



Exhibit A

STAFF REPORT TO THE HEARING EXAMINER

DEVELOPMENT SERVICES DEPARTMENT

Project:	Fryar Avenue Trail
Date of Hearing:	Wednesday September 30th 2026 at 11:00am – Hybrid Hearing occurring at Sumner City Hall and virtual access details below: Please click the link below to join the webinar: https://sumnerwa-gov.zoom.us/j/84137336112 or call 12532050468
Project Number(s):	SSD-2026-0002 Shoreline Substantial Development Permit, SSD-2026-0003 Shoreline Variance
Project Location:	Primarily occurs in existing and acquired ROW and through easements along the West side of Fryar Avenue and the left bank of the White River. Occurs within Section 48 and 49 or Township 20 North, Range 4 East.
Project Components:	Shoreline Substantial Development Permit, Shoreline Variance, SEPA environmental review, site development permits and compliance with local, state and federal regulations.
Project Description:	The City of Sumner is proposing the construction of approximately 3,300 feet of new trail/sidewalk connecting West Main street to Fryar Avenue. Approximately 140 feet of the trail will be on a pin pile bridge and several retaining walls are proposed in order to minimize trail footprint impact. Some sections of the trail will be within shoreline jurisdiction and some of those areas will fall within the buffer. Stormwater features will be relocated as needed to accommodate the trail and maintain existing drainage patterns, no new discharge to the White river are proposed. Approximately 2,700sf of concrete will be removed from shoreline as part of this project mitigation along with new shoreline planting and invasive species removal.
Applicant:	Michael Kosa Public Works Director – City of Sumner 1104 Maple St, Ste 260 Sumner, WA 98390 (253) 299-5700

Related Permits: SEPA-2026-0004 – Planned Action Determination of Consistency Issued September 29 2026. Development permit(s).

Staff

Representative: Scott Waller – Senior Planner
Andrew Leach – Senior Associate City Engineer

Staff

Recommendation: Conditionally approve

Attachments:

Exhibit B: SMP SED Map Annotated

Exhibit C: Site Development Plans

Exhibit D: Shoreline Diagram Fryar

Exhibit E: Shoreline Development Diagrams

Exhibit F: Landscape Planting

Exhibit G: Habitat Management Plan

Exhibit H: Easements and Legal

Exhibit I: Public and Agency Comments
I. .DEPARTMENT OF ECOLOGY

Exhibit J: SEPA DOC

Exhibit K: SEPA Checklist

Exhibit L: NOA/NOH WWTP SSDP

Exhibit M: Fryar Flood Impacts

Exhibit N: Cultural Resource Survey

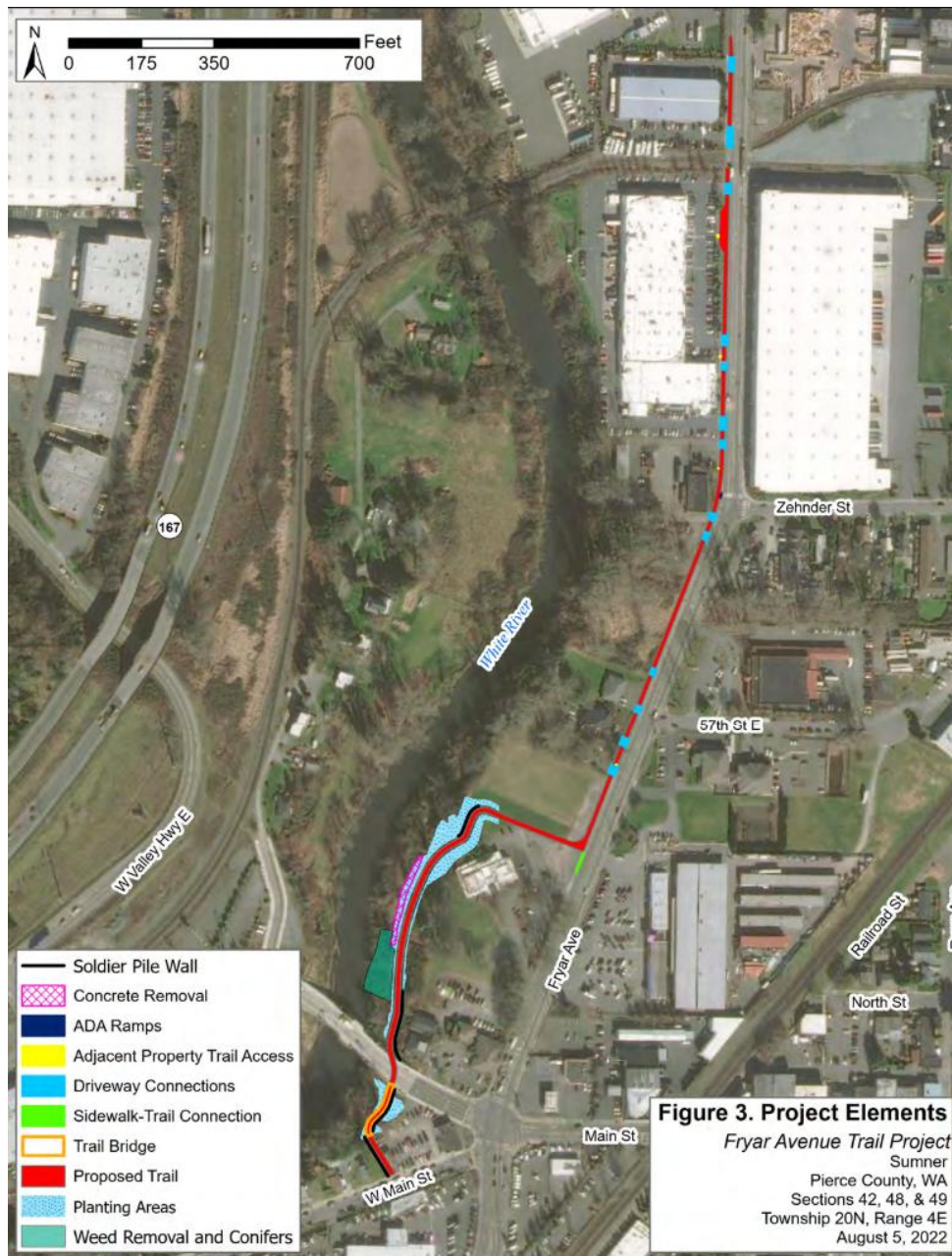
Exhibit O: Variance Criteria Response

I. BACKGROUND INFORMATION

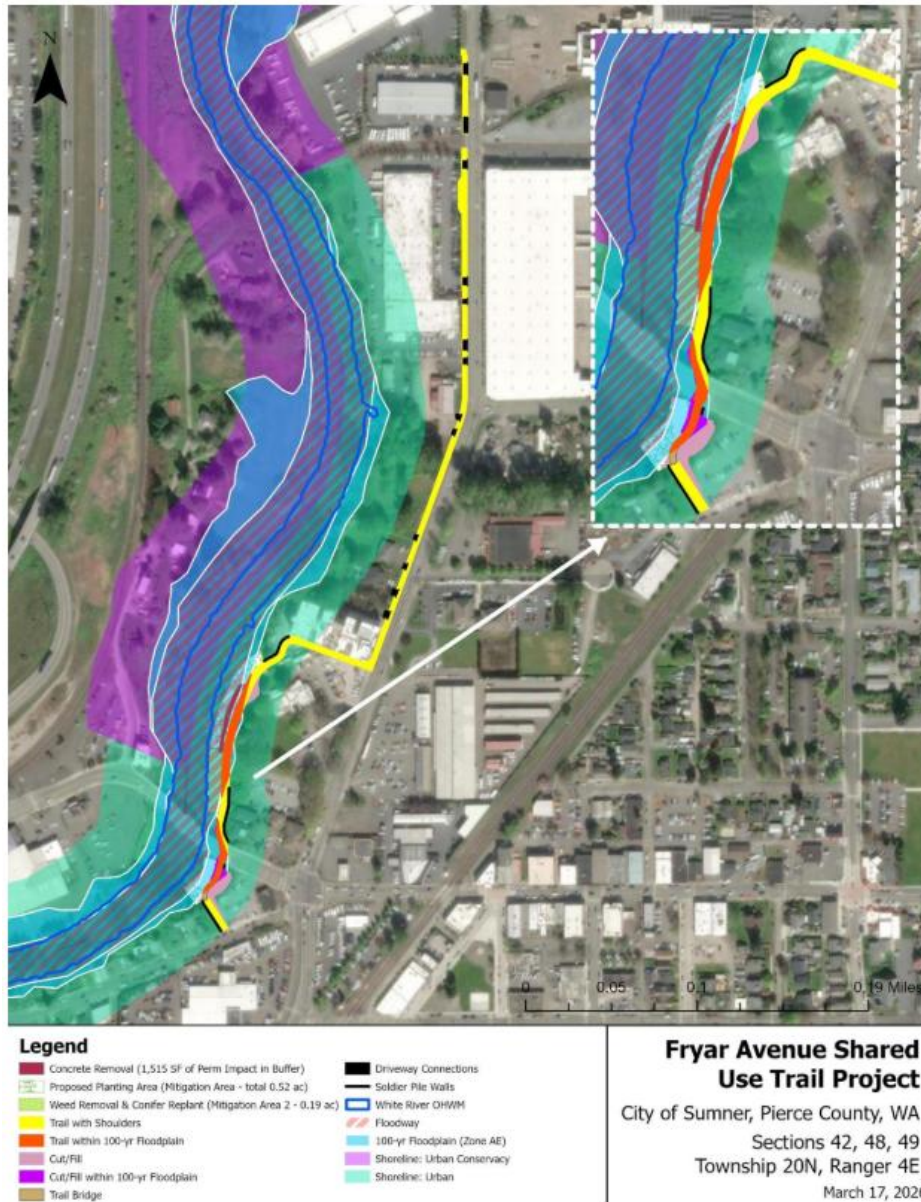
A. SITE LOCATION

Primarily occurs in existing and acquired ROW along the West side of Fryar Avenue and the left bank of the White River.

Project Area:



City of Sumner Shoreline Scope:



B. PROPOSAL DESCRIPTION

The City of Sumner is proposing the construction of approximately 3,300 feet of new trail/sidewalk connecting West Main street to Fryar Avenue. The proposed trail occurs over multiple parcels through a combination of City owned land, ROW and easements and will herein be referenced as ‘the site’. The project includes an incidental amount of floodway fill (approximately 11 cubic yards) and substantial 100 year floodplain debris removal (approximately 292 cubic yards). The project also includes .19 acres of invasive species removal and .71 acres of riparian planting of native species will occur including approximately 160 native trees.

C. SITE DESCRIPTION

The site is generally flat with a slop down to the river at each bank. A portion of the project site lies within the shoreline jurisdiction of the White River.

The project is in the vicinity of the following land uses:

- North: To the north is manufacturing and industrial uses.
West: To the west is the White river.
South: To the south is commercial and residential developments.
East: To the east is Fryar Avenue and commercial and mixed use developments.

D. PHYSICAL FEATURES and SOCIAL FEATURES

1. Topography and hydrology

The site is relatively flat with a mix of gentle slopes and steeper ranging from 20-40% towards the river and down to the bank. Portions of the site are within designated shorelines as defined by the Sumner Shoreline Master Program

2. Vegetation/soils

The SEPA checklist states: the majority of the sites soils are 31A Puyallup fine sandy loam and some 42A Sultan silt along the existing roadway. The existing vegetation in the projects scope varies to developed and unvegetated areas to Himalayan blackberries and areas with native vegetation.

3. Access and utilities

The project is for construction of a trail segment that is currently missing. Completion of the trail will provide for public enjoyment and access along the White river. No other changes to access or utilities are proposed. Service providers are as follows:

- Sewer: City of Sumner
Water: City of Sumner
Storm: City of Sumner
Power: PSE

E. ZONING

The subject site is located in Town Center Plan and M-1 light industrial zones; however, the portions within shoreline jurisdiction all fall within the Town Center.

F. COMPREHENSIVE PLAN

The site falls within the Town Center Plan and Manufacturing designations.

F. ENVIRONMENTAL REVIEW

State Environmental Policy Act (SEPA) application, checklist and materials were submitted. The City received one comment from the Washington State Department of Ecology during initial notice of application.

A SEPA Determination of Consistency (DOC) was issued by the Sumner Environmental Official on September 23, 2026. No additional comments or appeals have been submitted.

G. DEPARTMENTAL COMMENTS

Various City of Sumner Departments, including Public Works, Development Services, reviewed the proposal. Their comments have been integrated into this report.

II. PUBLIC NOTICE AND COMMENT

A. PUBLIC NOTICE

Notice of the application and public hearing for the Shoreline Substantial Development Permit and Shoreline Variance was posted on site, posted at Sumner City Hall, mailed to interested agencies/parties and all property owners within 500 feet of the project area and published in the official City newspaper, the Courier Herald on August 20th 2026 and August 27th 2026.

B. PUBLIC/AGENCY COMMENTS

Comments have been received by interested parties; below is a summary of comments and how/whether they are addressed in the report.

1. Public Comments

No public comments were received for the shoreline component at the time staff report was completed. Any comments received will be added to the record during the hearing. Below are comments from SEPA NOA:

a) Comments received from Department of Ecology, letter (via email) July, 15, 2026:

Summary: Solid waste. *All fill must be from a clean source and disposal of materials must be at an approved site.*

Response: This has been included in in the DOC as a mitigating measure.

Summary: Toxic clean up. *The vicinity of the project is adjacent to a known or suspected contaminated sites. If contamination is suspected or discovered, then testing of the potentially contaminated media must be conducted. If contamination is found, then Dept of Ecology must be notified.*

Response: Language has been added as a mitigating measure in the SEPA DOC.

III. REVIEW CRITERIA AND DISCUSSION – SHORELINE SUBSTANTIAL DEVEL. PERMIT

In accordance with SMC 18.56.030(H), Shoreline Substantial Development and Variance are Type V decisions which require a public hearing and decision by the Hearing Examiner (subject to appeal to the shoreline hearing board), followed by written findings and conclusions. Local Shoreline Variances decisions require review and approval by Department of Ecology. Per the Sumner Shoreline Master Program (SMP), no permit shall be granted unless the proposed development is consistent with the provisions of the Shoreline Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology thereunder (SMP Chapter 8, Section II (F)(10)). The burden of proving that the proposed development is consistent with the approval criteria shall be on the applicant. The Hearing Examiner shall be guided by the criteria listed below in granting a Shoreline Substantial Development Permit and Variance.

A. Shoreline Inventory and Restoration Planning Chapter 2.

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.*

The proposed project includes removal of concrete and non-native species such as Himalayan blackberry along the White Rivers banks and replanting with native species. Therefore, this project will move this segment towards is restoration potential.

B. SHORELINES OF STATEWIDE SIGNIFICANCE– Chapter 3

Per the SMP general policies and regulations at Chapter 6: *...All proposed developments must be consistent with the policies for shorelines of statewide significance (Chapter 3). Under Chapter 3: 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.*

Chapter 3 describes the importance of Riparian Management Zones, Floodplain Management, Environmental Impact Mitigation, Critical Areas Protection, and Public Access and Recreation in meeting statewide goals for the shoreline area. Development regulations in Chapters 4, 6 and 7 implement statewide goals related to these areas.

Therefore, to the extent that the proposal complies with Chapter 4 and the general and specific use regulations (Chapters 6 and 7) below, the proposal is consistent with the goals and objectives of Chapter 3.

B. SHORELINE ENVIRONMENTS – Chapter 4

The subject site is located in the White Rivers Urban shoreline environment, with a 50-foot buffer required from the ordinary high water mark (SMP Chapter 4, Table 4-2).

1. Purpose of the Urban Environment:

“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.”

The proposed discussions below at Section III. C. and D., shoreline policies and regulations, is herein incorporated by reference as evidence that the proposed use of the site is consistent with the purpose of the Urban Environment.

2. Management Policies of the Urban Environment:

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).

The use is a water related and water enjoyment use and creates enjoyment and access along the river through an area that currently does not have public enjoyment of the river. The proposal also includes development on and adjacent to already impacted sites. The project includes substantial shoreline improvement not only through increased access but through concrete debris and invasive species removal and new riparian planting. The proposal is compatible with the underlying zoning and purpose of the urban environment and complies with the above policies.

3. Urban Environment Development Standards (SMP Chapter 4, page 4-8):

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

The discussions below at Section III. C. and D., shoreline policies and regulations, are herein incorporated by reference as evidence of the proposal's compliance with the Urban development standards.

D. Bulk dimensional and vegetation standards (SMC Chapter 4, Table 4-8). *This chart establishes the building height limit, lot coverage and buffer management zone for each environment.*

The 50-foot riparian vegetation management zone is proposed to be protected to the greatest extent feasible while supporting a successful project. The project proposes work within the 50' riparian buffer as described above in Section III B.2 and below in variance criteria, all shoreline and buffer impacts are mitigated for. As stated throughout, the project has been designed to limit buffer impacts and a vast majority of the trail occurs outside of the buffer. The vegetation proposed to be removed is primarily non native species such as Himalayan blackberry and does not provide shoreline function or provide habitat. Still mitigation for this removal is proposed and an area adjacent to the river will be planted with native vegetation. This will provide a net increase in shoreline function and habitat.

B. SHORELINE MASTER PROGRAM GOALS – Chapter 5

Per the SMP development regulations at Chapter 7, all shoreline modifications and uses must be consistent with the goals and objectives of Chapter 5. The SMP establishes goals and objectives for the following shoreline elements: 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.

To the extent that the proposal complies with the general and specific use regulations (Chapters 6 and 7) below, the proposal is consistent with the goals and objectives of Chapter 5.

C. GENERAL POLICIES AND REGULATIONS – Chapter 6

Per the SMP Chapter 6: *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).*

1. VEGETATION CONSERVATION (SMP Chapter 6 Section III pg. 6-3)

A. 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.*

B. 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, 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.*
- 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.*

As previously state, the project will not remove any native or functioning habitat vegetation, removed vegetation includes .19 acres of Himalayan blackberries and riparian planting of approximately .71 areas including 160 new trees. These ratios far exceed those required and provide a overall net increase in functioning habitat.

As designed and conditioned, the proposal complies with the regulations in Chapter 6 Section III.

2. WATER QUALITY (SMP Chapter 6, Section IV, pg. 6-6)

- 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.*

The proposal does not include any permanent impacts to water quality. There is negligible new pollution generating material proposed by this project as much of the new trail will be pervious. A small segment will be impervious; however, it will be designed to drain into pervious materials.

1. As outlined in the HMP, BMPs implemented will include the following:
 - Temporary Erosion and Sedimentation (TESC) plan includes installation of appropriate sediment and erosion control devices where appropriate, including:
 - o Silt fence
 - o Straw wattle
 - o Catch basin filter inlet protection
 - o Covering unworked and unstabilized areas
 - o Hydroseeding
 - o Stabilized construction entrances
 - Limiting ground disturbance to the minimum amount necessary and marking clearing limits with high visibility fencing
 - Implementation of a Spill Prevention, Control and Countermeasures (SPCC) plan to ensure that all potential contaminants are properly contained and handled
 - Implementation of a Stormwater Pollution Prevention Plan (SWPPP) and monitoring requirements in accordance with the NPDES permit
 - Preventing equipment from entering the water
 - Containing and properly disposing of all waste materials in accordance with federal, state, and local laws

As proposed and conditioned, the proposal includes adequate provisions to protect water quality at the site.

3. ENVIRONMENTAL IMPACT MITIGATION (SMP Chapter 6, Section V pg. 6-7).

- 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 taking a certain 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.*

The proposal has been designed with a strong emphasis on avoidance and minimize work within the shoreline and follows the sequencing for limiting impacts to the greatest extent possible while still providing for a successful project.

The application includes a Habitat Management Plan (HMP) that addresses the requirements of this Section. As a condition of approval, the project will be required to follow the Habitat Management Plan, which addresses project impacts and mitigation.

As proposed and conditioned, the proposal includes adequate provisions to mitigate environmental impacts, consistent with Chapter 6, Section V.

4. HISTORICAL AND CULTURAL (SMP Chapter 6, Section VI pg. 6-10)

- 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.*

There are no known historical or cultural sites on the property. Much of the trail will occur in existing ROW and previously developed area. As the trail moves south along Fryar Ave and under Canary way bridge, there are areas that have not been as developed. The project included a cultural resource survey which concluded that the project does not have potential to effect historic properties and no further cultural resource oversight is warranted. As a condition of approval, the project developer and contractors will be required to immediately stop work and notify the appropriate authorities if any artifacts of possible historic, cultural or archaeological value are uncovered, and to follow appropriate steps for site inspection and protection. With this condition, the proposal will be consistent with Chapter 6, Section VI.

5. CRITICAL AREAS PROTECTION (SMP Chapter 6, Section VII pg. 6-11)

A. 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.*

B. Critical Areas Protection Regulations – Natural Resource Lands and Critical Areas

- 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.*

Regarding Section A, the proposal doesn't include any in water work or even work adjacent to the rivers.

Regarding Section B, the site lies within several Critical Areas, as discussed below:

- **Agricultural Resource Lands (6.2):** The site is not designated as agricultural resource land.
- **Wetlands Protection (6.4):** There are no mapped wetlands in the project vicinity.
- **Aquifer Recharge Areas (6.5):** The site lies within an aquifer recharge area. The proposed use is not prohibited in this critical area; further, all operations will be required to comply with City of Sumner regulations, paved vehicle circulation areas, and stormwater treatment.
- **Landslide and Erosion Hazard Areas (6.6):** There are none of these areas on the site.
- **Seismic Hazard Area (6.7):** The site, as most of the river valley floor, is considered a Seismic Hazard Area, due to the potential for soil liquefaction.
- **Volcanic Hazard Area (6.8):** The site lies within the valley floor, which is considered a Volcanic Hazard Area, due to the potential for lahars and debris flows.
- **Wildlife Habitat Area (6.9):** Project impacts on fish and wildlife habitat, and mitigation measures, are discussed throughout the report. All impacts provide adequate mitigation.
- **Flood Hazard Area (6.10):** The project site includes some areas of floodway and 100 year floodplain, but proposed work in these areas are minor. The proposed pin pile bridge would allow floodwater to move freely and would not impact its course of travel. Other work is minor and includes some pervious surface and its associated grading.

As described elsewhere in this report, the proposal will have minimal impacts on the shoreline jurisdiction, floodplain and shoreline vegetation. Based on this, the proposal is consistent with the critical area's protections established in Chapter 6, Section VII.

6. PUBLIC ACCESS (SMP Chapter 6, Section VIII pg. 6-50)

The proposals sole purpose is to provide a non motorized access along the White river, thus greatly improving public access to and along the river in an area previously un accessible.

As proposed the proposal satisfies the requirements at Chapter 6, Section VIII.

D. SPECIFIC DEVELOPMENT POLICIES AND REGULATIONS – Chapter 7

Per the SMP Chapter 6: *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.*

1. Clearing and Grading (SMP Chapter 7, Section V pg. 7-7)

- 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.*

The proposal includes a Habitat Management Plan that provides for invasive species removal, existing concrete removal and replanting with native species.

As noted in Section C. 2. Water Quality, above, the development will be required to comply with the City's adopted erosion control measures. The project will be required to comply with several conditions of approval related to developing and implementing an erosion and sedimentation control program. The project will be required to demonstrate compliance with the required NPDES and SWPPP permits. All stormwater will be required to be collected, treated and released in compliance with the current Department of Ecology Stormwater Management Manual.

As proposed and conditioned, the proposal includes adequate provisions to mitigate clearing and grading impacts, consistent with Chapter 6, Section V.

2. Fill (SMP Section IX pg. 7-17)

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.*

The project proposes the minimal amount of fill necessary to complete this trail segment. There will be no fill waterward of the OHWM and there is anticipated to be an incidental amount (approximately 11 cubic yards) along the outer landward edge of floodway as a result of and in conjunction with the project's removal of concrete debris in this area. Concrete removal during the project will include approximately 292 cubic yards of concrete debris within the 100 year floodplain, which creates a substantial net benefit, especially when viewed alongside the invasive species removal and native species planting in this area and along the project. A pin pile bridge is included in this proposal where the trail goes under the Cannery way bridge as preferred above. This limits the amount of fill to the smallest locations necessary and will result in a much higher functioning buffer in this area. See *Fryar Ave Flood Impacts* document (exhibit M).

3. Signs (SMP Section XVIII pg. 7-40)

- 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.*

No signage is proposed that would conflict with these provisions.

4. Stormwater Facilities (SMP Section XIX pg. 7-41)

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.*

No new storm water facilities are included in shoreline for this project.

5. Transportation Facilities (SMP Section XX pg. 7-43)

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.*

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.*

The proposed project would provide pedestrian access along the White river in an areas that currently does not have non motorized access. The proposed development would utilize the existing Cannery way bridge corridor for crossing under the bridge; however, no new water crossing is proposed and this proposal is consistent with the design of the bridge approved un shoreline permit PLN-2015-0012. The project include substantial removal of existing concrete debris in the buffer and floodplain and will include .71 acres of new riparian planting to include 160 new trees. This will aid in shoreline stabilization.

IV. REVIEW CRITERIA AND DISCUSSION – SHORELINE VARIANCE

Criteria for Granting Shoreline Variance. 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.**

The strict application of the shoreline standards would essentially prohibit any trail access in this area and make the existing trail segments isolated without an opportunity for a through connection. The proposed trail alignment does meet the shoreline standards for a vast majority of this segment and isn't until the very southern segment around the Cannery way bridge that it needs to get closer to the river as a result of the banks topography and existing infrastructure.

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.

This project does occur over a series of parcels through easements and through existing ROW, given that this is a trail, its alignment is more constrained due to existing development, site topography and existing roadways/intersections. The existing conditions create a pinch point where the trail is forced get through a tight location where the river meets a bridge with a large intersection adjacent. The trail follows the landward end of the bridge to the greatest extent feasible and this trail crossing was contemplated and reviewed during the Cannery way bridge permitting.

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.

The proposed trail section will be compatible and support other authorized shoreline and adjacent uses by providing a non motorized access and enjoyment opportunity along the White River where there currently is not public access or recreation opportunities. Additionally, the Cannery way bridge (formerly Bridge street bridge) at the south end of the trail project was designed and permitted under Shoreline permit PLN-2015-0012 for a trail access to go under it in this location. This proposed trail alignment is consistent with the bridge design and approval. This also shares the existing transportation corridor created by Cannery way bridge. Other uses in the area both shoreline and non shoreline include commercial, residential and industrial to the north, this trail alignment will connect areas of Sumner through a non motorized path and connect Sumner to adjacent regional trails.

D. That the Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area

The variance is for improvements to a public trail system that is open and accessible to everyone. This is not for a private development, but for public enjoyment, access and recreation along the White River.

E. That the Variance requested is the minimum necessary to afford relief

This project has been designed such that only a relatively small segment of the trail requires a variance and this is due to an existing choke point where an existing roadway intersection and bridge would block any other route options. The proposed trail alignment goes under the existing

Cannery Way bridge to utilize and share the existing transportation corridor. Much of the trail segment along Fryar avenue is well outside the shoreline buffer.

F. That the public interest will suffer no substantial detrimental effect.

This scope of work is for a relatively small amount of permanent shoreline buffer encroachment (approximately 1,370sf), however, this is offset by the 8,270sf of invasive species removal in the buffer and 1,515 sf of concrete removal in the buffer. This ensures that the project will not negatively impact the shoreline environment. The proposed use as a trail will not be detrimental to the public, but oppositely will open up additional recreational opportunities and provide for construction of a missing trail segment that has been planned for in Sumner's 2024-2030 Parks and Trails plan.

V. STAFF RECOMMENDATION

Project Number SSD-2026-0002 for a Shoreline Substantial Development Permit and SSD-2026-0003 for a Shoreline Variance for Fryar Avenue Trail Construction should be locally APPROVED by the Sumner Hearing Examiner and sent to the Washington State Department of Ecology for final approval, subject to the following conditions:

1. All conditions set forth in the projects Determination of Consistency (SEPA-2026-0004) shall be met.
2. Prior to commencement of clearing/grading, the contractor shall install 4-foot tall orange construction fencing at the edge of the buffer, in areas where a variance has been approved orange construction fencing shall be installed at the edge of work within the buffer.
3. The project shall comply with the project's approved Habitat Management Plan and the mitigation measures listed.
4. No stormwater treatment facilities construction will be allowed within the 50-foot buffer.
5. There shall be no construction related storage of hazardous materials, chemicals or fuel within the riparian management zone.
6. An erosion and sedimentation control program shall be submitted if there is activity that could result in shoreline erosion and siltation of the White River. A spill response and protection plan shall be developed for the site.
7. Temporary and emergency control drainage measures, such as silt curtains, berms, and stormwater catch basins, shall be utilized during construction to prevent shoreline erosion and siltation of the waterbody. 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.

8. All disposal sites for soils and materials resulting from the shoreline development shall be identified and approved by the City.
9. During construction in the shoreline areas, vehicle refueling and vehicle maintenance shall be prohibited in the shoreline areas.
10. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
11. Work shall immediately stop and the City of Sumner, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Tribe shall be immediately notified 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.
12. All works shall be done in conformance with the policies and regulations of the Shoreline Master Program.

Attachments:

- Exhibit B: SMP SED Map Annotated
- Exhibit C: Site Development Plans
- Exhibit D: Shoreline Diagram Fryar
- Exhibit E: Shoreline Development Diagrams
- Exhibit F: Landscape Planting
- Exhibit G: Habitat Management Plan
- Exhibit H: Easements and Legal
- Exhibit I: Public and Agency Comments
2. .DEPARTMENT OF ECOLOGY
- Exhibit J: SEPA DOC
- Exhibit K: SEPA Checklist
- Exhibit L: NOA/NOH WWTP SSDP
- Exhibit M: Fryar Flood Impacts
- Exhibit N: Cultural Resource Survey
- Exhibit O: Variance Criteria Response