Carla S. Bowman
Mayor
City of Sumner
1104 Maple Street
Sumner, WA 98390

November 13, 2026

Rebecca Rothwell
Shorelands and Environmental Assistance Program
Washington State Department of Ecology
Submitted online via Public Comment Form

Re: Proposed amendments to WAC Chapters 173-26 and 173-27 – Shoreline Management Act

Department of Ecology:

The City of Sumner appreciates the opportunity to comment on the proposed amendments to the Shoreline Management Act (SMA) rules. The city supports protecting and restoring shoreline ecological functions, reducing flood risk, and providing clear and consistent shoreline regulations. However, the proposed rules should be refined to avoid unintended consequences for existing public facilities, restoration projects, and appropriate redevelopment in established urban areas.

Sumner's shoreline areas include important public infrastructure, developed commercial and industrial properties, flood-prone areas, and opportunities for town-center redevelopment. The city encourages Ecology to adopt a balanced, practical approach that achieves the SMA's objectives while recognizing existing conditions, site-specific constraints, and the need for predictable local implementation.

The city supports the regional comments submitted by the Pierce County Growth Management Coordinating Committee and offers the following additional comments specific to Sumner.

Existing Public Infrastructure and Urban Redevelopment[1]

Sumner has existing public infrastructure and developed commercial and industrial properties within shoreline jurisdiction. Like many communities in western Washington, the city's main commercial areas developed around the rivers that run through it, including both the White River and the Puyallup River. The proposed rules should recognize the practical constraints of maintaining and improving established urban areas, particularly where relocation is infeasible

[1] CR-102 proposed rulemaking: WAC 173-26-221(2), WAC 173-26-231, and WAC 173-26-241.

and projects must be designed around existing site conditions. Requirements should allow necessary improvements to proceed while ensuring appropriate minimization and mitigation of shoreline impacts.

The city also anticipates a significant redevelopment opportunity at its existing library site, located along the White River in our town center (see map on page 6), after the library is rebuilt at a new location. This site offers potential for investment in the town center. Ecology should clarify how the proposed rules apply to redevelopment of existing urban properties and ensure that requirements do not inadvertently preclude appropriate projects that can avoid or mitigate impacts and incorporate ecological improvements.

The city is concerned that overly restrictive shoreline requirements could create challenges for achieving broader Growth Management Act (GMA) planning goals for maintaining and reinvesting in established urban areas. Shoreline protection requirements should be coordinated with these goals to support appropriate infill and redevelopment in existing urban centers, while ensuring no net loss of shoreline ecological functions.

The city requests clear and predictable standards for evaluating redevelopment in established urban areas, including how the rules distinguish between new development and improvements to existing development.

Floodplain Requirements and Creation of New Lots[2]

The proposed requirements for frequently flooded areas and new lot creation could create uncertainty for properties in Sumner, including areas near 32nd Street E. The city supports reducing flood risk but requests clearer standards for parcels that are partially within a mapped floodplain, existing developed lots, and land actions that do not increase development potential.

Ecology should define what constitutes adequate space for flood-safe development; clarify how the rules interact with local flood-hazard regulations and site-specific technical studies; and explain how they apply to boundary adjustments, lot consolidation, subdivision, and other land actions. The rules should focus on preventing increased flood risk without unnecessarily constraining reasonable redevelopment or land actions that do not create additional flood exposure.

Shoreline Stabilization and Restoration[3]

Sumner's experience at the Manke Lumber site along the White River illustrates the need for workable shoreline stabilization standards where erosion threatens contaminated soil and could result in contamination entering the river. While the city supports nature-based solutions where feasible, the rules should recognize situations where those approaches alone cannot adequately protect water quality, public safety, or existing lawful development. The city needs the ability to approve and implement necessary, site-specific stabilization measures when supported by site

[2] CR-102 proposed rulemaking: WAC 173-26-221(2) and WAC 173-26-241.
[3] CR-102 proposed rulemaking: WAC 173-26-201(2)(e), and WAC 173-26-231(2), (3)(a), and (5); WAC 173-27-040.

conditions and appropriate technical analysis.

The city requests that Ecology revise the proposed shoreline stabilization provisions in WAC 173-26-231 to ensure local governments can authorize necessary stabilization measures when site-specific conditions warrant them, including emergency stabilization , permanent repairs and replacement. The rules should provide flexibility to evaluate the feasibility and effectiveness of available alternatives, the risks of taking no action, and the potential consequences for water quality, public safety, and existing lawful development. While nature-based solutions should be prioritized where feasible, the rules should not preclude other stabilization approaches when they are necessary to address site-specific risks and achieve shoreline protection objectives.

The city also requests Ecology revise the shoreline stabilization and restoration provisions to allow a single project to achieve both flood protection and erosion protection objectives. This flexibility is particularly important in constrained urban environments where there may be insufficient space to locate restoration projects farther landward from the ordinary high water mark (OHWM). Ecology should also except shoreline restoration projects from mitigation sequencing requirements as the requirement to avoid or minimize shoreline impacts can directly contradict and constrain the project's restoration objectives.

The city requests clarification on how restoration projects, subsequent maintenance, and adaptive management will be treated under the new rules. Requirements should support restoration and avoid inadvertently discouraging ecological improvements or creating new regulatory uncertainty for adjacent properties.

Nonconforming Development and Permit Administration[4]

In older and annexed areas of Sumner, records documenting the original authorization of some existing structures and uses are incomplete. The city requests guidance on reasonable evidence for evaluating existing development, including historic permits, assessor records, aerial imagery, and other reliable documentation.

The city is particularly concerned about how the proposed rules may affect existing nonconforming public facilities. The city must be able to maintain, repair, replace, and upgrade critical facilities, such as its Wastewater Treatment Plant, to protect public health, water quality, and reliable public services. A blanket prohibition on changes to existing nonconforming development is unrealistic and does not adequately account for the range of existing conditions, site constraints, and public service needs in established communities.

At a minimum, public facilities such as Sumner's Wastewater Treatment Plant and Public Operations building should have the opportunity to apply for a shoreline conditional use permit (regarding use) or a variance (regarding dimensional requirements) when proposed improvements or other circumstances do not meet current shoreline requirements. The city also requests that this opportunity be available to other nonconforming uses and developments. A condition use permit or variance process would not guarantee approval; rather, it would allow applicants to have their specific circumstances evaluated on a case-by-case basis against the

[4] CR-102 proposed rulemaking: WAC 173-26-221(3); WAC 173-27-075, WAC 173-27-080, WAC 173-27-160, WAC 173-27-170, and 173-27-200.

applicable criteria. The rules should not categorically prevent applicants from seeking this review.

The city further requests clarification on when changes in business tenancy, without physical changes or a material change in use intensity, requires new shoreline authorization. Clear timelines for Ecology administrative interpretations and permit review, including complete submittal determinations, are also necessary, along with proportionate documentation requirements for shoreline variances. Public infrastructure projects, including bridges, may face significant site constraints that warrant a practical and predictable review process.

Channel Migration Zone Mapping and Shoreline Jurisdiction[5]

Channel migration zone (CMZ) mapping can affect development feasibility, restoration opportunities, and flood-risk management. The city requests consistent mapping methodologies, minimum technical standards, acceptance of adequate existing county or regional studies, and technical assistance and funding for necessary updates. Ecology should also provide direction for areas with uncertain boundaries, conflicting data, or limited technical information.

The city also requests clear guidance on shoreline jurisdiction mapping requirements, including the review and confirmation of shoreline designations and the submission of updated geospatial data. Ecology should clarify the extent of mapping updates required during the SMP periodic review and provide consistent standards and technical assistance to support implementation. Where the proposed rules provide local governments discretion to expand shoreline jurisdiction to include additional floodplain areas, critical areas, or associated buffers, that discretion should be preserved so jurisdictions can make decisions based on local conditions and planning objectives.

Requested Action

The City of Sumner asks Ecology to revise the proposed rules and provide clarification to:

1. Protect shoreline ecological functions and reduce flood risk through clear, consistent, and site-responsive standards that recognize existing conditions and site constraints.
2. Allow necessary maintenance, repair, replacement, and upgrades to existing public infrastructure; support appropriate redevelopment in established urban areas; and avoid unintended restrictions and consequences for contaminated sites and restoration projects.
3. Clarify requirements for floodplain development and creation of new lots, shoreline stabilization and restoration, nonconforming uses and development, and shoreline permit administration.
4. Preserve local government discretion in shoreline jurisdiction mapping and provide consistent technical standards, mapping guidance, and direction for channel migration zones.

[5] CR-102 proposed rulemaking: WAC 173-22-030(7), WAC 173-22-040(4), WAC 173-26-090(2)(b)(iii)(C)(III), and WAC 173-26-221(2)(e)(vi)(A)(IV)-(V) and (3)(c).

5. Ensure existing nonconforming uses and developments, including public facilities, have the opportunity to seek shoreline conditional use permits and variances and have their circumstances evaluated on a case-by-case basis.

The city supports the SMA's environmental objectives and believes they can be achieved without unnecessarily limiting necessary public infrastructure improvements, discouraging restoration, or foreclosing appropriate urban redevelopment. Clear and workable regulations will help local governments protect shoreline functions, reduce flood risk, and make consistent decisions.

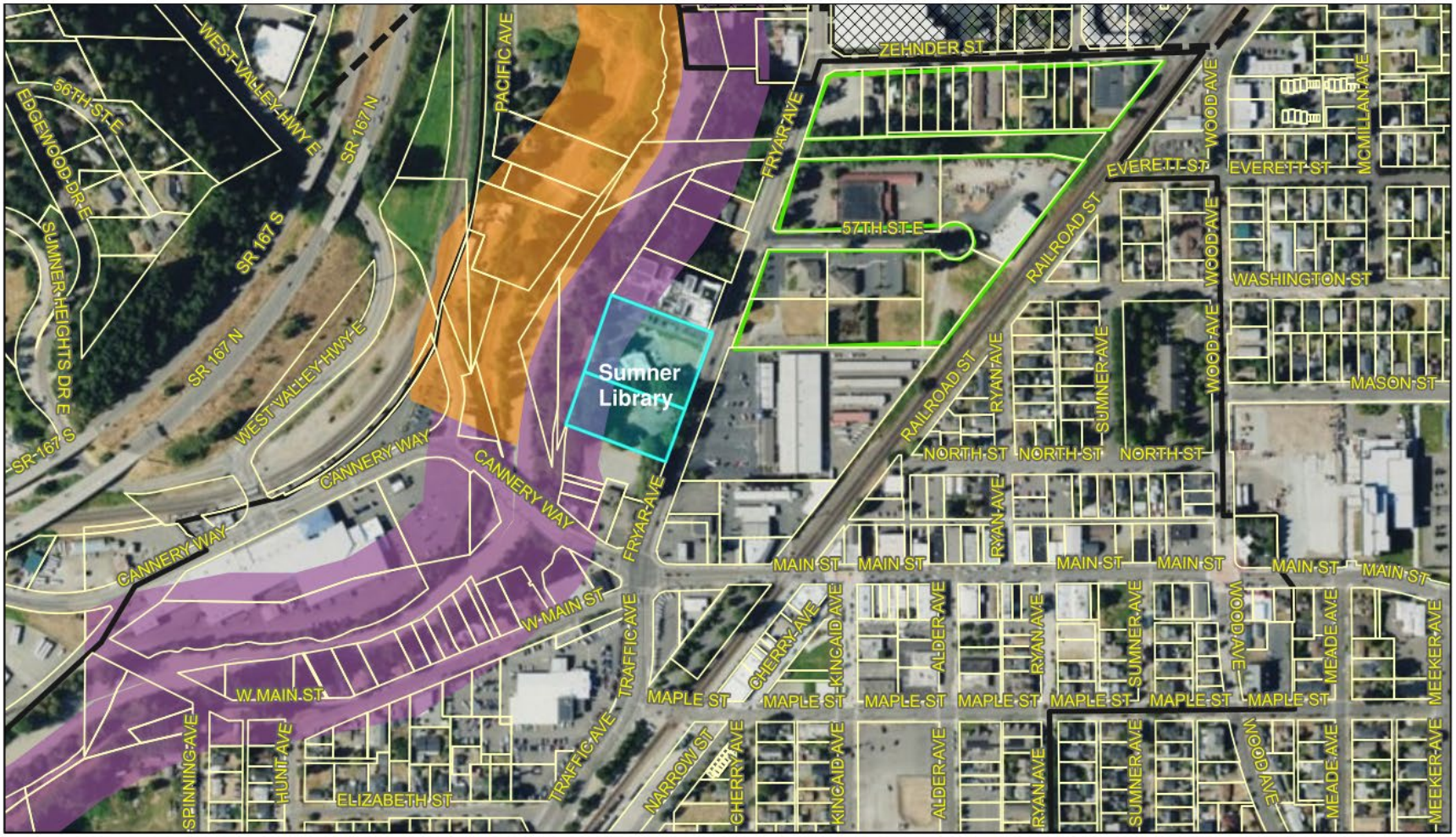
Thank you for considering the city's comments. Sumner welcomes continued coordination with Ecology and regional partners to resolve these issues before the rules are finalized.

Sincerely,

Carla S. Bowman

Carla S. Bowman
Mayor
City of Sumner

Existing Sumner Library Site



11/10/2026, 3:42:22 PM

Parcels

Zoning Overlays

MIC Core Overlay

MIC Zone

Town Center Area

IDEA Overlay

Shoreline Designations

Urban

Urban Conservancy

Roads

World_Street_Map

1:6,903

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

County of King, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS