

City of North Bend
 Critical Areas Ordinance (CAO) Update
 Best Available Science Review and Gap Analysis Matrix July 20, 2018

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Global CAO Revisions						
	<input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	References are inconsistent with Ecology approved wetland rating system.	Revise "wetland areas" to "wetlands". Replace all references to "Class X" wetlands to "Category X" wetlands		Proceed with revision	7/17/18 – Revision made
Administration, General Provisions and Definitions (Chapter 14.05)						
14.05.010 Authority	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		State that the Director has the authority to interpret, apply, and enforce this Title.	CTED, 2007	Proceed with revision	7/17/18 – Revision made
14.05.015 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Incorporate all Purpose sections from other critical areas chapters.	Clarity and to reduce redundancies.	Proceed with incorporating all Purpose sections from individual critical areas chapters into this section	7/17/18 – Revision made to include purpose sections of all sections that had a purpose section (wetlands, streams, FWHCAs, and geo hazards)
14.05.020 Jurisdiction		Section inconsistent with other suggested changes.				
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not include a best available science requirement.	Revise to say "consistent with the best available science and the critical areas provisions of this title". Also include reference to BAS Review & Gap Analysis Memo prepared for the current CAO Update.	CTED, 2007	Proceed with revision, and reference BAS memo	7/17/18 – Revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Revise "wetland areas" to "wetlands". Remove rivers. Revise code organization to regulate streams within "fish and wildlife habitat conservation areas" section and exclude wetlands as "fish and wildlife habitat conservation areas".	Clarity and consistency with other code changes. Rivers are regulated under the SMP.	Proceed with revisions, exclude wetlands as FWHCAs	7/17/18 – Revision made
Subsection C	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS.			No revisions needed
14.05.025 Designation of Critical Areas						
Subsection A	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Revise for clarity by further detailing critical areas that require associated buffers (wetlands, streams, and some geologically hazardous areas), and consider adding references to applicable Buffers sections.	Bunten et al., 2016	Proceed with revision	7/17/18 – Revision made
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		If rivers and streams map is separate from fish and wildlife habitat area map, clarify by adding note within subsection to rivers and streams such as "mapped separately from other fish and wildlife habitat areas".	Clarity and consistency with revised fish and wildlife habitat area section that includes streams.	Proceed with revision	7/17/18 – Revision made
Subsection C	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS.			No revisions needed

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14.05.030 Applicability	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Could be revised to be more consistent with state agency guidance.	Ecology has suggested that Applicability sections include a statement about compliance with other federal and state regulations and permit requirements; revise to include statement. Example language: <i>Compliance with the provisions of this title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, and National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this title.</i>	Ecology guidance (verbal)	Proceed with revision	7/17/18 – Revision made
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not include trigger for critical areas review when critical areas are located within vicinity of proposed development and/or on adjacent properties.	Revise to include requirement for critical areas review trigger. Example language: <i>When sufficient information to evaluate a proposal is not available, the director shall notify the applicant that a critical area review is required.</i>		Proceed with revision	7/17/18 – Added this language as separate section (C) instead of (A)
14.05.035 Preapplication conference	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	N/A	Revise to say pre-application is required not encouraged.	Consistency with City policy.	Proceed with revision	7/17/18 – Revision made
14.05.040 Submittal requirements	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Section not consistent with recent code updates.	Add that a floodplain habitat assessment may be required.	Floodplain Habitat Assessment and Mitigation Regional Guidance 2013, FEMA Region X	Proceed with revision	7/17/18 – Revision made
14.05.045 Bonds or performance security	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use	N/A	Re-title section to “Financial Assurance” and revise subsections to differentiate between requirements for Mitigation Performance Assurance and Mitigation Maintenance Assurance. The Performance Assurance amount should be set at 125% – 150% of the estimated cost of the completed action (including estimate of 5-years minimum of maintenance and monitoring activities). The Maintenance	City initiated update necessary to ease administration of financial guarantees.	Proceed with revision	7/17/18 – Some revisions made; section still needs further revisions

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	<input type="checkbox"/> Consistency of code sections		Assurance amount should be set at 20% - 30% of the estimate cost of the completed action. Remove confusing language in Subsection C referring to restoring functions and values of critical areas to improve clarity. Remaining language within existing Section should be streamlined and simplified within new structure to improve clarity.			
14.05.055 Notice on title	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	N/A	Move to just before 14.05.130. Revise A for clarity (not a complete sentence).	Improves organization of chapter..	Proceed with revision	7/17/18 – Revision made
14.05.060 Inspection and right of entry	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	N/A	Delete first sentence; move remaining language to 14.05.065 (Enforcement).	First sentence is redundant. This section relates to code enforcement and should be included with that section for clarity. Similar language is recommended in the model code. Wetland Guidance for CAO Updates. Western Washington Version. (Bunten et al. 2016).	Proceed with revision	7/17/18 – Revisions made
14.05.065 Enforcement	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Chapter 20.10 was repealed. Chapter 1.20, Code Enforcement, does not address alterations to critical areas or buffers in violation of this title.	Add 14.05.060, Inspection and right of entry, language to this section. Revise section to refer to Chapter 1.20 for general code enforcement language. Incorporate additional language to address unauthorized alterations: <i>When a critical area or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored. Consistent with Chapters 1.20 and 19.10, the director shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of the provisions of this Chapter. The director may require work to remain stopped until approval of a restoration plan.</i>	This language is recommended in the model code. Wetland Guidance for CAO Updates. Western Washington Version. (Bunten et al. 2016).	Proceed with revision	7/17/18 – Revisions made
14.05.070 Fees	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS	N/A	Update section to simplify language and include reference to NBMC 20.09.040 Application processing costs.	Improves clarity of section.	Proceed with revision	7/18/18 – revisions made, but made need further revision

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	<input type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					
14.05.075 Appeals	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	N/A	None, consistent with BAS. Optional: City could elect to remove this section, or consolidate with 14.05.010, without implication for BAS consistency.	Suggest leaving this section for clarity and consistency with CAOs in neighboring jurisdictions.	Leave section as is	No revisions needed
14.05.080 General exemptions						
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Somewhat consistent with BAS, but more stringent than required.	Subsection 1: Suggest removing requirement that remedial or preventative action during emergencies requires written exemption by the director. Instead consider adding a requirement to notify the director within 48 hours of taking the emergency action. Subsection 2: Remove “emergencies that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency.” Subsection 3. Consider revising this to state that the director may require the restoration and/or mitigation for any impacts to critical areas and/or buffers in accordance with an approved CAR and/or mitigation plan. Some very minor impacts might not warrant a CAR and mitigation plan. but the critical area should still be restored to its pre-impact condition or better. Suggest adding requirement that restoration and/or mitigation activities must be initiated within XX (90) days of the date of the emergency activity. NOTE TO CITY: <i>There is not a lot of consistency between jurisdictions. Some require prior approval of emergency actions, some don't. Ecology's example code does not. some require a CAR and mitigation plan, some don't. City discretion here.</i>	Subsection 1: Allowing emergency removals without prior approval is consistent with BAS. Bunten et al, 2016. Subsection 2: This language is vague and the second statement that emergency actions “must have the least possible impact on the critical area and/or its buffer” covers the intent of the subsection. Subsection 3: Consistent with BAS but requiring a CAR and mitigation plan in all circumstances is not required by BAS. City has the option to allow more flexibility for minor impacts, or keep as is.	Proceed with revisions	7/17/18 – Revisions made
Subsection B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Remove this as an exemption and place into separate p within wetland and FWHCAs code sections. Suggest removing the requirement for existing overstory but add stipulation that such removal minimizes disturbance to the critical area and/or buffer, does not involve the use of hazardous substances, and is associated with subsequent enhancement, restoration, or ongoing maintenance activities. Also add requirement for proper removal and disposal of plant material.	Removing non-native invasive species can be beneficial, however if there is low cover of native species, recolonization by invasive species following site disturbance is likely. The model code (Bunten et. al 2016) allows but does not	Proceed with revision	7/18/18 – Revision made to this section, wetlands and FWHCAs code sections.

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			Remove vegetation management for "ongoing maintenance section".?	require revegetation with native plants. Ongoing maintenance?		
Subsection C	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS.			No revision needed
Subsection D	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	References completed projects	Remove section and replace with text from 14.05.085.2.b and 14.05.080.B: Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems that do not require construction permits, including existing platted tracts, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance also includes normal maintenance of vegetation performed in accordance with best management practices; provided, that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species	Section is outdated. Operation, maintenance and repair is typically regulated as an exemption, not an allowed activity.	Proceed with revision	7/17/18 – Revisions made
Subsection E	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not exempt maintenance of irrigation and drainage ditches used by salmonids.	Consider changing "irrigation and drainage ditches shall be exempt for those ditches used by salmonids" to "irrigation and drainage ditches, reservoirs, and ponds that do not meet the criteria for being considered a fish and wildlife habitat area".	In addition to ditches, existing reservoirs or ponds may also be completely manmade, or may be ponds that were historically manipulated which may still provide habitat for all fish, not just salmonids.	Proceed with revision	7/17/18 – Revisions made
14.05.085 Exceptions	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	N/A	Consider providing opening text to clarify intent of 'exceptions'. Example language: <i>Except as prohibited in shoreline jurisdiction under NBMC XXXX, the following are exceptions from the provisions of this chapter when applicable criteria, performance standards, and approvals are met.</i>	Exemptions vs Exceptions could be more clear for users.	Proceed with revision	7/17/18 – Revisions made

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Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Subsection 2.b.: Replace "risk" with "impacts" Subsection 2.d.: Revise to....Minor activities shall not interrupt the? Subsection 2.d.iv.: Remove. Redundant information already stated in 2d. Subsection 2.e.: Include reference for state listed noxious weeds and invasive species	"Impacts" is more consistent with BAS and language used in other code sections. Bunten et al., 2012	Proceed with revision	7/17/18 – Revisions made
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					No revision needed
Subsection C	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Remove as subsection and make 'Reasonable Use' its own section. Subsection 4. Revise to "Add any alteration to critical areas is the..." Subsection 6. Revise to "Impacts to critical areas will be mitigated to the greatest extent feasible to ensure no net loss of critical area functions and values, in accordance with an approved mitigation plan."	Reasonable Use does not fit well under "Allowed Activities" and is typically its own code section Subsection 4: Clarify that this refers specifically to any alteration to critical areas Subsection 6: Could be more clear.	Leave subsection in this section	7/19/18 – kept subsection C in and made revisions to subsection C.4 and C.6
Subsection D	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Remove as subsection and make 'Variances' its own section Subsections D.2.b, c, and f: move to Subsection D.1. Revise Subsection 2 so there are clear thresholds with criteria for reasonable use. <i>Example language:</i> The minimum reasonable use for a residence in a residentially zoned area shall be defined by the lesser of (a) forty percent of the area of the lot, or (b) two thousand five hundred fifty square feet. (1) Included in the total allowed area for a residence is (a) the area of the first floor of the residence, (b) the area of any covered or uncovered decks or patios proposed, except for the area of landings at entrances of a minimum size to meet building code requirements, (c) the area of roof overhangs greater than two feet, and (d) the area of any living space or decks on any floor other than the first floor that extend beyond the walls of the first floor unless its area is already included in (b) or (c) above, and (d) the area of any accessory structure. The area should be the same as the area covered by structures as seen in a birds-eye view of the site looking directly down, with the exceptions of not counting the roof	Variances does not fit under "Allowed Activities" and is typically its own code section Requirements of D.2.b, c, and f should be demonstrated by the applicant in the variance request D.1.	Proceed with revision	7/17/18 – Revisions made

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			overhangs of not more than two feet and of not counting the landings at entrances of a minimum size to meet building code requirements. (2) This provision does not allow wetlands or fish and wildlife habitat conservation areas or their buffers to be converted to lawn or residential landscaping.			
Subsection E	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Allows farm plans to deviate from no net loss standard and does not require BMPs.	Remove allowance for deviating from no net loss standard of function and value for wetlands, streams, and wildlife. Require that farm plans implement USDA Natural Resources Conservation Service) NRSC Field Office Technical Guide BMPs and address potential impacts to critical areas from livestock, nutrient, and farm chemicals, soil erosion, and sediment control and agricultural drainage infrastructure. Consider changing subsection to allow for 'existing and ongoing agricultural activities'	Ecology, 2016.	Proceed with revision	7/17/18 – Revisions made
Subsection F	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	N/A	Subsection F. Revise for consistency with revised code.		Proceed with revision	7/17/18 – Revision made
14.05.090 Nonconforming uses and structures (all subsections)	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Subsection A: Remove "Purpose" title but keep other text. Subsection B.3: Revise "was permitted under the CAO regulations from 1993 to 2005" to "was permitted prior to the effective date of this Title". Update referenced code sections to ensure ongoing consistency with revised code (Subsections D and E).	Subsection A: Inconsistent with other subsections. Subsection B: CTED, 2007 Subsections D and E: code consistency	Proceed with revision	7/17/18 – Revisions made
14.05.095 Administrative rules	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					No revisions needed

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14.05.100 General provisions	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	N/A	Recommend removing section altogether or making 'General Provisions' a separate chapter. If keeping, clarify that 'General Provisions' are sections 14.05.110 through 14.05.190.	This appears to be a main header section with 14.05.110 through 14.05.190 being subsections, but that is unclear due to the format of the code and inconsistency with other chapters.	Proceed with revision	7/17/18 – Revisions made
14.05.110 General approach	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	N/A	Move content to 14.05.150 and remove this section.	This information is specific to mitigation and is typically found in the mitigation section of a CAO.	Proceed with revision	7/17/18 – Revisions made
14.05.115 Buffers	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Integrate buffer information within this section into the buffer sections of the Wetlands and Streams chapters, and remove from this chapter.	Improves clarity and ease of use consistent with City staff direction	Proceed with revision	7/17/18 – Revisions made to wetlands chapter and FWHCAs chapter
Subsections A & B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Tailor these subsections to specific critical areas within their respective chapters.	CTED, 2007, and need for consolidation of buffer provisions within specific Wetland and Stream provisions.	Proceed with revision	7/17/18 – Revisions made to wetlands chapter, but not streams chapter yet.
Subsection C. Significantly Degraded Buffers	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Vague language regarding the authority of the director to allow expanded uses	Remove subsection.	Not consistent with BAS (Ecology, 2016 and personal communications with Ecology review staff.	Proceed with revision	7/17/18 – Revisions made

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Subsection D. Averaging Buffers	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS.		Proceed with revision	No revisions needed
Subsection E. Additional Buffers	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	“Additional buffers” could be presumed as separate buffer area, not increased buffer width.	Revise to title of subsection to “Increased Buffers”	Clarity.	Proceed with revision	7/17/18 – Revisions made
Subsection F – Reducing Buffers	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code allows for buffer reduction that is not consistent with BAS.	Remove subsection and provide provisions (limited allowances) for buffer reduction in critical areas specific sections.	Ecology, 2016.	Proceed with revision	7/17/18 – Revisions made
14.05.120 Building setback line (BSBL)	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None, consistent with BAS.	CTED, 2007.		No revisions needed
14.05.125 Land segregation	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Revise reference to other code sections for consistency with suggested changes.		Proceed with revision	7/18/18 – Revisions made

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14.05.130 Native growth protection easements	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		NGPE standards are consistent with BAS. For clarity and consistent interpretation across CAO, consolidate all relevant NGPE standards that are maintained within 14.09.080 (relevant to FWHCAs) and 14.11.080 (relevant to Geologically Hazardous Areas) up to this section.	CTED, 2007.	Proceed with revision	7/18/18 – Revisions made
14.05.135 Critical area tracts	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None, consistent with BAS.	CTED, 2007.		No revisions needed
14.05.140 Marking and/or fencing	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Allows for livestock watering access in wetlands and streams.	Subsection C: Revise so that permanent fencing is required around a wetland, stream, or buffer when domestic grazing animals are present or may be introduced. Subsection C: Consider clarifying that permanent fencing should be designed so it doesn't interfere with wildlife migration and should be constructed in a way that minimizes impacts to the critical area and buffer, and associated habitat.	CTED, 2007.	Proceed with revision	7/17/18 – Revisions made
14.05.145 Critical area reports/studies	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Recommend keeping general Critical Area Study requirements within this Section, and adding requirements specific to each critical area as subsections. This is consistent with approach from other jurisdictions and State guidance, and is warranted for detailing critical area report/study requirements due to combination of general guidance and resource-specific guidance that is unavoidable. Update title of section to "Critical area reports/studies criteria". Update all report criteria to ensure requirements are not repeated across referencing sections, and to ensure criteria are consistent with BAS. See recommendations below.	CTED, 2007	Proceed with revisions	7/17/18 – Revisions made
Subsection A	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None, consistent with BAS.		Proceed with revision	No revision needed

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		None, consistent with BAS.			No revision needed
Subsection C	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Section 2.a: Revise and simplify for clarity to, " A site map should display all of the following features: i. All critical areas; ii. Critical area buffers; iii. Standard and proposed widths (if different); iv. Existing and proposed easements, rights-of-way, trail corridors, and structures; v. Reference streets and property lines; vi. Proposed development; vii. Any areas to be cleared or altered; and viii. Topography of site. " Section 2.b. Revise and simplify requirements for clarity. Several items could be combined and/or clarified.		Proceed with revisions	7/17/18 – Revisions made
14.05.150 Mitigation timing	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Consolidate this section with 14.05.155. Consider removing the first two sentences from this section as it is not relevant to timing and is redundant with the following section (14.05.155.C.1).		Proceed with revisions	7/17/18 – Revisions made
14.05.155 General mitigation requirements	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	There is no allowance for the use of mitigation banks and ILF programs; federal and state agencies are now requiring the use of these mitigation programs, if and when they are available.	Recommend placing general mitigation requirements in main section and adding subsections for requirements specific to each critical area. Consider moving Section 14.05.110 here as a subsection and naming it "Mitigation Sequencing". Consider adding a section for 'Mitigation Banking' that allows for use of mitigation banks and ILF programs as form of compensatory mitigation of all wetland and fish and wildlife habitat conservation area impacts. Also consider specifying that mitigation banks or ILF programs are preferred over permittee-responsible mitigation, if alterations fall within the service area of an existing bank or ILF program	Compensatory Mitigation for Losses of Aquatic Resources. Final Rule. Federal Register 73(70): 19594-1970. BAS indicates that mitigation banks and ILF programs have a significantly greater likelihood of mitigation success, as opposed to permittee-responsible mitigation.		7/18/18 – Revisions made, needs some clean-up. 7/17/18 – Revision made 7/18/18 – Revision made
Subsection A	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS					No revisions needed

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Opportunity for improved BAS consistency <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					
Subsection B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Remove reference to rehabilitation (or change restoration/rehabilitation to re-establishment/rehabilitation)	Ecology, 2016	Proceed with revisions	7/17/18 – Revision made
Subsection C	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Rename subsection to “Compensatory Mitigation” Revise to state that compensation includes creation, restoration (or re-establishment, rehabilitation), enhancement, and preservation.		Proceed with revisions	7/17/18 – Revision made
Subsection D	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					No revisions needed
14.05.160 Best available science	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Consider adding “as defined in 14.05.200” at the end of the section sentence.	To clarify that there is a specific definition of “best available science” in this context.	Add code reference	7/17/18 – Revision made
14.05.165 Mitigation plans	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency		Revise to require areas of proposed impacts to critical areas and/or buffers be shown on mitigation plans.	CTED, 2007	Proceed with revision	7/17/18 – Revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Section is redundant with following chapters regarding critical area specific requirements for location of mitigation.	Consider removing section for clarity.		Proceed with revision	7/18/18 – Revision made
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					No revisions needed
Subsection C	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Code does not require including a description of project design avoidance and minimization measures.	Revise references to other code sections for consistency with update. Add requirement to Subsection 2, Environmental goals and objectives: A description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.	Bunten et al., 2016	Proceed with revisions	7/17/18 – Revision made
14.05.170 Monitoring						
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not establish a minimum monitoring period.	Revise to include a provision that mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but generally not for a period of less than five years. Specify required frequency of reporting. Recommend requiring annual monitoring and reporting.	Bunten et al., 2016	Proceed with revision	7/17/18 – Revision made
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency		None; consistent with BAS			No revisions needed

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections					
Subsection C	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Code section is redundant with 14.05.045.	Remove section. From NB - Section C: Monitoring Performance Bond section can be deleted as this is duplicative.		Remove section, proceed with revision	7/17/18 – Revision made
14.05.175 Contingencies/adaptive management	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS			
14.05.180 Habitat management plans	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	This section is not a general provision.	Remove this section and place requirements in Fish and Wildlife Habitat Conservation Areas chapter.	Habitat Management Plans (HMPs) are specific to Fish and Wildlife Habitat Conservation Areas	Remove section	7/17/18 – Revision made
14.05.185 Limited density transfer (on-site)	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None, consistent with BAS.			No revisions needed
14.05.190 Transfer of development rights (off-site)	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use		None, consistent with BAS.			No revisions needed

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Consistency of code sections					
14.05.200 Definitions	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Fish and Wildlife Habitat Conservation Area definition here says is not consistent with Chapter 14.09 definition. OHWM definition is incomplete.	Consider moving this section to the beginning of this chapter, after the 'Purpose' section. Cross references can be updated. <i>Fish and Wildlife Habitat Conservation Areas, subsection b.</i> Definition of Habitats of local importance is inconsistent with definition in Chapter 14.09. Revise here or in Chapter 14.09 for consistency. <i>Wetlands.</i> Revise wetlands definition for consistency with GMA definition of wetland. Replace "swales" with "irrigation and drainage ditches, grass-lined swales". <i>Impervious surface.</i> Definition could be improved for consistency with Ecology's definition in the approved Stormwater Management Manual for Western Washington. Landscaping should also not be excluded from definition. <i>Ordinary High Water Mark.</i> Revise to WAC definition and add allowance for using existing OHWM surveys. <i>Substantial Improvement.</i> Update definition per FEMA Comments / NFIP model ordinance for Washington.	More user-friendly to have definitions at beginning of critical areas regulations. Consistency of code sections. Consistency with GMA wetland definition is required. OHWM is more than a biological vegetation mark.	Proceed with revisions	7/20/18 – cross-references have not been updated yet 7/17/18 – Revision made 7/17/18 – Revision made 7/17/18 – Revision made 7/17/18 – Revision made 7/17/18 – Revision made
Wetland Critical Areas (Chapter 14.06)						
14.06.010 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		If suggested changes are made to Chapter 14.05, then this section is no longer necessary. If suggested changes are not made, then consider expanding on the purpose subsections in this chapter to highlight the importance of wetland functions and values.		Proceed with revision	7/17/18 – Revisions made
14.06.020 Designation	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not include provisions for wetland identification or reference GMA approved wetland rating methods and manual.	Revise to include a provision for wetland identification in accordance with the requirements of RCW 36.70A.175, and refer to the approved federal wetland delineation manual and applicable regional supplements.	Compliance with federal and state requirements (WAC 173-22-035)	Proceed with revision	7/19/18 – Revision made
			Revise to clarify that the Wetland Area Map is not a comprehensive map of all wetland areas in the city, and may also include areas that no longer meet the wetland definition. Also revise to note that all areas that meet the definition of "wetland" are regulated as wetlands.	Clarity regarding purpose of Wetland Area Map	Proceed with revisions	7/19/18 – Revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
			<p>Remove the following sentence: "Determination of wetland ratings will be based on the entire extent of wetlands, unrelated to property lines or ownership patterns", unless the city has reason to clarify this.</p> <p>Remove reference to Ecology Publication No. and revise wetland categories for consistency with the approved Washington State Wetland Rating System for Western Washington: 2014 Update.</p> <p>Consider adding language that describes the four categories of wetlands (general characteristics/functions in Subsections A-D in addition to points from rating scores.</p>	<p>Inconsistent with Ecology wetland rating system. Rating wetlands is based on the wetland unit, as defined by Ecology.</p> <p>Inconsistent with BAS. The updated 2014 wetland rating manual constitutes BAS for wetland rating WAC 365-190-090.</p> <p>Bunten et al., 2016</p>		<p>7/19/18 – Revision made</p> <p>7/19/18 – Revision made</p> <p>7/19/18 – Revision made</p>
14.06.030 Buffers	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Buffer widths are not consistent with BAS	<p>Remove land use intensity consideration for determining wetland buffer and consider assigning buffer widths based on habitat score as well as wetland category for consistency with Table XX-1 in Ecology's recently updated sections XX.040 and XX.050 of the Wetlands Guidance for CAO Updates: Western Washington Version, 2016.</p> <p>Integrate provisions from 14.05.115 related to buffers, including: measurement, averaging buffers, additional buffers and buffer reduction allowances (with enhancement).</p> <p>Add Wetland Impact Minimization Measures table? In Lynnwood and Edgewood CAOs</p>	<p><i>Modified from Appendix 8-C: Guidance on Buffers and Ratios for Western Washington (Ecology, 2014)</i></p> <p>Bunten et al., 2016</p> <p>Ecology, 2018</p>	Proceed with revisions	19/18 – Revisions made; recent guidance and tables added to code
Subsection F	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code is missing reference to approved Ecology wetland rating system.	Remove reference to "the wetland report" and revise to state that wetlands shall be rated according to the approved Washington State Wetland Rating System for Western Washington: 2014 Update and a field investigation.	Bunten, et al., 2016	Proceed with revision	7/19/18 – Removed subsection completely to reduce redundancy with earlier subsections
14.06.040 General performance standards	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency	Section seems out of place within chapter.	Consider integrating this section within the beginning of section 14.06.050;	Clarity.	Proceed with revision	7/19/18 – code integrated into 14.06.050.

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Or create a new section at the beginning of the chapter and rename it as 'Applicability' to improve readability and organization within chapter.			
14.06.050 Permitted alterations	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Generally consistent	Verification with City to ensure that the current list of 'permitted alterations' provides necessary flexibility for common development proposals bordering wetlands; and/or whether additional restrictions are necessary?	Bunten, et al., 2016		
Subsections A & B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Opportunity for improved consistency with BAS for ensuring avoidance, minimization, and full mitigation of permitted alterations to wetlands.	Subsection A: consider removing the term "activities" and specify that the structure or functions of the existing wetland will not change for improved consistency with BAS. Subsection B: consider adding at end of sentence that, "and that does not further alter or increase the impact to the wetland or buffer" for improved consistency with BAS.	Bunten, et al., 2016 CTED, 2007	Proceed with revision	7/19/18 – revisions made 7/19/18 – revisions made
Subsections C	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code allows for access trails within the wetland and outer 50 percent of the wetland buffer.	Review "Allowed Buffer Uses" in Bunten et al., 2016.	Bunten et al., 2016	Proceed with review	7/19/18 – revised provision to be consistent with Bunten et al., 2016
Subsections D	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code allows stormwater management facilities within the outer 50 percent of Category III and Category IV wetland standard buffers. It also does not specify the types of facilities allowed.	Review "Allowed Buffer Uses" in Bunten et al., 2016.	Bunten et al., 2016	Proceed with review	7/19/18 – revised provision to be consistent with Bunten et al., 2016
Subsections E	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency	Code allows for expansion of public roads and utilities within Category II, III, and	Review "Allowed Buffer Uses" in Bunten et al., 2016.	Bunten et al., 2016	Proceed with review	7/19/18 – revised provision to be consistent with Bunten et al., 2016

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	IV wetland standard buffers.				
Subsections F	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code allows for impacts to all Category IV wetlands.	Review "Exemptions and Allowed Uses in Wetlands" in Bunten et al., 2016.	Bunten et al., 2016	Proceed with review	7/19/18 – revised provision to be consistent with Bunten et al., 2016
14.06.060 Critical area report/study	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	First paragraph of section is redundant with other sections of code. This section could also be strengthened with additional detail for reporting requirements.	v If suggested changes are made to Chapter 14.05, then this section should be moved to Chapter 14.05.145. Remove first paragraph and review "Minimum Standards for Wetland Reports" in Bunten et al., 2016.	Clarity Redundancy; also, wildlife survey requirements pertain to the Fish and Wildlife Habitat Conservation Areas chapter. Bunten et al., 2016	Proceed with revision	7/19/18 – section revised and moved to Chapter 14.05
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Code references outdated wetland delineation manuals and unrelated RCW section.	Revise reference so it is consistent with the currently approved federal manual and supplement (Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coasts). Revise RCW reference to 36.70A.175. Also require that site map also show standard buffer widths, reduced buffer widths (if proposed), proposed buffer impact areas, all areas of proposed mitigation (not just wetland creation).	Compliance with state law. RCW 36.70A.175, WAC 173-22-035. RCW reference is likely a typo.	Proceed with revision	7/19/18 – revisions made
Subsection B	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code does not reference GMA approved wetland rating methods and manual.	Remove reference to Ecology publication number and reference approved Washington State Wetland Rating System for Western Washington, 2014 Update.	Inconsistent with BAS. The updated 2014 wetland rating manual constitutes BAS for wetland rating WAC 365-190-090	Proceed with revision	7/19/18 – revision made
14.06.070 Wetland mitigation requirements	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use		Remove statement "If a wetland alteration is allowed, then the associated impacts will be considered unavoidable."	Statement is unnecessary and not in line with the definition of unavoidable.	Proceed with revision	7/19/18 – section revised and moved to Chapter 14.05

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Subsections C	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Mitigation ratios are consistent with BAS for wetland creation as mitigation but inconsistent for restoration, which should require higher ratio.	Revise mitigation ratios for consistency with Table 8C-11 in Wetlands in WA State Vol 2 (Granger et al, 2005; modified, 2014).	Granger et al., 2005 (modified, 2014); Bunten et al., 2016	Proceed with revision	7/19/18 – revisions made
Subsections D & E	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Code exempts small Category IV wetlands from avoidance and without requiring mitigation.	Remove subsections or review "Exemptions and Allowed Uses in Wetlands" in Bunten et al., 2016. Summary of allowances provided by Bunten et al. 2016: <i>Limit exemption to isolated Category IV wetlands less than 4,000 square feet in area that also meet other requirements and other wetlands less than 1,000 square feet that meet the same requirements and do not contain federally listed species or their critical habitat. Clarify that these wetlands are exempt from the requirement to avoid impacts and may be altered, but impacts are still required to be fully mitigated based on the remaining mitigation sequencing actions. Consider removing list of what exceptions this exemption applies to.</i>	Inconsistent with BAS. Scientific literature does not support exempting wetlands based on size or category alone since small wetlands may perform important functions. However, Ecology has developed a strategy for exempting small wetlands when additional criteria are considered (Bunten et al., 2016).	Proceed with revisions	7/19/18 – subsection revised and moved to 14.06.050
14.06.080 Fee-in-lieu mitigation	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code limits ILF mitigation to Category IV wetlands, which is inconsistent with state and federal guidance.	See comments in 14.06.070, Subsection B above. Update wetland mitigation section to allow for use of fee-in-lieu mitigation and mitigation backs consistent with "Approaches to Compensatory Mitigation" in Bunten et al., 2016.	Bunten et al., 2016 Inconsistent with current federal mitigation preference - Compensatory Mitigation for Losses of Aquatic Resources. Final Rule. (Federal Register 73(70): 19594-1970)	Proceed with revision	7/19/18 – revisions made, section placed in chapter 14.05 mitigation requirements
14.06.090 Wetland mitigation bank	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Section is unclear on when the use of wetland mitigation banks is approved as compensation for impacts, and what mitigation banks can be used.	Update wetland mitigation section to allow for use of fee-in-lieu mitigation and mitigation backs consistent with "Approaches to Compensatory Mitigation" in Bunten et al., 2016.	Bunten et al., 2016.	Proceed with revision	7/19/18 – revisions made, section placed in chapter 14.05 mitigation requirements
Critical Aquifer Recharge Areas (Chapter 14.07)						
14.07.010 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS		If suggested changes are made to Chapter 14.05, then this section is no longer necessary. If suggested changes are not made, then consider	The current purpose sections in individual critical areas chapters are short with significant overlap. Could combine in one place for	Proceed with revision	7/19/18 – revisions made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		expanding on the purpose in this chapter to highlight the importance of critical aquifer recharge areas.	clarity but if expanding on the importance of each critical area, consider leaving separate purpose sections.		
14.07.020 Designation	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Definition could be more consistent with BAS.	Add to first sentence that areas with a critical recharging effect on aquifers used for potable water " <i>are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.</i> " Subsection A: Clarify that this is how they are categorized in the City of North Bend. Different jurisdictions categorize these areas differently.	This is the full definition in WAC 365-190-030(3) and better describes the need for protection of CARAs. Clarity.	Proceed with revisions	7/19/18 – revisions made
14.07.030 Prohibited uses and activities	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	List of prohibited uses does not give the Department/Director authority to prohibit other uses (other than those that are listed) that would significantly reduce aquifer recharge/water quality.	Remove Subsection C.5 and add Subsection D that states that the director may prohibit and/or require a hydrological assessment for other uses that have the potential to significantly impact CARAs.	CTED, 2007 Ecology Critical Aquifer Recharge Area Guidance, 2005.	Proceed with revisions	7/19/18 – revisions made to C.5
14.07.040 Performance Standards	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Consider adding critical areas reporting requirements specific to CARAs. Subsection E: Revise to 150 feet (providing consistency with City sewer regulations) or consider removing.	Inconsistent with 150 feet requirement in NBMC 13.20. If this is a requirement regardless of location in or adjacent to CARA, this regulation is redundant.		7/19/18 – revisions made to subsection E to 150feet
Streams (Chapter 14.08)						
General comment	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Could be revised to be more consistent with GMA and neighboring jurisdictions.	Consider integrate Chapter 14.08 into Chapter 14.09 Fish and Wildlife Habitat Conservation Areas	As long as fish and wildlife conservation areas, including streams, are protected and managed (especially habitats for salmonids), standards will be consistent with GMA. However, the Fish and Wildlife Habitat Conservation Areas regulate streams and integrating the regulations into one chapter may improve clarity.	Integrate chapters	7/19/18 – revisions made to integrate 14.08 to 14.09

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
14.08.010 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		If suggested changes are made to Chapter 14.05 and this chapter is integrated with Chapter 14.09, then this section is no longer necessary. If suggested changes are not made, then consider expanding on the purpose in this chapter to highlight the importance of streams.	The current purpose sections in individual critical areas chapters are short with significant overlap. Could combine in one place for clarity but if expanding on the importance of each critical area, consider leaving separate purpose sections.	Proceed with revisions	7/19/18 – revision made
14.08.020 Classification	<input checked="" type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code is not consistent with GMA and neighboring jurisdictions.	Revise introduction to stream types to “Streams within the city shall be classified by the following stream typing system, as defined in WAC 222-16-030”. Remove Type C stream classification. Clarify that the figure <i>is intended to be used as a guide</i> and identifies <i>approximate locations of rivers</i> and streams but that all streams shall be classified according to this system based on the characteristics observed in the field.	There is no context as to what maps will be updated and current language does not make clear that all streams should be classified according to this system. Type C streams are not consistent with WAC 222-16-030.		7/19/18 – revision made
14.08.030 Buffers	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Revise section to integrate information from 14.05.115 (buffer averaging provisions; additional buffers; buffer reduction with enhancement). Add reference to SMP for provisions regarding Type S streams to be consistent with SMP.. Consider removing references to inner and outer buffers as this is provided already within NBMC 14.05.115.F (allows for 25% buffer reduction with enhancement).	Internal consistency with NBMC 14.05.115 and clarity.		7/19/18 – revision made 7/19/18 – revision made
14.08.040 Development provisions	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency		Consider revising title of section to “Permitted alterations” to be consistent with other similar chapter sections.		Proceed with revision	7/19/18 – revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections					
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Section does not refer to mitigation sequencing requirement.	Revise to include statement that proposed alterations to streams and buffers are subject to the mitigation sequencing requirement of NBMC 14.05.150.	CTED, 2007	Proceed with revision	7/19/18 – revision made
Subsection B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	WDFW and NMFS guidance references are outdated.	Remove references to inner and outer buffers as suggested for NBMC 14.08.030. Subsection 1: Update references to WDFW <i>Water Crossing Design Guidelines</i> (2013) and/or NMFS's <i>Anadromous Salmonid Passage Facility Design</i> (NMFS, 2008). Subsections 2-4: Update subsections per suggested changes to relevant sections in NBMC 14.06.050 Subsection 5: Redundant with requirements in Chapter 14.12, remove subsection.	WDFW, 2013; NMFS, 2008 Clarity	Proceed with revisions	7/19/18 – revision made
Subsection C	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code allows for unavoidable and necessary impacts to Type Np and Ns streams.	Apply Type F stream criteria to all stream types			7/20/18 – revision not yet made
Subsection D	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use	Code is not consistent with GMA and neighboring jurisdictions.	If suggested changes are made to NBMC 14.08.020 and Type C stream typing is removed, because it is inconsistent with BAS, then this section is no longer needed.	Type C streams are not consistent with WAC 222-16-030.	Proceed with revision	7/19/18 – revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input checked="" type="checkbox"/> Consistency of code sections					
14.08.050 Stream mitigation						
Subsections A through F	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS			No revisions needed
Subsection G	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS			No revisions needed
Subsection H	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		For temporary alterations, revise to require that altered areas be restored, not just any on-site area. Consider adding conditions where restoration of other on-site areas is allowable at a 1:1 ratio if desired.	Clarity	Proceed with revisions	7/19/18 – revision made
Subsection I	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use	Unclear if this section refers to buffer alterations or stream channel alterations	Clarify if these mitigation ratios are for stream buffer alterations, stream channel impacts, or both.	Clarity, ease of use		7/20 Draft – revision not yet made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input type="checkbox"/> Consistency of code sections					
Subsection J	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS			No revisions needed
Subsection K	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Code does not allow for off-site mitigation for Type S, F, and Np streams.	Remove off-site mitigation limitation to Type Ns streams and allow for off-site mitigation of Type S, F, and Np streams.	CTED, 2007	Proceed with revisions	7/19/18 – revision made
Subsection L	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Subsection G already allows for alternate mitigation approaches.	Remove subsection	Redundant.	Remove subsection	7/19/18 – revision made
14.08.060 Mitigation plans for alteration to streams and stream buffers	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	NBMC 14.05 already covers this item.	Reference relevant section within NBMC 14.05 and remove the remainder of the sentence. From NB: duplicate monitoring reg reference	Redundant with information in 14.05.	Proceed with revision	7/19/18 – removed section since it is covered under 14.05

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Fish and Wildlife Habitat Conservation Areas (Chapter 14.09)						
General	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Code applies a general HMPs to all critical areas	Move Habitat Management Plan section in NBMC 14.05.180 to this chapter. Consider revising Subsection B to require that a HMP shall be prepared by WDFW or by a qualified biologist consistent with WDFW management recommendations. Also consider adding language that the director may require consultation with a WDFW to evaluate HMPs for complicated or controversial projects.	Ease of use. BAS does not require HMPs be prepared in consultation with WDFW, and that may be unnecessarily restrictive.	Proceed with revisions	7/19/18 – revision made, section moved to end of 14.09
General	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Integrate Chapter 14.08 Streams regulations into this chapter.	Waters of the state are already regulated as FWHCAs. Combine regulations for code consistency and consistency with other local jurisdictions.	Integrate chapters	7/19/18 – revision made, section integrated
14.09.010 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		If suggested changes are made to Chapter 14.05 and this chapter is integrated with Chapter 14.09, then this section is no longer necessary. If suggested changes are not made, then consider expanding on the purpose in this chapter to highlight the importance of fish and wildlife habitat conservation areas.	The current purpose sections in individual critical areas chapters are short with significant overlap. Could combine in one place for clarity but if expanding on the importance of each critical area, consider leaving separate purpose sections.	Proceed with revision	7/19/18 – revision made,
14.09.020 Designation						
Subsection A	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		Revise “critical species” to “sensitive species” or replace list with “species of concern.”	Consistency with WDFW regulatory language.	Proceed with revision	7/19/18 – revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
Subsection B	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS.			No revisions needed
14.09.030 Buffers	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	Streams are regulated as fish habitat (see 14.08.010 Streams Chapter Purpose), and are listed as fish and wildlife conservation areas under 14.09.020.	<p>As previously suggested, ESA recommends integrating Chapter 14.08 Streams regulations into this chapter. Move Section 14.08.030 Stream Buffers into this section and add 14.09.040 Wildlife and other habitat to this section.</p> <p>Upon integration, create separate subsections for aquatic (streams) and terrestrial (wildlife habitat) regulations: because the applicable regulations for these habitat types can vary significantly. Consolidate and refine buffer standards to streamline and improve clarity.</p> <p>Under terrestrial habitat regulations, state that appropriate buffers shall be documented in an approved HMP.</p>	Integrating the Stream buffers section with this section will help with clarity and consistency with neighboring jurisdictions.	Integrate sections; proceed with revisions	7/19/18 – revision made
14.09.040 Wildlife and other habitat	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		See suggested changes above and delete section.	Section describes buffers widths and should be in the Buffers section.	Proceed with revision	7/19/18 – revision made
14.09.050 General performance standards	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		<p>Subsection C: Consider changing “Habitat Study” to “Habitat Assessment”</p> <p>Subsection D: Requiring consultation with WDFW for any proposal within a habitat conservation area is generally not required by other Puget Sound jurisdictions. Consider revising section to encourage consultation, and/or only require in specific circumstances.</p>	Clarity; “habitat assessment” distinguishes it more from a critical area report/study and is consistent with terms used in state guidance.	Proceed with revisions	7/19/18 – revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
14.09.060 Special provisions – Salmonid	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections		None; consistent with BAS			No revisions needed
14.09.070 Special provisions -Wildlife	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	The bald eagle was removed from state listing in 2017. It is not listed under state law as threatened or endangered so WAC 232-12-292 is not applicable or enforceable.	Consider removing this section and replacing with provisions that require project proponents to certify they are in compliance with federal bald eagle guidelines as a condition of local permit approval, but this is not required.		Proceed with revision	7/19/18 – revision made
14.09.080 Native growth protection easement/critical area tract	<input type="checkbox"/> Consistent w/ BAS <input checked="" type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections	NGPEs and critical area tract information is included in 14.05.130 and 14.05.135. BAS does not support waiver of protections for Type N streams	Remove subsection and integrate necessary criteria with general NGPE section. Subsection B is inconsistent with BAS; should be removed. <i>Discussion with City – Verify whether there is desire to maintain any allowances for waived NGPE requirements adjacent to Type N streams? If so, likely challenges with BAS consistency.</i>	Content of this section is included in 14.05.130 and inconsistent with BAS.	Proceed with revision	7/19/18 – revision made
14.09.090 Critical area report						
Subsection A	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Remove.	All critical area reports should be prepared by a qualified professional with experience preparing reports for the relevant type of critical area. Add this to 14.05.145, general critical area reports/studies requirements.	Proceed with revision	7/19/18 – revision made
Subsection B	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS	A critical areas report should be required if there	Revise section for clarity and streamline.	Organization of subsections 1.2. 3 is not user friendly.	Proceed with revision	7/19/18 – revision made

Existing CAO Provision NBMC Chapter / Section	Recommendation for Update	Reason For Lack of BAS Consistency	Suggested Change	Basis for Suggested Change	Direction from City	Code Update Tracking
	<input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	are critical areas within 300 feet of the proposed project area.	Subsection 2. revise "adjacent to" to be "within 300 feet of"	CTED (2007)		
Subsection C	<input type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input checked="" type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input type="checkbox"/> Clarity / Ease of use <input checked="" type="checkbox"/> Consistency of code sections		Subsection b. Why 25% and not 15% (which is the threshold slope for landslide hazard area)	Update would improve connection across code sections.	Proceed with 15% threshold	7/19/18 – revision made to require 15% threshold
Channel Migration Zones (Chapter 14.10)						
14.10.010 Purpose	<input checked="" type="checkbox"/> Consistent w/ BAS <input type="checkbox"/> Inconsistent w/ BAS <input type="checkbox"/> Opportunity for improved BAS consistency <hr/> <input checked="" type="checkbox"/> Clarity / Ease of use <input type="checkbox"/> Consistency of code sections	Placeholder for additional discussion with City and coordination on CMZ approach between CAO and SMP.				
Floodplain Management (Chapter 14.12)						
PLACEHOLDER – Floodplain Code recently updated by City. Focused updates to be identified after additional discussion with City.						