ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE AMENDMENTS TO THE CITY OF TENINO
SHORELINE MASTER PROGRAM

SMP Submittal Accepted February 16 2012, Resolution No. 2011-26 and
Prepared by Tim Gates on May 11, 2012

Brief Description of Proposed Amendments:

The City of Tenino (City) is proposing a comprehensive update of their Shoreline Master Program (SMP) to meet the 2003 Shoreline Guidelines (WAC 173-26). This update includes changes to existing shoreline environment designation maps, allowed uses, policies and regulations. The City has elected to regulate only the minimum shoreline jurisdiction on the Scatter Creek, rather than the entire 100-year floodplain. The City is adopting its Critical Areas Ordinance by reference as part of the updated SMP.

FINDINGS OF FACT

Need for Amendment: The City last updated their SMP in 1990 as part of the Thurston Regional Shoreline Master Program. The proposed amendment is needed to bring the City’s shoreline master program into compliance with the 2003 Shoreline Guidelines and to meet its statutory deadline. This update also addresses the need for updated shoreline policies and regulations that are consistent with the City’s Comprehensive Plan, zoning, critical areas and other applicable ordinances.

SMP Provisions To Be Changed By The Amendment As Proposed:

This is a comprehensive update to the SMP, designed to satisfy SMP Guidelines requirements and replace the existing SMP in its entirety. The City has opted to reduce shoreline jurisdiction from the entire 100-year floodplain to the minimum area, as authorized by RCW 90.58.030. This removes about 1.3 acres from shoreline jurisdiction. There are only 11 existing structures located within city shoreline jurisdiction and Urban Growth Area. The zoning is Residential. Critical Area and floodplain regulations will limit future development within 150 feet from the river. The existing shoreline environment designation is “Conservancy.” The updated SMP simply changes the name to “Urban Conservancy.” Scatter Creek has no public access or water-dependent uses other than bridge crossings. Five sites for potential future restoration or public access were identified and evaluated in the Shoreline Restoration Plan.

Amendment History, Review Process: The City initiated the proposed SMP amendment in July 2009 with able technical assistance from Thurston Regional Planning Council (TRPC), and financial assistance from an Ecology grant. The record shows that planning commission meetings were held regularly starting November 2009. The following techniques were used to ensure the community had an opportunity to participate in the SMP Update: posting on the TRPC website, public notices for public hearings, mailing lists, and distribution of Draft documents to interested parties. TRPC posted all materials that were

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1 RCW 90.58.080
provided to the Tenino Planning Commission and City Council. The website solicited individuals to sign up for a mailing list. Copies of draft reports were provided to Ecology and other interested parties for comment and review. A comment letter on the inventory was provided by the WA Department of Fish and Wildlife and staff met with the Heernett Foundation. Input from both organizations was incorporated into the final reports.

A public hearing before the Planning Commission was held October 19, 2011. The affidavit of publication provided by the City indicates notice of the hearing was published on October 5, 2011 in the Tenino Independent. The City’s record indicates final Council action was taken on December 13, 2011.

With passage of Resolution No. 2011-26, on December 13, 2011, the City authorized TRPC staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendment was received by Ecology for state review and verified as complete on March 7, 2012. Notice of the state comment period was distributed to state interested parties, and interested parties identified by the City, on March 29, 2012 in compliance with the requirements of WAC 173-26-120. The state comment period began on April 9, 2012 and continued through May 10, 2012. No individuals or organizations submitted comments on the proposed amendment.

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

**Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance for the proposed SMP amendments on October 4, 2011; notice of the SEPA determination was published in the Tenino Independent newspaper on October 4, 2012. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- Public participation plan (April 2010)
- Preliminary jurisdiction Report (April 2010)
- Shoreline inventory and characterization (June 2011)
- Cumulative impacts analysis (August 2011)
- Restoration plan (August 2011)

**Summary of Issues Raised During The Public Review Process:** The City’s SMP amendment drafting/public review process was not contentious. The SMP significantly streamlines the regulatory environment, because as opposed to the Regional SMP, this plan is tailored for the
City. Reducing the jurisdiction to the minimum as authorized by statute limits the regulated area by a little over one acre.

**Summary of Issues Identified by Ecology as Relevant To Its Decision:**
Ecology provided suggested changes prior to local adoption, and all comments have been addressed satisfactorily, as documented in the City’s Responsiveness Summary (October 2011).

**CONCLUSIONS OF LAW**
After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s SMP proposal is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new master program amendments (WAC 173-26-201(2)(c)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

Ecology concludes that the City has chosen to exercise its option pursuant to RCW 90.58.030(2) to define shoreline jurisdiction as the minimum area authorized.

**DECISION AND EFFECTIVE DATE**
Based on the preceding, Ecology has determined the proposed comprehensive amendment is consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules. Ecology approval of the proposed amendment is effective fourteen (14) days from the date of the Department of Ecology's written notice of final approval.