



City of Tenino Planning Commission Critical Areas Ordinance Update

To: City of Tenino Planning Commission
From: Malissa Burgess, Contract Planner, SCJ Alliance
Date: September 9, 2026
Project: Comprehensive Plan Periodic Update
Subject: Critical Areas Ordinance Update: Status and Next Steps

Summary

The City has completed the initial review and drafting phase of the Critical Areas Ordinance (CAO) update. In December 2025, staff completed the Washington Department of Commerce Critical Areas Checklist and prepared draft revisions to Title 112, Critical Areas, with related definitions and administrative provisions in Title 100. The draft addresses the five critical-area categories required by the Growth Management Act and is intended to improve consistency with state law, best available science, and current permitting practices.

Commerce amended portions of Chapter 365-195 WAC in December 2025, effective January 23, 2026. The updated rules clarify that cities must conduct a best available science review when updating critical-area regulations, that the complexity of the review should reflect the scope of the amendments, and that the supporting scientific information must be evaluated for local applicability. Staff therefore recommends one additional reconciliation and documentation step before returning the ordinance to the Planning Commission for detailed review and a recommendation to the City Council.

Purpose of This Discussion

This meeting is intended to reorient the Planning Commission to the CAO update after completion of the broader periodic update work and to confirm the remaining steps. No final recommendation is requested at this meeting. Staff is asking the Commission to:

- Confirm its understanding of the work completed to date;
- Identify any local conditions or policy questions that should be addressed in the next draft; and
- Confirm the proposed path for completing the technical record and legislative review.

Where We Are

The following work has been completed or substantially completed:

Commerce checklist review. The City's existing regulations were evaluated against the state checklist to identify required and recommended updates.

Draft Title 112 revisions. A working draft reorganizes and updates the City's environmental review and critical-area provisions, including general requirements, critical-area reports, mitigation sequencing, reasonable use, and standards for each critical-area type.

Related Title 100 revisions. Definitions and administrative provisions were reviewed so the CAO functions consistently with the remainder of the development code.

Initial policy discussion. The Commission previously discussed habitat conservation area buffers, including fixed-width and Site Potential Tree Height approaches, and the administrative implications of each.

Before the draft is ready for the formal recommendation process, the remaining work includes:

- Updating the checklist and draft against the WAC provisions effective January 23, 2026;
- Completing and organizing the best available science record, including an explanation of local applicability;
- Obtaining targeted technical review where needed;
- Confirming consistency between Titles 100 and 112, the Comprehensive Plan, and other development regulations; and
- Completing SEPA, state agency notice, public notice, and hearing procedures before adoption.

Why the Critical Areas Ordinance Is Important

State compliance and legal defensibility. The Growth Management Act requires cities to designate and protect critical areas, include best available science in policies and development regulations, protect critical-area functions and values, and give special consideration to measures necessary to preserve or enhance anadromous fisheries. The supporting record should show what science was considered, how it applies to Tenino, and why the City selected its regulatory approach.

Public health and safety. The CAO helps ensure that development is appropriately located and designed in areas subject to flooding, erosion, landslides, seismic hazards, and other geologic hazards. It also protects groundwater used for public water supplies from contamination.

Protection of environmental functions. Wetlands, streams, riparian areas, habitat, floodplains, and groundwater systems provide flood storage, water-quality treatment, aquifer recharge, habitat, and other functions that are difficult or expensive to replace after they are lost.

Predictable permitting. Clear definitions, report requirements, exemptions, buffers, mitigation standards, and review procedures help applicants, property owners, staff, and decision-makers understand what is required at the beginning of project review.

Reasonable use of property. The ordinance should avoid and minimize impacts while retaining a reasonable-use process for situations in which strict application would otherwise deny all reasonable use of a property.

Key Topics for the Next Draft

Staff will focus the next review on whether the draft provides clear, current, and locally supportable standards for:

- Designation and protection of all five critical-area categories;
- Best available science and no net loss of critical-area functions and values;
- Wetland identification, delineation, rating, buffers, and mitigation;
- Groundwater quality and quantity within critical aquifer recharge areas;
- Frequently flooded areas and consistency with applicable floodplain requirements;
- Erosion, landslide, seismic, volcanic, and other geologically hazardous areas;
- Fish and wildlife habitat conservation areas, waters of the state, riparian protections, and anadromous fisheries; and
- Critical-area reports, qualified professionals, exemptions, allowed activities, mitigation sequencing, reasonable use, enforcement, and other administrative procedures.

Local Jurisdiction Comparison

The local comparison shows that jurisdictions are at different stages and have not converged on one riparian standard. Thurston County is conducting the most active and detailed review of new WDFW riparian recommendations. The surrounding cities generally continue to administer fixed or site-specific buffers while completing broader periodic-update work. Staff did not identify an adopted SPTH-based system in Olympia, Lacey, Tumwater, or Yelm.

Thurston County. The County's CAO update is currently before its Planning Commission, with completion planned for the end of 2026. During 2026, the Commission reviewed riparian best available science, terrestrial and prairie habitat, WDFW recommendations, and an FWHCA gap analysis. The County is evaluating fixed buffers, WDFW's riparian management zone and Site Potential Tree Height framework, and possible hybrid approaches. No final approach has been adopted. County staff also received grant funding to study SPTH implementation, but that work is not expected to be completed until 2027. The County's Habitat Conservation Plan addresses four federally listed species, while other prairie habitat and state-listed species remain subject to the CAO.

City of Olympia. Staff did not identify a separate comprehensive CAO rewrite comparable to the County's current process. Olympia has considered critical-area and habitat policies through Olympia 2045, while its existing critical-area regulations remain in effect. Olympia uses mapped and site-verified habitat areas, critical-area reports, buffers, mitigation sequencing, and project-specific conditions. Some aquatic and riparian areas are also regulated through the Shoreline Master Program. Staff did not identify an adopted SPTH-based buffer system.

City of Lacey. Lacey continues to administer LMC Chapter 14.33. Its approach relies on designated habitat areas, habitat assessments or reports, buffers where needed to protect habitat, mitigation, and approval criteria tied to habitat functions and site conditions. Staff did not identify an adopted citywide SPTH formula or a current standalone CAO rewrite.

City of Tumwater. Tumwater continues to use existing critical-area mapping and site investigation, habitat reports or management plans, protective buffers, and mitigation. Federally protected prairie species may also require federal review or coverage through applicable habitat-conservation mechanisms. Staff did not identify a separate 2026 CAO rewrite or an adopted SPTH-based buffer system.

City of Yelm. Yelm has addressed critical-area provisions through its recent periodic-update materials. Its approach uses stream classifications, fixed buffers, critical-area reports, protections for listed and priority species,

WDFW recommendations, and mitigation requirements. Staff did not identify an adopted SPTH-based buffer system; final ordinance citations should be confirmed before relying on Yelm as a direct code model.

Implications for Tenino

Tenino is not outside the local norm by retaining fixed stream buffers. The regional trend is toward a stronger BAS record, current stream typing, explicit consultation of WDFW Priority Habitats and Species information, and clearer protection of riparian functions. Thurston County's ongoing work also shows that SPTH implementation remains an active policy and administrative question rather than a settled local standard.

A locally supportable approach for the next Tenino draft could:

- Retain fixed stream buffers for predictability while documenting how the selected widths protect identified riparian functions;
- Use the current state stream-typing system and field verification where mapped information is incomplete;
- Account for the channel migration zone, where present, when establishing the protected riparian area;
- Authorize increased protection when spth, habitat conditions, stream temperature, slope, erosion, or other site-specific information demonstrates that the standard buffer is inadequate;
- Require a qualified professional to address current wdfw recommendations when a proposal may affect priority habitat or species; and
- Apply mitigation sequencing and require no net loss of critical-area functions and values.

This approach would not adopt WDFW's full SPTH recommendation. If Tenino selects different standards, the BAS record should explain the science considered, local conditions, administrative considerations, and the measures relied upon to protect functions and values.

Recommended Next Steps

- Staff reconciles the December 2025 checklist and draft with the rules effective January 23, 2026.
- Staff completes the best available science record and obtains targeted technical review where necessary.
- Staff returns to the Planning Commission with a revised draft, a summary of substantive changes, and any policy questions requiring direction.
- The City completes required SEPA, state agency, public notice, hearing, and adoption procedures.