

Tenino Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

Prepared By	Jurisdiction	Date
Rachel Granrath, SCJ Alliance	City of Tenino Consultant	1 st submittal 10/5/2020 2 nd submittal 12/8/2020 comments in red below

Row	Summary of change	Review	Action	ECY Comments 10/2020
2019				
a.	OFM adjusted the cost threshold for building freshwater docks	3.5 Shoreline Exemptions (H) Exemptions listed – (8) contains outdated language/costs 9.0 Definitions – (139) Substantial Development contains outdated language/costs	Removed due to docks per ecology comment	Boating facilities are prohibited in the SMP making this exemption not applicable to the Tenino SMP. It is discretionary as to whether the city would like to retain any of this language, but since it does not apply I recommend removing the entire exemptions regarding docks.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable	No action needed	n/a
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Not applicable – the City has no saltwater shorelines, and the SMP does not contain a full list of fish habitat enhancement projects	No action needed	n/a
2017				
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	3.5 Shoreline Exemptions (H) Exemptions listed – (1) contains outdated cost threshold 9.0 Definitions – (139) Substantial Development	Updated both instances to reflect new cost threshold <i>NOTE: Update City permit application forms to reflect this change if not already updated</i>	okay

Row	Summary of change	Review	Action	ECY Comments 10/2020
		contains outdated cost threshold		
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	9.0 Definitions – (34) Development does not include this clarification	Amended definition to include Ecology example language	okay
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Not addressed	Amended Chapter 3 Shoreline Permits to include Ecology example language (inserted new Section 3.7)	okay
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Permit filing procedures not described in SMP	No action needed Referenced City Code Sections relating to Process Chapter 100.40 and Critical Areas Title 112	Not including procedures to file permits with Ecology is a gap in the SMP that should be filled. Language was added to chapter 3 to identify the process, but more detail about city permit procedures and state permit procedures should be augmented for transparency.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	7.6 Forest Practices – indicates that resource areas for forest practices are designated outside City boundaries, prohibited along Scatter Creek within Tenino boundaries	No action needed	okay
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable – no lands with exclusive federal jurisdiction in City limits	No action needed	okay

Row	Summary of change	Review	Action	ECY Comments 10/2020
g.	Ecology clarified “default” provisions for nonconforming uses and development .	9.0 Definitions – (82), (83), and (84) provide separate definitions for nonconforming uses, structures, and lots Chapter 4 Nonconforming Development addresses nonconforming uses, structures, and lots with some outdated language	Chapter 4 reorganized to provide separate sections for nonconforming uses, structures, and lots; language updated to comply with updated Ecology rule	okay
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Not applicable – no description of periodic review included in SMP; no further clarification needed	No action needed	okay
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	1.11 Amendments – indicates SMP amendments shall be processed per WAC 173-26 (which includes the new optional SMP process rule)	No action needed	okay
j.	Submittal to Ecology of proposed SMP amendments.	Not applicable – SMP submittal process not described in SMP	No action needed	okay
2016				
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Not addressed	3.5 Shoreline Exemptions (H) Exemptions listed – amended to include Ecology example language	okay
b.	Ecology updated wetlands critical areas guidance including	Wetlands critical areas guidance from Tenino’s CAO is adopted by reference in SMP	TMC 100.40 relating to process, and Critical Areas Title 112, and Natural	REQUIRED CHANGE: 6.2.3 will need to be augmented to exclude this section of the CAO

Row	Summary of change	Review	Action	ECY Comments 10/2020
	implementation guidance for the 2014 wetlands rating system.	section 6.2(B)(2)(b) and 6.2(B)(2)(c) – the referenced CAO text applies the 2004 wetlands rating system	Resource lands 108.30.160 are referenced in the SMP – code was updated in 2017 and reflects 2014 wetland rating system	and adopt the new rating system for use in shoreline jurisdiction.
2015				
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Not addressed	Amended Chapter 3 Shoreline Permits to include Ecology example language (inserted new Section 3.6)	okay
2014				
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable – the City has no floating on-water residences	No action needed	okay
2012				
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	SMP appeal procedures are described in 6.2(B)(3)(c) with outdated information	Updated language for consistency with RCW 90.58.190 <i>Updated procedures per current TMC Sections</i>	This doesn't make sense. SMP appeal procedures are not found in the Critical areas section found in 6.2(B)(3)(c). Please update response.
2011				
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Wetland delineation is properly addressed/defined in 6.2(B)(3)(h)	No action needed	okay
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable – the City has no saltwater shorelines	No action needed	okay

Row	Summary of change	Review	Action	ECY Comments 10/2020
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable – the City has no floating homes	No action needed	okay
d.	The Legislature authorizing a new option to classify existing structures as conforming.	Nonconforming structures are addressed in Chapter 4 Nonconforming Development	No action needed	okay
2010				
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Not applicable – effective date is correctly defined in Section 1.12	No action needed	okay
2009				
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	Relief for shoreline restoration projects is not addressed in SMP	Amended Section 3.1 General Provisions to adopt Ecology rule by reference	okay
b.	Ecology adopted a rule for certifying wetland mitigation banks.	Wetland mitigation banking is not addressed in SMP – but is allowed in Tenino’s CAO TMC Title 112 which is adopted by reference in the SMP, 6.2(B)(2)(c)	No action needed Correct TMC Sections are now referenced	REQUIRED CHANGE: TMC 18D was repealed and replaced in 2012. Citations need to be corrected in this section.
c.	The Legislature added moratoria authority and procedures to the SMA.	Not addressed; per Ecology guidance: “The moratoria procedures may be included in an SMP but it is not necessary – local governments can simply rely on the statute or	No action needed; moratoria authority language can be included if the City wishes, but is optional (see Ecology guidance)	okay

Row	Summary of change	Review	Action	ECY Comments 10/2020
		adopt these provisions into other ordinances.”		
2007				
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	9.0 Definitions – (51)	Revised to utilize FEMA definition only	REQUIRED CHANGE: The city must identify which definition applies in shoreline jurisdiction. I believe it is the FEMA definition.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	2.3 Shorelines within the City of Tenino and its Urban Growth Area includes list of shorelines Figure 1 Tenino Shoreline Environment Designations contains a map of shorelines	No action needed	okay
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	3.5 Shoreline Exemptions (H) Exemptions listed – fish habitat enhancement projects are not included in the list of exemptions	Amended 3.5(H) to include Ecology example language	okay

Additional amendments

Upon discussion with the City, Planning Commission, Stakeholders and Agencies, Tenino is proposing the following additional amendments. The primary purpose of these amendments are to allow for Economic Development relative to Scatter Creek such as trails, breweries, and ecotourism uses.

SMP Section	Summary of change	Discussion	ECY Comments
5.2 Economic Development Goals	Added Goal 5 and amended Goal 2	Amended to add goal language to support commercial development	okay
7.0 Use and Activities Policies and Regulations	Table 7.0 has been amended to allow Commercial uses and activities in the Urban Conservancy Shoreline Environment Designation	Amended to Permitted Use only beyond 150 feet of ordinary high watermark Revised for consistency with WAC 173-26-241(3)(d).	REQUIRED CHANGE: The city must augment this checklist with the commercial use and development section of the comprehensive update checklist to demonstrate consistency with the Rule found in WAC 173-26-241(3)(d).
Table 7.1 Regulations by Shoreline Environment Designation	Table 7.1 amended to allow Regulations to development un Urban Conservancy related to commercial development	Proposed Building Height up to 35' and Maximum impervious surface at 40%	
7.5 Commercial Development	Remove incompatible designation for commercial development and relate to Shoreline Commercial	City will need to amend its Zoning Code and Comprehensive Plan to designate Shoreline Commercial Zone as well as set up development standards associated with a new zone designation Ok based on conversation with city/ecology on 11/14/2020	This is problematic. What is the timeline for this amendment to the comprehensive plan and zoning code?
	Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d).		
	Water-enjoyment and water-related commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to		

SMP Section	Summary of change	Discussion	ECY Comments
	existing navigation, recreation, and public access. WAC 173-26-241(3)(d).		
	New non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d).		
	Non-water-dependent commercial uses over water prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d).		