CITY OF
SUMNER
WASHINGTON

Shoreline Master Program

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And the citizens of Sumner who provided their input to the process by attending Planning Commission and City Council meetings and providing their comments on the draft SMP.

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READER OVERVIEW

Origins of Shoreline Management in Washington State

The Shoreline Management Act (SMA) was proposed by the legislature in response to a citizen's initiative, and ratified by Washington voters in 1972. The SMA was intended to protect and restore the valuable natural resources that the state's shorelines represent. In addition, the SMA was developed to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location, or which will offer opportunities for the public to enjoy the state shorelines. In 2003, the Washington State Legislature passed Substitute Senate Bill (SSB) 6012, which established timelines for all cities and counties to amend their local SMPs consistent with the Shoreline Management Act (SMA), Revised Code of Washington (RCW) 90.58 and its updated implementing guidelines, Washington Administrative Code (WAC) 173-26. The WAC 173-26 is commonly referred to as the 2003 shoreline guidelines.

The SMA applies to 39 counties and more than 200 cities that have "shorelines of the state" within their jurisdictional boundaries. In addition, shorelines exceeding a certain size are designated as shorelines of "statewide significance." Both the Puyallup and the White (Stuck) Rivers and Lake Tapps in Sumner are designated as shorelines of statewide significance.

Basic Provisions of the SMA

There are three basic goals of the Shoreline Management Act: 1) accommodate reasonable and appropriate shoreline use; 2) protect environmental resources; and 3) encourage public access.

Shoreline Use: The SMA establishes the concept of "preferred uses" of shoreline areas. "Preferred" uses include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide public access opportunities. Preferred uses on shorelines of statewide significance are defined in particular order of priority, as discussed in Chapter 3.

Environmental Protection: The SMA is intended to protect shoreline natural resources, including "the land and its vegetation and wildlife, and the water of the state and their aquatic life" against adverse impacts. All permitted uses are required to mitigate adverse environmental impacts to the maximum extent feasible and preserve the natural character and aesthetics of the shoreline.

Public Trust: Master programs must include a public access element making provisions for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities. The SMA also implements the Public Trust Doctrine which states that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses, and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of bedlands and other shorelands to protect the public's right to use waters of the state. The Public Trust Doctrine does **not** allow the public to trespass over privately owned uplands to

access the state's bedlands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

The Shoreline Master Program

Local governments are required to prepare a program for managing shoreline development. This Shoreline Master Program (SMP) is the product of that effort in Sumner. The development of the City's SMP, and the specific goals, policies and regulations of that Master Program are contained in the following chapters.

Who is Affected by the Shoreline Master Program? The SMP regulates "development" in the "shoreline jurisdiction." Briefly stated, the "shoreline jurisdiction" is the area extending two hundred (200) feet landward from the edge of the Puyallup River, White (Stuck) River and Lake Tapps. "Development" is defined broadly and includes not only those activities that most people recognize as "development" (for example, improving a road surface, building a structure), but also those activities that citizens may do around their own home (for example, grading an area of riverfront to enhance their personal view of the river).

Not all development along the shoreline must have a permit; however, **ALL** development must comply with the policies and regulations established by the state Shoreline Management Act as expressed in the Sumner SMP. **Any person within two hundred (200) feet of the river or lake considering some type of "development," should consult the City of Sumner Community Development Department to determine**: 1) if the property is indeed within the shoreline jurisdiction; 2) if the Shoreline Master Program applies to the development or use proposed; 3) if a shoreline Substantial Development Permit, Conditional Use, Variance, or other permit is needed; and 4) how to work with the City to submit and process a permit request.

Are there Compensation and Property Tax Relief Opportunities for Properties Affected by the Shoreline Master Program? Property owners whose land is regulated by the Shoreline Master Program may wish to investigate whether or not they are eligible for a reduction in their property taxes. Several tax-relief programs are available though Pierce County, including the Open Space-Public Benefit Rating System (PBRS) program. The program, authorized by RCW 84.34 and adopted by Pierce County, is based on the Current Use Open Space Taxation Act. That Act states that it is in the best interest of the State to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber, and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens. Upon removal of classification, an additional tax, interest, and penalty shall be due.

The Current Use - Open Space Taxation Act provides for three classifications:

- Open Space Land - Land retained in its natural state. Land that would enhance, protect, or preserve natural areas, for example, parks, sanctuaries, historic sites, scenic resources, streams, wetlands.
- Farm and Agricultural Land - Land primarily devoted to the production of livestockor agricultural commodities for commercial purposes.
- Timber Land - Land in any contiguous ownership of five acres or more, which is primarily devoted to the growth and harvest of timber for commercial purposes.

The program ranks various open space features and the ecological value of the resources present and uses a formula to determine the property tax reduction for which the owner may be eligible.

Additional information on Pierce County's tax programs is available on the County's website at http://www.co.pierce.wa.us/pc/abtus/ourorg/at/content.htm or by calling the Pierce County Assessor-Treasurer at (253) 798-7137. Applications for the Open Space-Public Benefit Rating System-Tax Program are available online or by contacting the Pierce County Planning and Land Services at (253)798-2783. Other tax exemption and deferral programs available include *Damaged or Destroyed Property Exemption*, *Historic Property, Home Improvement Exemption, Non-Profit Exemptions, Property Tax Deferrals, Senior Citizen & Disabled Property Tax Deferral or Exemption, and Three Year Property Tax Exemptions.*

Developers seeking to develop land encumbered by critical areas (e.g., wetlands, streams, steep slopes) are encouraged to consider use of the City's clustering provisions (see *Chapter 6: General Shoreline Policies and Regulations, Section 6.1.10*) which allow for slightly increased densities if the development can be clustered on the site, thereby offering greater protection for the critical areas present.

What Agencies Participate in Review of Development Along the Shoreline? There are many local, state, and federal agencies that play a role in the management of the City of Sumner's shorelines. Various local plans and regulations affect development in the shoreline area, including the City's comprehensive plan, the zoning code, the subdivision code, critical area regulations, storm water regulations, and so forth. The SMP works alongside state agencies mandated with the responsibility to protect state resources such as the state Departments of Ecology, Natural Resources, and Fish and Wildlife. The City is also subject to federal regulations such as those pertaining to agriculture, emergency management, floodplain management, and the maintenance and protection of navigable waterways. The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service both have an interest in protection of fish species in local waterways from the federal perspective. Development within the waters may require permits from the U.S. Army Corps of Engineers or Coast Guard.

CHAPTER 1 INTRODUCTION

Legislative Findings of the Washington Shoreline Management Act

According to the Revised Code of Washington (RCW) 90.58.020, the Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of the state's natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that inappropriate development on privately or publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state which, at the same time, shall be consistent with public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner that, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities.

Requirements of the Shoreline Management Act

In order to protect the public interest in the preservation of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1) Development of a Public Participation Plan. The Shoreline Management Act (SMA) and Ecology Guidelines (RCW 90.58.130 and WAC 173-26-090 and 100) require that local governments inform the people of the state about the planning process and invite and encourage participation by all who have any interest or responsibility related to shorelines. The purpose of the Public Participation Plan is to provide a guide on proactively encouraging public participation throughout the SMP update process.
2) Development of an Inventory and Characterization Report. The report documents current shoreline conditions of the natural and built environment and provides a basis for updating the City's SMP goals, policies, and regulations. This report establishes a baseline of conditions,

evaluates functions and values of resources in its shoreline jurisdiction, and explores opportunities for protection and restoration of ecological functions.

3) Development of a Shoreline Restoration Plan. The City must identify and plan for ways to restore or enhance impaired functions and processes that have been documented in the inventory and characterization report. The restoration plan establishes goals and policies, programmatic and site-specific restoration opportunities, and potential partnerships and funding mechanisms for implementing voluntary restoration actions.

4) Preparation of a Shoreline Master Program (SMP). The Master Program establishes goals, policies and regulations to guide future development along the city's shorelines. Regulations are developed for various types of shoreline development, including the following: agriculture, aquaculture, forest management, commercial development, marinas, mining, outdoor advertising and signs, residential development, utilities, ports and water related industries, bulkheads, breakwaters, jetties and groins, landfills, solid waste disposal, dredging, shoreline protection, road and railroad design, piers, and recreation. The Master Program establishes shoreline environment designations to provide a uniform basis for applying policies and regulations within distinctly different shoreline areas. Administrative process for shoreline permits is also included in the Master Program.

5) Development of Cumulative Impact Analysis and No Net Loss reports. Ecology's Guidelines direct jurisdictions to consider cumulative impacts from the SMP of "reasonably foreseeable future development" on shoreline functions. The reports considered existing conditions, demand for future shoreline use and development, and beneficial effects of established and proposed policies and regulations on shoreline ecological functions. The SMP must meet the test of "no net loss" of shoreline functions and processes to ensure compliance with Ecology's Guidelines.

Local governments have the prime responsibility for developing the planning program and administering the regulatory requirements. The City of Sumner must develop a Shoreline Master Program that is consistent with the guidance and intent provided in the Shoreline Management Act and Ecology's Guidelines. The role of the Department of Ecology is to provide support, review and approval of the Shoreline Master Program and subsequent shoreline permit requests.

Purposes of the Shoreline Master Program

The Shoreline Management Act defines a Master Program as a "comprehensive use plan for a described area." The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses rather than trying to maximize development potential.

The purposes of the Sumner Master Program are:

1) To carry out the responsibilities imposed on the City of Sumner by the Washington State Shoreline Management Act (RCW 90.58) and its implementing guidelines (WAC 173-26).

2) To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of the shoreline resources of the City of Sumner.

3) To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both described in this document.

History of the Sumner Shoreline Master Program

The City of Sumner's Shoreline Master Program (SMP) was originally adopted in 1973 and included extensive public involvement at that time. The SMP then underwent a comprehensive update in 1990 followed by public input. The City then suspended adoption of the proposed 1991 Shoreline Master Program until the State's revisions of the shoreline guidelines, underway at that time, were complete, in order to ensure that their draft would conform to the revised guidelines. That 1991 draft provided the foundation for the 2002 update of the Sumner Shoreline Master Program. The program was updated in 2002 to meet the new state guidelines adopted in 2003 as described below.

2002 Shoreline Master Program Update

After a long period of development, in November 2000, the State Department of Ecology adopted new Shoreline Master Program guidelines. The new guidelines incorporated updated "best available science" into the recommended policy and regulatory framework. The new guidelines also provided jurisdictions with the opportunity to pursue one of two "paths." One path (Path A) required a general level of shoreline inventory information, and similar general policies and regulations. The second path (Path B) required jurisdictions to provide a more detailed inventory of shoreline conditions, as well as more specific policy and regulatory language addressing protection and restoration of the shoreline. The two-path option was intended to offer jurisdictions, through adoption of a "Path B" Shoreline Master Program, the opportunity to seek protection from "takings" allegations resulting from recent listings of salmon under the Endangered Species Act.

The City of Sumner decided to pursue the higher level of legal protection offered under the Path B option and began an update of its 1973 Shoreline Master Program in early 2001. The City developed its shoreline inventory and Master Program goals and policies consistent with the Path B option. That inventory was well underway by the time the appeal of the adopted guidelines was resolved and the new guidelines were declared invalid in August 2001. Although at the time of the Master Program's final review (fall 2002) there were still no adopted shoreline management guidelines, the City completed its Shoreline Master Program consistent with the Shoreline Management Act.

The City notified residents living within the shoreline jurisdiction of the Shoreline Master Program update process and invited them to attend Planning Commission meetings and provide comment. The City's project mailing list grew beyond just those living within the shoreline area to include the names of persons who have signed the attendance sheet at Planning Commission meetings, or had otherwise notified the City of their desire to remain informed. The City has information on its website regularly, as well as Planning Commission agendas and meeting minutes. A public hearing on the draft SMP was held on September 5, 2002. After completing final revisions to the draft Master Program, on November 7, 2002, the Planning Commission voted to recommend approval to the Sumner City Council.

The City Council reviewed the Planning Commission's draft Master Program and held another public hearing on January 21, 2003. Following the hearing, the Council made final changes per discussions and agreements with the U.S. Army Corp of Engineers, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service on the conditions of a permit for the North Sumner Interchange. The City Council passed Resolution No. 1079 with intent to adopt the Shoreline Master Program. Following their approval, the Master Program was forwarded to the Department of

Ecology for their final review and comment. The Department of Ecology approved the Shoreline Master Program on February 9, 2004 and the City Council adopted it on May 17, 2004.

2012 Shoreline Master Program Update

In 2003 the Department of Ecology issued state shoreline guidelines (WAC 173-26), and the state legislature provided funding assistance in the form of grants to local government. The legislature established a timeframe for all jurisdictions with shorelines of the state to update or develop SMPs.

In 2009, the City of Sumner initiated a comprehensive update of its 2004 SMP. The City's first step was to update the shoreline inventory and characterization report and map folio prepared in 2002 to be consistent with the current state shoreline guidelines. The inventory and characterization describes current shoreline conditions and provides a basis for updating the City's SMP goals, policies, and regulations.

The City also prepared a shoreline restoration plan in 2011. The Restoration Plan identifies both programmatic and site specific opportunities for restoring shoreline ecological functions that have been impaired or altered because of past development activities.

The shoreline master program has been revised to be consistent with the current state shoreline guidelines. Major changes from the 2004 SMP include the following:

1) Replacing standards to protect and mitigate impacts to properly functioning conditions for threatened and endangered species under the Endangered Species Act with maintaining no net loss of shoreline ecological functions and processes.
2) Establishing shoreline environment designations for areas not designated under the 2004 SMP (Lake Tapps, area north of Stewart Road on White River and area south of city limits on Puyallup River). Riparian management zone standards were established for each of these newly designated areas.
3) Revising shoreline stabilization standards by requiring a geotechnical report that assesses a property's rate of erosion prior to allowing installation of new structural shoreline armoring. Hard structural armoring cannot be replaced or newly constructed unless non-structural or soft-structural armoring is proven to be infeasible.
4) Requiring non-water oriented industrial and commercial developments to provide public access and ecological restoration.

Similar to the 2002 SMP Update process, the City notified residents living within the shoreline jurisdiction of the update process, invited residents to attend Planning Commission meetings and provide comment, and regularly posted Planning Commission agendas and meeting minutes to the City's website. A public hearing on the draft SMP was held on May 10, 2012 and the Planning Commission voted to recommend approval to the Sumner City Council.

The City Council reviewed the Planning Commission's draft Master Program and held another public hearing on July 16, 2012. The City Council passed Resolution No. XXXX with intent to adopt the Shoreline Master Program. Following their approval, the Master Program was forwarded to the Department of Ecology for their final review and comment. The Department of Ecology approved the Shoreline Master Program on XXXX and the City Council adopted it on XXXX.

2019/2020 Shoreline Master Program Update

In 2018 the Department of Ecology issued state shoreline guidelines (WAC 173-26), and the state legislature provided funding assistance in the form of grants to local government. The legislature established a timeframe for all jurisdictions with shorelines of the state to perform a periodic review.

The scope of Sumner's SMP periodic review intended to create consistency with any changes to Sumner's Town Center Plan and critical areas regulations, and the following items to stay consistent with changes to agency language, these include:

1. Adjusting the monetary threshold for shoreline permits to stay consistent with the Office of Financial Management (OFM).
2. Clarifying that demolition is not considered development and doesn't trigger a shoreline permit.
3. Clarifications to permit filing procedures.
4. Exempt ADA retrofitting of existing buildings from shoreline permits.
5. Include a relief procedure process for properties affected by shoreline restoration projects resulting in shifts to ordinary high water mark and shoreline jurisdiction.
6. Amending exemptions and exceptions to stay consistent with RCW 77.55.181 and WAC 173-27-044, including fish habitat enhancement, hazardous clean up actions, boatyard improvements and certain WSDOT maintenance and safety projects.

Similar to previous update processes, the City notified residents living within the shoreline jurisdiction of the update process, invited residents to attend Planning Commission meetings and provide comment, and regularly posted Planning Commission agendas and meeting minutes to the City's website. A public hearing on the draft SMP was held on May 2, 2019 and the Planning Commission voted to recommend approval to the Sumner City Council.

The City Council reviewed the Planning Commission's draft Master Program and voted to approve the draft Shoreline Master Program amendment. The City Council passed Ordinance No. 2692 on June 17, 2019 with intent to adopt the Shoreline Master Program. Following their approval, the Master Program was forwarded to the Department of Ecology for their final review and comment. The Department of Ecology conditionally approved the Shoreline Master Program on March 5,2020. The City Council passed Ordinance No. 2732 on June 15, 2020 accepting the conditional items recommended and required by Ecology. Final approval was received June 25, 2020.

Sumner Setting

Sumner is located in Pierce County, approximately 12 miles east of Tacoma and 34 miles south of Seattle at the confluence of the Puyallup and White (Stuck) Rivers. Lake Tapps is located within the City's urban growth area (UGA). Both rivers and Lake Tapps are designated as shorelines of statewide significance and are the only shorelines that are addressed in this Master Program.

The Master Program addresses both shorelines within the current city limits of Sumner as well as shorelines within Pierce County that are in the city of Sumner's existing UGA and the proposed UGA. The proposed UGA is considered an area of special interest which must be approved by Pierce County. The Master Program shall apply to shorelines that are officially within the city limits of Sumner. Areas currently in the City's UGA and the proposed UGA are regulated by the Pierce County SMP. Once those areas are annexed into the City this Master Program shall be in effect (see Map 2-1).

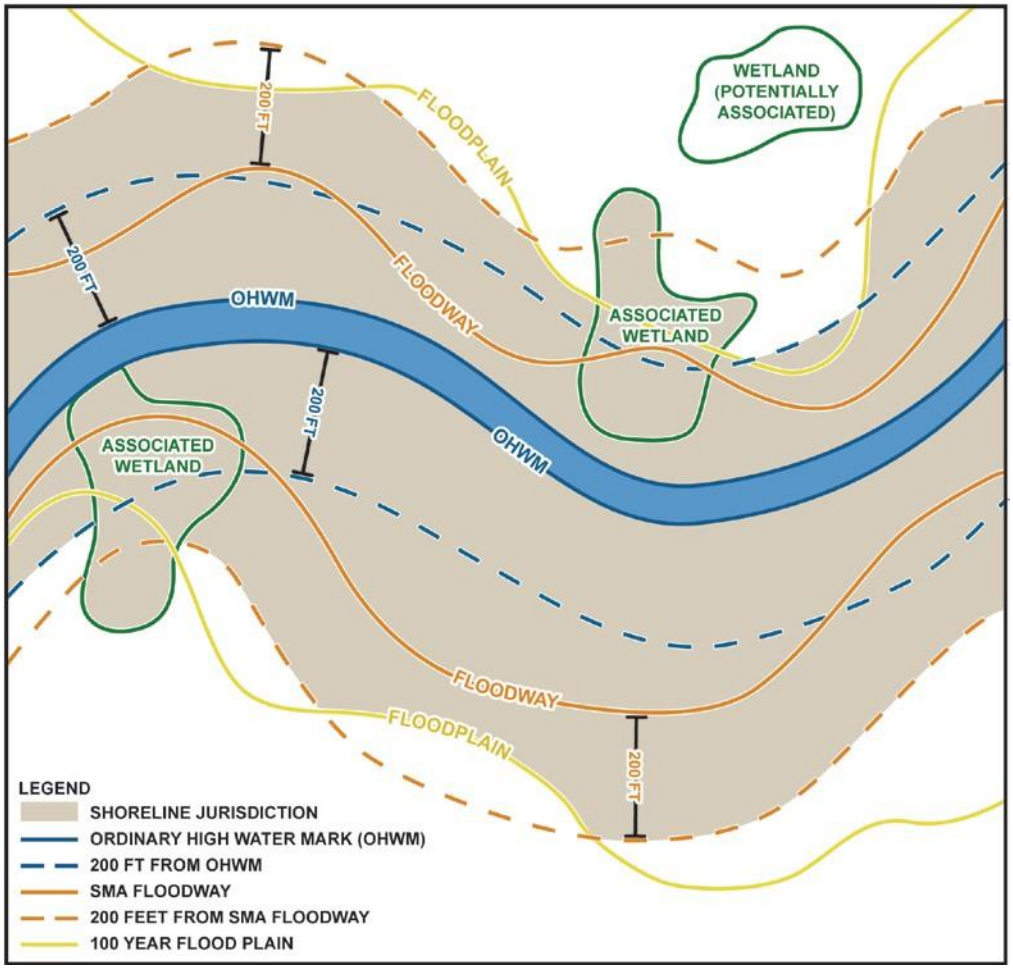
Sumner Shoreline Jurisdiction

Under the SMA, the shoreline jurisdiction includes water bodies that have been designated as *shorelines of statewide significance* or *shorelines of the state* and their associated *shorelands*. Shorelands means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with such streams, lakes, and tidal waters (see Figure 1-1) (RCW 90.58.030).

Associated wetlands are also included as *shorelines of the state* and are regulated under SMA. Associated wetlands are those wetlands in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the SMA (WAC 173-22-030 (1)). These are typically identified as wetlands that are physically adjacent to a shoreline waterbody in shoreline jurisdiction, or wetlands that are functionally related to the shoreline jurisdiction through surface water connection and/or other factors. A site-specific determination must be made to determine if a wetland meets the definition of *associated wetland*.

When an associated wetland lies within the shoreline jurisdiction as drawn 200 feet from the ordinary high water mark of a waterbody subject to the SMA, then the jurisdictional limits for SMA extend to the upper boundary of the associated wetland. Potentially associated wetlands and SMA jurisdictional limits are shown on Map 2-1. These wetlands were mapped based on information obtained from the National Wetland Inventory map and a wetland inventory conducted by the City in 2006, which was subsequently revised for accuracy by ESA in 2007.

Figure 1-1. Graphic Depiction of the SMA Shoreline Jurisdiction Limits



The approximate shoreline jurisdiction within the city limits of Sumner, its Urban Growth Area (UGA) and its proposed UGA encompasses approximately 9 linear miles of freshwater shorelines as shown on Figure 1-1. This includes the following shoreline areas:

- Puyallup River
- White (Stuck) River
- Lake Tapps
- Associated wetlands

The Puyallup River, White (Stuck) River and Lake Tapps are considered *shorelines of statewide significance* per Revised Code of Washington (RCW) 90.58.030(2)(e).

Under the SMA, local municipalities have the option to extend shoreline jurisdiction to include lands within the 100-year floodplain and/or lands necessary for buffers for critical areas [RCW 90.58.030(2)(f)]. The City of Sumner is not extending shoreline jurisdiction under either of these options.

How the Shoreline Master Program is Used

The City of Sumner Shoreline Master Program is a planning document that outlines goals and policies for the shorelines in the City and establishes regulations for development occurring along those shorelines. The goals and policies of the Shoreline Master Program are included in the City's Comprehensive Plan. The development regulations are adopted and codified in the Sumner Municipal Code (SMC 16.08-16.36).

The SMA and Ecology Guidelines defines for local jurisdictions the content and goals that should be represented in the Shoreline Management Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community.

In order to preserve and enhance the shorelines of the City of Sumner it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. (In the City of Sumner, the Shoreline Administrator function is provided by the Director of Community Development.) Some activities may be exempt from shoreline Substantial Development Permits (SSDP), while others may require a Conditional Use permit or Variance; **ALL** proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the City of Sumner.

Shoreline Environment Designations

Shoreline environment designations are similar to zoning overlays. Each designation permits certain uses and developments, if allowed by the underlying zoning district. The purpose of shoreline environment designations is to provide a uniform basis for applying policies and regulations within distinctly different shoreline areas. Under the SMA, all shorelines of the state receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment.

The shoreline inventory and characterization report provides the basis for designating shoreline environments and developing management policies that will affect each part of the shoreline. Factors such as existing development patterns, biophysical capabilities and limitations, and the aspirations of the local citizenry all play a part in the shoreline environment designation categories selected. The management policies developed for each shoreline environment determine the uses and activities that can be permitted within each environment, and support the specific development standards that are also established. Six shoreline environments have been developed for the Sumner shoreline: Urban Conservancy, Shoreline Residential, Urban, Natural, Tapps Reservoir and Aquatic. These environments are discussed in *Chapter 4: Shoreline Environment Designations* and shown on Map 4-1 in Chapter 4.

When is a Permit Required?

The Sumner Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This thoroughness is intended to ensure that the Sumner shoreline area is protected from activities and uses that if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, or cause the degradation of the

aesthetic values of the shoreline that the community enjoys. The Shoreline Master Program provides the regulatory parameters within which development may occur, or it states that the community considers a certain type of use or activity unacceptable within the City's shoreline jurisdiction, or it states that a use or activity may be considered provided a Conditional Use permit is requested. Overall, the community should be able to ensure that the development is carried out in such a way that the public's interest in protecting the shoreline is retained.

The Permit Process

The Shoreline Master Program regulates "development," defines what is considered "substantial development," and specifies developments that are exempt from the shoreline Substantial Development Permit (SSDP) process. In addition to the SSDP, other shoreline permits include Conditional Use permit and Variance permits.

"**Development**," as defined under the Shoreline Management Act of 1971 is:

> A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state overlying lands subject to Chapter 90.58 RCW at any state of water level [RCW 90.58.030(3)(a)] Development does not include dismantling or removing structures if there is no other associated development or re-development.

This definition indicates that the "development" regulated by the Shoreline Management Act includes not only those activities that most people recognize as "development" (for example, improving a road surface, building a structure), but also those activities that citizens may do around their own home (for example, clearing and grading an area of riverfront to enhance their personal view of the river). While the impact of these potential "developments" may seem inconsequential at first glance, they may have unwanted and damaging effects on the river and lake ecology, the property of others, and the shoreline aesthetics.

Projects that are identified as "developments" and not "substantial developments" do not require a shoreline Substantial Development Permit; however, they must still comply with all applicable regulations in the City's Shoreline Master Program. In addition, some developments may require a Conditional Use permit or a Variance from the Shoreline Master Program's provisions, although they do not meet the definition of a "substantial development."

"**Substantial development**" as defined under the Shoreline Management Act of 1971 is:

> Any "development" of which the total cost or fair market value exceeds seven thousand and forty seven dollars ($7,047) or the value as amended or adjusted for inflation per RCW 90.58.030 [3] [e]), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the

> office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. [RCW 90.58.030(3)(e)].

Under the Shoreline Management Act, some types of substantial development are exempt from the requirement to apply for and receive a permit before beginning work. These exemptions are listed in Chapter 8: Administration. A project that is exempt from permit requirements must still comply with all applicable regulations in the City's Shoreline Master Program.

The City Shoreline Administrator can help identify whether a project is classified as a development or a substantial development, determine whether a permit is necessary or whether a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Shoreline Administrator can also provide information on the permit application process and how the SMP process relates to the State Environmental Policy Act (SEPA) process. The permitting process can be divided into three phases: pre-application, submittal, and review (these are discussed in detail in *Chapter 8: Administrative Procedures*).

The Shoreline Permit

There are three types of shoreline permits: the shoreline Substantial Development Permit, the shoreline Conditional Use permit, and the shoreline Variance permit. All of these permits use the same application form; however, they are processed differently.

Requests for a shoreline Substantial Development Permit, Variance, or a Conditional Use permit require review by the City of Sumner Hearing Examiner (per Sumner Municipal Code, Chapter 18.56). There may be instances where a Conditional Use permit or Variance may be approved without the need for a shoreline Substantial Development Permit (e.g., single-family residence). The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. This decision can be appealed to the Sumner City Council. Appeals of the City Council decision go to the State Shoreline Hearings Board. Requests for Conditional Use permits and Variances require final approval by the State of Washington Department of Ecology. A description of exempt projects, and shoreline application procedures and criteria are discussed in *Chapter 8: Administrative Procedures*.

Relationship of this Shoreline Master Program to Other Plans

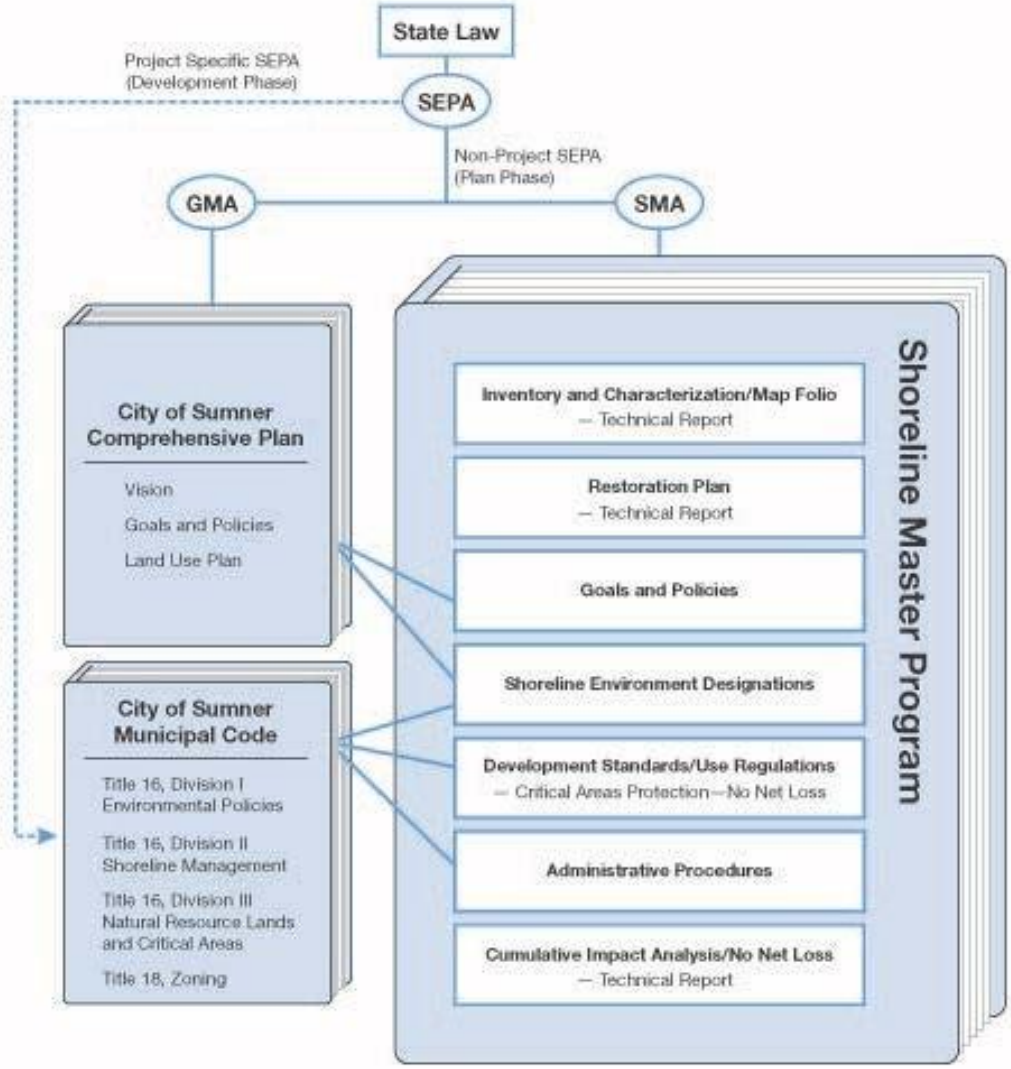
Uses, developments and activities regulated by this Master Program may also be subject to the provisions of the Sumner Comprehensive Plan, the Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and Chapter 197-11 WAC), other provisions of the Sumner Municipal Code (SMC), including Title 16 Environment and Title 18 Zoning, and various other provisions of local, state and federal law, as may be amended. Any conflicts between the SMP and other relevant federal, state, or local regulations are resolved in favor of the regulation that is most protective of the shoreline ecological functions.

Project proponents shall comply with all applicable laws prior to commencing any use, development or activity.

Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

The relationships between three state laws (State Environmental Policy Act [SEPA], Growth Management Act [GMA], and Shoreline Management Act [SMA] and local regulations are shown in the following diagram.

Figure 1-2. Relationship Between State Law and Local Regulations



The Relationship between the Sumner Trails Plan and the Shoreline Master Program

One of the local plans affecting the Sumner shoreline is the Sumner Master Trail Plan. That plan identified the optimum location for a public trail system through the region and identified a route that generally lies on both sides of the White (Stuck) River and portions of the Puyallup River. That plan was adopted, following an extensive public involvement process in 1996, and several links of the planned trail have been constructed as development has occurred in the valley. In 2008, major elements of the plan were updated including maps, trail alignments, cost estimates, and shoreline and environmental goals and regulations.

The trail system is an integral and essential part of the public access component of the Master Program. The Shoreline Management Act emphasizes that the public retains physical or visual access to the State's shorelines. It is a goal of this Master Program to foster the development of a shoreline trail by providing policies and regulations that are both sensitive to the needs of adjacent private property owners to retain the use and privacy of their property, and sensitive to the public's interest in the opportunity to develop a shoreline trail. There are three methods by which land can be acquired and a trail placed along private property:

1) A trail easement or right-of-way dedication is required as a condition of approval of a shoreline permit or other development permit;
2) The City purchases an easement or right-of-way or, in some cases, the entire parcel of land from the property owner; or
3) The property is voluntarily donated to the City by the property owner.

Other Local, County, State, Regional or Federal Regulations and Permits

Submittal of a shoreline permit or exemption for a shoreline development or use does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use. Examples of activities that may require permits, review, or approval from other agencies are listed in the following table. Some of the activities listed below are unlikely to occur within the Sumner shoreline jurisdiction. The following list of permits is provided, however, as additional information about regulatory requirements that exist for various land use activities that may occur in the Sumner area.

Table 1-1. Permit Matrix

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
Federal Emergency Management Agency (FEMA)	CFR 44, Part 60 This Ordinance applies to the areas designated as flood zones on FEMA's Federal Insurance Rate Map. The adopted FEMA ordinance enables City residents to acquire federal flood insurance and allows Sumner to be eligible to receive Federal Flood Disaster Funds.	All construction within and uses of the Floodplain must meet the standards established in the Sumner Municipal Code, Chapter 15.52 and 16.58.	Review for compliance with FEMA guidelines is conducted through enforcement of the Sumner Flood Damage Prevention Regulations.
U.S. Army Corps of Engineers (USACE)	Sect. 10 of Federal River & Harbor Act Jurisdiction applies to areas in or over any navigable waters of the US, waterward of the Ordinary High Water Mark.	Structures or work in these waters, including marinas, piers, wharves, floats, intake pipes, outfall pipes, pilings, bulkheads, boat ramps, dredging, dolphins, fills, overhead transmission lines, etc.	Section 10 Permit

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
U.S. Army Corps of Engineers (USACE) cont.	Sect. 404 of Clean Waters Act Jurisdiction applies to areas in or over waters of the US, waterward of the Ordinary High Water Mark including wetlands	Discharge of dredged materials, fills, grading, ditch sidecasting, groins, breakwaters, road fills, beach nourishment, riprap, jetties, etc.	Section 404 Permit (some limited activities are covered by nationwide general permits)
Washington Department of Agriculture	Varies	Use of pesticides by any means other than hand pumped device - varied restrictions apply depending on the ownership of the property receiving the pesticide, the type of pesticide, etc.	Varies
Washington State Department of Fish and Wildlife (WDFW)	RCW 75.20.100-160. All fresh or salt water in the state	Work, construction, development, or other activities that will change the natural flow or bed of any fresh or salt water in the state.	Hydraulic Project Approval (HPA)
Washington State Department of Natural Resources (DNR)	RCW 79.90. Navigable water bodies, including certain lakes, rivers, and streams. These waters are owned by the State of Washington.	Construction, filling, dredging, drilling, mining, road construction, utility installation, etc., within the beds or shorelines of these waters.	Aquatic Lands Lease and/or Authorization.
	RCW 76.09. Waterbodies near forest activities	Forest activities relating to growing, harvesting or processing timber, road construction and maintenance, brush clearing, slash disposal.	Forest Practice Approval
Washington State Department of Ecology (DOE)	Section 401, Clean Water Act	Any activity that might result in a discharge of dredge or fill material into water or wetlands, or excavation in water or wetlands whether or not such action requires a federal permit.	Water Quality Certification
	RCW 90 (various chapters)	Withdrawal of surface or ground water.	Water Use Permit; Certificate of Water Right
	RCW 43.21C Determined by the scope of the project. See also: City of Sumner, State Environmental Policy Act (SEPA).	SEPA is a process that provides a way to analyze and address the environmental impacts of a project and is geared to mesh with already existing permits, approvals, and/or licenses.	SEPA Review
	Water Pollution Control Act (RCW 90.48)	Act prohibits discharges of polluting matter to any waters of the state, including wetlands. A permit is required for any project potentially impacting state waters.	Various permits, including National Pollutant Discharge Elimination System (NPDES), Municipal Wastewater, and Septic permits.

Agency	Authority/Jurisdiction	Types of Activity Requiring Permit	Permit
City of Sumner	Sumner Shoreline Master Program - SMP jurisdiction is described in Chapter 1 of this document (Shoreline environment designations are provided in Chapter 4).	Development within the shoreline jurisdiction of Sumner.	Shoreline Substantial Development Permit
			Shoreline Conditional Use Permit
			Shoreline Variance
	Sumner Municipal Code, Chapter 15.08	Development over 120 Square feet. See Uniform Building Code	Building Permit
	Sumner Municipal Code, Chapter 15.52 is adopted code intended to carry out FEMA requirements within the 100-year floodplain	All development activity, including buildings, mining, filling, dredging, grading, paving, excavations, drilling operations, and storage of equipment or materials.	Floodplain Development Permit - review for compliance with this ordinance is conducted as a part of the development review and building permit process.
	Title18, Zoning Code	Development within the City of Sumner	Zoning Variance
			Zoning Conditional Use
			Zone Change
	Sumner Municipal Code, Chapter 16.04 contains the Sumner SEPA Policies (This is the local ordinance intended to carry out the SEPA requirements.)	All activity meeting the threshold identified in RCW 43.21C and WAC Chapter 197-11.	SEPA Review
	Sumner Municipal Code, Chapter 16.05 – Control of Erosion and Sedimentation of Waterways (Stormwater Quality)	Fill or grading over 50 cubic yards of material.	Temporary Sedimentation and Erosion Control Permit

At the time of an initial inquiry or when a permit application is submitted, the City Shoreline Administrator should inform an applicant of those regulations and statutes that may be also applicable to the proposed project to the best of the administrator's knowledge, provided, that the final responsibility for complying with such other statutes and regulations shall rest with the applicant.

Other activities that could occur along the shoreline (starting bonfires, disposing, spilling, or releasing regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here. Questions about permits, licenses, or review may be directed to the City of Sumner Community Development Department at 253.299.5530 or through the City website at www.ci.sumner.wa.us.

Title

This document shall be known and may be cited as the **Sumner Shoreline Master Program**. This document may also be referred to as "Master Program."

CHAPTER 2 SHORELINE INVENTORY AND RESTORATION PLANNING SUMMARY

Introduction

As a foundation for the development of the goals, policies and regulations in the City's Shoreline Master Program, the City conducted an inventory of natural and built conditions along the Sumner Shoreline. This inventory identifies existing conditions, and provides an analysis that evaluates the components that make up the ecological health of the shoreline jurisdiction and identifies areas with potential for protection and restoration of ecological functions. This chapter excerpts portions of that inventory and analysis. Please consult *Appendix A: City of Sumner Shoreline Inventory and Characterization* (June 2010) for a full discussion of the complex issues associated with the Sumner shoreline.

The City also prepared a shoreline restoration plan. In addition to the restoration areas identified in the inventory, the restoration plan also identifies programmatic opportunities for restoring shoreline ecological functions that have been impaired or altered. The Restoration Plan prioritizes potential restoration opportunities and identifies potential partnerships and funding mechanisms for implementing voluntary restoration actions. This chapter excerpts key findings and recommendations of that plan. See *Appendix B: City of Sumner Shoreline Restoration Plan Element* (September 2011) for the full report.

Study Area Boundary

The inventory includes the shorelines along the Puyallup and White (Stuck) Rivers and Lake Tapps that fall within the Sumner city limits, its urban growth area (UGA), and its proposed UGA. Both rivers and the lake are shorelines of statewide significance according to the state's Shoreline Management Act, and they are the City's only water bodies regulated under the Act. Under the Shoreline Management Act, the shoreline area to be regulated under the City's Shoreline Master Program must include all areas two hundred (200) feet landward of the ordinary high water mark, as well as floodways and any associated wetlands. For the purposes of the inventory and characterization report, the study boundary for the City of Sumner is shown on Map 2-1 and referred to throughout the report and this chapter as the "shoreline planning area." The shoreline planning area, otherwise known as the study area for this report, encompasses the maximum potential shoreline jurisdiction in the City. The actual shoreline jurisdiction area adopted by this program is described under "Sumner Shoreline Jurisdiction" in *Chapter 1: Introduction*. In general, the shoreline planning area includes:

- The regulated waterbody, including submerged lands lying waterward of the ordinary high water mark (OHWM);
- 200 feet of adjacent upland extending from the mapped edge of the approximate OHWM or floodway, whichever is further landward; and
- Any bordering, neighboring, or contiguous mapped wetlands.

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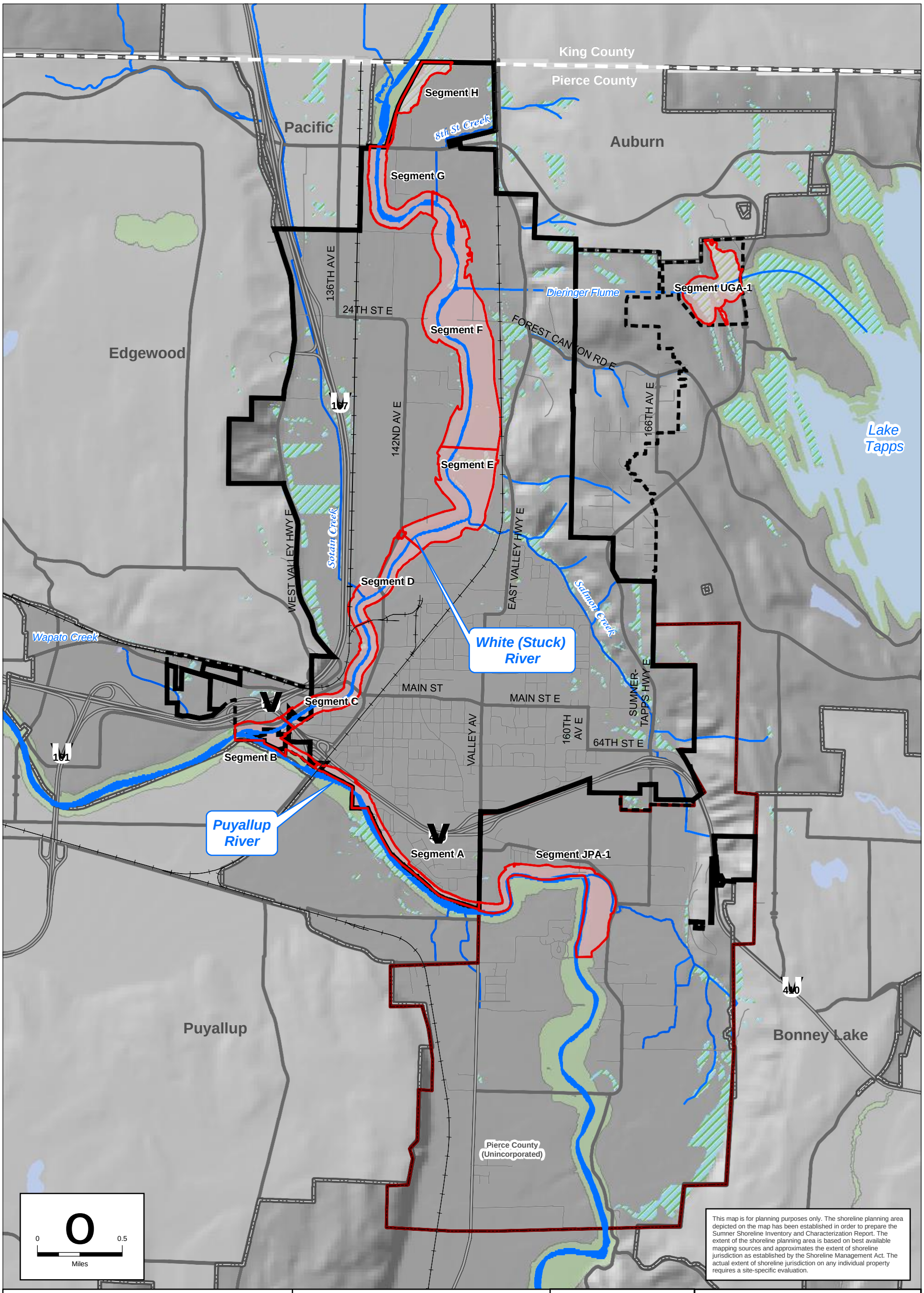

SHORELINE MASTER PROGRAM UPDATE
CITY OF SUMNER

Map 2-1: Shoreline Planning Area

SMA GRANT NO. G1000024, Task 2.1

Legend

- Sumner SMP Reaches
- Streams
- Waterbodies
- Wetlands
- Shoreline Planning Area Outside of Study Area
- Underground Pipe
- Roads
- Railroads
- Sumner City Limits
- Sumner UGA
- Joint Planning Area (JPA)

SOURCE: City of Sumner, 2007, 2008; Pierce County, 2007

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The Puyallup River is located near Sumner's proposed UGA from its southernmost point at approximately River Mile (RM) 13.3 downstream to its confluence with the White River at approximately RM 10.7, west of downtown Sumner. Downstream of Sumner's shoreline jurisdiction, the Puyallup River drains into Commencement Bay in Puget Sound. The White River is located within Sumner's city limits and urban growth area from approximately RM 5.5 at the northern border of the City's urban growth area downstream to its confluence with the Puyallup River at RM 0.3. Approximately 7,000 lineal feet of the northwestern portion of Lake Tapps is located within Sumner's UGA boundaries.

Inventory and Characterization Report

The full inventory and characterization report is divided into six main sections: 1) background and introductory information; 2) methods and data sources; 3) an ecosystem wide characterization, which includes historic land use along the City's regulated shorelines, watershed conditions, climate change, and a characterization of the shorelines' floodplains; 4) land and shoreline use patterns; 5) biological resources and critical and hazard areas; and 6) a segment-by-segment analysis of shoreline conditions and identification of restoration opportunities.

For the purposes of the inventory report, the City's shoreline planning area was organized into ten distinct segments or "reaches" (Segments A through H; UGA-1; UGA-2) based broadly on the physical distinction along the shoreline, the level of ecological functions provided by each segment, as well as existing land uses and zoning. Shoreline Study Segments are described in Table 2-1 and depicted on Map 2-1.

Table 2-1. Sumner Shoreline Study Segments

Location	Segment	Description	Approximate Length (miles)	River Mile
Puyallup River	A	City limits at Orting Highway (SR 162) to Traffic Avenue bridge; Rivergrove and Rainier Manor communities	1.35	12.0 to 10.7
Confluence – Puyallup and White Rivers	B	Traffic Avenue bridge to SR 410 bridge; Sumner Wastewater Treatment Plant, Confluence of White and Puyallup Rivers	0.79	10.7 (Puyallup) to 0.3 (White)
White River	C	SR 410 bridge to Union Pacific spur bridge; Downtown Sumner	0.86	0.3 to 1.1
White River	D	Union Pacific spur bridge to Tacoma Road Bridge; heavy industrial facilities	0.63	1.1 to 1.8
White River	E	Tacoma Road Bridge to City-owned property on right bank; industrial warehouses	0.85	1.8 to 2.6
White River	F	City-owned property to 8th Street Creek; farm land and Sumner Meadows Golf Links on right bank; industrial warehouses on left bank	1.64	2.6 to 4.2
White River	G	8th Street Creek to Stewart Road bridge; industrial facilities	0.74	4.2 to 5.0

Location	Segment	Description	Approximate Length (miles)	River Mile
White River	H	Stewart Road bridge to northern city limits; large wetland complex	0.56	5.0 to 5.5
Lake Tapps	UGA-1	Portion of Lake Tapps within Sumner's UGA	1.28	n/a
Puyallup River	UGA-2	Left Bank in Joint Planning Area beginning at southernmost tip of Riverside Park to city limits at Orting Highway (SR 162)	1.32	13.3 to 12.0
		TOTAL	**10.02**	

Land Use and "Altered" Conditions

The City of Sumner is an urban and urbanizing area encompasses an area of approximately 7.5 square miles. The city's UGA is approximately 1.3 square miles. The City is predominantly located on the valley floor of the Puyallup and White River valleys. As of 2010 (U.S. Census), the City's population was approximately 9,450. Over the recent past, the city has experienced a rapid growth rate, and a portion of this development has occurred in the shoreline areas of the White and Puyallup Rivers.

Existing Land Use

According to Pierce County Assessor records, current land use in Sumner's shoreline planning area is a mix of vacant, industrial/manufacturing, residential, and parks/open space uses. Designated vacant lands are currently the dominant land use (43 percent of entire shoreline planning area) focused mainly in Segments F and UGA-1. While the term "vacant" may not always accurately reflect current conditions (such as protected open space, agriculture, wetlands, or lands with development restrictions), the classification generally indicates that no structural improvements have been made or assessed for taxes on the property.

Industrial/manufacturing is the second most common land use (16 percent of entire shoreline planning area) focused almost entirely along the White River, mainly in Segments E and G. Residential land uses are less common (14 percent of entire shoreline planning area) and mainly concentrated along the Puyallup River as well as Segments E and F on the White River. Designated parks and open space lands compose 11 percent of the entire shoreline planning area with the largest acreage in Segment F.

Comprehensive Plan

According to Sumner's *Comprehensive Plan*, the city contains a variety of designated land uses, ranging from heavy industrial to residential. The predominant comprehensive land use designation in the shoreline planning area within Sumner's city limits and UGA boundaries is Public/Private Utilities and Facilities (44 percent). Light Industrial is the second most common comprehensive plan designation (39 percent). Similar to existing land uses, residential land use designations are less common (10 percent) and are mainly located along the Puyallup River and Segment C on the

White River. Remaining land use designations are almost evenly divided among General Commercial (4 percent) and Heavy Industrial (3 percent). Almost all properties designated Public/Private Utilities and Facilities within Sumner city limits are under City ownership. Most of the remaining properties similarly designated are under Puget Sound Energy ownership in the UGA-1 segment.

Pierce County's *Comprehensive Plan* designates the shoreline planning area within UGA-2 since that area is located outside Sumner's city limits and UGA. Approximately 80 percent of UGA-2 is designated Rural-10 and 20 percent is designated Agriculture Resource Lands. The intent of the Rural-10 comprehensive land use designation is to allow for a basic density of one dwelling unit per 10 acres. Preservation of open space and clustering of units is encouraged through density bonuses.

Zoning Designations

The City's zoning designations generally follow land use designations from the City's comprehensive plan, discussed above. Light Industrial is the most common zoning designation within Sumner's city limits and UGA (54 percent). Agriculture is the second most common zoning designation (15 percent). Residential zoning designations are the third most common (13 percent) and Public/Private Utilities and Facilities are the fourth (10 percent). Remaining zoning designations are almost evenly divided between Heavy Industrial (4 percent) and General Commercial (3 percent).

Pierce County zoning designations are identical to the comprehensive plan designations in Segment UGA-2. Approximately 80 percent of UGA-2 is designated Rural-10 and 20 percent is designated Agriculture Resource Lands.

Biological Resources and Critical Areas - Opportunity Areas

Many of the factors that limit shoreline ecological functions and processes within Sumner's shoreline jurisdiction are caused by factors outside of the City's jurisdiction, such as upstream dam operations, flood control, or timber harvest in the upper portions of the watershed. As a result, this report identifies opportunity areas that are both effective and achievable within the scope of Sumner's jurisdiction. The ability to improve these opportunity areas is dependent upon a number of factors including land acquisition, funding availability, and permits. The preliminary selection of opportunity areas was based on field observations conducted in 2002 and aerial photograph analysis. Opportunity areas identified include both protection and restoration of biological resources and critical areas. Additional opportunity areas were identified in the Draft Restoration Plan Element (see Appendix B).

Opportunity Areas by Inventory Segment

Segment UGA-2 - Riverside Park to City Limits

Protection

A large, mature forest stand is located in the eastern portion of Segment UGA-2, which is documented by WDFW as valuable wildlife habitat. In addition, smaller forested patches are located adjacent to the river within this segment. Protection of these forested areas would help maintain quality habitat for sensitive species.

Restoration

There is limited opportunity to provide areas of overbank flooding and side channel habitat in this segment, given the existing levee and extensive adjacent development. In some portions of this segment, it may be feasible to setback the levee, which would increase the active channel width and subsequently enhance habitat-forming processes.

This reach has vegetation enhancements opportunities, which consist of removing non-native plant species (e.g. Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

Segment A- Eastern City Limits to Traffic Avenue Bridge

Protection

The northern portion of Segment A contains a mature, riparian forest stand, which is likely productive wildlife habitat. Protection of this forested area could help maintain quality habitat for sensitive species.

Restoration

There is limited opportunity to provide areas of overbank flooding and side channel habitat in this segment, given the existing levee and extensive adjacent development. However, in the northern portion of the segment, adjacent to SR 410, it may be feasible to setback the levee. This would increase the active channel width and subsequently enhance habitat-forming processes.

This reach has vegetation enhancements opportunities, which consist of removing non-native plant species (e.g. Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

Segment B - Confluence of White and Puyallup Rivers

Protection

Black cottonwood-dominated forest is the most common vegetation assemblage found throughout all of the segments and is represented in this segment. Riparian forested areas are typically productive wildlife habitats. Protection of this forested area could increase potential habitat for many sensitive species.

Restoration

City property adjacent to the City's Wastewater Treatment Facility, at the confluence of the White and Puyallup Rivers, is used informally by residents and the Puyallup Tribe for fishing access. Denuded areas, excluding the access for the Puyallup Tribe boat and fish trap, could be planted with native riparian plant species.

The river banks within this segment are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings.

Segment C - SR410 Bridge to Union Pacific Spur Bridge

Protection

Portions of land within the riparian zone of Segment C of the White River have relatively dense cover of riparian vegetation with moderate diversity. Protection of these areas could help maintain quality habitat for sensitive species.

Restoration

The river banks within this segment are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings. In addition, it may be feasible to setback the levee along the west bank of the White River, adjacent to Pacific Avenue. This would increase the active channel width and subsequently enhance habitat-forming processes.

This segment has significant vegetation enhancement opportunities, which consist of removing non-native plant species (e.g. Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

Segment D - Union Pacific Spur Bridge to Tacoma Road Bridge

Restoration

The river banks within Segment D of the White River are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings.

This segment has significant vegetation enhancement opportunities, which consist of removing non-native plant species (e.g. Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

Segment E - Tacoma Road Bridge to Public Land

Restoration

The river banks within this segment are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings. In some portions of this segment, it may be feasible to

setback the existing revetments, which would increase the active channel width and subsequently enhance habitat-forming processes.

This segment has significant vegetation enhancement opportunities, which consist of removing non-native plant species (e.g., Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

Segment F - Public Land to 8th Street Creek

Protection and Restoration

City-owned land along the length of the right bank offers opportunity for habitat preservation and restoration. This segment appears to function as significant rearing habitat for salmonids and therefore is a candidate for preservation. Riparian vegetation can be enhanced throughout this segment. The tailrace and drainage ditch offer potential surface water connections to wetland areas. Flow from the tailrace could be diverted through a separate channel through City-owned farmland, allowing the development of relatively natural meanders, and pool and riffle sequences. Diversion of water from these sources into created or enhanced wetland and stream channel areas could provide off-channel and rearing fish habitat in areas where there is adequate fish passage to the site.

Restoration

The river banks within this segment are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings. In some portions of this segment, it may be feasible to breach or setback the existing revetments and levees, which would increase the active channel width and connect the river with portions of its historic floodplain, which could significantly enhance habitat-forming processes.

This segment has significant vegetation enhancement opportunities, which consist of removing non-native plant species (e.g. Himalayan blackberry), and installing native plantings. Plantings along the river bank would provide additional "over water" vegetation, provide increased protection from predation for fish species, increase habitat for birds, and input organic material to the river.

The 24th Street Interchange Biological Opinion (see Section 5.3.4 of the Shoreline Inventory and Characterization Report, Appendix A for more information), included the following two conditions that pertain to the White River:

1) The City of Sumner must permanently prohibit impervious development on 30 acres of City-owned property east of the White River.
2) The City of Sumner must permanently restrict new development on 88 acres of City-owned property east of the White River to a maximum impervious coverage of 40 percent.

In addition, in the Biological Opinion USFWS recommended that nonfunctioning levees above the Dieringer Powerhouse outfall (RM 3.6) on the White River be removed or setback, in order to restore floodplain and riparian connectivity and create off channel habitat.

Segment G - 8th Street Creek to Stewart Road Bridge

Protection

The riparian zone of this segment contains a relatively dense cover of riparian vegetation with moderate diversity. Protection of these areas could help maintain quality habitat for sensitive species, including salmonids.

Restoration

The river banks within this segment are armored with riprap and concrete. These materials could be replaced with bank stabilization materials that would enhance fish and wildlife habitat, such as large woody debris and native plantings. In the eastern portion of this segment, it may be feasible to breach or setback the existing revetments and levee, which would increase the active channel width and connect the river with portions of its historic floodplain, which could significantly enhance habitat-forming processes.

Segment H - Stewart Road Bridge to City Limits

Protection

The majority of land within this segment is upland and wetland habitat, with moderate diversity. Protection of the land within this segment could help maintain quality habitat for sensitive species.

Segment UGA-1 - Lake Tapps

Protection

The shoreline of Lake Tapps within this segment generally consists of mature, mixed forest and scrub-shrub wetland. There is relatively little shoreline development within this segment. Protection of the land within this segment could help maintain quality habitat for sensitive species and the overall biodiversity of the area.

Recommendations

The following provides shoreline management recommendations in the context of other local and regional planning activities. These recommendations identify opportunities for ecological conservation and restoration and policy issues related to future shoreline use and development.

1) The City could explore developing a community education and incentive program to identify and develop voluntary restoration opportunities on private property (with landowner consent and approval) which support the overall goals of shoreline management.
2) For new shoreline stabilization projects, demonstration of the need for engineering approaches to shoreline stabilization could be required before approval. The use of bioengineering, alternative bank stabilization, and/or soft-shore armoring techniques could be encouraged in the City's shoreline master program.
3) The existing shoreline environment designations should be re-evaluated to ensure consistency with both the 2003 state shoreline guidelines (WAC 173-26) and the findings of this shoreline inventory report. Specifically:

a) Reconsider the Natural and Aquatic environment designations to determine applicability;

b) Examine the rationale of applying Urban Conservancy and Shoreline Residential per the findings of this Shoreline Inventory and Characterization report;

c) Determine an appropriate designation to replace the Urban environment since it is not an established designation per Ecology Guidelines.

4) Educate property owners about vegetation maintenance and preservation, benefits of soft shore protection, and low impact development practices.

5) Encourage levee setback projects to allow for channel migration and off-channel habitat for salmonids and restricting new development in the floodplain and channel migration zones.

6) Implement best management practices to control runoff from agricultural lands.

7) Match mitigation for development impacts to the SMP Restoration Plan, watershed management plans and salmon recovery plans.

8) Coordinate restoration efforts with the Puyallup River Watershed Council, Pierce Conservation District, and Pierce County Surface Water Management.

9) Integrate restoration with flood hazard management efforts to reestablish and protect natural floodplain functions.

CHAPTER 3 SHORELINES OF STATEWIDE SIGNIFICANCE

Introduction

The Shoreline Management Act designates certain shorelines as *shorelines of statewide significance*, which are generally described as including portions of Puget Sound and other marine water bodies, rivers west of the Cascade range that have a mean annual flow of 1,000 cubic feet per second (cfs) or greater, rivers east of the Cascade range that have a mean annual flow of 200 cfs or greater, and fresh water lakes with a surface area of 1,000 acres or more (RCW 90.58.030). All shorelines in the City of Sumner are designated as shorelines of statewide significance, including the Puyallup and White (Stuck) Rivers and Lake Tapps.

In determining that certain shorelines are of statewide significance, the Shoreline Management Act also determined that the interests of all of the people of the State shall be considered in the management of these shorelines. Because the shorelines of the Puyallup and White (Stuck) Rivers and Lake Tapps are a major resource from which all people in the state derive benefit, the Master Program gives preference to uses that favor public and long-range goals.

Give preference to uses and development that meet the principles defined in RCW 90.58.020.

1) Recognize and protect the statewide interest over local interest
2) Preserve the natural character of the shoreline
3) Result in long-term over short-term benefit
4) Protect the resources and ecology of the shoreline
5) Increase public access to publicly owned areas of the shoreline
6) Increase recreational opportunities for the public in the shoreline
7) Provide for other appropriate and necessary uses established by this master program and the Shoreline Management Act.

The following regulations in the Sumner Master Program give preference to the statewide goals:

1) Riparian Management Zones, Chapter 4, Table 4-7;
2) Flood Hazard Reduction, Chapter 7, Section VIII;
3) Environmental Impact Mitigation, Chapter 6, Section V;
4) Critical Areas Protection, Chapter 6, Section VII; and
5) Public Access and Recreational Opportunities, Chapter 6, Section VIII and Chapter 7,Sections XIV.

In the implementation of the SMA principles, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to

the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, and industrial and commercial developments that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to ecological functions and processes of the shoreline areas and interference with the public's use of the water.

Riparian Management Zones

The purpose of a riparian management zone is to preserve the natural character of Sumner's riverine and lake systems and to protect the resources and ecology of the shoreline. Riparian management zones are designed to protect ecological functions and processes of the shorelines of the state, protect and enhance salmonid habitat and provide a recreational open space system for the City of Sumner.

The shoreline along the White (Stuck) and Puyallup Rivers is lined with a mixture of native and non-native trees and shrubs and is developed in a mixture of residential, commercial, agricultural, and light industrial uses. Retaining the native vegetation that exists along the shoreline will enhance the river-oriented experience both on the water and along the banks. Boaters currently use the river for fishing and others are floating the river in rafts, kayaks, and inner tubes. Tall trees and dense vegetation create a natural experience that complements the recreational activity and is highly valued. As a river trail system develops under the requirements of this Master Program and the Sumner Trail Master Plan, Sumner residents and visitors will be able to enjoy the natural character of the shoreline. The Sumner Comprehensive Plan’s objectives for parks, recreation, and open space are supported, and an individual’s river-walk experience is enhanced, if the riverbank appears natural (vegetated).

Retaining the natural vegetation along the shoreline is also important to fish and wildlife. Overhanging vegetation provides protective cover to fish and tends to attract insects upon which fish feed. Rivers devoid of vegetative cover have correspondingly low fish populations. The Puyallup and White Rivers provide habitat to federally-listed salmonid species which are protected under the Endangered Species Act. Riparian management zones with native vegetation, particularly native trees and shrubs that overhang the water’s edge, provide insects and detritus (organic material) particularly important to the life cycle of salmon. Riparian vegetation also provides both shade and sources of large woody debris (e.g., tree sections, large branches, stumps). Shade is also very important in keeping water temperatures within tolerable limits for fish during the summer. Large woody debris creates habitat complexity in the channel, giving fish opportunities to rest and hide. Additional information on habitat conditions and opportunities for enhancing the Sumner shoreline to protect habitat areas is provided in the shoreline inventory and characterization report, provided in *Appendix A*: *City of Sumner Shoreline Inventory and Characterization*.

Riparian vegetation is also critical to terrestrial wildlife. In general, wildlife values are maximized where dense and diverse native vegetation exists. Vegetation along the rivers provides habitat components such as shelter and food sources. Wildlife species within the city are expected to use the stream and river banks for migration routes, foraging, nesting and feeding. The Sumner Master

Program recognizes the importance of native plants in protecting and maintaining shoreline habitat areas.

The wetland and mature, mixed forest located along the shoreline of Lake Tapps is also critical to wildlife and birds. Wetlands provide specific habitats for aquatic species, beaver, waterfowl and wetland-adapted birds. Wetland habitats are often part of a seasonal migratory route between other habitats.

To protect the riparian vegetation, the Master Program requires development setbacks and places stringent controls on the removal or disruption of vegetation within these setbacks. Riparian management zone policies and regulations are presented in *Chapter 6: General Shoreline Policies and Regulations.*

Floodplain Management

The Master Program establishes policies and direction for floodplain management. Appropriate floodplain management will provide long-term benefits to the City of Sumner. Floodplain management is directed toward the reduction of the damaging effects of floods by maintaining and enhancing natural floodplain values and by making effective use of related water and land resources within the floodplain. It is an attempt to make optimal use of the floodplain, while recognizing the need for economic development, recreation, open space, and other possible uses. Floodplain management policies and regulations are presented in *Chapter 6: General Shoreline Policies and Regulations.*

Floodplain management can reduce the risk to life and property as well as lower public expenditures for flood protection and relief. Floodplain management can also enhance natural floodplain values. These values include the protection of water resources by moderating flood velocities, improving water quality, and allowing for groundwater recharge. Living resource values also benefit from floodplain management. Fish and wildlife and plant resources and habitat can be enhanced by periodic flooding and in some cases, the primary source of water in floodplain wetlands is derived from such flooding. Floodplains also provide cultural values. In the Sumner area, the open space of the valley floor provides exceptional scenic views, which include spectacular views of Mt. Rainer. The fertile valley floor also provides agricultural resource values.

The Master Program requires careful evaluation of proposed shoreline development to determine what influence, if any, the development will have on flood events. Shoreline developments must demonstrate that there will not be an unacceptable increase in the incidence of flooding, either downstream or upstream of the proposed development. In addition, the Master Program provides protection of wetlands that reduce flooding by providing temporary storage of floodwater, thus reducing downstream volumes and velocities.

Environmental Impact Mitigation

The SMP goals, policies and regulations must achieve “no net loss of shoreline ecological functions” from current “baseline” conditions. Baseline conditions are identified and described in the City of Sumner Shoreline Inventory and Characterization Report (see Appendix A). The SMP provides standards and procedures to evaluate individual uses or developments for their potential to impact shoreline resources on a case-by-case basis through the permitting process.

All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas that are located in the shoreline. Should a proposed use and development potentially create significant adverse environmental impacts not otherwise avoided or mitigated by compliance with the Master Program, the Shoreline Administrator should require mitigation measures to ensure no net loss of shoreline ecological functions.

Mitigation measures to ensure no net loss must follow the mitigation sequence established in WAC 173-26-201(2)(e) and *Chapter 6: General Shoreline Policies and Regulations, Section V Environmental Impact Mitigation.*

Critical Areas Protection

In addition to establishing riparian management zones for the retention of vegetation along shorelines of the state, this Master Program provides policies and regulations for critical areas. Critical areas include volcanic hazard areas, wetlands, flood hazard areas, fish and wildlife habitat areas, seismic hazard areas, landslide hazard areas, erosion hazard areas, and aquifer recharge areas. Wetlands associated with the Puyallup and White (Stuck) Rivers and Lake Tapps can serve as critical habitat for fish populations. Wetlands also provide wildlife habitat, especially for waterfowl. Wetlands provide food, protection from predators, and nesting and rearing areas. Loss of wetlands drastically reduces the critical habitat required by these species.

Throughout the basin, many former floodplain areas on the landward side of the dikes along the White River and Puyallup River have been converted into residential and industrial development. The loss of natural vegetation and wetlands in the Puyallup River basin has reduced the watershed's ability to store and process flood waters in a manner that will minimize flood event duration and peak flows.

The Washington State Department of Wildlife (WDFW) maintains a Priority Habitats and Species (PHS) list, which is a catalog of habitats and fish and wildlife species considered to be priorities for conservation and management. Three types of priority habitats are mapped within the shoreline planning area: wetland, urban natural open space, and waterfowl concentrations.

Public Access and Recreation

The Master Program requires public access to the shoreline as a condition of approval for many types of development. The authority to require public access derives from the Public Trust Doctrine, which gives individual states the responsibility to hold certain natural resources in trust for the people.[1] The beds and waters of navigable rivers fall into this category. Public access to

[1] "The Public Trust Doctrine (PTD) is a principle based in English Common Law that the state holds domain and sovereignty over all shorelands and navigable water, and administers this right to maintain the public's right to fishing and navigation (and possibly more, depending upon the state) above all other claims of use and ownership. In other words, the State can sell the land, but can not sell the public's right to access the tidelands (land beneath the high tide mark)." *Public Trust Doctrine in Washington State* by Jill Sheldon, Deputy Director, Center for Environmental Law & Policy.

these public trust areas is a priority in the state and is a goal to be achieved through local shoreline planning.

The Master Program policies and regulations recognize the special advantage that Sumner has to provide and protect such public access, open space, and recreational amenities to its residents. While land uses adjacent to the river have changed significantly over the last decade, there is a great deal of natural quality to the riverbank remaining. At this time, the predominant land uses along the shorelines of the White (Stuck) and Puyallup Rivers include vacant residential industrial/manufacturing, and parks/open space uses that are abutted by forested areas and areas of significant native vegetation along the riverbanks. Consistent with the City's interest in protecting the natural environment, the City values the use of environmentally- friendly materials in developing public access facilities within the shoreline environment.

The goals and policies of this Master Program support the continued development of a river trail that will follow the course of both rivers and provide a linear park through the valley, as described in the Sumner Trail Master Plan and supported by the Land Use, and Parks and Open Space elements of the Sumner Comprehensive Plan. In coordination with neighboring jurisdictions, Sumner developed a comprehensive and coordinated approach to providing regional public recreational access. This trail and open space system will develop as the valley develops, and development and shoreline permits are issued for uses and activities along the White and Puyallup Rivers.

Critical to accomplishing a shoreline public access system is the development of a comprehensive public access plan. The foundation of that public access plan was formed in the mid-1990s with the development of the Sumner Trail Master Plan, formed under the guidance of a local Trails Advisory Committee. The goals of that public access foundation have been validated through the continued support of the goals and policies defined in the Sumner Comprehensive Plan. This Master Program recommends that the City of Sumner incorporate the current Sumner/Pacific Trail Master Plan as the foundation for the shoreline public access plan.

CHAPTER 4 SHORELINE ENVIRONMENT DESIGNATIONS

Introduction to Shoreline Environment Designations

The purpose of designating shoreline environments is to provide a uniform basis for applying policies and regulations in specific shoreline areas having similar characteristics. A designation system creates a systematic, rational, and equitable basis upon which to guide and regulate development within specific shoreline areas. To accomplish this, segments of shoreline are given an environment designation based on the following criteria:

1) Existing development patterns together with the City of Sumner Comprehensive Plan land use designations and other officially adopted plans;
2) Ecological functions and processes that characterize the shoreline, together with the degree of human alteration as determined by the 2010 Shoreline Inventory and Characterization Report and any subsequent investigations or analyses as may be required under this Master Program;
3) The guidelines outlined in WAC 173-26-211, Environment Designation System; and
4) SMA priority uses in accordance with guidelines outlined in WAC 173-26-251, Shorelines of Statewide Significance.

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

City of Sumner Shoreline Environment Designations

This Master Program establishes six shoreline environment designations for the City of Sumner. These shoreline environments shall include all shorelines of the state in the City of Sumner. The six environment designations are:

1) Natural
2) Urban Conservancy
3) Shoreline Residential
4) Urban
5) Tapps Reservoir

6) Aquatic

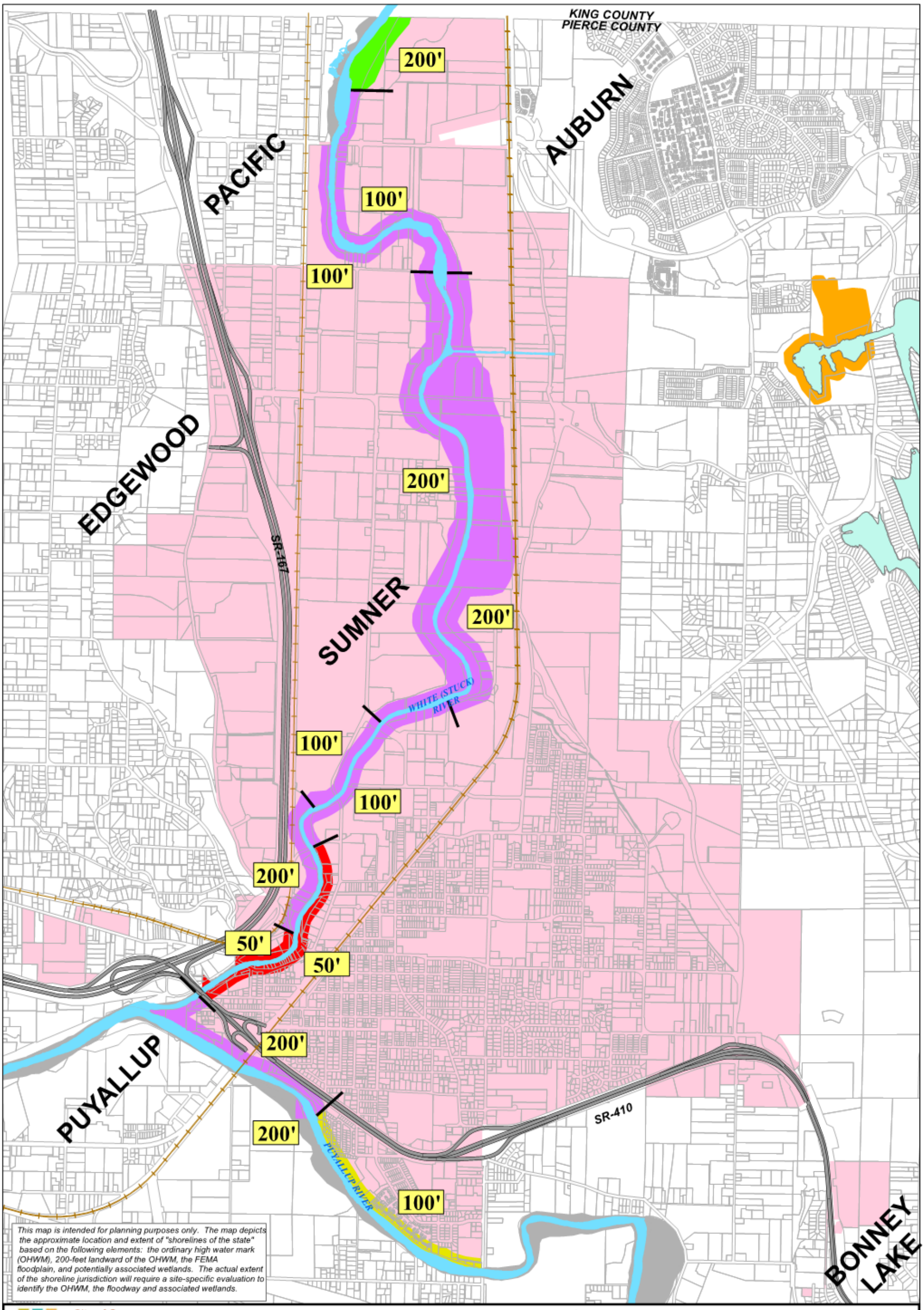
These shoreline environment designations are illustrated on a map incorporated as part of this Program (Map 4-1) that will be known as the Official Shoreline Map. Designation boundaries displayed on the map are described in the text in more detail below. The City may, from time to time as new or improved information becomes available, modify the Official Shoreline Map consistent with state guidelines to more accurately represent, clarify, or interpret the true limits of the shorelines defined in this chapter. As required by the state, any change to the map triggers a master program amendment process.

Areas found to be within shoreline jurisdiction that are not mapped and/or designated are automatically assigned the Urban Conservancy environment designation until re-designated through a master program amendment process.

Each shoreline environment designation shown below includes a definition and statement of purpose, followed by designation criteria, management policies, and development standards.

City of Sumner Shoreline Environment Designation Map

Map 4-1: *Official Shoreline Map* depicts the areas under the jurisdiction of this Master Program and graphically portrays the boundaries of the City's six environment designations. There shall be only one official copy of this map, which shall be kept by the Shoreline Administrator. This official copy shall be available for public inspection at all times during normal business hours. Unofficial copies shall be included as part of all distributed copies of this Master Program. In the event of a mapping error, per WAC 173-26-211(2)(b), the City will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than an incorrect or outdated map.


KING COUNTY
PIERCE COUNTY
AUBURN
PACIFIC
EDGEWOOD
SUMNER
PUYALLUP
BONNEY LAKE
SR-167
SR-410
WHITE (STUCK) RIVER
PUYALLUP RIVER
200'
100'
100'
200'
100'
100'
200'
50'
50'
200'
200'
100'
This map is intended for planning purposes only. The map depicts the approximate location and extent of "shorelines of the state" based on the following elements: the ordinary high water mark (OHWM), 200-feet landward of the OHWM, the FEMA floodplain, and potentially associated wetlands. The actual extent of the shoreline jurisdiction will require a site-specific evaluation to identify the OHWM, the floodway and associated wetlands.
City of Sumner
Shoreline Environmental Designations Map
ADOPTED: xxxx
ORDINANCE NO: xxxx
PLOTTED ON: 08-01-2017, JAM
SOURCE: City of Sumner Community Development Department, 2017
Critical Areas
DISCLAIMER:
The City of Sumner does not make any warranties or representations with regard to the accuracy of this map. No reliance should be placed upon this map for the location of any easement, street, road, highway, or boundary line or other matter shown on this map, and no liability is assumed by the City of Sumner for the correctness thereof.
N
W
E
S
Scale:
0
0.25
0.5
Miles
Note: All areas waterward of the Ordinary High Water Mark (OHWM) have a Shoreline Environmental Designations of Aquatic.
Note: Setback is measured from the OHWM.
LEGEND:
Sumner City Limits
Parcels
Shoreline Setback Distance
Shoreline Environment Designations
Natural (200-Feet)
Shoreline Residential (100-Feet)
Urban (50-Feet)
Urban Conservancy (100/200-Feet)
Tapps Reservoir (100-Feet)
Shoreline Planing Area, Outside of Study Area

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Natural Environment

Definition

Natural Environment is designated for an area of vacant land uses with relatively unaltered ecological conditions; this area includes a high value, large forested wetland complex with potential for ecological restoration and protection.

Purpose

The purpose of the Natural environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that would become irreversibly impaired as a result of human development and activity. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the environment, restoration of degraded shorelines within this environment is appropriate.

Designation Criteria

This designation should be applied to shoreline areas in city limits or in designated urban growth areas if any of the following characteristics apply:

1) The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
2) The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
3) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) Any use or modification that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
2) Flood control works should be allowed as a conditional use provided they are accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.
3) The following new uses should not be allowed in the natural environment:
    a. Commercial uses;
    b. Industrial uses;
    c. Nonwater-oriented recreation; and
    d. New public infrastructure (such as roads, utility corridors, and parking areas).

4) Single-family residential development may be allowed as a conditional use within the natural environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the natural environment.

5) Agricultural uses of a very low intensity may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

6) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.

7) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Subdividing property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

8) The City should encourage conservation and/or restoration projects, such as conserving and enhancing riparian forest, re-creating off-channel habitat for salmonids, or establishing setback levees in those opportunity areas referenced in the *City of Sumner Shoreline Restoration Plan Element* (see Appendix B).

9) Publicly-owned lands in this designation may offer protection and/or restoration opportunities, such as conserving and enhancing riparian forest, re-creating off-channel habitat for salmonids, and constructing levee setbacks.

Development Standards

1) **Critical Area Regulations:** Buffers and setbacks for Category I wetlands as established in *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection* shall be applied to protect ecological functions.

2) **Riparian Management Zone.** Land within the two-hundred (200) foot setback from the OHWM is considered the "Riparian Management Zone." Within this zone, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation Standards of this Master Program (see *Chapter 6: General Shoreline Policies and Regulations*).

Areas Designated

Description

The Natural designation appears to be appropriate for a portion of the White (Stuck) River shoreline, located in Segment H of the inventory, which is characterized by a large wetland complex.

Table 4-1. Natural Designation Description

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation	Rationale
H WHITE RIVER (Stewart Road Bridge to northern city limits)	• Left bank of White River starting at approximately 940 lineal feet north of Stewart Road Bridge north to northern city limits.	Natural	The northern portion of Segment H is characterized by a large wetland complex (20 acres) and riparian vegetation that ranges from 100 to 800 feet in width along the riverbank. The majority of the shoreline area is vacant and undeveloped.

Right bank refers to the river bank which, when one is facing downstream, is to one's right. Left bank refers to that bank to the left when one is facing downstream.

Rationale

Since the area is characterized by a large wetland complex and undeveloped property, a Natural designation would ensure protection of existing ecological functions and processes.

Urban Conservancy Environment

Definition

An area of mixed land uses that include residential, commercial, and industrial developments, generally located in a floodplain with potential for ecological restoration.

Purpose

The purpose of the Urban Conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Designation Criteria

Areas designated Urban Conservancy should be those areas that are appropriate for development that is compatible with maintaining or restoring the ecological functions of the area, generally not suited for water-dependent uses and that lie in incorporated municipalities or urban growth areas and that meet any of the following characteristics:

1) They are suitable for water-related, water-dependent recreational or water-enjoyment uses;
2) They are open space, floodplains or other sensitive areas that should not be more intensively developed;

3) They have potential for ecological restoration;
4) They retain important ecological functions, even though partially developed; or
5) They have the potential for development that is compatible with ecological restoration.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2) Public access should be required of all nonwater-dependent development on previously developed shorelines.
3) Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy designation to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
4) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
5) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
6) The City should encourage conservation and/or restoration projects, such as conserving and enhancing riparian forest, re-creating off-channel habitat for salmonids, or establishing setback levees in those opportunity areas referenced in the *City of Sumner Shoreline Restoration Plan Element* (see Appendix B).
7) Publicly-owned lands in this designation may offer protection and/or restoration opportunities, such as conserving and enhancing riparian forest, re-creating off-channel habitat for salmonids, and constructing levee setbacks.

Development Standards

1) **New residential development on properties with existing residential dwellings.** Properties with a single-family residential dwelling, lawfully constructed as of the effective date of the Shoreline Master Program (May 17, 2004), and that contain a primary residential structure that has any portion of the structure located within two hundred (200) feet of the ordinary high water mark may reduce the setback to 100 feet provided that:
    a. No portion of the existing primary residential structure located within the one hundred (100) foot setback from the ordinary high water mark shall be expanded.
    b. The footprint of the primary residential structure shall not be expanded by more than one hundred percent (100%), nor shall any portion of the expanded footprint of the primary structure or accessory structure be closer than one hundred (100) feet to the ordinary high water mark;

c. The property owner shall record, prior to receipt of a building permit for expansion, a covenant on the property that shall remain in perpetuity that restricts future use of the property to single family residential;

d. No additional dwelling units, except for an accessory dwelling unit (ADU), may be added to the lot, except in conformance with the Sumner Zoning Code; and

e. Any proposed new residential development must meet the requirements for mitigation of impacts pursuant to Regulation #4 below.

2) **New commercial or industrial use on properties with existing residential dwellings**. If the property is converted to an industrial or commercial use, any development shall meet the required two hundred (200) foot setback.

3) **Riparian Management Zone.** Land within the one hundred (100) or two hundred (200) foot setback from the OHWM is considered the Urban Conservancy "Riparian Management Zone." Within this zone, removal of vegetation and topsoil is strictly regulated under Vegetation Conservation standards of this Master Program (see *Chapter 6: General Shoreline Policies and Regulations, Section III*).

4) **Required Mitigation.** Shoreline areas with an Urban Conservancy designation with a one hundred (100) foot setback are required to provide mitigation for impacts to ecological functions and processes as set forth in *Chapter 6: General Shoreline Policies and Regulations, Section V,* Regulation #7. Public access shall also be provided pursuant to Chapter 6 and Chapter 7.

5) **Critical Area Regulations.** Development in the Urban Conservancy environment shall comply with critical areas regulations (see *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*).

Areas Designated

Description

The Urban Conservancy designation appears to be appropriate for much of the City's shoreline along both the Puyallup and White (Stuck) Rivers. There are two sub-designations for Urban Conservancy one with a 100 foot setback and one with a 200 foot setback.

Table 4-2. Urban Conservancy Designation Description

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation and Riparian Management Zone standard[1]	Rationale
JPA-1 PUYALLUP RIVER (Right bank in Joint Planning Area beginning at southernmost tip of Riverside Park downstream to City limits)	• Right bank[2] of Puyallup River from southern property line of County-owned property downstream to city limits.	Urban Conservancy 100 ft.	This area is predominately residential with Rural-10 and Agriculture Resource Lands zoning districts. In addition, a 50-acre park that has contiguous forested areas is located in this segment. Restoration potential includes setback levees and replanting the riverbank with native species. In order to maintain consistency with Pierce County's proposed SED in the JPA, an Urban Conservancy designation would be appropriate. A 100-foot riparian management zone is appropriate due to the presence of a narrow riparian corridor (ranges from 25- to100-foot wide), and developed residential and agricultural properties.
A PUYALLUP RIVER (City limits at Orting Highway (SR 162) to Traffic Avenue bridge, primarily right bank, small area of land on left bank)	• Left and right banks from west ROW[3] line of Traffic Avenue Bridge upstream to southern property line of City-owned property.	Urban Conservancy 200 ft.	Urban Conservancy designation is recommended for USFWS managed land. May provide additional restoration, protection, and public access opportunity. A 200-foot riparian management zone is appropriate due to the presence of a wide riparian corridor (100- to 200- foot wide) and park land (Girard Park/Grand Park).
B CONFLUENCE OF WHITE & PUYALLUP RIVERS (Traffic Avenue bridge to SR 410 bridge)	• Left and right banks of Puyallup River from west ROW line of Traffic Avenue Bridge downstream to confluence with the White River and; • Left and right bank of White River upstream to south ROW line of SR410 bridge.	Urban Conservancy 200 ft.	Urban Conservancy designation is appropriate for USFWS managed land, shorelines with mix of uses, and shorelines without predominant water-dependent use. The wastewater treatment plant area may provide additional restoration, protection, and public access opportunities. A 200-foot riparian management zone is appropriate due to the presence of a riparian corridor that extends up to 300 feet landward of the OHWM in some locations.

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation and Riparian Management Zone standard[1]	Rationale
C WHITE RIVER (SR410 Bridge to Union Pacific Railroad spur bridge both sides of river)	• Right bank of White River from north ROW line of Bridge Street bridge upstream to north ROW line of Union Pacific Railroad Spur bridge.	Urban Conservancy 200 ft.	Urban Conservancy designation is appropriate for shoreline with a mix of uses, and shorelines without predominant water-dependent use. A 200-foot riparian management zone is appropriate due to the presence of existing, large lot, residential developments that are minimally developed with impervious surfaces.
D WHITE RIVER (Union Pacific Railroad Spur Bridge to Tacoma Avenue bridge, both sides of river)	• Left and right banks from south ROWline of Union Pacific Railroad Spur Bridge to south ROW line of 142nd Avenue East.	Urban Conservancy 200 ft.	Urban Conservancy designation is appropriate for shoreline with a mix of uses, and shorelines without predominant water-dependent use. The area with a 200-foot riparian management zone is appropriate due to the presence of Sotain Creek stream mouth and minimally developed properties. The area with a 100-foot riparian management zone, on the other hand, is characterized by properties intensely developed with industrial warehouses and impervious surfaces used for parking and storage.
	• Left and right banks from south ROWline of 142nd Avenue East bridge to south ROW line of Tacoma Avenue bridge.	Urban Conservancy 100 ft.	
E WHITE RIVER (Tacoma Road Bridge to City-owned property on left bank, both sides of river)	• Left bank from south ROW line of Tacoma Avenue bridge to 45th Street East cul-de-sac.	Urban Conservancy 100 ft.	Urban Conservancy designation is appropriate for shoreline with a mix of uses, and shorelines without predominant water-dependent use. The areas designated with a 200-foot riparian management zone are appropriate due to the presence of large-lot industrial and agricultural properties, existing riparian corridors, and Salmon Creek stream mouth. The area designated with a 100-foot riparian management zone is more intensely developed with industrial buildings and parking lots located closer to the White River.
	• Right bank from south ROW line of Tacoma Road bridge to south propertyline of City-owned land (as shown on Map 4-1).	Urban Conservancy 200 ft.	
	• Left bank from 45th Street East cul-de-sac to south propertyline of City-owned land (as shown on Map 4-1).	Urban Conservancy 200 ft.	

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation and Riparian Management Zone standard[1]	Rationale
F WHITE RIVER (City-owned property to 8th Street Creek, both sides of river)	• Left and right banks from south property line of City-owned land (as shown on Map 4-1) to north ROW line of 16th Street.	Urban Conservancy 200 ft.	Urban Conservancy is recommended for areas in public ownership along the east bank. May provide additional restoration, protection, and public access opportunity. The areas designated with a 200-foot riparian management zone are appropriate due to the presence of large-lot industrial and agricultural properties, existing riparian corridors, park land, wetlands and stream mouths. Urban Conservancy designation is appropriate for shoreline with a mix of uses, and shorelines without predominant water-dependent use. The areas designated with a 100-foot riparian management zone are characterized by a narrower band of riparian vegetation along the golf course, and smaller lot commercial properties with outdoor storage.
	• Left and right banks from north ROW line of 16th Street to 8th Street Creek.	Urban Conservancy 100 ft.	
G WHITE RIVER (8th Street Creek to Stewart Road bridge, both sides of river)	• Left and right banks from 8th Street Creek to south ROW line of Stewart Road bridge and;	Urban Conservancy 100 ft.	Urban Conservancy designation is appropriate for shoreline with a mix of uses, and shorelines without predominant water-dependent use. A 100-foot riparian management zone is appropriate due to the presence of developed industrial properties that have paved areas for outdoor storage.
H (Stewart Road bridge to northern city limits, left bank)	• Left bank from south ROW line of Stewart Road bridge to approximately 940 lineal feet north.	Urban Conservancy 100 ft.	Urban Conservancy designation is appropriate for shoreline characterized by warehouses and outdoor storage of materials. There is band of riparian vegetation 50-100 feet in width along the riverbank. A 100-foot riparian management zone is appropriate due to the presence of developed industrial properties that have paved areas for outdoor storage.

[1]Riparian management standards are discussed in more detail in section below titled *Bulk Dimensional and Vegetation Standards Table.*

[2]Right bank refers to the river bank which, when one is facing downstream, is to one's right. Left bank refers to that bank to the left when one is facing downstream.

[3]Refer to *Map 4-1, Sumner Shoreline Environment Designations*, for specific setback widths within the Urban Conservancy environmental designation.

Rationale

The shorelines designated Urban Conservancy are developed with a variety of shoreline uses including residential, commercial, and industrial. These shoreline areas also have designated critical areas, intact shoreline ecological functions, and areas with potential for restoration, such as property along the White (Stuck) River north of downtown Sumner and City-owned properties along the Puyallup River. Those areas with considerable existing development and small lots constrained between existing roads and the rivers have a riparian management zone of 100 feet. Less developed areas have a riparian management zone of 200 feet.

Shoreline Residential Environment

Definition

An area of low to moderate development intensity with existing and proposed residential land uses that still maintains significant natural features.

Purpose

The Shoreline Residential Environment is intended to accommodate residential development and appurtenant structures that are consistent with the Ecology Guidelines. An additional purpose is to provide appropriate public access and recreational uses.

Designation Criteria

1) A Shoreline Residential environment designation is appropriate for those shoreline areas inside urban growth areas or incorporated municipalities, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) Development should be permitted only in those shoreline areas where adequate setbacks or buffers are possible to protect ecological functions, where there are adequate access, water, sewage disposal, and utilities systems and public services available, and where the environment can support the proposed use in a manner that protects or restores the ecological functions.
2) Development standards for density or minimum frontage width standards, setbacks, lot coverage, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations..
3) Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community facilities.

4) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

5) The City should encourage conservation and/or restoration projects, such as conserving and enhancing riparian trees and forest, re-creating off-channel habitat for salmonids, or establishing setback levees in those opportunity areas referenced in the *Sumner Restoration Plan* (see Appendix B).

Development Standards

1) **Critical Area Regulations**. Development in the Shoreline Residential environment shall comply with critical area regulations *(see Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection)*.

2) **Riparian Management Zone**. Land within the 100-foot setback from the OHWM is considered the Shoreline Residential "Riparian Management Zone." Within this zone, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation standards of this Master Program *(see Chapter 6: General Shoreline Policies and Regulations, Section III).*

Areas Designated

Description

The **Shoreline Residential** designation appears to be appropriate for only a portion of the Puyallup River shoreline, located in Segment A of the inventory, which is predominantly residential and designated for future residential use.

Table 4-3. Shoreline Residential Designation Description

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation	Rationale
A PUYALLUP RIVER (City limits at Orting Highway (SR 162) to Traffic Avenue bridge - primarily right bank, small area of land on left bank)	• Right bank of Puyallup River from southern property line of City-owned property upstream to City limits at Orting Highway (SR 162).	Shoreline Residential	Shoreline Residential designation is appropriate for areas of existing and planned residential use.

Note: Right bank refers to the river bank which, when one is facing downstream, is to one's right. Left bank refers to that bank to the left when one is facing downstream.

Rationale

The segment of shoreline designated as Shoreline Residential is planned for low to moderate residential density. As this area develops, both the Puyallup and the White (Stuck) Rivers will become more important to the community as a visual amenity and recreational asset. Maintaining

open space along the shoreline and preserving the natural character as much as possible will make these shorelines a vital part of the residential suburban landscape.

Urban Environment

Definition

An area of high intensity land uses that include residential, commercial, and industrial development.

Purpose

The purpose of the Urban Environment is to accommodate high intensity commercial and residential land uses and provide protection and restoration of ecological functions and processes. The Urban Environment addresses the need to create attractive urban landscapes along shorelines of the state, particularly when public access is required.

Designation Criteria

Areas designated Urban should meet one or more of the following:

1) Shorelines used or designated for high intensity commercial; multi-family and small lot residential development; or a mix of commercial, office and residential; or
2) Shorelines located within the Sumner Town Center.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) In order to make maximum use of available shoreline and to accommodate future uses, the renewal of substandard or obsolete development within urban shoreline areas should be encouraged.
2) Preference should be given to water-dependent uses, then to water-related and water-enjoyment uses.
3) Non-water-oriented uses should provide water-oriented features as part of new development or redevelopment proposals. Water-oriented features include picnic tables or benches facing the White (Stuck) River. New buildings should be oriented in a manner so that windows, architectural features, and outdoor seating areas face the river.
4) Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed, provided that as development occurs, properly functioning conditions are maintained or restored.
5) Where visual or physical public access to the shoreline is required under this Master Program aesthetic considerations should be promoted using techniques such as sign control regulation, and development and design guidelines

6) New development should protect and restore shoreline ecological functions, . Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with state and federal requirements.

The City should encourage conservation and/or restoration projects, such as conserving and enhancing riparian forest and vegetation, re-creating off-channel habitat for salmonids, or establishing setback levees, in those opportunity areas referenced in the *City of Sumner Shoreline Restoration Plan Element* (see Appendix B).

Development Standards

1) **Riparian Management Zone**. Land within the fifty (50) foot setback from the OHWM is considered the "Riparian Management Zone." Within this zone, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation standards of this Master Program (see *Chapter 6: General Shoreline Policies and Regulations, Section III*).

2) **Environmental Mitigation**.

    a. Development requiring a Substantial Development Permit, Conditional Use Conditional Use, or Variance or environmental review under SEPA shall provide a habitat management and mitigation plan as specified in *Chapter 6: General Shoreline Policies and Regulations, Section V, Environmental Impact Mitigation*.

    b. Development that is exempt from a Substantial Development Permit, Conditional Use Conditional Use, or Variance or environmental review under SEPA shall provide for mitigation in a combination of the following ways:

        i. Increased riparian management zone on undeveloped area of the property;

        ii. Increased building setbacks,

        iii. Protection of existing shoreline vegetation contributing to the ecological functions.

        iv. Restoration of shoreline vegetation where it has been removed or degraded;

        v. Enhancements of shoreline vegetation through additional plantings;

        vi. Reduced project scope;

        vii. Limitations on construction hours;

        viii. Limitations on hours of operation;

        ix. Relocation of access; and

        x. Other reasonable mitigation measures as approved by the Shoreline Administrator.

    c. Projects may be denied if the proposal will result in a net loss of shoreline ecological function.

3) **Critical Area Regulations.** Development in the Urban environment shall comply with critical area regulations (see *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*).

Areas Designated

Description

The **Urban** designation appears to be appropriate for only a portion of the White (Stuck) River shoreline, located in Segment C of the inventory, which is a mix of residential, industrial, and commercial uses.

Table 4-4. Urban Designation Description

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation	Rationale
C WHITE RIVER (SR410 bridge to Union Pacific Railroad spur bridge, both sides of river)	• Right bank from south ROW line of SR 410 bridge to north ROW line of Bridge Street and; • Left bank from south ROW line of SR410 bridge to north ROW line of Union Pacific Railroad spur bridge	Urban	The area is predominately developed as a mix of commercial, residential, and industrial uses. There are smaller residential lots in the downtown area. Limited opportunities for restoration and enhancements are found in opportunity area C-1 as shown in the *Shoreline Inventory*

Note: ROW – Right-of-way.
Right bank refers to the river bank which, when one is facing downstream, is to one's right. Left bank refers to that bank to the left when one is facing downstream.

Rationale

The shorelines designated Urban do not have biophysical limitations to development such as floodplains. In fact, the 100-year floodplain of the White (Stuck) River is very narrow along this segment of shoreline and on the east side, confined within the riverbank. In addition, the shorelines designated Urban are currently used for a multitude of high intensity uses, including industrial, commercial, residential, and public services. There are areas of opportunity along the shoreline where restoration efforts could be concentrated to further enhance and conserve ecological functions and processes.

Tapps Reservoir Environment

Definition

An undeveloped area owned and managed by a utility company on Lake Tapps.

Purpose

The intent of the Tapps Reservoir environment is to accommodate limited development in the shorelines of the Lake Tapps reservoir area, a municipal water reservoir. The Tapps Reservoir Environment is intended to accommodate utility facilities related to reservoir management and preserve ecological function of the shoreline.

Designation Criteria

1) Tapps Reservoir environment designation is appropriate only to areas within or adjacent to Lake Tapps.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) Give priority to reservoir management where such development can be accommodated without net loss of ecological functions or adversely affecting water quality in the reservoir.
2) Public outdoor recreation facilities should be encouraged if compatible with the character of the area. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.

Development Standards

1) **Critical Area Regulations.** Development in the Tapps Reservoir environment shall comply with critical area regulations (see *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection)*.
2) **Riparian management zone.** Land within the one-hundred (100) foot setback from the OHWM is considered the "Riparian Management Zone." Within this zone, removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation standards of this Master Program (see *Chapter 6: General Shoreline Policies and Regulations, Section III*).

Areas Designated

Description

The **Tapps Reservoir** designation is appropriate for only the Lake Tapps shoreline, located in Segment UGA-1 of the inventory, which is currently undeveloped.

Table 4-5. Tapps Reservoir Designation Description

Inventory Segment (see Map 2-1)	Area Designated	Shoreline Designation	Rationale
UGA-1 Lake Tapps (Portion of Lake Tapps within Sumner's UGA)	• Portion of Lake Tapps within Sumner's UGA	Tapps Reservoir	Land use in this segment is entirely vacant and owned by Puget Sound Energy.

Rationale

The segment has been minimally developed and is primarily wetland and mature, mixed forest. There are 36 acres of mapped wetlands. This segment contains the penstock structure that releases water from Lake Tapps to the White (Stuck) River via the Dieringer Flume. In order to maintain consistency with Pierce County's proposed SED, Tapps Reservoir designation is appropriate.

Aquatic Environment

Definition

Areas waterward of the ordinary high water mark (OHWM). .

Purpose

The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

Designation Criteria

1) Assign an Aquatic environment designation to lands waterward of the ordinary high-water mark.

Management Policies

In addition to the other applicable policies and regulations of this Program, the following management policies should apply:

1) Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2) The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

3) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
4) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5) Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when all potential impacts are mitigated as necessary to assure maintenance of shoreline ecological functions and processes.
6) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7) New structures waterward of the ordinary high water mark should only be permitted for water-dependent uses, public access, or ecological restoration. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

Development Standards

Activities in the aquatic environment shall meet the development standards required by the Hydraulic Project Approval (WAC 220-110) and Section 404 permit requirements.

Areas Designated

Description

The **Aquatic** designation is appropriate for only areas waterward of the ordinary high water mark.

Table 4-6. Aquatic Designation Description

Inventory Segment	Area Designated	Shoreline Designation	Rationale
All areas waterward of OHWM Puyallup River, White River and Lake Tapps	• Shoreline of the state waters and underlying submerged lands waterward of the OHWM.	Aquatic	Areas waterward of OHWM contain critical habitats that require a special designation to address in-water work.

Rationale

Areas waterward of OHWM contain critical habitats that require a special designation to address in-water work.

Permitted Use and Modification Table

Chapters 6 and 7 of this Master Program establish policies and regulations for shoreline developments and activities. For each of these developments or activities a determination is made on whether it can be permitted by Substantial Development Permit, Conditional Use Permit, or whether it is prohibited. The reader should turn to Chapters 6 and 7 for the specific uses and modifications that are permitted, conditionally permitted and prohibited and the regulations that apply to such uses and modifications. However, the following table summarizes which shoreline uses and modifications are allowed and under what circumstances, and which uses or modifications are prohibited, in each shoreline environment designation. Uses or activities are noted for each shoreline environment as "P," "CUP," "-," or "N/A." This table is intended for reference purposes only. If information in the table conflicts with provisions in other parts of the SMP, the provisions contained in text sections of the SMP shall apply.

"P" = Permitted - Permitted uses may require Shoreline Exemption letters or Shoreline Substantial Development Permits, and any other permits required by the Sumner Municipal Code and/or other regulatory agencies.

"CUP" = Conditional Use - Conditional uses require Shoreline Conditional Use Permits and may require other permits required by the Sumner Municipal Code and/or other regulatory agencies. Some uses that are considered exempt from a Shoreline Substantial Development Permit per *Chapter 8: Administrative Procedures, Section 1.A* may still be required to obtain a Shoreline Conditional Use Permit.

"-" = Prohibited - Prohibited uses and activities are those which are not allowed to be developed or conducted within the shoreline jurisdiction.

N/A = Not Applicable – Not applicable refers to activities that do not occur in Sumner. Activities that are considered not applicable are prohibited.

Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate that such use is consistent with:

1) The requirements of this section and,
2) The requirements for conditional uses contained in the Shoreline Master Program and,
3) Is further consistent with the permitted and conditional uses and Conditional Use Permit provisions of the underlying zoning code.

Table 4-7. Permitted Use and Modification Table

Use/Modification	Natural	Urban Conservancy	Tapps Reservoir	Shoreline Residential	Urban	Aquatic
Agriculture	P, existing only	P	-	P	P	-
Aquaculture*	P	P	-	P	P	P
Boating facilities						
Boat launch ramps	-	CUP, only public use	CUP, only public use	CUP, only public use	CUP, only public use	CUP, only public use
Docks*	N/A	N/A	N/A	N/A	N/A	N/A
Dry boat storage	-	CUP	-	-	CUP	-
Marinas*	N/A	N/A	N/A	N/A	N/A	N/A
Breakwaters, jetties, groins, and weirs*	N/A	N/A	N/A	N/A	N/A	N/A
Clearing and grading	P, only in association of a restoration project	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association of an allowed use	N/A
Commercial development						
Water-dependent	-	P	-	-	P	-
Water-related	-	CUP	-	-	P	-
Water-enjoyment	-	P**/CUP	-	-	P	-
Non-water-oriented	-	P**/CUP	-	-	P**/CUP	-

Use/Modification	Natural	Urban Conservancy	Tapps Reservoir	Shoreline Residential	Urban	Aquatic
Dredging and dredge material disposal						
Dredging	CUP	CUP	CUP	CUP	CUP	CUP
Dredge Material Disposal	CUP, only as part of restoration project	CUP	CUP	P	P	CUP
Ecological restoration / enhancement / mitigation						
Ecological restoration / enhancement / mitigation	P	P	P	P	P	P
Shoreline habitat and natural systems enhancement	P	P	P	P	P	P
Wetland Mitigation Bank	P	P	P	P	P	P
Fill						
Within floodway	CUP, only as part of restoration project	CUP, only in association with an allowed use	CUP, only in association with an allowed use	CUP, only in association with an allowed use	CUP, only in association with an allowed use	CUP
Outside floodway	P, only as part of restoration project	P, only in association with an allowed use	P, only in association with an allowed use	P, only in association with an allowed use	P, only in association with an allowed use	CUP
Flood control works						
Dikes and levees	CUP	CUP	CUP	CUP	CUP	CUP
Forest practices	-	-	-	-	-	N/A

Use/Modification	Natural	Urban Conservancy	Tapps Reservoir	Shoreline Residential	Urban	Aquatic
Industrial Development						
Water-dependent	-	P	-	-	P	-
Water-related	-	CUP	-	-	P	-
Non-water-oriented	-	CUP	-	-	CUP	-
In-stream structures	CUP	CUP	CUP	CUP	CUP	CUP
Mining	-	-	-	-	-	-
Parking	-	P, only as an accessory to an allowed use	P, only as an accessory to an allowed use	P, only as an accessory to an allowed use	P, only as an accessory to an allowed use	-
Recreational development						
Water-dependent	P, low-intensity only	P	P	P	P	CUP
Water-related	-	P	P	P	P	-
Water-enjoyment	-	P	P	P	P	CUP
Non-water-oriented	-	CUP	CUP	P	P	-
Residential development	-	CUP	-	P	P	-
Residential docks*	N/A	N/A	N/A	N/A	N/A	N/A
Scientific Research	P	P	P	P	P	P
Shoreline stabilization						
Hard-armoring (bulkheads, revetments)	CUP	CUP	CUP	P	P	CUP/P, see upland designation
Soft-armoring	P	P	P	P	P	P

Use/Modification	Natural	Urban Conservancy	Tapps Reservoir	Shoreline Residential	Urban	Aquatic
Signs	-	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association of an allowed use	P, only in association with a water-dependent use
Stormwater Facilities	-	CUP, only as an accessory to an allowed use	-	CUP, only as an accessory to an allowed use	CUP, only as an accessory to an allowed use	-
Transportation Facilities	CUP	CUP	CUP	P	P	CUP
Utilities						
Water-dependent	CUP	P	P	P	P	P
Non-water-dependent	CUP	CUP	CUP	CUP	CUP	CUP
Unclassified Uses	CUP	CUP	CUP	CUP	CUP	CUP

*Uses such as marinas, docks, and breakwaters would not be feasible in an active river system that frequently floods. These types of water-dependent uses in a flood event would be destroyed or damaged heavily and are inappropriate in Sumner's shoreline jurisdiction. Similarly, such uses would not be feasible in Lake Tapps due to the existing utility use.

**Permitted along both banks of the White (Stuck) River between the Fryar Avenue bridge crossing and the confluence of the White (Stuck) River with the Puyallup River provided Regulation #6 in *Chapter 7: Specific Shoreline Development Policies and Regulations, Section V, Commercial Development Regulations* is met. A CUP is required for all other areas within city limits.

Prohibited Modifications and Uses

The following modifications and uses are prohibited in all shoreline environment designations. See *Chapter 9: Definitions and Acronyms* for definitions of the following modifications and uses:

1) Docks
2) Private boat launch ramps
3) Breakwaters, jetties, groins, and weirs
4) Forest Practices
5) Marinas
6) Mining
7) Parking as a Primary Use
8) Permanent Solid Waste Storage or Transfer Facilities

Bulk Dimensional and Vegetation Standards Table

Table 4-7 establishes standards for building height, impervious surface coverage, and riparian management zone by shoreline environment designation. Regulations for each standard are provided after the table.

Table 4-8. Bulk Dimensional and Vegetation Standards

Bulk Dimensional and Vegetation Standards	Natural	Urban Conservancy	Tapps Reservoir	Shoreline Residential	Urban	Aquatic
Maximum Building Height[1,2,3]	35 feet	35 feet	35 feet	35 feet	35 feet 80 feet[8]	N/A
Maximum Impervious Lot Coverage[4]	20%	40%	20%	40%	80%	N/A
Minimum Riparian Management Zone[5, 6]	200 feet	100 feet or 200 feet[7]	100 feet	100 feet	50 feet	N/A

[1]As allowed by the underlying zoning.
[2]See Maximum Building Height section below for additional requirements.
[3] The height limit shall not apply to cupolas, water tanks, church spires, flagpoles, transmission lines, and radio and television towers and other similar structures.
[4]See Maximum Impervious Lot Coverage section below for additional requirements.
[5]Minimum riparian management zone standard does not apply to water-dependent development, public access, water-related recreational development, or minor activities allowed in critical areas and buffers pursuant to *Chapter 6: General Shoreline Policies and Regulations, Section VII Critical Areas Protection*.
[6]See Minimum Riparian Management Zone section below and *Chapter 6: General Shoreline Policies and Regulations, Section III, Vegetation Conservation* for additional requirements.
[7]Refer to *Map 4-1, Official Shoreline Map*, for specific riparian management zones within the Urban Conservancy environmental designation.
8 Buildings within the Urban shoreline designation shall only be permitted for a maximum building height of 80 feet when they are within the Town Center Plan Area.

Maximum Building Height

1) No new or expanded building or structure shall exceed the maximum building height established in Table 4-7, except as follows:

    a. A Shoreline Variance from the maximum height limitation established in Table 4-7 can be granted if the following conditions are met.

        i. The development will not obstruct the view of a substantial number of residences;

        ii. The overriding considerations of the public interest will be served; and

        iii. The requested Variance does not go beyond the minimum necessary to afford relief.

    b. The requested Variance may be granted only when all the following facts and conditions are found to exist:

        i. The requested deviation from the code standards is necessary for the successful physical function of the proposed use;

        ii. Reasonable alternatives which result in reduced or no deviation from the height limitations have been considered;

        iii. The granting of such deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the adjacent shoreline areas and in the zone in which the subject property is situated; and

iv. The proposed Variance from the height limitation is consistent with the city's comprehensive plan.

c. A shoreline variance from the height limitations shall also comply with the variance criteria listed in *Chapter 8: Administrative Procedures*.

2) Buildings with in the Town Center Plan area over 35 feet in height will be in compliance with RCW 90.58.020 and RCW 90.58.320:
   a. Existing development in the shoreline would not be prone to losing views of the river due to topography, location of current and potential development and riparian vegetation. Access and views of the river will be protected through implementation of Sumner's parks and trails plan.
   b. Sumner's Comprehensive Plan and Town Center Plan (TCP) anticipate growth and increased density. The TCP utilizes proximity to transit lines and contemplates increased density in a planned area to address future growth.

Maximum Impervious Lot Coverage

1) The impervious lot coverage is calculated by dividing the total area of impervious surface (e.g., driveways, buildings, patios, parking lots) located in shoreline jurisdiction by the total lot area that is within shoreline jurisdiction and then multiplied by one-hundred (100) to convert to percentage points.
2) The maximum impervious lot coverage established in Table 4-7 shall not be exceeded.

Minimum Riparian Management Zone

1) A riparian management zone is measured from the ordinary high water mark, on a horizontal plane, perpendicular to the shoreline.
2) Permanent structures, storage, and hard surfaces not associated with water-dependent uses, water-dependent modifications, public access, water-related recreational development or minor activities allowed in critical areas and buffers pursuant to *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection* shall not be located within the minimum riparian management zone established in Table 4-7. Parking shall not be allowed within the riparian management zone. Developments associated with a water-dependent use, water-dependent modification, public access, water-related recreational development, or minor activities allowed in critical areas and buffers pursuant to *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection* may be located in the riparian management zone; however, where such development can be approved within the riparian management zone, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. Furthermore, public access and water-related recreational development shall comply with regulations in *Chapter 6: General Shoreline Policies and Regulations, Section VIII, Public Access and Chapter 7: Specific Shoreline Development Policies and Regulations, Section XIV, Recreational Development*.
3) Removal of vegetation and topsoil is strictly regulated under the Vegetation Conservation

section (see *Chapter 6: General Shoreline Policies and Regulations, Section III*) and the Clearing and Grading section (see *Chapter 7: Specific Shoreline Development Policies and Regulations, Section IV*).

CHAPTER 5 GOALS FOR THE SUMNER SHORELINE MASTER PROGRAM

Introduction

Based on the Shoreline Management Act (RCW 90.58.100), the following elements have been considered in the preparation of this Master Program for the City of Sumner: Economic Development, Public Access, Circulation, Recreation, Shoreline Use, Conservation, and Historical/Cultural Resources. The goals and objectives established for these elements are the basis for policies and regulations included under the general and specific use requirements of this Master Program.

Economic Development Element

Goal Provide for economic activity that is water-dependent, water-related, or that provides an opportunity for a substantial number of people to enjoy the shoreline (water-enjoyment).

Objective To plan for uses that benefit from a shoreline location.

Public Access Element

Goal Increase public access to the shoreline, and preserve and enhance views of the shoreline.

Objective To provide for public access to publicly owned shoreline areas, except where deemed inappropriate due to safety hazards, inherent security problems, environmental impacts, or conflicts with adjacent uses. Require dedication of property or easements to provide for public access across private property as a condition of non-water dependent development.

Circulation Element

Goal Provide safe and adequate vehicular circulation systems to shorelines where routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the system.

Objective To allow vehicular circulation systems within shoreline jurisdiction that benefit permitted uses without degrading the environment or aesthetic values of the area.

Recreational Element

Goal Provide public access and opportunities for recreation along the shoreline wherever appropriate.

Objective To develop public access and recreation opportunities that are compatible with adjacent uses and that protect the shoreline environment.

Shoreline Use Element

Goal Ensure that the overall design of land use patterns will locate activity and development in areas of the shoreline that will be compatible with adjacent uses and will be sensitive to existing shoreline environments, habitat, and ecological systems.

Objective To promote the best possible pattern of land and water uses consistent with the Shoreline Management Act of 1971, Ecology Guidelines, the City of Sumner Comprehensive Plan, the City of Sumner Parks and Recreation Plan, the Sumner Trail Master Plan, and the Sumner Zoning Code.

Conservation Element

Goal Preserve, protect, and restore to the greatest extent feasible the physical, biological, and visual attributes of the shoreline environment.

Objective Through the use of best available science develop and implement siting criteria, design standards, and best management practices that will ensure the long term enhancement of unique shoreline features, natural resources, and fish and wildlife habitat.

Objective To designate and develop areas where there is an opportunity to restore, enhance, and conserve the natural shoreline for the benefit of fish and wildlife habitat.

Historical/Cultural Element

Goal Identify, preserve, protect, and restore shoreline areas having historical, cultural, educational, or scientific values.

Objective To ensure the recognition, protection, and restoration of shoreline areas that have historical and or cultural value to the City of Sumner and create a unique "sense of place" for public facilities and recreation areas in the shoreline jurisdiction.

Flood Hazard Management

Goal Protect the City of Sumner from losses and damage created by flooding.

Objectives To seek regional solutions to flooding problems through coordinated planning with state and federal agencies, other appropriate interests, and the public

To ensure that flood hazard protection projects have a positive environmental benefit that emphasize long-term solutions over short term solutions.

CHAPTER 6 GENERAL SHORELINE POLICIES AND REGULATIONS

I. Introduction

These general policies and regulations apply to all shoreline development, modifications and uses. Any conflicts between the regulations within this Chapter and other relevant federal, state, or local regulations are resolved in favor of the regulation that is most protective of the shoreline ecological functions.

In addition to the general policies and regulations listed below, all proposed developments must comply with the policies for shorelines of statewide significance (see *Chapter 3: Shorelines of Statewide Significance*) and the policies and regulations for specific uses and modifications (see *Chapter 7: Specific Shoreline Development Policies and Regulations*).

II. Reader's Key

The following abbreviations and terms are used in this chapter. For ease of reading, a quick definition is provided here. These terms are defined in more detail in the following text and again in *Chapter 9: Definitions and Acronyms*.

Table 6-1. Abbreviations & Terms

Abbreviation	Term	Meaning
BMP	Best Management Practices	Physical, structural, and/or managerial practices, that when used singly or in combination, prevent or reduce water pollution, erosion, groundwater contamination, slope instability and similar impacts of construction, development and other actions.
--	Ecological Functions	Those functions that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Abbreviation	Term	Meaning
--	Mitigation or Mitigation Sequencing	The process necessary to avoid, minimize or reduce, or compensate for the environmental impact(s) of a proposal. Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority (WAC 173-26-201): 1) Avoiding the impact altogether by not taking a certain action or parts of an action; 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; 3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; 4) Reducing or eliminating the impact over time by preservation and maintenance operations; 5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and 6) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

III. Vegetation Conservation

Definitions

Invasive Species: Plant species, typically non-native, that grows rapidly tending to occupy an area to the detriment of other, typically native, plant species.

Riparian: Of, on, or pertaining to the lands that border rivers or lakes forming transition zones between aquatic and terrestrial habitats.

Riparian Management Zone: Riparian management zones are measured landward from the ordinary high water mark and are established in Table 4-7. The purposes for maintaining a riparian management zone are to preserve the natural character of the shoreline, to protect the functions and values of critical areas, to ensure no net loss of ecological functions and processes and to enhance the recreational experience for the public using the river or lake and adjacent lands. *Chapter 3: Shorelines of Statewide Significance,* describes these purposes in more detail and establishes the riparian management zone as a primary means of complying with the priorities for shorelines of statewide significance.

Significant Vegetation Removal: The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Vegetation Conservation Policies

1) Develop measures to conserve native vegetation along shorelines. Vegetation conservation may include avoidance or minimization of clearing and grading, avoidance of tree removal, enhancement of areas of native vegetation, and/or control of invasive or non-native vegetation.

2) Vegetation removal should not be permitted within the riparian management zone, unless ecological functions and processes will not be degraded.

Vegetation Conservation Regulations – General

1) Outside of riparian management zones, normal non-destructive pruning and trimming of vegetation for maintenance purposes shall be permitted. Techniques shall include selective pruning, winnowing and other measures that preserve native plant composition, particularly tree form and structure. Limbing and crown thinning may be appropriate if sufficient crown is retained to preserve the trees fullness, health, and function.

2) Clearing invasive non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted, provided hand held equipment is used and native vegetation is promptly reestablished in the disturbed area.

3) Should a development propose unavoidable impacts adverse to native shoreline vegetation located within the shoreline jurisdiction, mitigation shall be required. Mitigation shall ensure that there will be no net loss in the amount of vegetated area or the ecological functions performed by the disturbed vegetation. On-site and in-kind mitigation is preferred. Mitigation plans shall be completed before initiation of permitted activities, unless a phased or concurrent schedule that assures completion prior to occupancy has been approved by the Shoreline Administrator.

4) When restoring or enhancing shoreline vegetation, proponents shall use native species that are of a similar diversity, density, and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be a mix of native species from each vegetation class of ground cover, shrubs and trees nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.

Vegetation Conservation Regulations - Riparian Management Zone

1) The riparian management zone should be established by a permanent protective easement or a public or private land trust dedication. An easement shall also be provided by the underlying property owner that grants the City access to the buffer for the placement of further conservation/restoration measures.

2) In order to maintain riparian corridors along both sides of the White (Stuck) and Puyallup Rivers and along Lake Tapps, the City of Sumner shall regulate the cutting, trimming, and clearing of vegetation within the riparian management zone, as follows:

   a) Topping of trees and trimming of vegetation may be permitted within the riparian management zone, provided all of the following conditions are met:

i. This provision is not interpreted to allow clearing of vegetation,

ii. A certified arborist reviews the tree and states that no alternative to the topping or trimming of trees is appropriate or that work will not harm the vitality of these trees; and

iii. The Shoreline Administrator determines, after consultation with the Washington Department of Fish and Wildlife, that such topping and trimming is not detrimental to the riparian functions and values.

3) Vegetation removal within the riparian management zone is regulated as follows:

a) For water-dependent uses, water-dependent modifications, water-related recreational development and public access, vegetation removal shall be limited to the minimum necessary for the successful operation of the use, subject to the requirements of this section and *Clearing and Grading* provisions in *Chapter 7: Specific Shoreline Development Policies and Regulations*.

b) Vegetation removal is permitted for public access provided that it meets the requirements for public access as set forth *Section VIII, Public Access* section.

4) In all cases where vegetation removal may be approved pursuant to *Section III, Vegetation Conservation Regulations – Riparian Management Zone, Regulation #3* , exposed soils shall be immediately developed or revegetated to prevent erosion. Unless it would interfere with river access or the successful operation of a water-dependent use, cleared land within twenty-five (25) feet of the ordinary high water mark shall be revegetated with plants that benefit ecological functions and processes, such as native trees, shrubs and groundcover.

5) In all cases where clearing is allowed pursuant to *Section III, Vegetation Conservation Regulations – Riparian Management Zone, Regulation #3*, it shall be followed by revegetation; native plants shall be required[1], and cut trees larger than 9 inches caliper, as measured one (1) foot above grade, shall be retained in the vegetation management zone for habitat value.

6) Revegetation shall involve the placement of groundcover, shrubs, or trees and the following regulations shall apply:

a) At the time of planting, groundcover must be planted such that complete coverage is attained within one growing season.

b) At the time of planting, shrubs must be a minimum of twelve (12) inches high. Shrubs should be planted such that within two years the shrubs will cover at least sixty percent (60%) of the area that would be covered when the shrubs have attained a mature size.

c) For every tree greater than four (4) inches caliper, as measured one (1) foot above grade, removed for clearing, a minimum of two trees shall be planted for compensation.

[1] A list of native plants that are adapted to riparian conditions will be provided by the City of Sumner, in consultation with appropriate local and state agencies. The Washington Department of Fish and Wildlife can also provide a list of species that benefit riparian habitat areas.

d) Plants native to western Washington shall be used.

e) A mix of vegetation classes (i.e. ground cover, shrubs, and trees) shall be used. Minimally, trees shall be planted 20 feet on center.

7) The applicant shall install and implement a temporary irrigation system to ensure survival of vegetation planted in compliance with the riparian management provisions of this Master Program. Once the planted vegetation has been properly established, the irrigation system shall be removed.

8) For a period of two (2) years after initial planting, the applicant shall replace any unhealthy or dead vegetation planted as part of an approved landscape plan.

9) The Shoreline Administrator may require an applicant to submit a financial guarantee to the city to guarantee compliance with the riparian management zone regulations as a condition of permit approval. The permit shall not be issued until the appropriate financial guarantee is received by the Shoreline Administrator. Financial guarantees shall be in the amount of 120 percent of the estimate of the cost of compliance with the riparian management zone regulations to allow for inflation and administration should the City have to complete the mitigation or monitoring.

IV. Water Quality

Definition

Water Quality: The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this master program, the term "water quantity" refers only to development and uses regulated under the Shoreline Management Act and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water Quality Policies

1) The City should prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

2) Storm water management treatment, conveyance, or discharge facilities should be discouraged in the shoreline jurisdiction, unless no other feasible alternative is available.

3) Low impact development techniques that allow for greater amount of storm water to infiltrate into the soil should be encouraged to reduce storm water run-off.

4) Encourage conservation of existing shoreline vegetation which provides water quality protection by slowing and filtering stormwater runoff.

Water Quality Regulations

1) Shoreline development and activity shall avoid any alteration of natural river flow or floodway capacity and shall comply with the applicable requirements of *Section 6.11, Flood Hazard Area*.

2) Shoreline development and activity shall minimize impacts to hydro-geomorphic processes, surface water drainage, and groundwater recharge and shall comply with the applicable requirements of the City of Sumner Development Specifications and Standard Details, Chapter 5.

3) All practicable measures shall be taken to protect waterbodies and wetlands from all sources of pollution, including, but not limited to sedimentation and siltation, petrochemical use and spillage, and storage of wastes and spoils. Developments shall comply with SMC 16.05, Control of Erosion and Sedimentation of Waterways.

4) Adequate provisions to prevent water runoff from contaminating surface and groundwater shall be included in shoreline development design.

5) Hazardous and/or toxic materials shall be prohibited within shoreline jurisdiction. In addition, emergency methods shall be available to prevent hazardous and/or toxic materials from entering the Puyallup or White (Stuck) Rivers or Lake Tapps and their associated wetlands, if these substances are used or stored in a portion of a shoreline development that extends outside of shoreline jurisdiction.

6) The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction in shoreline areas, the exclusion of vehicle refueling or vehicle maintenance from shoreline areas shall be the preferred BMP. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, shall not occur in the shoreline jurisdiction without adequate secondary containment.

7) The use of herbicides and pesticides shall be prohibited to remove noxious and invasive plants in the riparian management zones of rivers, streams, and wetland areas, except where no reasonable alternatives exist and it is demonstrated that such activity is in the public interest. A Conditional Use shall be required in such cases. Mechanical removal of noxious and invasive weeds shall be timed and carried out in a manner to minimize any disruption of wildlife or habitat.

8) For lawns and other vegetation maintained within shoreline jurisdiction, alternatives to the use of chemical fertilizers, herbicides, and pesticides shall be a preferred BMP. Where chemical fertilizer, herbicide, or pesticide use is necessary for protecting existing natural vegetation or establishing new vegetation in shoreline areas as part of an erosion control or mitigation plan, the use of time release fertilizer and herbicides shall be preferred over liquid or concentrate application.

9) Stormwater facilities that are designed to treat surface water runoff for the purpose of maintaining and/or enhancing water quality shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, all measures for the treatment of surface water shall be conducted on-site, unless off-site options can

be demonstrated to be more beneficial for shoreline ecological functions and processes. Treatment facilities shall not be allowed within the required riparian management zone, unless the Shoreline Administrator determines there would be a benefit to shoreline functions.

V. Environmental Impact Mitigation

Definitions

Environmental Impacts. The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-060 and WAC 197-11-444)

Mitigation or Mitigation Sequencing. The steps necessary to avoid, minimize, reduce, or compensate for the environmental impact(s) of a proposal pursuant to the requirements in WAC 173-26-201(2)(e).

Environmental Impact Policy

1) All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas designated in *Section VII, Critical Areas Protection* that are located in the shoreline. Should a proposed use and development potentially create environmental impacts, the Shoreline Administrator should require mitigation measures to ensure no net loss of shoreline ecological functions.

Environmental Impact Regulations

1) All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment. When required, mitigation measures shall be applied in the in the following sequence of steps listed in order of priority, with 1a of this subsection being top priority:
   a) Avoiding the impact altogether by not tak*ing a certa*in action or parts of an action;
   b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
   d) Reducing or eliminating the impact over time by preservation and maintenance operations;
   e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

3) All shoreline development and activity shall be located, designed, constructed, operated, and managed to minimize interference with beneficial natural shoreline processes, such as, but not limited to, water circulation, sand and gravel movement, erosion, and accretion.

4) All shoreline development and activity shall recognize the primacy of preserving the natural character of the White (Stuck) and Puyallup Rivers and Lake Tapps and the fish and wildlife supported by these shorelines, as required for shorelines of statewide significance.

5) In approving shoreline developments, the City of Sumner shall ensure that the development will maintain, enhance, or restore desirable shoreline features, as well as protect ecological functions and processes. To this end, the City will adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, and screening as deemed appropriate.

6) Projects shall be designed to avoid the removal of trees in shorelines, wherever practicable and to minimize the removal of other woody vegetation. Where riparian vegetation is removed, measures to mitigate the loss of vegetation shall be implemented to assure no net loss in ecological function and processes.

7) Mitigation shall be required of the proponent for the loss of ecological functions and processes, including fish and wildlife resources, natural systems, riparian vegetation, wetlands and other critical areas. The mitigation required shall be commensurate to the value and type of resource or system impacted by development and activity in the shoreline. On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to ecological functions and processes If on-site compensatory mitigation is not feasible or if off-site mitigation is demonstrated to be more beneficial to the shoreline environment, participation in a publicly sponsored restoration or enhancement program or credits from a state certified mitigation in accordance with chapter 90.84 RCW shall be the preferred option.

8) Enhancement and/or restoration of coniferous riparian forest or deciduous riparian forest shall be the preferred mitigation for impacts to riparian vegetation when avoidance is not possible. Where mitigation for loss of or impact to ecological function and processes is required, a habitat management plan shall be required. Habitat management plans shall be prepared by a professional wildlife biologist or fisheries biologist as determined appropriate by the Shoreline Administrator. The habitat management plan shall contain at a minimum:

a) A discussion of the project's effects on ecological functions and processes;

b) A discussion of any federal, state, or local special management recommendations which have been developed for species or habitats located on the site;

c) A discussion of measures to preserve existing habitats and restore habitats which were degraded prior to the proposed land use activity. Restoration plans shall

include at a minimum: planting and soil specifications; success standards; and contingency plans;

d) A discussion of proposed measures which mitigate the impacts of the project;

e) An evaluation of the effectiveness of the proposed mitigation and restoration measures;

f) A discussion of ongoing management practices which will protect ecological functions and processes after the project site has been fully developed, including proposed monitoring and maintenance programs;

g) An assessment of habitat recommendations proposed by resource agencies and their applicability to the proposal; and

h) Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.

i) Habitat management plans shall be forwarded to the appropriate state and/or federal resource agencies for review and comment.

9) Annual monitoring reports shall be provided to the City by the property owner until the mitigation and/or restoration has been in place for at least 10 years and the success standards have been met. The City shall forward the monitoring reports annually to the appropriate federal agencies along with the following:

a) A list and map of the location of development permits issued in the last calendar year;

b) The implementation status of Habitat Management Plans; and

c) The status of the habitat improvements.

10) Based on the habitat management plan, and comments from other agencies, the Shoreline Administrator may require mitigating measures to reduce the impacts of the proposal on critical habitat and/or wildlife areas. Mitigating measures must demonstrate that no net loss of ecological functions has been achieved through the habitat management plan and may include, but are not limited to, increased buffers, building setbacks, enhanced buffers, reduced project scope, limitations on construction hours, limitations on hours of operation, and relocation of access. Projects may be denied if the proposal will result in net loss of ecological functions.

11) Mitigation activities shall be monitored to determine effectiveness of the habitat management plan. Monitoring shall be accomplished by a third party, subject to the approval of the Shoreline Administrator, and shall have the concurrence of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, FEMA, Washington Department of Fish and Wildlife, and, where applicable, the Washington Department of Ecology. Monitoring shall occur over ten (10) years following implementation of the plan. Results of the monitoring shall be publicly available and reported to the U.S. Fish and Wildlife Service and National Marine Fisheries Service. Reports shall contain the following information:

a) A list of parcels subject to this requirement;

b) The implementation status of the habitat management plans;

c) Status of the improvements (e.g. update if success standards are being met, what types of remedial actions have been implemented.)

12) If mitigation is found to be ineffective, corrective action will be required of the proponent, which satisfies the mitigation objectives.

13) If mitigation is found to be inadequate or if adequate mitigation is determined to be impossible, the application shall be denied.

14) Timing of in-water construction, development, or activity shall be determined by Washington Department of Fish and Wildlife

VI. Historical and Cultural Resources

Definition

Archaeological: Having to do with the scientific study of material remains of past human life and activities.

Historical and Cultural Resources Policies

1) Preserve and maintain the historic, cultural, scientific, or educational integrity of known resources, including properties listed on the National or State Register of Historic Places. Plan and design development on sites having historic, cultural, or archeological resources in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.

2) Encourage private and public owners of historic sites to provide public access and educational opportunities in a manner consistent with long term protection of the resource.

Historical and Cultural Resources Regulations

1) Wherever possible, public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.

2) All shoreline permits and statements of exemption shall contain provisions that require developers to immediately stop work and notify the City of Sumner, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Tribe if any artifacts of possible historic, cultural, or archaeological value are uncovered during excavation. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes to ensure that all possible valuable historic, cultural, or archaeological artifacts is properly protected or salvaged.

3) Upon receipt of an application for a shoreline permit or request for a statement of exemption for development on properties known to contain an historic, cultural or archaeological resource(s), the City shall require a site inspection, evaluation, and written report by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of cultural, historic or archaeological resource(s). If it is

determined that a site has a significant resource(s), shoreline permits or a statement of exemption shall not be issued until protection or mitigation is developed to the satisfaction of both DAHP and affected tribes.

4) Where provision of public access for purposes of public education related to an identified historic, cultural, or archaeological site is desired by the property owner and the City, then the City, DAHP, Muckleshoot Indian Tribe, Puyallup Tribe of Indians and/or other agencies, as appropriate, shall be consulted and approvals obtained prior to providing public access to the site. Public access shall be consistent with the provisions for public access and shall not damage or reduce the cultural value of the site. A public access management plan shall be developed in consultation with DAHP, affected tribes and/or other agencies to address the following:

   a) The type and/or level of public access that is consistent with the long term protection of both historic resource values and shoreline ecological functions and processes; and

   b) Types and location of interpretative signs, displays and other educational materials; and

   c) Site - and resource-specific conditions, including hours of operation, interpretive and/or directional signage, lighting, pedestrian access, and/or traffic and parking.

VII. Critical Areas Protection

Definition

Critical Areas: Those areas established as volcanic hazard areas, wetlands, flood hazard areas, fish and wildlife habitat areas, seismic hazard areas, landslide hazard areas, erosion hazard areas, and aquifer recharge areas.

Critical Areas Protection Policies

1) Shoreline developments that protect and/or contribute to the long-term restoration of shoreline ecological functions and processes are consistent with the fundamental goals of this Master Program. Shoreline developments that propose to enhance critical areas, other natural characteristics, or resources of the shoreline are also consistent with the fundamental goals of this Master Program, and should be encouraged.

2) Unique, rare, and fragile natural and manmade features as well as scenic vistas, and wildlife habitats should be preserved and protected.

3) The diversity of aquatic life, wildlife, and habitat within the shoreline should be enhanced.

4) Conserve and maintain designated open spaces for ecological reasons and for educational and recreational purposes.

5) Recognize that the interest and concern of the public is essential to the improvement of the environment and sponsor and support public information programs to that end.

6) The level of public access should be appropriate to the degree of uniqueness or fragility of the geological and biological characteristics of the shoreline (e.g., wetlands, spawning areas).

7) Intensive development of shorelines areas that are identified as hazardous or environmentally sensitive to development should be discouraged.

Critical Areas Protection Regulations – General

1) In general, this Master Program shall strive to protect and restore anadromous fisheries in the White (Stuck) and Puyallup Rivers.

2) Shoreline development and uses shall not adversely affect species that are federally-listed as threatened or endangered species under the Endangered Species Act.

3) Shoreline development and activity shall be located and conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, and conserves properly functioning conditions.

4) Shoreline development and activity shall be scheduled to protect biological productivity and to minimize interference with fish resources including salmonid migration, spawning, and rearing activity.

5) Shoreline activities and development projects shall minimize impacts to natural features of the shoreline as much as possible.

6) Shoreline development and activity shall maintain the unconstrained upstream and downstream migration of both adult and juvenile anadromous and resident fish, when applicable.

7) Gravel bars and other accretion shoreforms are valued for recreation and in some cases may provide fish spawning substrate. Therefore, developments that could disrupt these shoreforms shall be carefully evaluated and only allowed: when such disruption would not reduce shoreline ecological functions and processes; where there is a demonstrated public benefit; and where the Department of Fish and Wildlife determines there would be no significant impact to the fisheries resource.

8) Shoreline development or uses, including the subdivision of land, should not be established in shoreline jurisdiction when it would be reasonably foreseeable that the development or use would require structural flood hazard works for protection within the channel migration zone or the floodway. A list of uses and activities that may be appropriate and or necessary in floodway or CMZ can be found in WAC 173-26-221(3)(c)(i).

Critical Areas Protection Regulations – Natural Resource Lands and Critical Areas

6.1 Resource, Wildlife and Hazard Area Regulation Framework

6.1.1. Purpose.

The purpose of this subsection is to regulate the use of land in and around critical areas, resource lands, wildlife habitat, and natural hazard areas lying within the corporate limits of the city; to incorporate appropriate "best available science" into the regulation of critical areas, resource lands, wildlife habitat, and natural hazard areas (RCW 36.70A.172(1)); and to promote the public health, safety and general welfare in accordance with the standards established by the state and the city, and to:

1) Protect areas of land with valuable and nonrenewable resources for future generations in a manner consistent with the current comprehensive plan until such time as a revised comprehensive plan determines the future use of such lands;
2) Regulate development on and around critical areas in order to protect lives, property and public infrastructure;
3) Prevent development which is incompatible with certain critical areas which are particularly susceptible to water quality, noise, and air quality impacts associated with nearby development;
4) Establish mechanisms to inform present and future landowners of their location on or near resource or critical lands;
5) The following regulations of the Sumner Municipal Code pertaining to the protection of critical areas shall be adopted as a part of this Program:
    a) SMC 16.46 Wetlands Protections, last amended with Ordinance 2693 in 2019;
    b) SMC 16.48 Aquifer Protection Areas, last amended with Ordinance 2439 in 2013;
    c) SMC 16.50 Landslide and Erosion Hazard Area, last amendment with Ordinance 2439 in 2013;
    d) SMC 16.52 Seismic Hazardous Areas, last amended with Ordinance 2071 in 2003;
    e) SMC 16.54 Volcanic Hazardous Areas, last amended with Ordinance 2439 in 2013; and,
    f) SMC 16.56 Wildlife Habitat Areas, last amended with Ordinance 2596S in February 2017.
6) The following sections of the above adopted critical areas protections do not apply in shoreline jurisdiction:
    a) Exemptions found in SMC 16.46.090 do not apply. Exemptions applicable in shoreline jurisdiction can be found in Chapter 8.I. A. Exemptions from Substantial Development Permit Requirements.
    b) Review Process procedures found in SMC 16.46.135(A) do not apply. In shoreline jurisdiction review process procedures can be found in Chapter 8.II. Shoreline Permit Procedures.
    c) Standards for review found in 16.46.140(A)(3) do not apply in shoreline jurisdiction. In shoreline jurisdiction reasonable use is demonstrated through the Shoreline Variance criteria in Chapter 7.III.A.

d) Wetland buffer reductions found in SMC 16.46.150 (A)(5) and activities allowed in wetland buffers found in SMC 16.46.150(K)(2-4) do not apply.

e) Reasonable Use allowances found in SMC 16.46.160 do not apply. In shoreline jurisdiction reasonable use is demonstrated as part of the Shoreline Variance criteria in Chapter 7.III.A.

f) Appeals found in SMC 16.46.210 do not apply. In shoreline jurisdiction appeal procedures can be found in Chapter 8.II.F.18.

g) Buffer Requirements Reductions found in 16.56.100(E), (F) and (G) do not apply. In shoreline jurisdiction allowances in the buffer can be found in Chapter 6.III. Vegetation Conservation.

VIII. Public Access

Definitions

Shoreline public access is the physical ability of the general public to reach and touch the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. There are a variety of types of public access, including picnic areas, pathways and trails, promenades, bridges, street ends, ingress and egress, parking and others, although some of these are not currently provided along the City of Sumner's shorelines.

Physical Public Access. Unobstructed access with public use improvements that are available to the general public and that extend from the land to the water's edge or critical area.

Visual Access. Access with improvements that provide a view of the shoreline or water, but do not include physical access to the shoreline.

Limited Public Access (Physical or Visual). Restrictions on access that are deemed necessary for the health, safety, or welfare of the public or for the protection and maintenance of the particular site.

Public Access Policies

1) Public access to the Sumner shorelines does not include the right to enter upon or cross private property, except for on dedicated public easements.

2) Public access provisions should be incorporated into all private and public developments. Exceptions may be considered for the following types of uses:

   a) A single family residence;

   b) An individual multi-family structure containing four (4) dwelling units or less; and

   c) Where deemed inappropriate due to reasons of safety, security, or impact to the shoreline environment.

3) Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.

4) Preservation and enhancement of the public's visual access to Sumner's shoreline areas should be encouraged.

5) Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and critical areas.

6) Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.

7) Except for access to the water, the preferred location for placement of public access trails is at the farthest landward edge of the riparian management zone. Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and should be designed for accessibility by handicapped and physically impaired persons. Publicly owned shorelines should be limited to water-dependent or public recreation uses, otherwise such shorelines should remain protected open space.

8) Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access area should be of sufficient size to allow passage and allow the visitor to stop, linger, and contemplate the setting.

9) Public access afforded by shoreline street ends should be preserved, maintained and enhanced.

10) Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.

11) Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.

12) Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.

13) Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

Public Access Regulations

1) In reviewing shoreline permit applications, the City of Sumner shall consider potential and current public use of the shoreline, total water surface reduction, and restriction to navigation.

2) Public access shall be required for all shoreline development and uses, except for a single family residence, residential projects containing four (4) or less dwelling units, or subdivisions of land into 4 or fewer parcels. A shoreline development or use that does not provide public access may be authorized; provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.

   a) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

   b) Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;

   c) The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development, as

determined by the Shoreline Administrator.

d) Unacceptable environmental impacts that cannot be mitigated would occur; or

e) Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

3) Provided further, that the applicant has first demonstrated and the City has determined that all reasonable alternatives have been exhausted, including but not limited to:

a) Regulating access by such means as maintaining a gate and/or limiting hours of use to daylight hours; and.

b) Providing access that is physically separated from the development proposal, such as a nearby street end, an offsite viewpoint, or a trail system

c) Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

4) Where the above conditions 3(a)-(e) cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020. Payment in-lieu option may only be used when the City has an in-lieu program available. Payment in-lieu may include in-kind work or services.

5) Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.

6) Public access sites shall be connected directly to the nearest public street.

7) Public access sites shall be made barrier free for the physically disabled where feasible.

8) Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.

9) Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time or permit approval (RCW 58.17.110).

10) The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with *Public Access* regulation 3 in this section, signs controlling or restricting public access may be approved as a condition of permit approval.

11) Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

12) Development on or over the water shall only be allowed for water-dependent uses and shall be constructed as far landward as possible to avoid interference with views from surrounding properties to the shoreline and adjoining waters and navigability.

13) Physical public access shall be designed to prevent net loss of ecological functions and processes.

14) Whenever financially feasible and practical, the City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.

15) Where public access is to be provided through the Sumner Master Trail Plan and where the subject property is located within the *Action Area* (south of 16th Street East and north of Bridge Street) the following requirements shall apply:

a) The trail shall be no wider than 16 feet, plus 2 foot gravel shoulders for a maximum width of 20 feet.

b) The trail shall be placed on one side of the White River or the other, not both sides.

c) Where feasible the trail shall be placed on the furthest landward edge of the riparian management zone. If this is not feasible the trail shall:

i. Be a minimum of 100 feet from the ordinary high water mark of the White River;

ii. Within the entire riparian management zone provided that restoration and mitigation will be provided per a habitat management plan as required in *Section V, Environmental Impact Mitigation;*

iii. Restoration/mitigation within the riparian management zone between the trail and the ordinary high water mark will be in place before construction of the trail.

d) On City owned property on the east bank of the White River, and where possible, the trail shall be placed outside the riparian management zone in the Urban Conservancy shoreline designation.

e) Except when the trail is constructed within the riparian management zone per *Section VIII, Public Access Regulations, Regulation #15.c.iii.*, the riparian management zone shall be restored between the trail and the White River in conjunction with the development of the trail. Restoration of the riparian management zone prior to trail construction is preferred.

f) Direct access from the trail to the water's edge of the White River, should be granted no more than every three hundred (300) feet.

i. The width of the water access trails should not exceed 36 inches; and

ii. All water access trails shall be of pervious materials.

g) The restoration and landscaping vegetation should be designed, installed and maintained to achieve full canopy cover over the trail and the access trails that lead to the White River.

h) Stormwater runoff should be sheet flowed (as opposed to conveyed) through either an amended soil treatment and/or vegetated filter and then into nearby vegetation.

i) Trail uses restrictions and/or best management practices are encouraged to reduce potential damage to ecological functions and processes, such as, but not limited to: leash and cleaning of waste requirement for dogs, hours of use, trash cans, etc.

j) The City will fund and implement a regular maintenance program that will, at a minimum:

i. Remove trash and animal waste.

ii. Maintain the filtration function of the porous pavement (e.g. sweepers/ vacuums).

iii. Maintain the water quality function of the soil or vegetative filter used to treat stormwater runoff from the trail.

k) As the trail construction and design advances, if the above measures cannot be met the City will consult further with the appropriate federal agencies.

NOTE: Additional public access regulations may be required for specific use requirements. *See Chapter 7: Specific Shoreline Development Policies and Regulations.*

CHAPTER 7 SPECIFIC SHORELINE DEVELOPMENT POLICIES AND REGULATIONS

I. Introduction

The following policies and regulations apply to shoreline modifications and uses allowed in one or more shoreline environment designation. A proposal can consist of one or more of these modifications or uses. For example, a proposal to mine river gravel would have to be consistent with the policies and regulations pertaining to industrial development and mining. If the proposed project includes other specific developments such as an instream structure or a road, then these aspects of the project must also be reviewed for consistency with the applicable policies and regulations listed below.

All shoreline modifications and uses must also be consistent with the Shoreline Environmental Designations of Chapter 4, the Goals and Objectives of Chapter 5, and the General Shoreline Policies and Regulations of Chapter 6.

II. Agriculture

Definitions

Agricultural activities are agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation (WAC 173-26-020).

Note on Existing Agricultural Activities: In accordance with RCW 90.58.065, this Master Program does not regulate existing or ongoing agricultural activities occurring on agricultural lands. However, new agricultural use and development on lands not meeting the definition of agricultural land must comply with this Master Program.

Note on Permit Exemptions for New Agricultural Activities: For activities subject to this Master Program, the Shoreline Management Act exempts the construction and practices normal or necessary for farming, irrigation, and ranching activities from the Substantial Development Permit requirement. This exemption would apply to agricultural service roads, utilities, and the

construction and maintenance of irrigation structures such as head gates, pumping facilities, and irrigation channels. Also exempt is the operation and maintenance of any system of dikes, ditches, drains, or other facilities that were in existence prior to September 8, 1975, and that were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

The exemption for agricultural uses does not apply to a feedlot of any size, processing plants, other activities of a commercial nature, or the alteration of the contour of the land by leveling or filling other than that which results from normal cultivation (see RCW 90.58.030). A feedlot is defined as an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage or other livestock feed. A feedlot is not land used for growing crops or vegetation for livestock feeding or grazing and does not include normal livestock wintering operations.

Although specific agricultural activities and structures are exempt from the Shoreline Substantial Development Permit (SSDP) requirement, new agricultural use and development on lands not meeting the definition of agricultural land must comply with all applicable prohibitions, regulations, goals, policies and development standards contained within this Master Program. If necessary, a Conditional Use and/or Variance Permit must be obtained.

Agriculture lands being converted to another use and development on lands not meeting the definition of agricultural land must comply with the policies and regulations of the proposed use.

See *Chapter 8: Administrative Procedures*, Section 1.A. for more information.

Agriculture Policies

1) A vegetative buffer of native plants should be maintained between agricultural lands and shorelines, wetlands, landslide and erosion hazard areas, and/or wildlife habitat areas in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality by slowing and filtering runoff, and avoid impacts to ecological functions and processes.
2) Animal feeding operations, retention and storage ponds, feedlot waste and manure storage should be located out of the shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the shoreline environment.
3) Appropriate farm and soil management techniques should be utilized to prevent fertilizers, herbicides, and pesticides from contaminating water bodies and critical areas and having a harmful effect on ecological functions and processes.
4) Public access to the shoreline should be encouraged where it does not conflict with agricultural activities.

Agriculture Regulations

1) In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands.
2) New agricultural use and development on lands not meeting the definition of agricultural land may be allowed when it complies with this Program and all of the following regulations.
3) A buffer of permanent native vegetation shall be established and maintained between areas used for cultivation or grazing and adjacent water bodies and critical areas. The plant composition and width of the buffer shall be based on the site conditions, including type of vegetation, soil types, drainage patterns, and slope. The buffer shall not be less

than the riparian management zone established in *Chapter 4: Shoreline Environment Designations* as measured landward and perpendicular from the ordinary high water mark (OHWM). The buffer shall be of sufficient width to retard runoff, reduce sedimentation, and provide riparian habitat. All agricultural structures must be located outside of the riparian management zone established in Table 4-7.

a. Riverbanks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following when warranted:

    i. Ample supplies of clean water in tanks on dry land for stock watering; and,

    ii. Fencing or other grazing controls to prevent overgrazing and damage to buffer vegetation.

b. Adequate provision shall be made during the application of agricultural chemicals to prevent contamination of water bodies, wetlands, or aquifers.

c. The following agricultural developments and activities are prohibited within the shoreline jurisdiction:

    i. Animal feedlot operations, including the collection of feedlot wastes, stockpiling of manure solids, and storage of noxious chemicals.

    ii. Aerial spraying of chemical pesticides or herbicides over water bodies, wetlands, or within a floodway, or within two hundred (200) feet of the OHWM, unless specifically permitted under the Washington Departments of Agriculture or Public Health

    iii. The disposal of inorganic farm wastes, chemicals, fertilizers, and associated containers and equipment.

    iv. Any agricultural activity waterward of the ordinary high water mark.

    v. Manure lagoons.

    vi. Manure spreading on agricultural fields.

Agriculture Environment Specific Regulations

Urban Conservancy, Shoreline Residential, and **Urban:** Existing agriculture and new agriculture activity such as tilling of the land or animal grazing is a permitted use.

Natural: Existing agriculture activity is a permitted use. New agricultural activity is prohibited.

Tapps Reservoir and Aquatic: New agricultural activity is prohibited.

III. Aquaculture

Definition

Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals.

Aquaculture Policies

1) Aquaculture should be located in areas that will not result in a net loss of ecological function to the shoreline and not negatively impact nacigation and other water dependent uses.
2) Aquculture should be allowed for the restoration of native fish runs of the Puyallup and White Rivers.

Aquaculture Regulations

General

1) Aquaculture is only permitted in association with the restoration of native fish species on the Puyallup and White Rivers.

IV. Boating Facilities

Definition

Boating facilities include marinas, boat launch ramps (public and private), wet and dry boat storage, related sales and service for pleasure and commercial watercraft, and docks (piers) except docks serving four or fewer single-family residences are excluded from this definition.

Boating Facilities Policies

1) New public boat launch ramps may be permitted in the Sumner shoreline. If allowed, such facilities should be designed to accommodate public access and enjoyment of the shoreline location. Depending on the scale of the facility, public access should include walkways, viewpoints, restroom facilities, and other recreational uses.
2) Boating facilities including marinas, docks, piers, wet boat storage and private boat launch ramps should be prohibited within Sumner shoreline jurisdiction due to the specific nature and configuration of the shorelines identified in the City.
3) Boat launch ramps can have a significant impact on riverine and lake habitat and river mechanics; for this reason, the impacts of boat launch ramps should be reviewed thoroughly before they are permitted in the Sumner shoreline jurisdiction.

4) Encourage design elements that increase light penetration to the water below an existing or new boat launch ramp, such as modifying orientation and size; and using grating as a surface material.

5) Locate, design, and operate public boat launch ramps to avoid adverse proximity impacts to adjacent land uses such as noise, light and glare, aesthetic impacts, and impacts to public visual access.

6) Dry boat storage should not be considered a water-oriented use.

Boating Facilities Regulations

General

1) Boating facilities, as defined in this section, shall require a Conditional Use Permit, unless otherwise specified.

2) The City of Sumner shall require the following information in its review and evaluation of boating facility proposals in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II, Shoreline Permit Procedures*:

   a. A description of the existing natural shoreline features and uses;

   b. A description of the geohydraulic processes at the site including, accretion/erosion characteristics, flood levels, and surface drainage;

   c. A description of the ecological functions in the upland and aquatic environments;

   d. An estimate of the area of surface water to be appropriated;

   e. A description of any shoreline stabilization and/or flood control works proposed as part of the project;

   f. A description of any dredging that may be required as part of construction and maintenance; and

   g. Other information determined by the Shoreline Administrator to be relevant to the protection of the shoreline habitat and ecological functions and processes.

3) Boating facilities may be permitted only if:

   a. It can be demonstrated that the facility will not adversely impact critical areas including fish or wildlife habitat areas and associated wetlands; or adversely affect ecological functions and processes; and

   b. Adequate mitigation measures ensure that there is no net loss of the functions or values of riparian habitat as a result of the facility.

Boat Launch Ramps

1) Private boat launch ramps are a prohibited use along the White (Stuck) and Puyallup Rivers and Lake Tapps.

2) Boat launch ramps shall locate on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities.

3) Boat launch ramps may be permitted on accretion shoreforms, provided any necessary grading is not harmful to affected resources and any accessory facilities are located landward of the OHWM.

4) Where boat ramps are permitted, parking shall not be located on scarce accretion shoreforms, which have high value for general shore recreation.

5) Boat launch ramps may be permitted on stable non-erosional banks where the need for shoreline stabilization is minimized.

6) Boat launch ramps shall be placed near flush with the foreshore slope to minimize the interruption of geohydraulic processes.

7) Boat launch ramps shall avoid impediments to migrating fish and will not locate in spawning, feeding or rearing areas for salmonids.

8) Boat launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available. Rail and track systems shall be preferred over concrete ramps or similar facilities.

9) Launch access for non-motorized watercraft shall use gravel or other permeable material. Removal of vegetation for launch access shall be limited to twelve (12) feet in width. The boat launch ramp shall be a maximum of ten (10) feet in width.

10) Removal of vegetation for launch access accessible by trailer shall be limited to eighteen (18) feet in width with 6 feet revegetated once launch access has been constructed. The boat launch ramp shall be a maximum of twelve (12) feet in width.

11) The boat launch shall be designed so that structures are aesthetically compatible with, or enhance, existing shoreline features and uses.

12) Boat launch sites that are open to the public shall have adequate restroom facilities operated and maintained in compliance with Tacoma-Pierce County Health Department regulations.

Docks

1) Docks and piers are a prohibited use along the White (Stuck) and Puyallup Rivers and Lake Tapps.

Dry Boat Storage

1) Dry boat storage shall not be considered a water-oriented use and must respect the appropriate shoreline environment setback (see *Chapter 4: Shoreline Environment Designations, Table 4-7, Bulk Dimensional and Vegetation Standards Table).*

Marinas

1) Marinas are a prohibited use along the White (Stuck) and Puyallup Rivers and Lake Tapps.

Boating Facilities Environment Specific Regulations

Natural, Tapps Reservoir, Shoreline Residential, and **Aquatic**: Boat launch ramps for public use are permitted as a conditional use. Private boat launch ramps, docks, dry boat storage and marinas are prohibited.

Urban Conservancy and **Urban**: Boat launch ramps for public use are permitted as a conditional use. Dry boat storage may be permitted as a conditional use. Private boat launch ramps, docks and marinas are prohibited.

V. Clearing and Grading

Definitions

Clearing: The removal of vegetation from a site in such a manner as to affect the erosive potential of the soils on a site.

Grading: The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Clearing and Grading Policies

1) Clearing and grading activities should only be allowed in association with an allowed (permitted) shoreline development.
2) Clearing and grading activities should be limited to the minimum necessary to accommodate the shoreline development or as part of a landscape plan developed in conjunction with the shoreline development.
3) Clearing and grading should not be permitted within shoreline environment setbacks, unless fish and wildlife habitat will not be degraded.
4) Best management practices should be used during clearing and grading to control erosion.
5) For extensive clearing and grading proposals, a plan addressing plant species removal, revegetation, irrigation, erosion and sedimentation control, and other methods of riparian corridor protection should be required.

Clearing and Grading Regulations

1) Clearing and grading activities shall only be allowed in association with a permitted shoreline development, use or restoration activity.
2) Clearing and grading activities shall comply with Sumner Municipal Code (SMC) Chapter 16.05, Control of Erosion and Sedimentation of Waterways.
3) All clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Surfaces cleared of vegetation and not developed with structures or impervious

surfaces must be replanted as soon as possible. Full groundcover must be reestablished within two (2) years.

4) Clearing and grading within the Riparian Management Zones established in Table 4-7 (see *Chapter 4: Shoreline Environment Designations*) shall comply with the requirements established in *Chapter 6: General Shoreline Development Policies and Regulations, Section III, Vegetation Conservation* .

5) If the area of clearing or grading totals one-acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP).

6) All shoreline development and activity shall use effective measures to minimize increases in surface water run off that may result from clearing and grading activity in compliance with the 2005 version of the Stormwater Management Manual for Western Washington issued by the Washington State Department of Ecology. The applicant must include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grassy swales interceptor drains, and landscaped buffers.

7) Stabilization of exposed erosional surfaces along shorelines shall, whenever feasible, utilize soil bioengineering techniques.

8) Developments in the floodplain that alter the topography of the shoreline shall be carefully evaluated to determine compliance with *Chapter 6: General Shoreline Policies and Regulations, Section 6.11*.

9) Developments that alter the topography of the shoreline shall be carefully evaluated to determine if such alteration would impact ecological functions and processes. Mitigation shall be required for projects to ensure no net loss of ecological functions and processes.

10) An erosion and sedimentation control program shall be submitted with a permit application that involves the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion and siltation of the Puyallup or White (Stuck) Rivers, Lake Tapps and their associated wetlands. Stockpiling of earth or other materials is only allowed as needed for a permitted development.

11) The proponent shall incorporate BMP measures into the erosion and sedimentation control program. The Shoreline Administrator shall determine what BMP measures are applicable for erosion and sedimentation control for projects in shorelines.

12) All debris, overburden, and other waste materials from construction shall be disposed of in such manner as to prevent their entry into a waterbody by erosion.

13) All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved before permit issuance.

Clearing and Grading Environment Specific Regulations

Urban Conservancy, Tapps Reservoir, Shoreline Residential and **Urban**: Clearing and grading is a permitted activity when associated with a development that is consistent with the provisions of

this Master Program. Clearing and grading associated with development that is not consistent with the provisions of this Master Program is a prohibited activity.

Natural and **Aquatic**: Clearing and grading is a permitted activity only when associated with a restoration project. Clearing and grading not associated with a restoration project is a prohibited activity.

VI. Commercial Development

Definition

The providing of goods, merchandise or services for compensation, including, but not limited to, retail shopping, commercial recreation, business and professional offices, highway-oriented business, automotive, boat and cycle mechanical sales and services as included in the commercial classifications of Title 18 of the SMC.

Commercial Development Policies

1) Give preference to water-dependent commercial uses over non-water-dependent commercial uses, then to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses in shoreline locations. Non-water oriented commercial uses may be allowed if they are combined with public benefits, such as public access and shoreline ecological restoration of shoreline ecological functions and processes, and are located on properties where river navigability is severely limited.
2) Priority of any commercial development should also be given to uses that provide the greatest opportunity for the public to enjoy the shoreline in Sumner. This includes restaurants that provide a view of the river to customers; motels and hotels that provide walking areas for the public along the shoreline; office buildings and retail sales buildings that have a riverfront theme with public access to the waterfront.
3) Non-water-dependent commercial uses should take advantage of the shoreline location by locating and designing the use to bring a large number of community members to the shorelines.
4) Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources for all water-related and water-dependent commercial uses consistent with all relevant constitutional and other legal limitations on the regulation of private property.
5) Over-water commercial development should be prohibited.
6) New commercial development on shorelines should be encouraged to locate in areas with existing commercial uses.
7) Commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy shorelines of statewide significance.
8) Site plans for commercial developments should include multiple use concepts such as open space and recreation.

9) Commercial development in the shoreline jurisdiction should include native landscaping to enhance the shoreline area.

Commercial Development Regulations

1) Only water-dependent commercial development shall be permitted within the riparian management zone established by this Master Program (see *Chapter 4: Shoreline Environment Designations, Bulk Dimensional and Vegetation Standards Table, Table 4-7*).
2) Accessory commercial development that does not require a shoreline location shall be located upland of the water-dependent portions of the development and setback from the OHWM as set forth in *Chapter 4: Shoreline Environment Designations*. Accessory development includes, but is not limited to, parking, storm runoff control facilities, utilities, and land transportation corridors.
3) Over-water construction of commercial uses is prohibited.
4) Non-water-oriented commercial uses are allowed in the shoreline jurisdiction if they meet the following criteria:
    a. The site is physically separated from the shoreline by another property in separate ownership or public right of way; or
    b. The use is part of a mixed use project that includes water-dependent uses and provides significant public benefit with respect to the city's Shoreline Master Program objectives; or
    c. Navigability on the shoreline waterbody is severely limited at the proposed site; or
    d. The commercial use provides a significant public benefit in the form of public access and ecological restoration of shoreline ecological functions and processes.
5) When permitted pursuant to Section V, Commercial Development Regulations, Regulation #4 above, non-water-oriented uses shall provide public access (see Chapter 6: General Shoreline Policies and Regulations, Section VIII, Public Access) and restore shoreline ecological functions as follows:
    a. When part of a mixed-use development – Eighty percent (80%) of the riparian management zone shall be restored or enhanced consistent with opportunities identified in the Restoration Plan or Inventory and Characterization report.
    b. When not part of a mixed-use development, the City shall determine the type and extent of restoration on a case-by-case basis according to the opportunities and constraints provided by the site.
6) Water-enjoyment and non-water-oriented commercial developments that are not required to obtain a conditional use permit (see *Chapter 4: Shoreline Environment Designations, Permitted Use and Modification Table, Table 4-6*) shall either through the nature of their use, their design and location, and/or through provisions for public access, take full advantage of the riverfront setting to maximize views of the shoreline both for the commercial use and for the general public, and enhance the aesthetic value of the shoreline through appropriate design treatments. An applicant shall demonstrate the following:
    a. That the proposed development will be designed and oriented to take advantage of the riverfront setting and the water view;

b. That the proposed development will be designed to maximize to the greatest extent feasible public view and public access to and along the shoreline, as provided in *Chapter 6: General Shoreline Policies and Regulations, Section VIII, Public Access*;

c. That the proposed development will be designed to be compatible with existing and/or proposed uses and plans for adjacent properties;

d. That landscaping for proposed developments will screen unsightly aspects of their operation from the public view to minimize blockage of the existing river scenic view; and

e. That the proposed development will be designed to have a minimum adverse impact on the natural environment of the site, and shall fully mitigate for any adverse impact.

7) All commercial development within shoreline jurisdiction shall provide for public visual and physical access to the shoreline. Where on-site public access is appropriate, commercial development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public. Public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in this Master Program (see *Chapter 6: General Shoreline Policies and Regulations, Section VIII, Public Access*).

8) Off-site public access to the Sumner shoreline shall be required if on-site public access would pose an unacceptable risk to the public health, safety, and welfare. Off-site public access must meet the same standards and requirements as on-site public access.[1]

9) All commercial loading and service areas shall be located on the upland side of the commercial activity or provisions shall be made to screen the loading and service areas from the shoreline.

10) Commercial development shall be designed and maintained in a neat and orderly manner, consistent with the character and features of the surrounding area.

Commercial Development Environment Specific Regulations

Urban: Water-oriented commercial developments are permitted uses, unless otherwise stated in this Master Program. Non-water-oriented developments located along either bank of the White (Stuck) River between the Fryar Avenue bridge crossing and the confluence of the White (Stuck) River with the Puyallup River are permitted uses. Non-water-oriented developments located elsewhere within city limits may be permitted as a conditional use.

Urban Conservancy: Water-dependent commercial development is a permitted use. Water-related commercial development may be permitted as a conditional use. Water-enjoyment and non-water-oriented developments located along either bank of the White (Stuck) River between the Fryar Avenue bridge crossing and the confluence of the White (Stuck) River with the Puyallup River

[1] NOTE: Offsite public access could be provided either through a payment in lieu agreement with the City or through the purchase of land or an easement at a location appropriate to provide the access deemed necessary.

are permitted uses. Water-enjoyment and non-water-oriented developments located elsewhere within city limits may be permitted as a conditional use.

Natural, Aquatic, Shoreline Residential and **Tapps Reservoir:** Commercial development is prohibited.

VII. Dredging and Dredge Material Disposal

Definitions

Dredging: The removal or displacement of earth such as gravel, sand, mud, or silt from the bottom or banks of a body of water or wetland. Dredging is normally done for specific purposes or uses such as maintaining navigation channels, constructing bridge footings, laying submarine pipelines or cable, obtaining bottom materials, or for flood control.

Dredge material: The material removed by dredging.

Dredge material disposal: The depositing of dredged materials on land or into water bodies for the purpose of disposing of the material in an acceptable manner.

Dredging and Dredge Material Disposal Policies

1) Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material is prohibited.
2) New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3) Removal of gravel for flood management purposes should be allowed provided it is consistent with an adopted flood hazard reduction plan, has a long term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological functions and processes, and is part of a comprehensive flood management solution.
4) Dredge material disposal in water bodies, on shorelands, or wetlands within a river's channel migration zone should be discouraged except for habitat improvement.
5) Dredge material disposal on land should occur in areas where environmental impacts will not be significant.

Dredging and Dredge Material Disposal Regulations

1) Applications for shoreline dredging and dredge material disposal shall provide, at a minimum, the following information in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*:
    a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this Program.
    b. A detailed description of the physical, chemical, and biological characteristics of the materials to be dredged, including:

i. Physical analysis of material to be dredged: material composition and amount, particle size distribution, organic materials present, source of material;

ii. Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, oxygen and heavy metals; and

iii. Biological analysis of material to be dredged: nutrients, sulfides and biological organisms, both permanent and migratory/transitory.

c. Dredging technique, schedule, frequency, hours of operation, and procedures.

d. Method of dredge material disposal, including the location, size, capacity and physical characteristics (i.e., topography and existing drainage patterns for both surface and ground water) of the soil disposal area, proposed dewatering and stabilization of materials, methods of controlling erosion and sedimentation, transportation method and routes, hours of operation, and schedule.

e. Plans for disposal of maintenance materials for at least a fifty (50) year period.

f. Location and stability of bedlands adjacent to proposed dredging area.

g. Hydraulic analyses, including current flows, direction, and projected impacts. Hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging are required for large scale, extensive dredging projects.

h. Assessment of water quality impacts.

i. Assessment of biological impacts to fish and wildlife habitat including migration, seasonal use, forage, spawning and disruption to life cycle.

2) Dredging and dredge material disposal shall be permitted only where it is demonstrated that the proposed actions will not:

a. Result in a net loss of ecological functions and processes; significant damage to water quality, fish, and other essential biological elements; adversely alter natural drainage and circulation patterns, currents, river flows; significantly reduce floodwater capacities; or significantly impact the functions and values of critical areas.

b. Causes significant adverse impact to threatened or endangered species protected under the Endangered Species Act.

3) Proposals for dredging and dredge material disposal shall include all feasible mitigating measures to protect ecological functions and processes and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic materials, or toxic substances, depletion of oxygen, disruption of food chains, loss of benthic productivity, and disturbance of fish runs and important localized biological communities.

4) Dredging and dredge material disposal shall not occur in wetlands, except as allowed under *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*. Dredging and dredge material disposal in wetlands can occur for the purposes of enhancing or restoring valuable wetland functions.

5) Dredging waterward of the OHWM shall only be allowed when necessary to support the following uses and developments:

a. Establishing, expanding, relocating or reconfiguring navigational channels and basins where necessary to assure the safety and efficiency of existing navigational uses;

b. Maintenance dredging for the purpose of restoring a lawfully established use or development;

c. In conjunction with a water-dependent use;

d. Environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act;

e. As part of an approved habitat improvement project;

f. To improve flood control, water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;

g. In conjunction with a bridge, utility, navigational structure, or instream structure, for which there is a documented public need and where other feasible sites or routes do not exist.

6) Maintenance dredging of established navigation channels and basins shall be restricted to maintaining location, depth, and width previously authorized under this program.

7) Dredging waterward of the OHWM for the sole purpose of obtaining fill material or aggregate resources is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

8) When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.

9) Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging.

10) Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a conditional use permit.

11) Dredged material may be disposed at approved upland sites. If disposal is proposed on shorelands or wetlands within a river's channel migration zone, a conditional use permit is required. The disposal of dredge material on upland sites shall be considered "Fill" and must be consistent with all applicable provisions of this Master Program.

12) Depositing dredge materials waterward of the OHWM shall be allowed only by Conditional Use Permit; when approved by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA); and when found to meet one of the following reasons:

a. For wildlife habitat improvements;

b. To correct problems of material distribution that are adversely affecting fish resources; or

c. When land disposal alternatives are more detrimental to shoreline resources than depositing it in water areas.

13) Pursuant to 12.c listed above, when land disposal alternatives are more detrimental to shoreline resources than depositing it in water areas , water disposal sites shall be identified consistent with the following criteria:
    a. Disposal will not interfere with geomorphological or hydrological processes;
    b. The dredge material has been analyzed by qualified personnel and found to be minimally or nonpolluting;
    c. The proposed action includes all feasible mitigation measures to protect freshwater and terrestrial species and habitats and not cause significant adverse impact to threatened or endangered species; and
    d. The site and method of disposal meets all requirements of applicable regulatory agencies.
14) The City may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffer strips at land disposal sites.

Dredging Environment Specific Regulations

Natural, Urban Conservancy, Tapps Reservoir, Shoreline Residential, Urban, and **Aquatic**: Dredging associated with a MTCA or CERCLA habitat restoration project is permitted. Dredging not associated with a MTCA or CERCLA habitat restoration project may be permitted as a conditional use.

Dredge Material Disposal Environment Specific Regulations

Natural: Dredge material disposal may be permitted as a conditional use only if part of a restoration project. Dredge material disposal not associated with a restoration project is prohibited.

Urban Conservancy, Tapps Reservoir, and **Aquatic**: Dredge material disposal may be permitted as a conditional use.

Shoreline Residential and **Urban**: Dredge material disposal on shorelands or wetlands outside a river's channel migration zone is permitted as a conditional use. Dredge material disposal on shorelands or wetlands within a river's channel migration zone may be permitted as a conditional use.

VIII. Ecological Restoration, Enhancement and Mitigation

Definitions

Restore, Restoration, or Ecological Restoration: The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment

of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Wetland Mitigation Bank: A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to aquatic resources.

Note on Permit Exemptions: Watershed restoration projects and public or private projects that meet the definition for such exemptions outlined in WAC 173-27-040 and are designed to improve fish or wildlife habitat or fish passage are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). See *Chapter 8: Administrative Procedures*, *Section 1.A.* for more information.

Ecological Restoration, Enhancement and Mitigation Policies

1) Incorporate habitat enhancement elements into the design and implementation of public infrastructure improvement projects.
2) Identify specific restoration opportunities where the City can take the lead with support from other regional entities.
3) Employ incentives and encourage actions in shorelines and critical areas that restore the ecological functions and ecosystem-wide processes of the City's shorelines.
4) Educate the community and encourage public involvement in the restoration of the shoreline by creating and leveraging programs, such as the NPDES Phase II stormwater requirements.
5) Consideration should be made for potential adverse effects of global climate change when designing restoration and remediation projects.
6) Encourage establishment of wetland mitigation banks on appropriate sites that conform with state and federal guidelines.

Ecological Restoration, Enhancement and Mitigation Regulations

1) Restoration of ecological functions and processes shall be allowed on all shorelines and shall be located, designed and implemented in a manner that observes the critical area standards in *Chapter 6: General Shoreline Policies and Regulations, Section VII, Critical Areas Protection* section and assures compatibility with other shoreline uses.
2) Ecological restoration projects shall be carried out in accordance with City- or resource agency-approved restoration plan and in accordance with the policies and regulations of this Program.
3) Wetland mitigation banks shall be allowed in all shoreline environments.

Ecological Restoration, Enhancement and Mitigation Environment Specific Regulations

Natural, Urban Conservancy, Tapps Reservoir, Shoreline Residential, Urban, and **Aquatic**: Ecological restoration projects, shoreline habitat and natural systems enhancement projects, and wetland mitigation banks are permitted.

IX. Fill

Definition

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fill Policies

1) Fills waterward of the floodway should be discouraged and only allowed when necessary to facilitate water-dependent uses consistent with this Master Program for necessary river crossings and for projects beneficial to ecological functions and processes.
2) Prohibit fill activity that would result in a subsequent need for armoring, riprap, or other hard shoreline stabilization structures to maintain the fill.
3) The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time.
4) Where permitted, fills should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Master Program. Speculative fill activity should be prohibited.
5) Mitigation for wetland impacts must be implemented pursuant to the Chapter 6: General Shoreline Development Policies and Regulations, Section 6.5.

Fill Regulations

1) Applications for fill permits shall include the following in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*:
    a. Proposed use of the fill area;
    b. Physical, chemical, and biological characteristics of the fill material;
    c. Source of fill material.
    d. Method of placement and compaction;
    e. Location of fill relative to natural and/or existing drainage patterns;

f. Location of the fill perimeter relative to the floodway and OHWM;

g. Perimeter erosion control or stabilization means;

h. Type of surfacing and runoff control devices; and

i. Location of wetlands or other critical areas.

2) Fill waterward of the floodway shall be permitted as a conditional use only:

a. In conjunction with a water-dependent use permitted under this Master Program.

b. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist.

c. As part of an approved ecological restoration or enhancement project such as instream habitat restoration.

d. When disposal of dredged material is considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources.

e. For public access.

f. When cleanup and disposal of contaminated sediments is part of an interagency environmental clean-up plan.

3) Pier or pile supports shall be utilized in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven structurally infeasible.

4) Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed.

5) Fills shall only be permitted in conjunction with a specific development already permitted by this Master Program or proposed simultaneously as part of a Conditional Use Permit application. Speculative fills are prohibited.

6) Fill shall be permitted only where it is demonstrated that the proposed action will not:

a. Result in a net loss of ecological functions and processes.

b. Adversely alter natural drainage and current patterns or significantly reduce floodwater capacities.

7) Where fills are permitted, the fill shall be the minimum necessary to accommodate the proposed use.

8) Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Fill perimeters shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms to prevent material movement. In addition the sides of the fill shall be appropriately sloped to prevent erosion and sedimentation, both during initial fill activities and afterwards.

9) Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary fill materials are prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.

10) Fills not overlain with impervious surface shall be composed of material that allow surface water penetration into aquifers, if such conditions existed prior to the fill.

Fill Environment Specific Regulations

Natural: Fill within the floodway may be permitted as a conditional use provided it is part of a restoration project. Fill outside the floodway is a permitted use provided it is part of a restoration project. Fill that is not associated with a restoration project is prohibited

Shoreline Residential, Urban, Tapps Reservoir, and **Urban Conservancy**: Fill within the floodway may be permitted as a conditional use provided it is in association with an allowed use. Fill outside the floodway is a permitted use provided it is in association with an allowed use. Fill not associated with an allowed use is prohibited.

Aquatic: Fill may be permitted as a conditional use both within and outside the floodway.

X. Flood Hazard Reduction

Definitions

Floodplain: A term synonymous with the hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps.

Flood Hazard Reduction: Flood hazard reduction involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Flood hazard reduction can involve site design, land-use controls and zoning to control development, either to reduce risks to human life and property or to prevent development from contributing to the severity of flooding. Flood hazard reduction can also address the design of developments to reduce flood damage and the construction of flood controls, such as dikes, dams, engineered floodways, and bioengineering.

Structural flood hazard reduction measures: Structural modifications such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Levee: A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Dike: An embankment to prevent flooding by a stream or other waterbody.

Berm: A mound of earth material used as a protective barrier or to control the direction of water flow.

Note on Permit Exemption: Dikes existing on September 8, 1975, which were created, developed, or utilized primarily as an agricultural drainage or diking system may be operated and maintained without obtaining a shoreline Substantial Development Permit. Maintenance does not include expanding the length or width of the dike or levee. However, reconstruction to the original built height may be allowed, if settling has occurred.

Flood Control Works Policies

1) Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire river system. This planning should consider off-site impacts such as erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed. The plans should prevent needless flood damage, maintain the natural hydraulic capacity of floodways, and conserve valuable, limited resources such as fish, water, soil, and recreation and scenic areas.
2) The City should manage flood protection through the City's Comprehensive Plan, stormwater regulations, critical areas regulations, flood hazard areas regulations and the National Flood Insurance Program.
3) The City supports the protection and preservation of the aquatic environment and the habitats it provides, and advocates balancing these interests with the City's intention to ensure protection of life and property from damage caused by flooding.
4) Where possible, public access should be integrated into the design of publicly financed flood management facilities.
5) Non-structural flood hazard reduction measures should be given preference over structural measures. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage. When necessary, structural solutions should be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes. Non-structural measures include setbacks, land use controls prohibiting or limiting development in areas that are historically flooded, stormwater management plans, or bioengineering measures.
6) Substantial stream channel modification, realignment, and straightening should be discouraged as a means of flood protection except where it can be demonstrated that such modifications would benefit the ecological functions and processes.
7) Decisions regarding dikes and levees should balance the benefits of development with potential flood losses and destruction of natural and beneficial floodplain values. Floodplain values include water resource values (moderation of floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources and habitat), cultural resource values (open space, natural beauty, scientific study, outdoor education, and recreation) and cultivated resource values (agriculture, aquaculture, and forestry).
8) Proposals for dikes and levees should be located, designed, constructed and maintained to protect life and property without impacting upstream or downstream properties or river resources and assuring no net loss of ecological functions.

Flood Control Works Regulations

1) The City shall require and utilize the following information as appropriate during its review of shoreline flood management projects and programs in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*.

a. River channel hydraulics and floodway characteristics up and downstream from the project area.

b. Existing shoreline stabilization and flood protection works within the area.

c. Physical, geological, and soil characteristics of the area.

d. Biological resources and predicted impact to riverine ecology, including fish, vegetation, and animal habitat.

e. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and,

f. Analysis of alternative flood protection measures, both non-structural and structural.

2) Proposals for structural flood hazard reduction measures such as dikes and levees shall contain a detailed evaluation of potential losses to floodplain values. This evaluation shall address:

a. Groundwater discharge,

b. Associated wetlands,

c. Water quality,

d. Erosion/sedimentation, and

e. Ecological functions and processes.

3) The City shall require engineered design of flood protection works where such projects may cause interference with normal river geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses.

4) New structural flood hazard reduction measures shall be allowed only under the following circumstances:

a. When it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development;

b. That non-structural measures are not feasible;

c. That impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss;

d. That significant adverse impacts to federally listed threatened and endangered species, including anadromous fish, will not occur; and

e. That appropriate vegetation restoration and conservation actions are undertaken consistent with regulations in *Chapter 6: General Shoreline Development Policies and Regulations, Section III, Vegetation Conservation and Section VII, Critical Areas Protection*.

5) Expansion of existing flood control structures, such as levees and dikes, whose primary purpose is to contain the 1-percent annual chance flood event, shall be allowed only where it can be demonstrated by an engineering analysis that the existing structure:

a. Does not provide an appropriate level of protection for surrounding lands;

b. Does not meet appropriate engineering design standards for stability (e.g., oversteepened side slopes for existing soil and/or flow conditions); or

c. If a new flood control measure is identified by a local or regional flood protection plan.

Expanded flood control structures shall maintain equal or lesser side slope angles to existing conditions, and shall not extend the toe of slope laterally into the channel.

6) Normal maintenance and repair of existing flood control structures, such as levees and dikes, to a state comparable to its original condition, shall be allowed per WAC 173-27-040(2) (b).

7) Dikes and levees shall only be authorized by Conditional Use Permit and shall be consistent with all flood control management plans and regulations adopted by the City of Sumner.

8) New dikes, levees, berms and similar flood control structures shall be shaped and planted with vegetation suitable for wildlife habitat.

9) New structural flood hazard reduction measures, such as dikes, levees, berms shall be placed landward of associated wetlands, and designated riparian management zones, except when the project includes increasing ecological functions as part of the design or as mitigation for impacts.

10) New structural flood hazard reduction measures, such as dikes, levees, berms and similar flood control structures should be placed landward of the floodway, except as current deflectors necessary for protection of bridges and roads.

11) Flood protection measures shall be planned and constructed based on a state approved comprehensive flood hazard management plan, when available, and in accordance with the National Flood Insurance Program and the City of Sumner's Flood Damage Prevention Code, Chapter 15.52.

12) Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage, as identified in the Sumner Flood Damage Prevention Code, Chapter 15.52.

13) Shoreline developments and activities shall not increase the base flood elevation by more than one (1) foot, unless appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site, or off-site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time.

14) New structural public flood hazard reduction measures, such as dikes and levees shall dedicate and provide or improve public access unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, significant ecological impacts that cannot be mitigated, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

15) The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

Flood Control Works Environment Specific Regulations

Natural, Urban Conservancy, Tapps Reservoir, Shoreline Residential, Urban, and **Aquatic**: Dikes and levees may be permitted as a conditional use.

XI. Industrial Development

Definition

Industrial developments are facilities for processing, manufacturing, and storage of finished or semi-finished goods.

Industrial Development Policies

1) Shorelines particularly suitable for water-dependent and water-related industrial development should be identified and reserved for these uses.
2) Give preference to water-dependent industrial uses over non-water-dependent industrial uses, then to water-related and water-enjoyment industrial uses over non-water-oriented industrial uses in shoreline locations. Non-water oriented industrial uses may be allowed if they are combined with public benefits, such as public access and shoreline ecological restoration, and are located on properties where river navigability is severely limited.
3) New industrial development should be required to provide physical and visual access to shorelines whenever possible, provided such access does not interfere with operations or hazards to life and property.
4) Joint use of storage, parking, and other accessory facilities among private or public entities should be strongly encouraged or required in shoreline industrial areas.
5) Industrial development should not be located on sensitive and ecologically valuable shorelines such as natural accretion shoreforms or estuaries, wildlife habitat areas, wetlands, nor on shores inherently hazardous for such development, such as flood hazard areas.
6) Industrial uses and redevelopment projects should be encouraged to locate where environmental cleanup and restoration can be accomplished.

Industrial Development Regulations

1) Only water-dependent industrial development shall be permitted within the riparian management zone established by this Master Program (see *Chapter 4: Shoreline Environment Designations, Bulk Dimensional and Vegetation Standards Table, Table4-7*).
2) Over- water construction of industrial uses is prohibited.
3) Non-water-oriented industrial uses are allowed in the shoreline jurisdiction provided significant public benefit in the form of public access and ecological restoration is provided and they meet one of the following criteria:

a. The site is physically separated from the shoreline by another property in separate ownership or public right of way; or

b. The use is part of a mixed use project that includes water-dependentuses and provides significant public benefit with respect to the city's Shoreline Master Program objectives; or

c. Navigability is severely limited at the proposed site.

4) When permitted pursuant to Section X, Industrial Development Regulations, Regulation #3 above, non-water-oriented uses shall provide public access (see Chapter 6: General Shoreline Policies and Regulations, Section VIII, Public Access) and restore shoreline ecological functions as follows:

a. When part of a mixed-use development – Eighty percent (80%) of the riparian management zone shall be restored or enhanced consistent with opportunities identified in the Restoration Plan or Inventory and Characterization report.

b. When not part of a mixed-use development, the City shall determine the type and extent of restoration on a case-by-case basis according to the opportunities and constraints provided by the site.

5) Where on-site public access is appropriate, industrial development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public. Public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in this Master Program (see *Chapter 6: General Shoreline Policies and Regulations, Public Access* section).

6) Off-site public access to the Sumner shoreline shall be required if on-site public access would pose an unacceptable risk to the public health, safety, and welfare. Off-site public access must meet the same standards and requirements as on-site public access.

7) Accessory industrial development that does not require a shoreline location shall be located upland of the water-dependent portions of the development and setback from the OHWM as set forth in *Chapter 4: Shoreline Environment Designations*. Accessory development includes, but is not limited to, parking, warehousing, open-air storage, waste storage and treatment, storm runoff control facilities, utilities, and land transportation corridors.

8) Sewage treatment and water reclamation may only be permitted by conditional use and shall be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelines.

9) Storage and/or disposal of industrial wastes is prohibited within shoreline jurisdiction, provided that public wastewater treatment system may be allowed if alternate inland areas are unavailable.

10) All new or expanded industrial development shall be set back and landscaped from adjacent shoreline properties that are used for nonindustrial purposes. Landscaped setbacks shall be of adequate width and height, to protect adjacent land uses from visual or noise intrusion and shall comply with SMC 18.18. New or expanded industrial development shall be set back from the shoreline (see *Chapter 4: Shoreline Environment Designations, Bulk Dimensional and Vegetation Standards Table, Table 4-7*) except those water-dependent portions of the development that require direct access to the water.

11) Buffers shall not be used for storage of industrial equipment or materials, or for waste disposal. Buffers may be used for outdoor recreation if consistent with public access provisions.
12) Display and other exterior lighting shall be designed, shielded, and operated to minimize glare, to avoid illuminating nearby properties, and to prevent hazards for public traffic.
13) Unpaved storage areas underlain by permeable soils shall have at least a 4-foot separation between the ground surface and the highest seasonal water table.
14) Berms, dikes, grassy swales, vegetated buffers, retention ponds, or other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. It shall be demonstrated that water quality standards will not be violated by such runoff under any conditions of flow, leaving the site and entering into nearby watercourses.
15) Industrial projects of statewide significance determined to be particularly dependent on a location on or requiring use of the shorelines of the state in Sumner shall be reviewed per the City's goals and policies addressing facilities of statewide significance contained within the City's comprehensive plan, and shall be consistent with the provisions of this Master Program.

Industrial Development Environment Specific Regulations

Urban: Water-dependent and water-related industrial uses are permitted uses. Non-water-oriented industrial uses are conditionally permitted.

Urban Conservancy: Water-dependent industrial uses are a permitted use. Water-related and non-water-oriented industrial uses are conditionally permitted.

Shoreline Residential, Tapps Reservoir, Natural and **Aquatic:** Industrial development is prohibited.

XII. Instream Structures

Definition

Instream structures are placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. In-stream structures do not include structures placed beneath the stream or river bed. Both the structures themselves and their support facilities are covered by this section. This applies to their construction, operation and maintenance, as well as the expansion of existing structures and facilities.

Instream Structures Policies

1) Location and Design Features

a. Applications for instream structures should clearly document the suitability of the proposed site for the specific type of development, including alternative locations. Such site suitability analysis should thoroughly consider the environmental effects of the proposed facilities at the primary site and at alternative sites.

b. All instream structures should be designed to permit natural transport of bed load materials.

c. Instream structures and their support facilities should be designed to minimize removal of riparian vegetation and avoid the use of hardened shoreline armoring wherever feasible.

d. All nonwater-oriented facilities associated with instream structures, such as staging and storage areas, switching yards, utility transmission lines and in many cases power houses, should be located outside of shoreline jurisdiction.

e. In determining the appropriateness of hydroelectric development, the recommendations and conclusions of the Northwest Power Planning Council (1988) or equivalent state-adopted site ranking study should be considered.

f. Mitigation should be required for loss of fisheries and wildlife resources, natural systems including wetlands, and other sensitive areas. No net loss in critical area function, value, or acreage should occur as a result of instream structures and ecological functions should be conserved. When required, mitigation measures should be properly planned and monitored to ensure their effectiveness.

g. Instream structures should not cause significant adverse impact or harm to threatened or endangered species protected under the Endangered Species Act.

h. When possible, instream structures should be designed and constructed to insure public access to and along the shoreline, in accordance with the public access policies and regulations contained in this Master Program. Existing public access and recreational opportunities should be retained, enhanced, or replaced.

Instream Structures Regulations

1) Instream structures may be permitted as a conditional use.

2) All permit applications shall contain, at a minimum, the following in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*:

   a. A site suitability analysis that provides sufficient justification for the proposed site. The analysis must fully address alternative sites for the proposed development.

   b. Proposed location and design of the instream structure, accessory structures, and access/service roads.

   c. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable.

   d. A plan that describes the extent and location of vegetation that is proposed to be removed to accommodate the proposed facility, and any site revegetation plan required by this Master Program.

e. A hydraulic analysis prepared by a licensed professional engineer which sufficiently describes the project's effects on floodway hydraulics, including potential increases in base-flood elevation, changes in stream velocity, and the potential for re-direction of the normal flow of the affected river.

f. Biological resource inventory and analysis that sufficiently describes the project's effects on ecological functions and processes and fisheries and wildlife resources, prepared by a professional biologist.

g. Provision for erosion control, protection of water quality, and preservation of fishery and wildlife resources during construction.

h. Long-term management plans that described provisions for protection of in-stream resources during operation. The plan shall include means for monitoring its success over a ten-year period.

3) Structural Development

a. Instream structures shall be designed, located, and constructed in such a manner as to avoid extensive topographical alteration.

b. Instream structures that divert water shall return flow to the stream in as short a distance as possible.

c. All instream structures shall be designed to permit the natural transport of bedload materials.

d. Powerhouses associated with hydroelectric facilities shall be located a minimum of fifty (50) feet from the OHWM, provided that this does not apply to raceways.

Instream Structures Environment Specific Regulations

Natural, **Urban Conservancy**, **Tapps Reservoir**, **Shoreline Residential, Urban,** and **Aquatic**: Instream structures may be permitted as a conditional use.

XIII. Parking

Definition

Parking is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers. Land used for this purpose is leveled, cleared, and often covered with an impermeable surface.

Parking Policies

1) Parking in shoreline areas should be minimized.

2) Parking within shoreline jurisdiction should directly serve a permitted use on the property and should be sensitive to the adjacent shorelines and properties.

3) Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance.

4) Encourage the use of pervious materials in parking facilities.

5) Landscaping should consist of native vegetation in order to enhance the habitat opportunities within the shorelines area.

6) Discourage location of parking facilities in critical areas.

Parking Regulations

Parking for specific land use activities within the City of Sumner is subject to the requirements and standards set forth in the *Sumner Zoning Code*. In addition, the following parking requirements shall apply to all developments within shoreline jurisdiction.

1) Parking as a primary use shall be prohibited within shoreline jurisdiction.

2) The location of parking areas in or over critical fish water habitat, wetlands, and the associated buffers shall be prohibited.

3) Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all shoreline environment jurisdictions.

4) Parking in shoreline areas must directly serve an approved shoreline use.

5) Parking areas within shoreline jurisdiction shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. The landscaping shall preferably consist of native vegetation, to be planted within one (1) year after completion of construction and provide an effective screening three (3) years after planting. Adequate screening or landscaping for parking lots shall consist of one or more of the following:

    a. A strip of land fifteen (15) feet wide landscaped with trees, shrubs, and groundcover.

    b. A building or enclosed structure.

    c. A strip of land not less than five (5) feet in width that is occupied by a continuous wall, fence, plant material, or combination of both; which shall be at least six (6) feet high at time of installation. The plant material shall be evergreen and spaced not more than three (3) feet on center if pyramidal in shape, or not more than five (5) feet if wider in branching habit. If the plant material is used in conjunction with a wall or fence meeting the minimum height requirements then said material may be of any kind and spacing.

    The requirement for screening may be waived by the Director of Community Development, where screening would obstruct a significant view of the river from public property or public roadway.

6) All landscaping shall be designed to provide biofiltration functions for runoff from the parking area.

7) Alternatives to conventional storm water treatment, such as use of pervious materials, shall be considered in order to minimize impacts due to runoff and the need for storm water treatment.

8) All landscaping must be maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles, or recreational or other vehicles.
9) Parking facilities shall not be permitted over the water.
10) Parking shall be located on the landward side of the development unless parking is contained within a permitted structure.
11) Where there is no available land area on the landward side of the development, parking shall extend no closer to the shoreline than a permitted structure.

Parking Environment Specific Regulations

Urban Conservancy, **Tapps Reservoir**, **Shoreline Residential**, and **Urban**: Parking is permitted only as an accessory to an allowed use. Parking shall not be allowed within the minimum riparian management zone (as defined in *Chapter 4: Shoreline Environment Designations*) unless the applicant can meet the criteria for granting a shoreline variance in *Chapter 8: Administrative Procedures*. Primary parking is prohibited.

Natural and **Aquatic:** Parking is prohibited.

XIV. Recreational Development

Definition

Commercial and public facilities designed and used to provide recreational opportunities to the public. Recreational development provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, and golf courses. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association, or individual.

Recreational Development Policies

1) The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2) Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease or purchased and incorporated into the public park and open space system.
3) The linkage of shoreline parks, recreation areas, and public access points in a linear system, such as hiking paths, bicycle paths, and scenic drives should be encouraged.
4) Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas.
5) All recreational developments should make adequate provisions for:

a. Vehicular and pedestrian access.

b. Proper water, solid waste, and sewage disposal methods.

c. Security and fire protection for the use itself and for any use-related impacts to adjacent private property.

d. The prevention of overflow and trespass onto adjacent properties.

e. Buffering of such development from adjacent private property or natural area.

Recreational Development Regulations

1) Valuable shoreline resources and fragile or unique areas, such as wetlands and accretion shore forms, shall be used only for non-intensive and nonstructural recreation activities.

2) For recreation developments such as golf courses and playfields that require the use of fertilizers, pesticides, or other chemicals, the applicant shall submit plans demonstrating the methods to be used to prevent these chemical applications and resultant leachate from entering adjacent water bodies. Native vegetation buffer strips shall be required between the river or lake and recreation developments that use fertilizers, pesticides, or other chemicals. The Shoreline Administrator shall determine the maximum width necessary for buffer strips. Buffers shall not be less than twenty-five (25) feet wide, measured on a horizontal plane, perpendicular to the OHWM. The developer shall also be required to leave a chemical-free swath at least one hundred (100) feet in width next to water bodies and wetlands.

3) Recreational facilities shall make adequate provisions, such as screening, buffer strips, fences, and signs, to prevent overflow onto adjacent private properties.

4) Waterward of the OHWM, no recreational buildings or structures shall be built, except water-dependent and/or water-enjoyment structures as follows: bridges, and viewing platforms. Such uses may be permitted as a conditional use.

5) New recreational use/development shall be located landward of the riparian management zone area required *Chapter 6: General Shoreline Development Policies and Regulations* except that components of the recreational use or development that are water-dependent or water-related may be allowed within the riparian management zone.

6) Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal.

Recreational Development Environment Specific Regulations

Natural: Low-intensity water-dependent recreational developments are a permitted use. Water-related, water-enjoyment, and non-water-oriented recreational developments are prohibited.

Urban Conservancy and **Tapps Reservoir**: Water-dependent, water-related, and water-enjoyment recreational developments are permitted. Non-water-oriented recreation developments may be permitted as a conditional use.

Shoreline Residential and **Urban**: All recreational developments, including water-dependent, water-related, water-enjoyment, and non-water-oriented uses, are permitted.

Aquatic: Water-dependent and water-enjoyment recreational developments may be permitted as a conditional use. Water-related and non-water-oriented recreational developments are prohibited.

XV. Residential Development

Definitions

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a place of abode for human beings. Residential development includes single family residences, multifamily residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory structures such as a garage, a shed, a tennis court, a swimming pool, a parking area, a fence, a cabana, a sauna, and a guest cottage. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Note on Permit Exemption: A Shoreline Substantial Development Permit (SSDP) is not required for construction of a single family residence by an owner, lessee, or contract purchaser for their own use or the use of their family. However, such construction and all normal appurtenant structures must otherwise conform to this Master Program. In addition, when applicable, all residential development is subject to the Variance and conditional use requirements of this Master Program. For example, a Variance will be required for any residential development that proposes to locate within the shoreline environment setbacks established in *Chapter 4: Shoreline Environment Designations* of this Master Program.

Uses and facilities associated with residential development, which are identified as separate use activities in this Master Program, such as clearing and grading and fill are subject to the regulations established for those uses in this section. Clearing and grading may be exempted from the Shoreline Substantial Development Permit (SSDP) requirement, provided it is associated with an exempted single family residence and the following conditions are met: the clearing and grading activity is confined to the construction site and grading does not exceed 250 cubic yards.

See *Chapter 8: Administrative Procedures*, Section 1.A. for more information.

Residential Development Policies

1) In accordance with the Public Access requirements in *Chapter 6: General Shoreline Development Policies and Regulations*, residential developments of four (4) or more dwelling units should provide dedicated and improved public access to the shoreline.
2) Residential development and accessory uses should be prohibited over the water.
3) New subdivision development should be encouraged to cluster dwelling units in order to preserve natural features, minimize physical impacts, and provide for public access to the shoreline.
4) Accessory development should be designed and located to blend into the site as much as possible. Accessory use and structures should be located landward of the principal residence.

5) Residential development should apply best management practices in developing surface and storm water facilities.

Residential Development Regulations

1) Residential development is prohibited waterward of the OHWM.
2) Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works in the foreseeable future.
3) If wetlands or other critical areas are located on the development site, clustering of residential units shall be required in order to avoid these areas. Clustering shall be in accordance with the Sumner Critical Areas Regulations, SMC 16.40.
4) The maximum height above average grade level of any residential structure shall not exceed 35 feet and must be in compliance with the underlying zoning district. Except that buildings within the Urban shoreline designation shall be permitted for a maximum building height of 80 feet when they are within the Town Center Plan Area and consistent with Chapter 4 Maximum Building Height.
5) The creation of new lots shall be prohibited unless all of the following can be demonstrated.
    a. A primary residence can be built on each new lot without any of the following being necessary:
        i. New structural shoreline stabilization;
        ii. New improvements (sewer, water, streets, etc.) in the required riparian management zone or required critical area buffer;
        iii. Causing significant vegetation removal that adversely impacts ecological functions;
        iv. Causing significant erosion or reduction in slope stability; and
        v. Causing increased flood hazard or erosion in the new development or to other properties.
    b. Adequate sewer, water, access, and utilities can be provided.
    c. The intensity and type of development is consistent with the City comprehensive plan and development regulations.
    d. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential adverse impacts to the environment.
    e. The development is consistent with the development standards required by the underlying zoning and with the following:
        i. Lot area must have a minimum frontage width of 25 feet.
6) Storm drainage and treatment facilities shall be required by the City for proposals of five or more dwellings. Drainage facilities shall be separate from sewage disposal facilities. Drainage systems shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff into receiving waters. Such provisions may include retention ponds, vegetated swales, and artificial wetlands.

7) Subdivisions and planned unit developments of more than four (4) lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for all residents of the development and the general public. When required, public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in this Master Program (see *Chapter 6: General Shoreline Development Policies and Regulations, Section VIII, Public Access* section).

Residential Development Environment Specific Regulations

Shoreline Residential and **Urban**: Residential development is a permitted use.

Urban Conservancy: Residential development may be permitted as a conditional use.

Aquatic, Tapps Reservoir and **Natural:** Residential development is prohibited.

XVI. Scientific Research

Definitions

Scientific Research: The collecting of information for scientific purposes.

Scientific Research Policies

1) Scientific research that would cause a net-loss of ecological function to the shorieline should not be allowed. The placement of structures either permanent or temporary should be sited and designed to not cause negative impacts to hydrology, navigation, or other existing uses.
2) Scientific research designed to collect information related to restoration projects should be encouraged in the shoreline.

Scientific Research Regulations

1) Scientific research is permittable in all shoreline environments for the purposes of collecting information releated to shoreline restoration.
2) Scientific research not directly related to the collection of information to shoreline ecology, biology, or other natural processes must demonstrate the need for a shoreline location, and is prohibited in the aquatic environment.

XVII. Shoreline Habitat and Ecological Enhancement Projects

Shoreline habitat and ecological enhancement projects are those in which public and/or private parties engage to establish, restore, or enhance valued ecological sites.

Policies

1) *Design.* Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
2) *Coordination.* Restoration and enhancement projects should be coordinated with local Tribes and conservation organizations.
3) *Improve Ecological Functions.* Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, National Marine Fisheries Service and/or U.S. Fish and Wildlife Service.

Regulations

A. Long-term maintenance and monitoring for 10 years shall be included in restoration or enhancement projects.

B. Shoreline restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.
Applicants should consult applicable guidance documents, such as the most current version of the Washington Department of Fish and Wildlife's Stream Habitat Restoration Guidelines, promulgated by state or federal agencies.

C. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline designations subject to required state or federal permits when the applicant has demonstrated that:

1. A positive benefit will result to shoreline ecology and processes

2. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;

3. Water quality will not be degraded;

4. Flood storage capacity will not be degraded;

5. Streamflow will not be reduced;

6. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and

7. The project will not interfere with the normal public use of the navigable waters of the state.

D. Restoration and enhancement projects that include shoreline modification actions or activities such as vegetation removal, shoreline stabilization, dredging or filling may be authorized provided:

1. The applicant demonstrates that the primary purpose of such modification activity is clearly restoration of the natural character and ecological functions of the shorelines; and

2. The project addresses legitimate restoration needs and priorities.

3. The project is consistent with the goals of the Sumner's Shoreline Restoration Plan.

XVIII. Shoreline Stabilization

Definitions

Shoreline stabilization: Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, stormwater management, and planning and regulatory measures to avoid the need for structural stabilization

"Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Structural shoreline stabilization also often results in vegetation removal and damage to riparian habitat and shoreline corridors. There is a range of measures varying from soft to hard that include:

1) Vegetation enhancement;
2) Upland drainage control;
3) Biotechnical measures;
4) Beach enhancement;

5) Anchor trees;
6) Gravel placement;
7) Rock revetments;
8) Gabions;
9) Concrete groins;
10) Retaining walls and bluff walls; and
11) Bulkheads.

Replacement shoreline stabilization: The construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Bulkheads: Walls usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect riverbanks by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting.

Bulkheads are typically constructed of poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations.

Revetments: A sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against river currents. Revetments are most commonly built of randomly placed

boulders (riprap) but may also be built of sand cement bags, paving, or building blocks, gabions (rock filled wire baskets) or other systems and materials. The principal features of a revetment, regardless of type is a heavy armor layer, a filter layer, and toe protection.

Normal Maintenance: Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

Normal Repair: To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment

Note on Permit Exemptions: The Shoreline Management Act only exempts the construction of a normal protective bulkhead common to an existing single family residence from the Substantial Development Permit requirement. However, these structures are required to comply with all the policies, prohibitions, and development standards of this Master Program. See *Chapter 8: Administrative Procedures*, Section 1.A. for more information.

Shoreline Stabilization Policies

General Policies

1) All shoreline development should be located and designed to avoid or minimize the need

for shoreline stabilization measures, such as bulkheads, revetments, or substantial site regrades. Where measures and works are demonstrated to be necessary, biostabilization techniques should be the preferred design option.

2) Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the damage.

3) Hard shoreline stabilization techniques should be allowed only after it is demonstrated that soft shoreline stabilization techniques are not feasible.

4) Stabilization and protection works which are more natural in appearance, more compatible with ongoing shore processes, and more flexible for long term erosion management such as protective berms, beach enhancement, or vegetative stabilization should be encouraged over structural means such as concrete bulkheads, extensive revetments, or other structural defense works of materials such as steel, wood, or concrete.

5) Bulkheads, riprapping, and other bank stabilization measures should be located, designed, and constructed primarily to prevent damage to existing development. New development requiring shoreline stabilization should be discouraged.

6) Use of car bodies, scrap building equipment, or appliances for shoreline stabilization should be prohibited.

7) Substantial river channel realignment should be discouraged as a means of shoreline stabilization.

8) The design of bank stabilization should provide for the long term multiple use of shoreline resources and public access to public shorelines. In the design of publicly financed or subsidized works, consideration should be given to providing pedestrian access to shorelines for low intensity outdoor recreation.

9) All new shoreline stabilization measures should be placed landward of the OHWM, including associated wetlands.

10) If through construction and/or maintenance of shoreline modification developments, the loss of riparian vegetation and wildlife habitat occurs mitigation should be required.

11) The cumulative effect of allowing bulkheads and revetments along river segments should be evaluated. If it is determined that the cumulative effect of new bulkheads and revetments would have a deleterious effect on ecological functions or processes, then exemptions and permits should not be granted.

12) Bulkheads should not be approved as a solution to geo-physical problems such as mass slope failure, sloughing, or landslides. Bulkheads should only be approved for the purposes of preventing bank erosion by the river.

Shoreline Stabilization Regulations

General Regulations

1) All new shoreline development and modification activity shall be located and designed to prevent or minimize the need for shoreline stabilization.

2) The City shall require and utilize the following information during its review of shoreline stabilization proposals in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*:

a. Purpose of the project;

b. Hydraulic characteristics of the river within one-half (0.5) mile on each side of the proposed project;

c. Existing shoreline stabilization and flood protection devices within one-half (0.5) mile upstream and downstream of the proposed project;

d. Biological characteristics of the area, including fish and wildlife resources;

e. Construction material and methods;

f. Physical, geological, and/or soil characteristics of the area;

g. Predicted impact upon area shore and hydraulic processes, habitat and other ecological functions, adjacent properties, and shoreline and water uses; and

h. Alternative measures (including non-structural and soft structural measures) that will achieve the same purpose.

3) Geotechnical analysis required pursuant to this section shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.

4) Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization. Use of a bulkhead, revetment or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

5) The City shall not approve new bulkheads, revetments, and similar hard structures unless there is conclusive evidence that such structures are deemed necessary to protect:

a. Existing primary structures in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage as demonstrated in a geotechnical analysis, such that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions; or

b. New development in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage, and a geotechnical analysis documents that alternative solutions including location outside of the shoreline, are not feasible or do not provide sufficient protection to protect the primary structure from damage within three (3) years, and where ongoing monitoring, maintenance and mitigation for impacts to shoreline ecological functions and processes are provided; or

c. Projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105 when non-structural or soft structural approaches such as vegetation planting and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

6) An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents or waves. At the discretion of the City Engineer, the demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer or related licensed professional. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was

occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.

7) Provided that regulation #6 has been met, the replacement of lawfully established, existing bulkheads or revetments shall be allowed, subject to the following priority system:

   a. First priority. The first priority would be no action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

   b. Second priority. The second priority for replacement of bulkheads or revetments shall be to install "soft" shoreline protection measures or bioengineering erosion control designs.

   c. Third priority. The third priority for replacement of existing bulkheads or revetments shall be to install "hard" shoreline protection measures only when "soft" measures would not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property.

   d. Fourth priority. The fourth priority for replacement of bulkheads or revetments shall be landward of the existing bulkhead.

   e. Fifth Priority. The fifth and last priority for replacement of existing bulkheads or revetments shall be to replace in place (at the bulkhead's existing location).

8) Shoreline stabilization shall not be designed and constructed in such a manner as to result in channelization of normal stream flows.

9) River and stream channel direction modification, and realignment are prohibited.

10) Shoreline stabilization are prohibited in wetlands and on point and channel bars. They are also prohibited in salmon or trout spawning areas.

11) New bulkheads and expansions of existing bulkheads shall incorporate features that minimize adverse effects on habitat, salmon spawning and migration, and water quality. Such features shall include native vegetation, beach coves, incline gravel fill, large wood, rocks and other techniques that have been shown to mitigate the effects of bulkheads on shoreline ecology. 'Green Shoreline' approaches consistent with U.S. Army Corps of Engineers (USACE) shoreline protection alternatives guidance (SPAG) or National Marine Fisheries Service (NMFS) standards should be utilized for the design of new or expanded bulkheads.

12) Bank protection material shall be placed on/from the bank. Dumping of bank protection material directly from a truck bed onto the bank face is prohibited.

13) Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water.

14) Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in riparian vegetation or wildlife habitat shall be mitigated at a ratio of 1:2 (habitat lost to habitat replaced).

15) Shoreline stabilization shall to the extent possible, be planned, designed, and constructed to allow for channel migration. These developments shall not reduce the volume and storage capacity of rivers and adjacent wetlands or flood plains.

16) Use of car bodies, scrap building materials, asphalt from street work, or any discarded piles

of equipment or appliances for the stabilization of shorelines shall be prohibited.

Bulkhead Regulations

1) Bulkheads shall not be located on shorelines where valuable geo-hydraulic or biological processes are sensitive to interference. Examples of such areas include wetlands and accretion landforms.
2) Bulkheads are to be permitted only where local physical conditions, such as foundation bearing materials, and surface and subsurface drainage, are suitable for such alterations.
3) Bulkheads shall be sited and designed consistent with appropriate engineering principles. Professional geologic site studies or design may be required for any proposed bulkhead if the Shoreline Administrator determines sufficient uncertainties exist.
4) When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
5) Bulkheads shall be designed for the minimum dimensions necessary to adequately protect the development.
6) Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.
7) Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.
8) Adequate toe protection consisting of proper footings, a fines retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
9) Materials used in bulkhead construction shall meet the following standards:
    a. Bulkheads shall utilize stable, nonerodable, homogeneous materials such as concrete, wood, and rock that are consistent with the preservation and protection of the ecological habitat.
    b. Shore materials shall not be used for fill behind bulkheads, except clean dredge material from a permitted off-site dredge and fill operation.

Revetment Regulation

1) The Shoreline Administrator shall require professional design of a proposed revetment, if it is determined that uncertainties exist, such as:
    a. Inadequate data on local geophysical conditions;
    b. Inadequate data on stream flow, velocity, and/or flood capacity; and
    c. Effects on adjacent properties.
2) Bank revetments, where permitted shall be placed at the extreme landward edge of the riverbank.
3) Design of public works shall include and provide improved access to public shorelines whenever possible.
4) When permitted, the siting and design of revetments shall be performed using appropriate engineering principals, including guidelines of the U.S. Natural Resources Conservation Service and the U.S. Army Corps of Engineers.

5) If an armored revetment is employed the following design criteria shall be met:
   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
   b. Filter cloth must be used to aid drainage and help prevent settling;
   c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action; and
   d. Fish habitat components, such as large boulders, logs, and stumps shall be considered in the design subject to Hydraulic Project Approval by the Washington Department of Fisheries. Shoreline Stabilization Environment Specific Regulations

Hard-armoring (Bulkheads and Revetments)

Natural, Urban Conservancy, and **Tapps Reservoir**: Bulkheads and revetments may be permitted as a conditional use.

Shoreline Residential and **Urban**: Bulkheads and revetments are permitted.

Aquatic: Shoreline stabilization measures are permittable according to the adjacent upland environmental designation as specified above.

Soft-armoring

Natural, Urban Conservancy, Tapps Reservoir, Shoreline Residential, Urban, and **Aquatic**: Soft armoring is permitted in all shoreline environment designations.

XIX. Signs

Definition

Any visual communication device, structure, placard or fixture that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. For the purpose of this master program, a sign is not considered to be a building or structural design, but is restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

However, a sign shall not include the following:

Official notices authorized by a court, public body or public officer.

Direction, warning, or information sign authorized by federal, state, or municipal authority.

The official flag, emblem, or insignia of a government, school or religious group or agency.

A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible part of the building or structure.

Signs Policy

Signs should be designed and placed so that they are compatible with the natural quality of the shoreline environment and adjacent land and water uses.

Signs Regulations

1) Signs within the City of Sumner are subject to the requirements and standards specified in the Sumner sign regulations (SMC, Chapter 18.44). In addition, the following sign requirement shall apply to signs within shoreline jurisdiction.
    a. Over-water signs or signs on floats or pilings shall be related to water-dependent uses only.
    b. No signs that impair visual access from public viewpoints in view corridors shall be permitted.

Signs Environment Specific Regulations

Urban Conservancy, Tapps Reservoir, Shoreline Residential, and **Urban**: Signs are permitted only in association with an allowed use. Signs not associated with an allowed use are prohibited.

Aquatic: Signs are permitted only in association with a water-dependent use. Signs not associated with a water-dependent use are prohibited.

Natural: Educational signs only are allowed. Non-educational signs are prohibited.

XX. Stormwater Management Facilities

Definition

Stormwater management facilities are utilities that retain, detain, clean and convey stormwater run-off.

Stormwater Management Facilities Policies

1) Stormwater conveyance facilities should utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.
2) Stormwater facilities should be prohibited within the riparian management areas, wetlands, and other critical areas.
3) New stormwater facilities should be located so as not to require any shoreline protection works.
4) New stormwater facilities should ensure no net loss of ecological functions and processes.
5) Stormwater facilities located in the shoreland area should be maintained only to the degree necessary to ensure the capacity and function of the facility including the removal of non-native invasive plant species.
6) Low impact development techniques that allow for a greater amount of stormwater to infiltrate into the soil should be encouraged to reduce stormwater run-off.

Stormwater Management Facility Regulations

1) Applications for the installation of stormwater management facilities shall include the following in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II Shoreline Permit Procedures*:
    a. Description of the proposed stormwater facilities;
    b. Reasons why the stormwater facility requires a shoreline location;
    c. Alternative locations considered and reasons for their elimination;
    d. Location of other stormwater facilities in the vicinity of the proposed project and any plans to provide for consolidation of area-wide stormwater facilities that would reduce demand on shoreline locations;
    e. Plans for reclamation of areas disturbed during construction;
    f. Temporary sediment and erosion control plans during construction and operation;
    g. Identification of any possibility for locating the proposed stormwater facility at another existing site or within an existing stormwater facility;
    h. A mitigation and monitoring plan per the requirements of *Chapter 6: General Shoreline Development Policies and Regulations*, *Section V, Environmental Impact Mitigation*.
2) New stormwater facilities shall be located so as not to require any shoreline stabilization.
3) Stormwater facilities shall not be located in the riparian management zone.
4) Stormwater facility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with stormwater facility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
5) Construction of stormwater facilities in shoreland areas or in adjacent wetlands shall be timed to avoid fish and wildlife migratory and spawning periods.
6) Low impact development approaches shall be considered and implemented to the maximum extent feasible. Low impact development facilities shall not be allowed within the required riparian management zone, unless the Shoreline Administrator determines there would be a benefit to shoreline functions.

Stormwater Management Facilities Environment Specific Regulations

Urban Conservancy, Shoreline Residential, and **Urban**: Stormwater management facilities may be permitted as a conditional use and only as accessories to allowed uses. Stormwater management facilities that are accessory to prohibited uses are prohibited.

Aquatic, Tapps Reservoir and **Natural**: Stormwater management facilities are prohibited.

XXI. Transportation Facilities

Definition

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, and boat and floatplane terminals.

Transportation Facilities Policies

1) New roads and railroads within shoreline jurisdiction should be minimized.
2) Roads and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alternation of natural conditions result. The number of river crossings should be minimized to the maximum extent possible.
3) Trail and bicycle systems should be encouraged along the White (Stuck) River and Puyallup Rivers to the maximum extent feasible.
4) When existing transportation corridors are abandoned they should be reused for water-dependent use or public access.
5) Joint use of transportation corridors within shoreline jurisdiction for roads, utilities, and motorized forms of transportation should be encouraged.
6) WSDOT 90 day Target Special procedures for WSDOT projects.
    a. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
    b. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

Transportation Facilities Regulations

1) Transportation facilities and services shall utilize existing transportation corridors wherever possible, provided the shoreline is not adversely impacted and the development is otherwise consistent with this Master Program.
2) Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate river crossings.
3) Fills for transportation facility development are prohibited in water bodies, critical areas, except as allowed in *Chapter 6: General Shoreline Policies and Regulations, Section VII Critical Area Protection,* and on accretion beaches, except when all structural and upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this Master Program.
4) Major new highways, freeways, and railways shall be located outside shoreline jurisdiction.

except where a river crossing is required. These roads shall cross shoreline areas and rivers by the shortest, most direct route, unless this route would cause more damage to the environment.

5) New transportation facilities shall be located and designed to minimize or prevent the need for shoreline modification.

6) All bridges must be built high enough to allow the passage of debris and provide three (3) feet of clearance above the base flood elevation.

7) Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.

8) Cut and fill slopes shall be designed at the normal angle of repose or less.

9) Cut and fill and sidecast slopes shall be protected from erosion by mulching, seeding, compacting, riprapping, benching, or other suitable means.

10) Bridge abutments and necessary approach fills shall be located landward of the OHWM, except bridge piers may be permitted in a water body as a conditional use.

Transportation Facilities Environment Specific Regulations

Shoreline Residential and **Urban**: Transportation development is a permitted use.

Natural, Urban Conservancy, Tapps Reservoir, and **Aquatic**: Transportation development may be permitted as a conditional use.

XXII. Utilities

Definition

Utilities are services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

Utilities Policies

1) Utilities should utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.

2) Unless no other feasible alternative exists, utilities should be prohibited in wetlands and other critical areas.

3) New utility facilities should be located so as not to require extensive shoreline protection works.

4) Whenever feasible, utilities should be placed underground or affixed to bridges.

5) Solid waste disposal activities and facilities should be prohibited in shoreline areas.

6) Utility facilities should be encouraged to be located within existing public, private, and utility right-of-ways.

Utilities Regulations

1) Applications for the installation of utility facilities shall include the following in addition to the requirements of WAC 173-27-180 and *Chapter 8: Administrative Procedures, Section II, Shoreline Permit Procedures*:
    a. Description of the proposed facilities;
    b. Reasons why the utility facility requires a shoreline location.
    c. Alternative locations considered and reasons for their elimination.
    d. Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project.
    e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility.
    f. Plans for control of erosion and turbidity during construction and operation; and
    g. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
2) Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.
3) Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
4) Proposals for new utility corridors or river crossings shall fully substantiate the infeasibility of existing routes.
5) Existing solid waste disposal and transfer facilities within shoreline jurisdiction shall be expeditiously phased out and rehabilitated.
6) The following utility facilities, which are not essentially water-dependent, may be permitted as a conditional use if it can be shown that no reasonable alternative exists.
    a. Water system treatment plants;
    b. Sewage system line, interceptors, pump stations, and treatment plants;
    c. Electrical energy generating plants (except for instream structures), substations, lines, and cables.
    d. Petroleum and natural gas transmission pipelines.
7) New solid waste disposal sites and facilities are prohibited.
8) New utility lines including electrical distribution, communications, and fuel lines shall be located underground whenever feasible.
9) Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest most direct route feasible, unless such route would cause significant environmental damage.
10) Utility facilities requiring withdrawal of water from streams or rivers shall be located only where minimum flows, as established by the Washington State Department of Ecology, can be maintained.

11) Utility developments shall be located and designated so as to avoid the use of any structural or artificial shore modification works whenever feasible.
12) Water lines shall be completely buried under the riverbed in all river crossings except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment plant intake pipes or outfalls.
13) All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those instances where no other alternative exists, the use may be permitted as a conditional use. However, automatic shut-off valves shall be provided on both sides of the water body.
14) Construction of utilities underwater or in adjacent wetlands shall be timed to avoid fish and wildlife migratory and spawning periods.

Utilities Environment Specific Regulations

Natural: Utilities, as a primary use are prohibited.

Urban Conservancy, Tapps Reservoir, Shoreline Residential, Urban, and **Aquatic**: Water-dependent utilities are permitted. Non-water-dependent utilities may be permitted as a conditional use.

CHAPTER 8 ADMINISTRATIVE PROCEDURES

I. Shoreline Permit Requirements

Any person wishing to undertake a substantial development within shoreline jurisdiction shall apply to the Shoreline Administrator for a Shoreline Permit. Based on the provisions of this Master Program, the Shoreline Administrator shall determine if a Substantial Development Permit, a Shoreline Conditional Use Permit, and/or a Shoreline Variance is required.

Exempt developments, which are outlined below in *Section A*, shall not require a Substantial Development Permit. However, an exempt development may require a Conditional Use Permit, and/or a Variance from Master Program provisions.

A. Exemptions from Substantial Development Permit Requirements

Certain specific developments as listed in WAC 173-27-040 are exempt from the substantial development permit process of the SMA. As established under WAC 173-27-040, the following applies:

a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

b) An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the applicable master program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.

c) The burden of proof that a development or use is exempt from the permit process is on the applicant.

d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

e) Local government may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and the local master program.

The following developments shall not require shoreline substantial development permits:

1) Any development of which the total cost or fair market value, whichever is higher, does not exceed seven thousand and forty seven dollars ($7,047) or the value as amended or adjusted for inflation per RCW 90.58.030 [3] [e], if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

3) Construction of a normal protective bulkhead common to single family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife;

4) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

5) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock, hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

6) Construction or modification of navigational aids such as channel markers and anchor buoys;

7) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for their own use or for the use of their family, which residence does not exceed a building height of thirty-five (35) feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "Single-family residences" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenances. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

8) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

9) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface of the water;

10) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as part of an agricultural drainage or diking system.

11) Any project with certification from the Governor pursuant to chapter 80.50 RCW.

12) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Master Program, if:

- The activity does not interfere with the normal public use of the surface waters;
- The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
- The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
- A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.
- The activity is not subject to the permit requirements of RCW 90.58.550;

13) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;

14) **Watershed restoration projects.** The City of Sumner shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.

15) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when it meets the criteria established in WAC 173-27-040(p) and RCW 90.58.147 and all of the following:

- The project has been approved in writing by the department of fish and wildlife;
- The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
- The City of Sumner has determined that the project is substantially consistent with the Shoreline Master Program. The City of Sumner shall make such determination in a timely manner and provide it by letter to the project proponent.

16) **Hazardous substance remedial actions.** Requirements to obtain a substantial development permit, conditional use permit, or a variance shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order or agreed order has been issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Instead of the City issuing a shoreline permit, the Department of Ecology shall, in consultation with the City of Sumner, ensure compliance with the substantive requirements of chapter 90.58 RCW, chapter 173-26 WAC and the local master program, through the consent decree, order, or agreed order issued pursuant to chapter 70.105D, or during the department-conducted remedial action, pursuant to RCW 70.150D.090.

17) The external retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

18) Consistent with WAC 173-27-040, a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.

B. Unclassified Uses

Uses that are not classified in *Chapter 7: Specific Shoreline Development Policies and Regulations* may be authorized as Conditional Uses provided the applicant can demonstrate compliance with the criteria listed in *Section III.B.3* and all other applicable policies and regulations of this Master Program.

C. Exceptions to Shoreline Permits

Requirements to obtain a substantial development permit, conditional use permit, variance, letter

of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

D. Relief Procedures

The shoreline administrator may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

II. Shoreline Permit Procedures

Pre-application

A. Information Prior to Submitting Application

Prior to submitting a complete application for a Substantial Development Permit, a Conditional Use Permit, and/or a Variance, the applicant may request preliminary site plan review by the City departments. This will enable the applicant to become familiar with the requirements of this Master Program, other applicable regulations, and the approval process. The preliminary site plan review shall be conducted according to procedures established by the Shoreline Administrator.

Submittal

B. Statement of Exemption

A Statement of Exemption must be obtained from the Shoreline Administrator for a development

that is exempt from Shoreline Substantial Development Permit requirements, but which requires other permit approvals, such as a building permit. This statement will verify that the development is exempt. The statement will also list any provisions that must be followed to ensure that the development is also consistent with the goals and intents of the Master Program and the Act. The Statement of Exemption shall be attached to the other permit approvals.

Whenever a development falls within the exemption criteria listed above and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Shoreline Administrator shall prepare a Statement of Exemption and send a copy of this statement to the Washington Department of Ecology.

Before issuing a Statement of Exemption, the Shoreline Administrator shall review the Master Program to determine if the proposed development requires a Shoreline Conditional Use Permit and/or a Variance. It may be necessary for the Shoreline Administrator to conduct a site inspection to ensure that the proposed development meets the exemption criteria.

1) **Application Forms.** Applications for such shoreline exemptions shall be made on forms provided by the Shoreline Administrator.
2) **Site Plan. –** a site plan shall meet the requirements of the underlying development permit and shall include those items listed *Section C.2* below.

C. Substantial Development Permits

1) **Application Forms.** No substantial development shall be undertaken on shorelines of the City without first obtaining a Substantial Development Permit from the Hearing Examiner. Applications for such permits shall be made on forms provided by the Shoreline Administrator.
2) For Variance and Conditional Use Permit requests, the application shall also demonstrate compliance with the provisions of *Section III* in this chapter. In addition to the information requested on the application, the applicant shall provide, at a minimum, the following information:
3) **Site Plan** - drawn to scale and including:
    a. Site boundary.
    b. Property dimensions in the vicinity of project.
    c. Ordinary high water mark
    d. Location, size, and type of critical areas, if present.
    e. Typical cross section or sections showing:
        i. existing ground elevation
        ii. proposed ground elevation
        iii. height of existing structures
        iv. height of proposed structures
    f. Where appropriate, proposed land contours using one-foot intervals, if development involves grading, cutting, filling, or other alteration of land contours.
    g. Show dimensions and locations of existing structures which will be maintained.
    h. Show dimensions and locations of proposed structures.
    i. Identify source, composition, and volume of fill material.

j. Identify composition and volume of any extracted materials and identify proposed disposal area.

k. Location of proposed utilities, such as sewer, septic tanks, and drainfields, water, gas, and electricity.

l. If the development proposes septic tanks, does proposed development comply with local and state health regulations?

m. Shoreline designation according to the Master Program.

4) Vicinity Map

a. Indicate site location using common points of reference (roads, state highways, prominent landmarks, etc.).

b. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.

c. Give brief narrative description of the general nature of the improvements and land use within 1,000 feet in all directions from development site (i.e., residential to the north, commercial to the south, etc.).

D. Application Fees

A filing fee in an amount established in SMC 18.56 shall be paid to the City of Sumner at the time of application.

E. Complete Application

Complete application and documents for all Shoreline Permits shall be submitted to the Shoreline Administrator for processing and review. The application will be reviewed for completeness and a determination of completeness made per SMC 18.56.

Review

F. Permit Process

When a complete application and associated information have been received by the Shoreline Administrator, the actions listed below shall be taken. These actions also apply to shoreline Conditional Use Permits and requests for Variances:

1) **Public Notice.** The Shoreline Administrator shall have a Notice of Application for Substantial Development Permit, Conditional Use, or Variance (as applicable) published in a newspaper of general circulation, within the area in which the development is proposed.

2) The Notice of Application for Substantial Development Permit, Conditional Use, or Variance (as applicable) describes the location of the project and includes a statement that any person desiring to present their views to the Hearing Examiner may do so in writing within thirty (30) days of the final newspaper publication. The notice also provides the date when a public hearing will be held on the application and states that any person may submit oral or written

comments at the hearing. All persons who indicate their desire to receive a copy of the final order shall be notified, in a timely manner, of the Hearing Examiner's decision.

3) The Notice of Application for a Substantial Development Permit, Conditional Use, or Variance (as applicable) must be published in the appropriate newspaper at least once a week, on the same day of the week, for two consecutive weeks.

4) The Shoreline Administrator shall also post the Notice of Application for a Substantial Development Permit, Conditional Use or Variance (as applicable) on-site per SMC 18.56.

5) The Shoreline Administrator may require any other manner of public notice deemed appropriate to accomplish the objectives of reasonable notice to the adjacent landowners and the public.

6) The Shoreline Administrator shall notify the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Federal Emergency Management Agency when application is made for a Variance.

7) **Public Hearing.** At least one public hearing shall be held by the Hearing Examiner regarding an application for a Substantial Development Permit, Conditional Use, or Variance. The public hearing should be held at the earliest possible date after the thirty (30) day public comment period has ended.

8) A written notice of the public hearing at which the Hearing Examiner will consider the application shall be mailed or delivered to the applicant a minimum of seven (7) days prior to the hearing. The Shoreline Administrator's findings and conclusions and recommended action on the application shall be sent to the applicant with the notice of public hearing.

9) **Hearing Examiner Review.** The Hearing Examiner shall review an application for a Substantial Development Permit, Conditional Use, or Variance using the following information:

    a. The application.

    b. Applicable SEPA documents.

    c. Evidence presented at the public hearing.

    d. Written and oral comments from interested persons.

    e. The findings, conclusions, and recommendation of the Shoreline Administrator.

    f. Information and comment from other City departments.

    g. Independent study of the Hearing Examiner.

    The Hearing Examiner may require an applicant to furnish information and data in addition to that contained or required on the substantial Development Permit, Conditional Use, or Variance application.

10) **Hearing Examiner Review Criteria.** The Hearing Examiner shall review the application and related information and make a decision to approve, approve with condition, or deny the application for a Substantial Development Permit, Conditional Use, or Variance. No Permit shall be granted unless the proposed development is consistent with the provisions of this Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology there under.

11) **Burden of Proof on Applicant.** The burden of proving that the proposed development is consistent with the criteria which must be met before a Permit is granted shall be on the applicant.

12) **Conditional Approval.** Should the Hearing Examiner find that any application does not

substantially comply with criteria imposed by the Master Program and the Shoreline Management Act of 1971, they may deny such application or attach any terms or condition which is deemed suitable and reasonable to affect the purpose and objective of this Master Program.

13) **Bonds.** The Hearing Examiner may require the applicant to post a bond in favor of the City of Sumner to assure full compliance with any terms and conditions imposed by the Hearing Examiner on any Substantial Development Permit. Said bond shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated.

14) Filing with the Deparment of Ecology

The following information shall be provided concurrently to the applicant, the Department of Ecology, and the Attorney upon the rendering of the final decision on Shoreline Substantial development Permits, Shoreline Conditional Use Permits and Shoreline Variance permits:

a. A copy of the complete application per WAC 173-27-180;

b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Master Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

c. The final decision of the City;

d. The permit data sheet per WAC 173-27-990;

e. Affidavit of public notice; and

f. Where applicable the Shoreline Administrator shall also file the applicable documents required by the State Environmental Policy Act (RCW 43.21C). The Shoreline Administrator shall provide Notice of Final Decision per SMC 18.56.

15) **Department of Ecology Review of Variance and Conditional Use Permits.** After the Hearing Examiner issues a decision for a Variance or Conditional Use Permit, the Shoreline Administrator shall submit the Permit to the Department of Ecology for its approval, approval with conditions, or denial. When a Substantial Development Permit and Conditional Use and/or Variance Permit are required for development, the submittal on the Permits shall be made simultaneously. The Department of Ecology shall render and transmit its final decision approving, approving with conditions, or disapproving the Variance or Conditional Use Permit within thirty (30) days of filing by the City of Sumner.
Filing is not complete until all the required documents have been received by the Department of Ecology and the Attorney General. Upon receipt of the Department of Ecology's final decision the Shoreline Administrator shall notify those interested persons having requested notification of such decision.

16) Development authorized by a Variance or Conditional Use Permit shall not begin until twenty-one (21) days from the date the City receives the decision of the Department of Ecology, provided no appeal proceedings have been initiated.

17) **Washington State Department of Ecology Review.** Development authorized by a Shoreline Substantial Development Permit shall not begin until twenty-one (21) days from the date the Department of Ecology acknowledges in writing receipt of the Shoreline Substantial Development Permit; provided no appeals have been initiated during this twenty-one (21) day period.

18) Appeals to State Shorelines Hearings Board. Any person aggrieved by the granting, denying, or rescinding of a Shoreline Permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the State Shorelines Hearings Board by filing a petition for review within twenty-one (21) days of the date of filing. Appeals of any final permit decision may be made pursuant to the procedures established in RCW 90.58.180 (Appeals from Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings). The request for review shall be in the form required by the rules for practice and procedure before the Shorelines Hearings Board. The person seeking review shall also file a copy of the request for review with the State Department of Ecology and the Attorney General.

    i. For substantial development permits the date of filing is the day the Department of Ecology receives the City of Sumner's final decision.

    ii. For shoreline Variance and Conditional Use Permits the date of filing is the day the City of Sumner receives the Department of Ecology's final decision.

III. Variance and Conditional Use Permit Criteria

The Shoreline Management Act states that Master Programs shall contain provisions covering Conditional Uses and Variances. These provisions should be applied in a manner, which while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

A. Variances

1) **Purpose.** The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in the Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

    Construction pursuant to this Permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2) **Application.** An application for a shoreline Variance shall be submitted on a form provided by the Shoreline Administrator and accompanying material as required by SMC 18.56.

    An applicant for a Substantial Development Permit who wishes to request a Variance shall submit the Variance application and the Substantial Development Permit simultaneously.

3) **Criteria for Granting Variances.** Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

    Variance Permits for development and/or uses that will be located landward of the ordinary high water mark and/or landward of any wetland, may be authorized provided the applicant

can demonstrate all of the following:

a. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.

b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.

c. That the design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.

d. That the Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area

e. That the Variance requested is the minimum necessary to afford relief.

f. That the public interest will suffer no substantial detrimental effect.

Variance permits for development that will be located waterward of the ordinary high water mark or within any wetland, may be authorized provided the applicant can demonstrate all of the criteria following:

a. That the strict application of the bulk, dimensional or performance standards set forth in the Master Program precludes all reasonable use of the property

b. That the proposal is consistent with the criteria established under subsection 4.b. through 4.f. of this section

c. That the public rights of navigation and use of the shorelines will not be adversely affected.

In the granting of all Variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the Variances should also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

Variances from the use regulations of the master program are prohibited. Such requests shall be evaluated using the Conditional Use criteria set forth below.

B. Conditional Use

1) **Purpose.** The purpose of a Conditional Use Permit is to provide a system within the Master Program which allows flexibility in the application of use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020. In authorizing a Conditional Use, special conditions may be attached to the permit by the City of Sumner or by the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the Master Program. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a Conditional Use Permit.

2) **Application.** An application for a Shoreline Conditional Use Permit shall be submitted on a form provided by the Shoreline Administrator and accompanying material as required by SMC 18.56.

3) An applicant for a Shoreline Substantial Development Permit which requires a Conditional Use Permit shall submit applications for both permits simultaneously.

4) **Criteria for Granting Shoreline Conditional Use Permits.** Uses which are classified or set forth in the Master Program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

   a. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;

   b. That the proposed use will not interfere with the normal public use of public shorelines;

   c. That the proposed use of the site and design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Master Program;

   d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

   e. That the public interest suffers no substantial detrimental effect.

   In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the Conditional Uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

   Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Master Program.

   Uses which are specifically prohibited by this Master Program may not be authorized pursuant to this section.

IV. Time Requirements and Revisions

A. Time Requirements for Shoreline Permits

1) **Duration of Permits:** The City of Sumner may issue shoreline permits with termination dates of up to five years. If a Permit does not specify a termination date, the following requirements apply, consistent with WAC 173-27:

   a. **Time Limit for Substantial Progress.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two (2) years after approval of the effective date of a Shoreline Permit.

   b. **Extension for Substantial Progress.** The City of Sumner may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of theproposed extension is given to parties of record on the Shoreline Permit and to the Department of Ecology.

   c. **Five-Year Permit Authorization**. If construction has not been completed within five (5) years after the effective date of a Shoreline Permit, the City will review the Permit and, upon showing of good cause, either extend the Permit for one year based on

reasonable factors, or terminate the Permit. A request for extension must be filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. Note: Only one (1) single extension is permitted.

B. Revision of Permits

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. When an applicant desires to revise a Permit, the applicant must submit detailed plans and text describing the proposed changes. If the Shoreline Administrator determines that the revisions proposed are *within the scope and intent of the original Permit*, consistent with the Master Program, and the Shoreline Management Act, the Shoreline Administrator may approve the revision. "Within the scope and intent of the original Permit" means all of the following:

1) Ground area coverage and height is not increased more than ten percent (10%) from the provisions of the original permit;
2) The revised permit does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City of Sumner Shoreline Master Program except as authorized under a variance granted as the original permit or part thereof;
3) Additional or revised landscaping is consistent with conditions (if any) attached to the original Permit;
4) The use authorized pursuant to the original Permit is not changed; and
5) No adverse environmental impact will be caused by the project revision.

If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new Shoreline Permit must be submitted. If the revision involves a Conditional Use or Variance, the Shoreline Administrator must submit the revision to the Department of Ecology for the Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100. Ecology shall render and transmit to the City of Sumner and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the City. The Shoreline Administrator shall notify parties of record of Ecology's final decision. (see WAC 173-27).

The City of Sumner or the Department of Ecology's decision on revision to the Permit may be appealed within twenty-one (21) days of such decision, in accordance with WAC 173-27-100.

Construction allowed by the revised Permit that is not authorized under the original Permit is undertaken at the applicant's own risk until the expiration of the appeals deadline.

V. Nonconforming Development, Development & Building Permits, and Unclassified Uses

A. Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply:

1) Nonconforming development may be continued provided that any enlargement or expansion does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

2) A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;

3) If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;

4) If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

5) A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and

6) An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act and the Master Program (May 17, 2004), but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the Act.

7) A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

8) A structure for which a Variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

B. Development and Building Permits

1) No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program. All purchasers or transferees of property shall comply with provisions of the Act and this Master Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling,

transferring, or leasing land in violation of the Act or this Master Program including any amount reasonable spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Master Program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming their property to these requirements, may rescind the sale, transfer, or lease and recover cost of investigation, and reasonable attorney's fees occasioned thereby from the violator.

C. Unclassified Uses

Uses that are not classified in *Chapter 7: Specific Shoreline Development Policies and Regulations* may be authorized as Conditional Uses provided the applicant can demonstrate compliance with the criteria listed in *Section III.B.3* and all other applicable policies and regulations of this Master Program.

VI. Enforcement and Penalties

A. Enforcement

1) The provisions of chapter 15.06 SMC relating to Enforcement shall apply to this chapter.
2) All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or a designated representative. For such purposes, the Shoreline Administrator or a duly authorized representative shall have the power of a police officer.
3) The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

B. Penalty

1) Any person found to have willfully engaged in activities on the city's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the city's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of SMC 15.06.070 (Civil citation penalties) and 15.06.110 (Subsequent repeat violation – Failure to abate – Misdemeanor).

C. Public and Private Redress

Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or the provisions of a Permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City attorney may bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall

make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

D. Delinquent Permit Penalty

A person applying a Permit after commencement of the use or activity may, at the discretion of the City be required, in addition, to pay a delinquent Permit penalty not to exceed three (3) times the appropriate Permit fee: Provided, that a person who has caused, aided or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation or penalty by the Department of Ecology or the City against said person may be subject to a delinquent Permit penalty not to exceed ten (10) times the appropriate Permit fee. Delinquent Permit penalties shall be paid in full prior to resuming the use or activity.

VII. Master Program – Review, Amendments and Adoption

A. Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

B. Amendments to Master Program

Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Federal Emergency Management Agency shall receive early and continual notice of any amendments to the Shoreline Master Program.

Proposals for shoreline environment redesignation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-26.

C. Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

D. Effective Date

This ordinance shall be effective fourteen days from the Department of Ecology's final written approval.

CHAPTER 9 DEFINITIONS AND ACRONYMS

For the purpose of this Master Program, certain terms and their derivations shall be construed as specified in this section. Words in the singular include the plural, and the plural, the singular. The words "shall" and "will" are mandatory; the word "may" is permissive. Additional definitions applicable to this Master Program and adopted by reference herein, are found in the Revised Code of Washington (RCW) 90.58 and applicable sections of the Washington Administrative Code (WAC). The following definitions apply throughout this Program, unless otherwise indicated.

Undefined words and phrases.

The definition of any word or phrase not listed in the definitions, which is in question when administering this Program, shall be defined from one of the following sources. Said sources shall be utilized by finding the desired definition from source number one, but if it is not available there, then source number two may be used and so on. The sources are as follows:

1) Any city resolution, ordinance, code or regulation;
2) Any statute or regulation of the state of Washington;
3) Legal definitions from Washington common law or a law dictionary;
4) The common dictionary.

Accessory Use or Accessory Structure[4]

A use or structure customarily incidental to a permitted principal use located on the same lot. An accessory use or structure is subordinate and functionally supports the principal use. A swimming pool is considered an accessory structure for the purposes of this Program.

Accretion[1]

The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks and tombolos.

Act[2]

The Washington State Shoreline Management Act of 1971, as amended (RCW 90.58.030).

Action[3]

Any grading, clearing, filling, construction, dredging, removal of trees or use on a piece of property.

Activity[4]

Any conduct, enterprise, or use on a lot, tract or parcel of land. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials.

Adjacent Lands[2]

Lands adjacent to the shorelines of the state or shorelands, and therefore outside of shoreline jurisdiction as defined by SMA. The SMA directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (see Chapter 90.58.340 RCW).

Shoreline Administrator[1]

The Sumner Director of Community Development, or his/her designee, charged with the responsibility of administering the shoreline master program.

Agricultural Activities[2]

Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation (WAC 173-26-020).

New agricultural activities[2]

Activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use (WAC 173-26-241).

Agricultural Products[2]

Includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products (WAC 173-26-020).

Agricultural Equipment and Agricultural Facilities[2]

Includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables (WAC 173-26-020).

Agricultural Land[2]

Those specific land areas on which agriculture activities are conducted as of the date of adoption of this master program (May 17, 2004) pursuant to the state guidelines adopted December 17, 2003, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program (WAC 173-26-020).

Agricultural Resource Lands[3]

Those lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.

Amendment[2]

A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program (WAC 173-26-020).

Anadromous Fish[1]

Fish species, such as salmonids or salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn. Anadromous fish include Chinook salmon, sockeye salmon, coho salmon, sea-run cutthroat trout and other fish species that spend part of their lifecycle in salt waters.

Animal Containment Area[3]

A site where two or more animal units of large animals per acre or 0.75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.

Animal Unit

The equivalent of 1,000 pounds of animal.

Applicant[3]

A person, party, firm, corporation, or other legal entity who files an application for approval under this Program and who is either the owner of the land on which that proposed activity would be located, a contract vendee, or lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

Approval[2]

An official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to Ecology for review and official action pursuant to this Program; or an official action by Ecology to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program (WAC 173-26-020).

Appurtenance[2]

A structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040).

Aquaculture[2]

The culture or farming of fish, shellfish, or other aquatic animals and plants (WAC 173-26-050(6)).

Aquatic[1]

A shoreline environment designation under the Shoreline Management Act for areas waterward of the ordinary high water mark (OHWM) that contain critical freshwater habitats.

Aquifer Recharge Area[3]

Areas that have a critical recharging effect on groundwaters used for potable water supplies and/or that demonstrate a high level of susceptibility or vulnerability to groundwater contamination from land use activities.

Examples of aquifer recharge areas include:

1) Wellhead protection areas delineated pursuant to the Federal Safe Drinking Water Act; and
2) Other areas with a high level of susceptibility or vulnerability to contamination as demonstrated through the use of the DRASTIC model.

Archaeological[1]

Having to do with the scientific study of material remains of past human life and activities.

Associated Wetlands[2]

Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act (WAC 173-22-030). Associated wetlands are regulated parts of the shoreline jurisdiction in Sumner. The Department of Ecology makes the final determination as to whether or not wetlands within the shoreline are considered associated wetlands.

Average Grade Level[2]

The average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building or structure; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030).

Berm[1]

A mound of earth material used as a protective barrier or to control the direction of water flow.

Best Management Practices (BMPs)[3]

"Best management practices (BMPs)" mean physical, structural, and/or managerial practices, that when used singly or in combination, prevent or reduce water pollution, erosion, groundwater contamination, slope instability and similar impacts of construction, development and other actions. Source control BMPs include those which keep the pollutant from ever coming in contact with stormwater, and stormwater treatment BMPs include those which consist of various methods of treating stormwater. BMPs could include, but are not limited to, use of hay bales and plastic coverings to reduce erosion, education programs for employees regarding the use and disposal of chemicals, signage for customers regarding use of gasoline fueling facilities, and use of grass-lined swales to reduce pollutants in stormwater.

Boat Launch or Ramp[1]

Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat Lift[1]

A mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a pier.

Boat Rail or Railway[1]

A set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Boathouse[1]

A structure designed for storage of vessels located over water or in upland areas. Boathouses should not be confused with "houseboats."

Boating Facilities[1, 2]

Boating facilities include marinas, boat launch ramps (public and private), wet and dry boat storage, related sales and service for pleasure and commercial watercraft, and docks (piers) except docks serving four or fewer single-family residences are excluded from this definition (WAC 173-26-241).

Breakwater[1]

An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Buffer Area[1]

The zone contiguous to a sensitive area that is required for the continued maintenance, function, and/or structural stability of the sensitive area. Buffer widths vary depending on the relative quality and sensitivity of the area being protected. The critical functions of the riparian buffer (those associated with an aquatic system) include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of sediments, overflow during high water event, protection from disturbance by humans and domestic animals, maintenance of a wild habitat, and room for variation of aquatic system boundaries over time due to hydrological or climatic effects. The critical functions of terrestrial buffers include protection of slope stability, attenuation of surface water flows from stormwater runoff and precipitation, and erosion control.

Building[1]

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of any use or occupancy.

Building Official[3]

The city staff person responsible for the administration of the Uniform Building Code or his or her designee.

Building Setback[3]

A distance within which no structures may be built. A fence may be allowed in the building setback, provided it does not exceed six feet in height and does not bisect wetlands or streams or impede the movement of native wildlife.

Building Setback Line[1]

Unless otherwise indicated within this Master Program, the line which establishes the limits of all buildings, fencing and impervious surfaces along the shoreline.

Bulkhead[1]

A wall-like structure generally placed parallel to and near the ordinary high water mark to retain an upland or fill area prone to gliding or sheet erosion, and to protect an upland from erosion by wave action. Bulkheads are normally lighter than a seawall and similar to structures termed "revetments." (See also **Normal Protective Bulkhead**)

Buoy[1]

Buoys are floating devices anchored to a lake or river bottom used for navigational purposes or moorage. (See also **Mooring Buoy**)

Channel[1]

An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels. (See also **Stream)**.

Channel Improvement[1]

Enlargement of a natural stream's discharge capacity by means of straightening, making "cutoffs", cleaning vegetation, widening, or deepening, and thereby decreasing flood stages.

Channel migration zone (CMZ)[2]

The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings (WAC 173-26-020).

Circulation[1]

Those means of transportation that carry passengers or goods to, from, over, or along a corridor.

Clearing[1]

The removal of vegetation from a site in such a manner as to affect the erosive potential of the soils on a site.

Contaminant[3]

Any chemical, physical, biological or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.

Covered Moorage[1]

Boat moorage, with or without walls, that has a roof to protect the vessel.

Commercial Development[1]

The providing of goods, merchandise or services for compensation, including, but not limited to, retail shopping, commercial recreation, business and professional offices, highway-oriented business, automotive, boat and cycle mechanical sales and services as included in the commercial classifications of SMC Title 18.

Community Structure[1]

A building, dock, or other structure that is intended for the common use of the residents of a particular subdivision or community. It is not intended to serve as a public facility.

Comprehensive Plan[1]

Comprehensive plan means the document, including maps, adopted by the city council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with Ch. 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Ch. 36.70A RCW.

Conditional Use[2]

A use, development, or substantial development that is classified as a conditional use or is not classified within the master program (WAC 173-27-030).

Corridor[1]

A circulation right-of-way and the area immediately adjacent to it.

Creation[2]

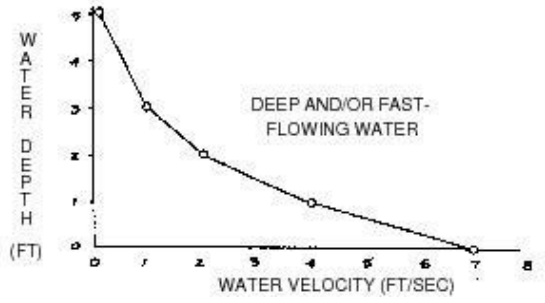
For purposes of wetland regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "creation" means the manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland *hydroperiod* and hydric soils, and support the growth of hydrophytic plant species.

Critical Areas[3]

Those areas established as volcanic hazard areas, wetlands, flood hazard areas, fish and wildlife habitat areas, seismic hazard areas, landslide hazard areas, erosion hazard areas, and aquifer recharge areas.

Deep and/or Fast-Flowing Water[3]

A combination of water depth and velocity as shown in the graph below. For purposes of this Program, the floodway area will also be called deep and/or fast-flowing water.



Degrade[1]

To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development[2]

A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions;

or any other project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level (RCW 90.58.030). Development does not include dismantling or removing structures if there is no other associated development or re-development. (See also: Substantial Development)

Development Regulations[2]

The controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto (WAC 173-26-020).

Dike[1]

An embankment to prevent flooding by a stream or other waterbody.

Dock[1]

A dock or pier is a landing and moorage facility for watercraft that abuts the shoreline and does not include recreational decks, storage facilities, or other appurtenances.

DRASTIC[3]

"DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility to contamination.

Dredge Spoil or Dredge Material Disposal[1]

Dredge spoil is the material removed by dredging. Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands or for disposing of the material in an acceptable manner.

Dredging[1]

The removal or displacement of earth such as gravel, sand, mud, or silt from the bottom or banks of a body of water for the purpose of deepening or maintaining a navigational channel, constructing bridge footings, laying submarine pipelines or cable, obtaining bottom materials, or for flood control.

Dwelling, Multiple-family[1]

Multiple-family dwelling means a residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of units provided.

Earth Material[1]

Any rock, natural soil or fill, and/or any combination thereof.

Ecological Functions[2]

Ecological functions or shoreline functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem (WAC 173-26-020).

Ecology (Department of Ecology)[3]

The Washington State Department of Ecology.

Economic Development[1]

A development that provides a service, produces a good, retails a commodity, or engages in any other use of activity for the purpose of making financial gain.

Ecosystem-wide Processes[2]

The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions (WAC 173-26-020).

Effective Date of Permit[2]

The effective date of a substantial development, conditional use and variance permits shall be the date of filing (for shoreline substantial development permit the date of filing is the date an applicant and local government receive a letter of receipt from Ecology; for conditional use and variance permits the date of filing is the date an applicant and local government receive a letter of decision from Ecology). The permit time periods per Chapter 8 do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

Elements[1]

Major aspects of land and water use for which goals are written as part of a Shoreline Master Program.

Emergency[2]

An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency (WAC 173-27-040).

Emergent Wetland[3]

A regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

Endangered Species Act (ESA)

A federal law intended to protect any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range.

Enhancement[1, 2]

Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

For purposes of wetland regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "enhancement" means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Environmental Impacts[1]

The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-444).

Environment(s) (Shoreline Environment Designation(s))[1]

Designations given to specific shoreline areas based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community.

Erosion[1]

The wearing away of land by the action of natural forces.

ESA

See Endangered Species Act.

Excavate[1]

Any person-made cut, cavity, trench, or depression in the earth's surface, formed by earth removal.

Exempt[2]

Exempt developments are those set forth in *Chapter 8: Administrative Procedures, Section I.A* of this Program which are not required to obtain a Shoreline Substantial Development Permit but which must otherwise comply with applicable provisions of the act and the local master program (WAC 173-27-030).

Exotic[3]

Any species of plants or animals that are not native to western Washington.

Extraordinary Hardship[3]

Strict application of this Program would prevent all reasonable economic use of the parcel.

Facility[3]

For purposes of aquifer protection regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "facility" means all structures, contiguous land, appurtenances, and other improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, disposing of, or otherwise handling a hazardous substance. Use of the term "facility" includes underground and aboveground tanks, and operations which handle, use, dispose of, or store hazardous substances.

Fair Market Value[2]

The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials (WAC 173-27-030).

Farm[3]

The land, buildings, manure lagoons, ponds, freshwater culturing and growing facilities, and machinery used in commercial production of farm products.

Farmland[3]

Land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquaculture or other agricultural commodities.

Farm Product[3]

Those plants and animals (and the products thereof) useful to human beings which are produced on farms, and include, but are not limited to, forages and sod crops, grain and feed crops, dairy and dairy products, poultry products, livestock, including breeding, grazing and feed lots, fruits,

vegetables, flowers, seeds, grasses, nursery products, trees and forest products, including Christmas trees and timber, freshwater fish and fish products, rabbits, apiaries, equine and similar products, or any other product which incorporates the use of food, feed, fiber or fur.

Feasible[2]

An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

1) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2) The action provides a reasonable likelihood of achieving its intended purpose; and
3) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames (WAC 173-26-020).

Federal Emergency Management Administration (FEMA)[1]

This branch of the federal government is responsible for responding to emergencies such as flood events. FEMA administers the National Flood Insurance Program, develops floodplain maps, and enforces federal regulations pertaining to flood plain management.

FEMA

See **Federal Emergency Management Agency**

Fill[2]

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (WAC 173-26-020).

Financial Guarantee[3]

A letter of credit, certified bond, assignment of funds or other instrument acceptable to the city to ensure the satisfactory compliance with conditions or standards of this Program.

Float[1]

A shoreline platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water-dependent recreation or moorage for watercraft, and that does not include above water storage. Floats are either attached to a pier or are anchored to the riverbed so as to allow free movement up or down with the rising or falling water levels.

Flood Control[1]

Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

Floodplain[2]

A term synonymous with the hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps (WAC 173-26-020).

Floodway[2]

The area, as identified in a master program, that either: i) Has been established in FEMA flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state (RCW 90.58.030).

Footprint[3]

The area of a building site bounded by foundation walls or equivalent to the area of the site covered by structures if no foundation walls are present.

Forested Wetland[3]

A regulated wetland with at least 30 percent of the surface area covered by woody vegetation greater than 20 feet in height.

Functions and Values[1]

The beneficial roles served by critical areas including, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, educational opportunities, and recreation. These beneficial roles are not listed in order of priority. Critical area functions can be used to help set targets (species composition, structure, etc.) for managed areas, including mitigation sites.

Gabions[1]

Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Generally Accepted Agricultural and Best Management Practices[3]

Sound, economically feasible farming techniques and best management practices as defined and/or recommended by the American Society of Agronomy, United States Department of Agriculture

Natural Resource Conservation Service, Washington State Cooperative Extension Service, and other professional or industrial agricultural organizations.

Geotechnical Report or Geotechnical Analysis[2]

A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes (WAC 173-26-020).

Grading[2]

The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land (WAC 173-26-020).

Grassy Swale[1]

A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Groin[1]

A barrier-type structure extending from the backshore or stream bank into a water body. The purpose of a groin is to interrupt sediment movement along the shore. A groin is also referred to as a spur dike or rock weir.

Guidelines[2]

Those standards adopted by Ecology to implement the policy of chapter 90.58 RCW and WAC 173-26 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and Ecology in developing and amending master programs (WAC 173-26-020).

Habitat[1]

The place or type of site where a plant or animal naturally or normally lives and grows.

Hazardous Substances[3]

Any liquid, solid, gas, or sludge, including any materials, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste; and

including waste oil and petroleum products.

Hazardous Substance Processing or Handling[3]

The use, storage, manufacture, or other land use activity involving hazardous substances, but does not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. Hazardous substances shall not be disposed of on-site unless in compliance with Dangerous Waste Regulations, chapter 173-303 WAC, and any pertinent local ordinances, such as sewer discharge standards.

Hazardous Waste[3]

All dangerous waste and extremely hazardous waste as designated pursuant to chapter 70.105 RCW, chapter 173-303 WAC.

Hazardous Waste Treatment and Storage Facility[3]

A facility that treats and stores hazardous waste and is authorized pursuant to chapter 70.105 RCW, chapter 173-303 WAC. It includes all contiguous land and structures used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of hazardous waste. Treatment includes using physical, chemical, or biological processing of hazardous wastes to make such waste nondangerous or less dangerous and safer for transport, amenable for energy or material resource recovery. Storage includes the holding of waste for a temporary period but not the accumulation of waste on the site of generation as long as the storage complies with applicable state requirements.

Hearing Examiner (Land Use)[4]

The Hearing Examiner of the City of Sumner.

Hearings Board[1, 2]

The state shorelines hearings board established by 90.58 RCW (RCW 90.58.030). This is the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shoreline substantial development permits, conditional uses, or variances.

Height[2]

The distance measured from the average grade level to the highest point of a structure: *provided*, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines (or the master program specifically requires that such appurtenances be included): *provided* further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030).

HPA - Hydraulic Project Approval[1]

The permit issued by the Washington State Department of Fish and Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Hydric Soil[3]

A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s), thereby influencing the growth of plants. The presence of hydric soil or wetland soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Hydrophytic Vegetation[3]

Hydrophytic vegetation is defined as the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.

Industrial Development[1]

Facilities for processing, manufacturing, and storage of finished or semi-finished goods.

In-kind Compensation[3]

To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement "in-category."

In-kind Replacement[3]

To replace wetlands, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

In-stream Structure[2]

A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose (WAC 173-26-241). In-stream structures do not include structures placed beneath the stream or river bed.

Invasive Species[1]

Plant species, typically non-native, that grows rapidly tending to occupy an area to the detriment of other, typically native, plant species.

Lake[2]

A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream(WAC 173-22-030).

Landscaping[1]

Vegetative ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Landslide Hazard Area – Type 1[3]

A Slope of 25 percent or greater

Landslide Hazard Area – Type 2[3]

A slope of less than 25 percent and equal to or greater than 15 percent.

Levee[1]

A large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Licensed Engineer[1]

A professional engineer, licensed to practice in the State of Washington.

Littoral[1]

Living on, or occurring on, the shore.

Littoral Drift[1]

The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Local Government[2]

The City of Sumner (RCW 90.58.030).

Marina[1]

A use providing moorages for pleasure craft, which also may include boat launching facilities, storage, sales, and other services.

Master Program[2]

The comprehensive use plan for the City of Sumner, and the use regulations, together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020 (RCW 90.58.030).

May[2]

The action is acceptable, provided it conforms to the provisions of this Master Program (WAC 173-26-020).

Minerals[3]

Gravel, sand, and valuable metallic substances. Topsoil is not a mineral.

Mineral Resource Lands[3]

Lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Mining[1, 2]

The removal of sand, gravel, soil, minerals, and other earth materials for commercial, industrial or construction use. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits (WAC 173-26-241).

Mitigation or Mitigation Sequencing[2]

The process necessary to avoid, minimize or reduce, or compensate for the environmental impact(s) of a proposal. Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority (WAC 173-26-201):

1) Avoiding the impact altogether by not taking a certain action or parts of an action;
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4) Reducing or eliminating the impact over time by preservation and maintenance operations;
5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Mixed-use Development[1]

Development that combines water-dependent with water-enjoyment uses and/or nonwater-oriented uses.

Moorage[1]

Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessels (such as a docks or buoys).

Moorage Piles[1]

Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in the absence of, or instead of, a dock or pier. In some cases, moorage piles may be associated with a dock or pier.

Mooring Buoy[1]

A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

Multi-family or Multiple-family

See Dwelling, Multiple-family

Multiple-Use[1]

The combining of compatible uses within one development.

Must[2]

A mandate; the action is required (WAC 173-26-020).

Native Plants or Native Vegetation[1]

These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s. Agencies such as the Washington State Extension Service, the State Department of Natural Resources, the State Department of Ecology and Pierce County should be consulted for assistance in identifying native plants.

Native Vegetation[3]

Plant species which are indigenous to the Pacific Northwest.

Natural Environment[1]

Natural Environment is a shoreline environment designation for an area of vacant land uses with relatively unaltered conditions that includes a high value, large forested wetland complex with potential for ecological restoration and protection.

Natural Resource Lands[3]

All areas classified as mineral resource lands or agricultural resource lands.

Natural Riparian Habitat Corridors[1]

The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works, while allowing controlled public access to avoid damage to the resource.

Natural Topography or Existing Topography[2]

The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling (WAC 173-27-030).

Non-conforming Use or Development[1]

A shoreline use or structure or portion thereof which was lawfully constructed or established prior to the effective date of the local shoreline master program but no longer conforms to the policies and regulations of this Master Program.

Non-conforming lot[2]

Means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program. A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

Non-conforming structures[2]

(a) Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.
(b) Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.
(c) Nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.
(d) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
(e) In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
(i) No reasonable alternative conforming use is practical; and

(ii) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.
In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline

Management Act and to assure that the use will not become a nuisance or a hazard. (f) A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the applicable master program and the act.
(g) If a nonconforming development is damaged to an extent not exceeding seventy- five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within two years of the date the damage occurred.

Non-conforming uses[2]

(a) Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses.
(b) In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.
(c) If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless re-establishment of the use is authorized through a conditional use permit which must be applied for within the two- year period. Water- dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations. A use authorized pursuant to subsection (2)(e) of this section shall be considered a conforming use for purposes of this section.

Non-water-Oriented Use[2]

Those uses that are not water-dependent, water-related, or water-enjoyment (WAC 173-26-020). Examples include professional offices, multifamily residential development, and mini-storage facilities.

Normal Maintenance[2]

Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040). See also **Normal Repair.**

Normal Protective Bulkhead[2]

Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion (WAC 173-27-040).

Normal Repair[2]

To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment (WAC 173-27-040). See also **Normal Maintenance**.

Off-site Replacement[1,3]

To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM

See **Ordinary high water mark.**

On-site Replacement[3]

To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

One-hundred-year Flood

(See **Floodplain**).

One-year Time Travel Zone Boundary[3]

The maximum distance around a pumping well from which a contaminant hypothetically present in groundwater could travel to the well within a one-year time period.

Open Space[4]

Land used for recreation, resource protection, project utilities, safety or buffers, and is protected by the provisions of the municipal code and ordinances of Sumner to ensure that it remains in such use. Open space shall be left in a substantially natural state except in the case of recreation or other approved uses that may contain limited impervious surfaces.

Ordinary High Water Mark (OHWM)[2]

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation; as that condition exists on June 1, 1971 or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water (RCW 90.58.030). The following criteria clarify this mark on those waters within the City of Sumner per WAC 173-22-030(11), specifically, lakes, and streams:

1) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water; and
2) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

Out-of-Kind Replacement[3]

To replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."

Over-water Structure[1]

Any device or structure projecting over the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage or anchor buoys.

Parking[1]

Parking is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers. Land used for this purpose is leveled, cleared, and often covered with an impermeable surface.

Parking Space or Parking Stall[4]

"Parking area" means an area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle.

Party of Record[2]

All persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the City of Sumner of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail (WAC 173-27-030).

Permit (or Shoreline Permit)[2]

Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized under chapter 90.58 RCW (WAC 173-27-030).

Person[3]

An individual, facility, partnership, co-partnership, firm, company, association, joint-stock company, corporation, government entity or agent.

Pier

See **Dock**.

Pollutant[1]

Any substance that has been or may be determined to cause or tend to cause injurious, corrupt, impure, or unclean conditions when discharged to surface water, air, ground, sanitary sewer system, or storm drainage system.

Port[1]

A center for water-borne traffic.

Practical Alternative[3]

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology and logistics in light of overall project purposes and having less impacts to shoreline resources. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Preservation[2]

For purposes of wetland regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "preservation" means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

Priority Habitat[2]

A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

1) Comparatively high fish or wildlife density;
2) Comparatively high fish or wildlife species diversity;
3) Fish spawning habitat;
4) Important wildlife habitat;
5) Important fish or wildlife seasonal range;
6) Important fish or wildlife movement corridor;
7) Rearing and foraging habitat;
8) Important marine mammal haul-out;
9) Refugia habitat;
10) Limited availability;
11) High vulnerability to habitat alteration;
12) Unique or dependent species; or
13) Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and

wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife (WAC 173-26-020).

Priority Species[2]

Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

1) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
4) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered (WAC 173-26-020).

Provisions[2]

Policies, regulations, standards, guideline criteria or environment designations (WAC 173-26-020)

Public Access[2]

The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations (WAC 173-26-221).

Public Interest[2]

The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030).

Qualified Wetlands Professional[3]

An individual that has both the academic qualifications and field experience to provide the technical expertise for making competent wetland delineations and recommendations necessary to implement the requirements of this program.

Railroad[4]

A surface linear passageway with tracks for train traffic and auxiliary facilities, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RCW

Revised Code of Washington.

Recreation[1]

The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife.

Recreational Development[1, 2]

Commercial and public facilities designed and used to provide recreational opportunities to the public (WAC 173-26-241). Recreational development provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds, and golf courses.

Reestablishment[2]

For purposes of wetland regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "reestablishment" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation[2]

For purposes of wetland regulations in *Chapter 6 General Shoreline Policies and Regulations, Section VII, Critical Areas Protection*, "rehabilitation" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

See Normal Maintenance or Normal Repair. Replacement Project[3]

Actions necessary to replace project-induced wetland and wetland buffer losses, including land acquisition, planning, construction plans, monitoring and contingency actions.

Replacement Shoreline Stabilization[1]

The construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures. See **Shoreline Stabilization.**

Residential Development[1]

Residential development refers to one or more buildings, structures, lots, parcels, or portions of parcels that are used or intended to be used to provide a place of abode for human beings. Residential development includes single family residences, multifamily residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions, planned unit developments, and short subdivisions. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Residential Docks[1]

Docks (piers) serving four or fewer single-family residences.

Restore, Restoration or Ecological Restoration[2]

The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26-020).

Revegetation[1]

The planting of vegetation to cover any land areas that have been disturbed during construction. This vegetation shall be maintained to insure its survival and shall be consistent with planting requirements of the Sumner Landscape Code.

Revetment[1]

Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves of currents. The principal features of a revetment are: 1) heavy armor layer, 2) filter layer, and 3) toe protection.

Riparian[1]

Of, on, or pertaining to the banks of a river.

Riparian Management Zone[1]

The regulated buffer area that includes the land from the ordinary high water mark to a specified distance (see *Chapter 4: Shoreline Environment Designations, Table 4-7*) as measured horizontally in each direction.

Riprap[1]

A layer, facing, or protective mound of stone placed on shoulders, slopes, or other such places to protect them from erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

River Bank[1]

The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during nonflooding event. The riverbank, together with the floodway, represent the river channel capacity at any given point along the river.

River Channel Capacity[1]

The maximum flow that can pass through a channel without overflowing the banks and inundating normally dry land.

Riverfront Road[1]

A public street or road that lies alongside the Puyallup or White (Stuck) Rivers and which has no major development between it and the river.

Rock Weir[1]

A structure made of loose rock that is designed to control sediment movement, water flow, or both. A rock weir adjacent to a shoreline is typically formed by placing rock in a line outward from the shore, with the top of the rock embankment below the water level to restrict current movements parallel to the shore without completely blocking flow.

Runoff[1]

Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S-1[3]

Sites of less than one acre with an application rate of less than 10 dry tons of sludge per acre per five-year period.

S-2[3]

Sites of less than 40 acres with an application rate of less than 20 dry tons of sludge per acre per 10-year period or less than an annual application of two dry tons of sludge per acre.

S-3[3]

Sites with an application rate of more than 20, but less than 43 dry tons of sludge per 10-year period or 4.3 dry tons per acre per year.

S-4[3]

Sites with one-time applications greater than 43 dry tons per acre and cumulative limits for metals greater than state-designated practices for agricultural cropland application.

S-5[3]

Sites which are permanent landfill disposal facilities.

Salmon and Steelhead Habitats[1]

Gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetlands used for rearing, feeding, and cover and refuge from predators and high water; streams, creeks, rivers, estuaries, and shallow areas of saltwater bodies used as migration corridors; and salt water bodies used for rearing, feeding, and refuge from predators and currents.

Scrub-Shrub Wetland[3]

A regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Sediment[1]

The fine-grained material deposited by water or wind.

SEPA

See **State Environmental Policy Act.**

Shall[2]

A mandate; the action must be done (WAC 173-26-020).

Shoreland Areas or Shorelands[2]

Those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark, floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, and lakes which are subject to the provisions of this Chapter 173-22 WAC, as may be amended; the same to be designated as to location by the Washington Department of Ecology (RCW 90.58.030).

Shoreline Environment(s)

See **Environment**

Shoreline Habitat and Natural Systems Enhancement Projects[2]

Projects which include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Shoreline Jurisdiction[2]

Shorelines of the state and shorelands (WAC 173-26-020).

Shoreline Management Act of 1971[2]

Chapter 90.58 RCW, as amended.

Shoreline Master Program (SMP)[2]

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under chapter 90.58 RCW shall be considered an element of the city's comprehensive plan. All other portions of the shoreline master program for a city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations (WAC 173-26-020).

Shoreline Permit

See **Permit.**

Shoreline Modifications[2]

Actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals (WAC 173-26-020).

Shoreline Residential Environment[1]

A shoreline environment designation under the Shoreline Management Act for areas of low to moderate development intensity with a residential land use that still maintains significant natural features.

Shoreline Stabilization[2]Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, stormwater management, and planning and regulatory measures to avoid the need for structural stabilization

"Hard" structural modification measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement (WAC 173-26-231).

Shoreline Substantial Development Permit (SSDP)[1]

SSDPs are permit required for all substantial developments within the jurisdiction of the Shoreline Master Program. The permit process includes public notice, a public hearing, approval or denial by the Hearing Examiner, and review by the Department of Ecology.

Shorelines[2]

All water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments, and (iii) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such lakes (RCW 90.58.030).

Shorelines Hearings Board

See **Hearings Board.**

Shorelines of the State[2]

The total of all "shorelines" and "shorelines of statewide significance" within the state (RCW 90.58.030).

Shorelines of Statewide Significance[2]

Shorelines of the state that meet the criteria for shorelines of statewide significance contained in RCW 90.58.030(2)(f). Within Sumner, the Puyallup and White (Stuck) Rivers and Lake Tapps are the only waters that qualify as shorelines of statewide significance.

Should[2]

The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the Guidelines, against taking the action (WAC 173-26-020).

Sign[4]

Any visual communication device, structure, placard or fixture that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. For the purpose of this master program, a sign is not considered to be a building or structural design, but is restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.

However, a sign shall not include the following:

1) Official notices authorized by a court, public body or public officer.

2) Direction, warning, or information sign authorized by federal, state, or municipal authority.
3) The official flag, emblem, or insignia of a government, school or religious group or agency.
4) A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible part of the building or structure.

Significant Vegetation Removal[2]

The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal (WAC 173-26-020).

Single-family Residence (SFR)[2]

A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership that are a normal appurtenance (WAC 173-27-040).

Site[1]

Any lot or parcel of land or contiguous combination thereof, under the same ownership, on which development is proposed.

Slope[1]

An inclined ground surface. The inclination is expressed as a ratio or horizontal distance to vertical distance.

Sludge Land Application Site[3]

A site where stabilized sludge, septage, and other organic wastes are applied to the surface of the land in accordance with established agronomic rates for fertilization or soil conditioning. Sludge land application sites are classified under the following five-category system:

SMA

See **Shoreline Management Act.**

Small Animal[3]

An animal with an average weight of less than 100 pounds.

SMP

See **Shoreline Master Program.**

Soil Bioengineering[1]

An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

Solid Waste[1]

Solid waste includes all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

SSDP

See **Shoreline Substantial Development Permit.**

State Environmental Policy Act, (SEPA)[1]

SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream[1]

A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also **Channel.**

Structure[2]

A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts jointed together in some definite manner, whether installed on, above, or below the surface of ground or water, except for vessels (WAC 173-27-030).

Subdivision[5]

The division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Substantial Development[2]

Any development of which the total cost or fair market value exceeds seven thousand and forty seven dollars ($7,047), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state (RCW 90.58.030). See also **Development and Exemption.**

Substantially Degrade[2]

To cause significant ecological impact (WAC 173-26-020).

Structural Flood Hazard Reduction Measures[1]

Structural modifications such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Tapps Reservoir[1]

A shoreline environment designation under the Shoreline Management Act for undeveloped areas owned and managed by a utility company on Lake Tapps.

TBA[3]

"TBA" means transferable buffer area. The transferable buffer areas shall not include areas of improved right-of-way within the wildlife habitat area buffer or wetland buffer.

Ten-year Time Travel Zone Boundary[3]

The maximum distance around a pumping well from which a contaminant hypothetically present in groundwater could travel to the well within a 10-year time period.

TPCHD[3]

The Tacoma-Pierce County health department.

Transmit[2]

To send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination (WAC 173-27-030).

Transportation Facility[1]

Structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, and boat and floatplane terminals.

Truck Maneuvering Area[1]

An area of a site used by trucks for turning and backing or for access to loading/unloading areas.

Underground Tank[3]

Any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances or hazardous wastes, and the

volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

Upland[1]

The area above and landward of the ordinary high water mark.

Urban Environment[1]

A shoreline environment designation under the Shoreline Management Act for areas of high intensity land uses that include residential, commercial, and industrial development.

Urban Conservancy Environment[1]

A shoreline environment designation under the Shoreline Management Act for areas of high intensity mixed land uses that include residential, commercial, and industrial development, generally located in a floodplain with potential for ecological restoration.

Use or Use Activity[4]

The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance or operation of such activity with respect to the provision of this Master Program . The definition of "use" also includes the definition of "development."

USGS[3]

The United States Geologic Survey.

Utilities[2]

Services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use (WAC 173-26-241).

Utility Line[3]

Pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas, communications, storm sewers (except open ditches) and sanitary sewers.

Variance[2]

A means to grant relief from specific bulk, dimensional or performance standards set forth in this master program and not a means to vary a use of a shoreline (WAC 173-27-030).

Water-dependent Use[2]

A use or a portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include stormwater outfalls, docks, boat launches, and dredging (WAC 173-26-020).

Water-enjoyment Use[2]

Recreational uses or other uses that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water=enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment (WAC 173-26-020). Examples include parks, piers, museums, and educational/scientific reserves.

Water Quality[2]

The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this master program, the term "water quantity" refers only to development and uses regulated under the Shoreline Management Act and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this master program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020).

Water-oriented Use[2]

A use that is a water-dependent, water-related, or water-enjoyment use, or a combination of such uses (WAC 173-26-020).

Water-related Use[2]

A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient (WAC 173-26-020).

Examples include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, dry boat storage, and oil refineries where transport is by tanker.

Watershed Restoration Project[2]

"Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

1) A project that involves less than ten (10) miles of streamreach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
2) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
3) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream (WAC 173-27-040).

Watershed Restoration Plan[2]

"Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act (WAC 173-27-040).

Wellhead Protection Area[3]

The area within the 10-year time-of-travel zone boundary of a group A public water system well, as delineated by the water system purveyor or its designee, pursuant to WAC 246-290-135.

Wetlands or Wetland Areas[2]

"Wetlands" or "wetland areas" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands (RCW 90.58.030).

Wetland Buffer or Wetland Buffer Zone[3]

An area that surrounds and protects a regulated wetland from adverse impacts to the wetland's functions and values.

Wetland Creation[3]

"Creation" – Actions performed to intentionally establish a wetland at a site where it did not formerly exist.

Wetland Edge[3]

The boundary of a wetland as delineated based on the definitions contained in this Program.

Wetland Enhancement[3]

"Enhancement" – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

Wetland Mitigation Bank[1]

A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to wetland resources.

Wetland Restoration[3]

"Restoration" – Actions performed to reestablish wetland functional characteristics and processes which have been lost by alterations, activities, or catastrophic events within a former wetland area which no longer meets the definition of a wetland.