of Clark County and the Sierra Club recommendations that avoiding impacts should be required whenever possible. The Shoreline Master Program Update should include stronger avoidance and minimization requirements. (Page 2)	<p>Staff will share this feedback with the County Council for consideration of stronger avoidance language.</p> <p>The Shoreline Master Program, Section 40.460.530(A)(10) Clark County Code is consistent with the current shoreline avoidance-and-minimization requirements (WAC 173-26-201(2)(e) and 2016 wetland guidelines, pp. 10-11. (Chapter 40.450 Clark County Code will be reviewed and amended with the next critical areas ordinance update.)</p>	Check with Council	4
8-2	Fire risk	Trohimovich, Futurewise	Futurewise recommends that Clark County require wider setbacks between development and shoreline and critical areas buffers to protect homes and property from wildfire danger. (Page 4)	The Department of Natural Resources (DNR) maintains guidelines for managing private property for wildfire risk (Firewise, https://www.dnr.wa.gov/firewise). The county biologists consider these guidelines with permitting placement of new structures, assessing hazard trees, and specifying mitigation regardless of whether or not a property is in the wildlife-urban interface. County staff currently try to avoid mitigation that may pose an unreasonable future fire risk.	Check with Council	4

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category	
				The county does not have any requirement, but does consider fire danger as part of its work. The county could add a statement countywide, but would recommend pursuing that change during the next critical areas ordinance update instead of this project.		
8-3	Sea level rise	Trohimovich, Futurewise	Futurewise strongly recommends that the Clark County Shoreline Master Program (SMP) should comprehensively address sea level rise and include regulations protecting people, property, and the environment from the adverse effects of sea level rise. As is documented below, sea level rise is accelerating and buildings need to be protected from increased flooding. (Page 4)	<p>The concerns underlying this comment seem to be about building risk/damage from sea level rise, increased cliff erosion, and the need for increased vegetative buffers as shorelines and floodplains shift over time.</p> <p>In discussion with Department of Ecology staff on this item, the SMP does address sea level rise in some ways through siting and not putting property at risk, addressing erosion hazards, etc. Ecology staff noted that the sea level rise topic seems like it needs to be addressed more comprehensively and holistically than just in the SMP. Some other local jurisdictions have developed a climate change policy as part of their SMP.</p> <p>If the county were to make regulations relative to sea level rise, the county would need to reference specific source(s) and scenario(s) for its assumptions. If Council wanted to pursue regulations related to this topic, staff would need to develop code language more specific than what is being recommended in this comment. This is a big project and seems beyond the scope of the current SMP periodic review. If Council would like staff to work on this, we would recommend a future amendment to the SMP after sufficient time to complete such a process. Also, more guidance and funding resources from the legislature and Department of Ecology would be recommended if such a process is to be conducted.</p> <p>In Clark County, the hydroperiod and hydrograph of the county's streams and rivers are also at risk from climate change (multiple sources, i.e. Washington State of Knowledge Report – Climate Change Impacts and Adaptation in Washington State: Technical Summaries for Decision Makers, 2013, Section 6). In most cases, these changes, including those resulting from sea level rise, will be reflected in changes to the ordinary high water mark (OHWM) and 100-year floodplain boundary as these changes occur.</p>	Check with Council	4
8-4	Geohazards	Trohimovich, Futurewise	We recommend that the County require an analysis of all geologically hazardous which can adversely impact a proposed	This topic applies countywide, and not just to the shoreline management area. While we do not plan to complete a countywide	Check with Council	4

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
			development and require case-by-case determinations of landslide buffers based on the risk to the proposed development. (Page 7)	geohazard code review as part of this project, we can add this feedback to our list of items to review during the next geohazards code update. We would also be interested in higher quality data and additional state guidance on this topic, as suggested in the referenced article.		
8-5	Habitat conservation	Trohimovich, Futurewise	Clark County should adopt up-to-date riparian buffers in Clark County Code (CCC) 40.460.530(F)(1)(a)(3) and CCC 40.460.570 to protect Chinook habitat and other aquatic habitats. (Page 11)	Current standards for Type S and F waters are consistent with current Washington Department of Fish and Wildlife (WDFW) Management Recommendations for Priority Habitats: Riparian . County staff recommend waiting for the final version of Riparian Ecosystems, Volume 2: Management Recommendations (2018) to be published before addressing the topic of site-potential tree height for determination of riparian buffer widths. We have heard, anecdotally, that there has been some feedback on the site-potential tree height approach and we are not sure where the final document will land on its recommendations. Regarding Endangered Species Act (ESA) compliance, that is managed at the federal level.	Check with Council	4
8-6	Habitat conservation	Trohimovich, Futurewise	Please clarify that the SMP protects fish and wildlife habitats depicted in the PHS GIS database as points, lines, and areas. This is needed to protect all priority species and habitats and to comply with the Shoreline Master Program (SMP) Guidelines. (Page 12)	County code language could be more clear on this topic. The SMP protects all PHS GIS database as points, lines, and areas.	Amend 40.440.010(C); Amend 40.460.530(F)(1)(4)	3
8-7	Habitat conservation	Trohimovich, Futurewise	Please clarify that all development must comply with the fish and wildlife habitat conservation requirements. This is needed to protect all priority species and habitats and to comply with the SMP Guidelines. (Page 13)	The county requires habitat review under 40.460.530(F) for all development in Shoreline Management Act jurisdiction (which is also Priority Habitat by definition) that proposes "construction, earth movement, clearing, or other site disturbance," EXCEPT for those portions of the SMA that are associated wetlands extending beyond 200 ft. from the ordinary high water mark (OHWM) or the 100-year floodplain. Excepted wetlands are reviewed under 40.460.530(G).	No amendment needed.	1
8-8	Habitat conservation	Trohimovich, Futurewise	Please update the priority habitat and species list and the priority species and habitat documents listed in the critical areas regulations. This is needed to protect all priority species and habitats and comply with the SMP Guidelines. (Page 14)	The referenced priority habitat and species list documents noted in code are not current and a text amendment is proposed to Section 40.440.010(C)(2) Clark County Code to fix that.	Amend 40.440.010(C)(2)	3

Key		
1	No proposed changes	3 Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4 County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
8-9	Wetlands	Trohimovich, Futurewise	Protect isolated Category III wetlands of less than 2,500 square feet in area and isolated Category IV wetlands of less than 4,350 square feet. This is needed to protect wetland functions to comply with the SMP Guidelines. (Page 15)	These exemptions in the critical areas code do not apply in the Shoreline Master Program (SMP) because Section 40.450.010(C)(2)(a) is not referenced in Section 40.460.530(G), only the designation and protection standards in 40.450.020, .030, and .040 are referenced.	No SMP amendment needed	1
8-10	Mitigation	Trohimovich, Futurewise	Increase mitigation ratios for riparian vegetation mitigation in CCC 40.460.570D. to protect fish and wildlife habitats. This is necessary to comply with the SMP Guidelines. (Page 16)	<p>The Vegetation Conservation and Fish and Wildlife Habitat Conservation standards in the Shoreline Master Program (Sections 40.460.530(F) and 40.460.570 Clark County Code). The ratio referenced in Section 40.460.570(D) Clark County Code is a minimum for vegetation conservation, higher ratios are applied for riparian habitat under 40.460.530(F)(3)(b)(2) as warranted pursuant to Washington Department of Fish and Wildlife (WDFW) Management Recommendations for Priority Habitats: Riparian.</p> <p>These standards effectively maintain native woody vegetation within 250 ft. of the ordinary high water mark (OHWM), clearing is limited, and vegetation replacement within 20 years is required. There are exceptions in state law for forest practices; however, the SMP requires restoration upon conversion to non-forestry use.</p> <p>The Ecology Shoreline Master Program guidelines are silent on vegetation mitigation ratios.</p>	Check with Council	4
8-11	Aquaculture	Trohimovich, Futurewise	Prohibit net pen aquaculture for nonnative species in table 40.460.620-1. This will make the SMP consistent with RCW 77.125.050(1). (Page 16)	Section 40.460.630(B)(1) Clark County Code states: "No aquatic species shall be introduced into county waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the county as part of the shoreline permit application." This statement seems to cover the requirement to follow all Department of Natural Resources (DNR) laws and rules. However, an amendment to reference RCW 77.125.050 could be added for clarity.	Amend 40.460.630(B)(13)	3

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
9	Floating homes; Floating on-water residences	Flores, Washington State Department of Natural Resources (DNR)	DNR was generally supportive of the proposed code amendments related to floating homes and on-water residences. They proposed four suggestions to be more specific: 1. DNR would suggest adding language that identifies what a floating home moorage is and that they can only be located at established marinas/boating facilities according to 40.460.630(C). 2. DNR would suggest adding language that identifies the specific circumstances for moving floating homes. 3. DNR suggests adding language that identifies what a floating on-water moorage is and that they can only be located at established marinas/boating facilities according to 40.460.630(C). 4. DNR would suggest adding language that identifies the specific circumstances for moving on-water residences as established by WAC 332-30-171(7)(a-c).	Staff had previously spoken with Mr. Flores about the floating homes and floating on-water residences topic in December, 2019 and were aware he was planning to review the county proposal and submit suggestions during the comment period. Staff are recommending incorporation of the DNR suggestions to the proposal, to make the code language more clear.		3
10	Multiple. See rows 10-1 through 10-25 below.	Department of Ecology	The Department of Ecology provided comments on Clark County wetlands Critical Areas Ordinance in spring 2019. Ecology followed-up to re-share this feedback to be considered as part of the SMP periodic review, to ensure that the SMP wetlands regulations meet the most current, accurate, and complete scientific and technical information available and meet the requirement of WAC 173-26-201()(a). The updated wetland guidelines are part of the SMP periodic review checklist provided by Ecology. Specific comment summaries are included below in rows 10-1 through 10-25.	Staff have been in contact with Department of Ecology staff throughout this project. These comments were shared during, and just after, the 30-day comment period. Due to the timing of receipt during the process, staff are including them as part of this comment review to consider how to address them. Comment responses are provided below in rows 10-1 through 10-25.		See below
10-1	Wetland buffers	Department of Ecology	40.450.040(C)(1): Reduced width: We recommend including language that all applicable design elements shall be implemented in order to be eligible for the buffer reduction from high intensity to moderate intensity. Otherwise, applicants may select only one or two that won't sufficiently reduce the intensity of the impact to warrant the buffer reduction. Also, Ecology's guidance does not include the option of reducing buffers from moderate intensity to low intensity through the impact-reducing measures. The impact-reducing measures aren't designed to reduce the adjacent impacts to low-intensity land use, which include uses such as forestry and unpaved trails. In no case should a buffer width based on the habitat function of a wetland be reduced in exchange for reductions in water quality impacts from adjacent land uses (40.450.040.C.1.a.3 (surface water management) and C.1.b (LID design)). Addressing this issue is important to ensure provisions are consistent with the SMP Guidelines requirement to meet no net loss	To ensure no net loss and address the feedback that we should not allow impact-reducing measures from moderate intensity to low intensity and the that in no case should a buffer width based on the habitat function of a wetland be reduced in exchange for reductions in water quality impacts from adjacent land uses, these can be addressed by amending the SMP in 40.460.530(G)(1)(g). We will wait until the next critical areas ordinance update to address this feedback in the critical areas ordinance. We can propose to require all other measures to the extent that they are applicable. The proposed amendments would improve alignment with the 2016 wetland guidance and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018) which contains Ecology's complete wetland buffer recommendations.	Amend 40.460.530(G)(1)(g) Amend 40.460.530(G)(3)(h)(2) and (i)(1);	3

Key		
1	No proposed changes	3 Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4 County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
			of shoreline ecological functions. At the very least, the option to allow for reduction of buffers from moderate intensity to low intensity should not apply in shoreline jurisdiction, nor should the buffer width be reduced in exchange for reductions in water quality impacts (last sentence).			
10-2	Wetland buffers	Department of Ecology	40.450.040(C)(1): The County should be aware that Ecology recently changed its guidance on habitat scores. A habitat score of 5 is now considered to be low habitat function (previously, only 3-4 were considered to be low function). In section C.1.c(1) the language should be changed to "...scores higher than five (5)..." to reflect this change. Also, C.4.b should say "fewer than six (6) points."	40.450.040(C)(1)(c)(1) should be updated for consistency with the 2016 wetland guidelines. This was an oversight when Ord. 2019-03-05 was adopted. 40.450.040(C)(4)(b) is correct and was addressed in Ord. 2019-03-05. This amendment would fix the mentioned item in the wetlands code and improve alignment with the current Ecology wetland guidelines in the 2016 wetland guidance and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018).	Amend 40.450.040(C)(1)(c)(1)	3
10-3	Wetland buffers	Department of Ecology	40.450.040(C)(2) states that the minimum buffer should be not less than the low-intensity buffer, which could represent a 50% reduction from our standard buffer recommendation. We believe that this represents a high-risk approach resulting in buffers that are not wide enough to protect the wetland's functions, and we recommend limiting the amount of reduction or average to 25% of the standard buffer width that would be required by the habitat score and the adjacent land use (i.e., the buffer should not be averaged or reduced to below 75% of the standard buffer). Limiting buffer modifications in shoreline jurisdiction, whether by averaging or reduction to no more than 25% should be a requirement in the SMP. Any greater reduction would be authorized by shoreline variance.	This comment is requesting a revision to 40.450.040(C)(3)(a). Making the requested change outside the SMA without a full public discussion of the policy implications is problematic. Inside the SMA, the change is unlikely to have much effect. It may result in a few additional shoreline variances for residential building permits. The proposed amendment would improve SMP wetland regulation alignment with the 2016 wetland guidance document, pp. 12-13 buffers and buffer averaging. Additional review and discussion of the critical areas ordinance can take place during the next critical areas ordinance update.	Amend 40.460.530(G)(1)(f); Amend 40.460.530(G)(3)(h)(2) and (i)(1)	3
10-4	Wetland buffers	Department of Ecology	40.450.040(C)(3)(a): Buffer averaging should not be used in combination with other buffer reduction methods on the same buffer segment. If this isn't clear in the SMP it should be. Mechanisms to reduce buffers should not be combined. The issue here may simply be a result of the way this provision is written.	Making the requested change outside the SMA without a full public discussion of the policy implications is problematic. Inside the SMA, the change is unlikely to have much effect. It may result in a few additional shoreline variances for residential building permits. Amending the SMP to address this feedback would improve SMP wetland regulation alignment with the 2016 wetland guidance document, p. 13, buffer averaging. Additional review of the critical areas ordinance can take place during	Amend 40.460.530(G)(3)(i)(1); Amend 40.460.530(G)(1)(f)	3

Key		
1	No proposed changes	3 Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4 County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
				the next critical areas ordinance update.		
10-5	Wetland buffers	Department of Ecology	40.450.040(C)(4)(b) should state "(fewer than six (6) points..." (see above comment on habitat scores). Also, "the outer edge" is vague. We recommend limiting facilities to the outer 25% of the buffer. It appears the numerical issue was addressed. Facilities should be limited to the outer 25% of wetland buffers in shoreline jurisdiction.	The "fewer than six (6) points..." was addressed when the county adopted the revised buffer width guidelines [Ord. 2019-03-05] and makes the code consistent with the 2016 wetland buffer guidelines and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018). As such, the feedback has already been addressed. The 25% issue has not been addressed yet and code could be amended for clarification and improved alignment with the current wetland buffer guidelines, 2016 wetland guidelines and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018).	Amend 40.460.530(G)(3)(a)	3
10-6	Wetland buffers	Department of Ecology	40.450.040(C)(5)(b): We recommend including more specificity about how functions would be replaced. Would this mean requiring more buffer area to compensate for the area that is lost in the crossing?	This comment refers to buffer standards and authorized activities for road and utility crossings and a condition in code that says "Impacts to the wetland and buffer are minimized." These cases are unique and mitigation solutions and options can vary. We kept this standard general intentionally. We encounter wide variability in site constraints and mitigation opportunities for roads and residential driveways that cannot practicably avoid wetland buffers. The SMP is current with the 2016 wetland guidelines regarding buffer standards and road and utility crossings, Ecology 2016 pp. 11-13. The county can discuss this topic further with Ecology during its next critical areas ordinance update.	No SMP amendment needed	1
10-7	Wetland buffers	Department of Ecology	40.450.040(C)(6) should say "buffer reduction per 40.450.040.C.1" rather than "buffer reduction via enhancement." This is an important clarification.	The code Section 40.450.040(C)(6) relates to the buffer standards for other activities in a buffer. The feedback recommends pointing to the buffer reduced width based on modification of land use intensity section instead of buffer enhancement language. Buffer enhancement is one general site design measure in this section, but not all of the mitigation measures that need to be applied to the greatest extent applicable. Incorporating the suggested amendment would be consistent with the 2016 wetland guidelines, buffers pp. 11-13 and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018).	Amend 40.450.040(C)(6)	3

Key			
1	No proposed changes	3	Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
10-8	Wetland avoidance-minimization-mitigation sequence	Department of Ecology	40.450.040(D)(1)(a): These criteria for avoidance aren't consistent with mitigation sequencing. See https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation/Avoidance-and-minimization . The applicant should be made aware that if state and federal permits are required, the Corps and Ecology do not interpret "avoidance" as it is described here.	In the SMP, 40.460.530(A)(10) outlines the critical areas avoidance and mitigation sequence. This code section supersedes the referenced portion of 40.450 per the provisions of 40.460.170(D), which states that "in the event this Program conflicts with other applicable county policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline ecological processes and functions shall prevail." The SMP is consistent with the current avoidance-and-minimization guidance and 2016 wetland guidelines, pp. 10-11. Chapter 40.450 CCC can be reviewed with the next critical areas ordinance update.	No SMP amendment needed	1
10-9	Wetland preservation	Department of Ecology	40.450.040(D)(4)(b): We recommend including additional criteria for considering preservation. See pages 40-41 of https://fortress.wa.gov/ecy/publications/documents/1606001.pdf .	The feedback references pages 40-41 in the 2016 wetland guidance. The county could amend table 40.450.040-2 so that it is more clear that table is about preservation of Category I and II wetlands. Additional conversation on this topic can be considered during the next critical areas ordinance update.	Amend Table 40.450.040-2	3
10-10	Wetland mitigation	Department of Ecology	40.450.040(D)(4)(c)(4): This language is not consistent with interagency joint mitigation guidance or the wetland rating system regarding HGM classes separately within a wetland. We recommend removing it.	This feedback is in regards to a section of code regarding the responsible official having the authority to reduce wetland mitigation under specific circumstances. The circumstance referenced as being out of alignment with current wetland mitigation guidance is in wetlands where several HGM classifications are found within one (1) delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if certain conditions apply. The comment references the Wetland Mitigation in Washington State guidance (Ecology, March 2006) and the 2014 wetland rating system (Ecology, 2014), both of which are identified as current science of wetland protection in the 2016 wetland guidance (Ecology, 2016). For consistency with current science, the county SMP could be amended so that 40.450.040(D)(4)(c)(4) doesn't apply in SMA jurisdiction. Section 40.450.040(D) can be reviewed in more detail during the next critical areas ordinance comprehensive update.	Amend 40.460.530(G)(3)(f)	3

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.
3	Amendment(s) proposed in response to feedback.
4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
10-11	Wetland buffers	Department of Ecology	40.450.040(D)(5)(a): The meaning of this is not clear. Buffer loss doesn't result from wetland fill.	<p>The feedback is regarding a code section on indirect wetland impacts due to loss of buffer function or stormwater discharges. One indirect wetland impact listed is buffer loss resulting from wetland fills permitted under this section. What is meant by this statement is that when wetlands are partially filled (by a permitted activity), buffers are generally lost or the fill creates development through the wetland that should have a buffer.</p> <p>The SMP is current with wetland buffer guidelines (Ecology, 2016 and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018)).</p> <p>This code section can be reviewed further as part of the critical areas ordinance update.</p>	No SMP amendment needed	1
10-12	Wetland mitigation	Department of Ecology	40.450.040(D)(6): This language is not consistent with interagency joint mitigation guidance. The required width of the perimeter buffer should be sufficient to protect the proposed category of the compensation wetland and its proposed level of function, particularly habitat functions. If the applicant proposes to increase habitat functions then the buffer needs to be wide enough to protect those habitat functions.	<p>The feedback references the Wetland Mitigation in Washington State –Part 1: Agency Policies and Guidance (Version 1) (March 2006).</p> <p>The county could add language that requires the reduction of mitigation credit if proposed buffers are insufficient to support the specific functions provided by the mitigation, to better align with the interagency joint mitigation guidance.</p>	Amend 40.450.040(D)(6)	3
10-13	Wetlands and stormwater facilities	Department of Ecology	40.450.040(D)(8): Stormwater facilities must meet the avoidance and minimization criteria. They are considered an impact that must be compensated. This section should also state “fewer than six (6) points” (see above comment on habitat scores).	In the SMP, 40.460.530(A)(10) which outlines the avoidance-minimization-mitigation sequence applies to all critical areas and the habitat score issue was addressed when the county adopted the revised buffer width guidelines [Ord. 2019-03-05]. As such, the feedback has already been addressed in the SMP.	No SMP amendment needed	1
10-14	Wetlands and underground utilities	Department of Ecology	40.450.040(D)(9): Underground utility crossing can have adverse effects on wetlands due to draining or soil disruption. You should consider adding language about BMPs for these situations.	<p>The current code prohibits loss of wetland area and permanent reduction of wetland functions, to date this language has been sufficient to address the specific risks of underground utilities.</p> <p>Ecology and county staff have seen that applications for utility crossings typically include best management practices (BMPs) as part of application. Ecology confirmed that they are okay with the county code current language. If the county were to add language about BMPs to its code, then it puts the burden on the county. If the county leaves the BMPs out of the code, it puts the burden on the applicant.</p>	No amendment needed	1
10-15	Wetland activities	Department of Ecology	40.450.040(D)(10): This section should say “consistent with D.1” since D.1 doesn't prohibit any activities. However, we wonder if this	This feedback can be addressed during the next critical areas ordinance update. The intent is to ensure that activities that are not	No SMP amendment	1

Key			
1	No proposed changes	3	Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4	County Council policy direction needed.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category	
			language is necessary? Is there a list of allowed uses provided in this chapter? If so, consider deleting this language because it may generally allow uses that have adverse effects on wetlands not specifically anticipated in this language.	explicitly permitted in the referenced section are regulated subject to the performance standard listed.	needed	
10-16	Wetland delineation	Department of Ecology	40.450.030(D)(1): should state that the identification of wetlands and delineation of their boundaries pursuant to this Title shall be done in accordance with the approved federal wetland delineation manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (2010). All areas within the county meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Title. I note that the definition for "wetland delineation manual" refers to WAC 173-22-035 which ultimately tells you which manual to use. It's an awkward way to get there and you might consider adding the language directly into the SMP:	There are other chapters in Title 40 Clark County Code that rely on the wetland delineation manual definition. We prefer to maintain a single definition in a single location to ensure consistency and simplicity in making updates.	No amendment needed	1
10-17	Wetland class	Department of Ecology	40.450.030(D)(2)(e)(4): should state specifically what type of wetland "class;" does this refer to Cowardin class or HGM class?	The wetland class in question refers to the Cowardin class. Code could be amended to add this clarification. This clarification would be in alignment with the current 2014 wetland rating system and 2016 wetland guidance.	Amend 40.450.030(D)(2)(e)(4)	3
10-18	Wetland buffers	Department of Ecology	40.450.030(D)(2)(g): This isn't clear. How does the acreage affect buffer size? Since this section is about delineation, we recommend deleting part of the sentence so that it reads "Acreage of each wetland on the site."	This feedback refers to wetland delineation information requirements for the delineation report. One of the requirements states: "Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design." The acreage affects buffer size as it pertains to 40.450.030(E)(4)(c). However, we agree that 40.450.030(D)(2)(g) could be made more clear if revised so that the sentence reads: "acreage of each wetland on the site" and the last part of the sentence is removed. Also, CCC 40.460.530(G)(1)(f) could be amended to exclude Section 40.450.030(E)(4)(c) from the SMP because it is not consistent with the buffer guidelines in the 2016 wetland guidance and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018).	Amend 40.450.030(D)(2)(g); Amend 40.460.530(G)(1)(f)	3
10-19	Wetland buffers	Department of Ecology	40.450.030(E)(2) should state that "Buffer widths are established by comparing the wetland rating category, the habitat score, and the	The feedback is consistent with the 2016 wetland guidelines and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised	Amend 40.450.030(E)(2)	3

Key					
1	No proposed changes		3	Amendment(s) proposed in response to feedback.	
2	No proposed changes. State policy consideration.		4	County Council policy direction needed.	

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale		Category
			intensity of land uses..." since habitat scores are used in the tables.	July 2018). We can incorporate the recommended clarification in 40.450.030(E).		
10-20	Wetland buffers	Department of Ecology	40.450.030(E)(2): Table 4 should include rows for habitat scores of 8 and 9 points. Ecology has determined that Category III wetlands with these habitat scores do exist. Since the county's buffer widths are based partially on habitat score, the Category III table should include buffers for wetlands with 8 or 9 points (which are the same as the buffers for Category I and II wetlands with 8 or 9 points). We recommend that the county adopt the buffer tables as shown in our guidance (https://fortress.wa.gov/ecy/publications/documents/1606001.pdf). These recommended buffers are dependent upon proper implementation of the buffer reduction criteria as discussed in the first bullet above.	The feedback references the 2016 wetland guidelines and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018). This item was addressed in CCC 40.450.030(E) when the county adopted the revised buffer width guidelines [Ord. 2019-03-05]. As such, the feedback has already been addressed.	No amendment needed	1
10-21	Non-buildable tract	Department of Ecology	40.450.030(E)(3)(c): The inability to create a non-buildable tract is not sufficient reason to allow a residential lot to extend into a wetland or its buffer. Mitigation sequencing must be applied. The cited provision should not be applicable in shoreline jurisdiction.	The exceptions in 40.450.030(E)(3) were expressly requested by the Clark County Board of Commissioners in 2006, but have not been used since they were adopted. Since the SMA does not allow reasonable use exceptions, providing instead a variance pathway to afford regulatory relief (WAC 173-27-170), excluding this provision (40.450.030(E)(3)(c)) from the SMP would make the SMP in alignment with the SMA and the Ecology 2016 wetland guidelines (pp. 8-9). Regarding the note that mitigation sequencing must be applied, the SMP regulations would be more clear if they stated that the avoidance-mitigation sequence applies to wetland buffers.	Amend 40.460.530(G)(1)(f); Amend 40.460.530(G)(1)(m)	3
10-22	Wetland buffers	Department of Ecology	40.450.030(E)(4)(b)(1): What is meant by "vertical separation?" Is there a minimum height measurement? It's not clear that vertical separation would result in a functionally isolated buffer.	To improve consistency with the Ecology 2016 wetland buffer guidelines (pp. 11-13) and Appendix 8-C of Wetlands in Washington State, Volume 2 (revised July 2018), the vertical separation criteria can be deleted from the critical areas code.	Amend 40.450.030(E)(4)(b)(1)	3
10-23	Wetland buffers	Department of Ecology	40.450.030(E)(4)(b)(2): This approach is not consistent with how the rating system is applied. We recommend deleting it. This provision should not be applicable in shoreline jurisdiction.	The feedback is citing provision about adjusted wetland buffer width when distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than five (5) points shall not be subject to the habitat function	No SMP amendment needed	1

Key		
1	No proposed changes	3 Amendment(s) proposed in response to feedback.
2	No proposed changes. State policy consideration.	4 County Council policy direction needed.

1 This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.

Comment Number	Comment Topic	Commenter	Comment Summary	Local Government Response and Rationale	Category
				<p>buffers in Table 40.450.030-3 if certain criteria are met.</p> <p>This provision does not apply in the county's SMP because the entire SMA area is, by definition, a WDFW Priority Habitat and Species Area. In Clark County, riparian priority habitat areas, DNR Type S waters require a 250 ft buffer from the ordinary high water mark or to the edge of the 100-year floodplain, whichever is greater (40.460.530(F)). The only sections of the shoreline jurisdiction that may not be considered priority riparian habitat are associated wetlands that extend beyond the edge of the 100-year floodplain. But wetlands are also considered a priority habitat per 2016 wetland guidance, p. 24 and Priority Habitat and Species List, Washington Department of Fish and Wildlife, 2008 (revised 2020). Therefore, all of the SMA jurisdiction in Clark County is considered priority habitat area.</p> <p>The next critical areas ordinance update can look at this code section more closely for non-shoreline wetland buffers.</p>	
10-24	Flood hazard areas	Department of Ecology	40.460.530(A)(4): We (Ecology) have been thinking about a policy shift that would remove the "hard" reference which brings the flood hazard code language into the SMP, and making it a soft reference – in other words, acknowledging that the flood code is important and development needs to be consistent with it but not including it directly into the SMP. This, in part, to avoid conflicts with specific NFIP process requirements. Our Guidelines in WAC 173-26-221(3) address flood hazard reduction and it does suggest integrating SMP flood hazard reduction provisions with other regulations and programs including flood plain regulations and the NFIP, among others. However, I don't think this suggestion to integrate leads to a requirement to adopt your NFIP program into the SMP.	In discussion with Ecology, the Department is working on new guidance regarding flood hazard code and its integration with the SMP. Staff recommend waiting for the new guidelines before addressing this item.	Check with Council 4
10-25	Cumulative effects fund	Department of Ecology	40.460.530(G)(3)(j): Cumulative effects fund. Is that a currently used mechanism?	<p>The cumulative effects fund has not been used much. It was developed before there was a fee in lieu rule/option, and was added to county code in 2006. It has been used for habitat but not wetlands.</p> <p>An amendment to the alternate wetland mitigation code section to clarify alternate mitigation options would be consistent with the mitigation alternatives section of the 2016 wetland guidance, pp. 14-15.</p>	40.460.530(G)(3)(j) 3

Key	
1	No proposed changes
2	No proposed changes. State policy consideration.

¹ This document is a summary of the issues raised during the comment period. Complete copies of all comment letters are attached, allowing for a complete understanding of the context in which the comments were made.