



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
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February 6, 2024

Jean Mendoza
3142 Signal Peak Rd.
White Swan, WA

RE: Appeal of January 2024 Mitigated Determination of Non-Significance

Dear Ms. Mendoza,

After reviewing the submitted Appeal of a January 2024 Mitigated Determination of Non-Significance, the City of Sunnyside cannot process the appeal request at the time for the following reasons:

The SEPA application has been processed under Sunnyside Municipal Code (SMC) Chapter 18.04. Per SMC § 17.56.020 and § 17.60.020 - Processing and recycling facilities for organic, fibrous, and other materials including anaerobic digesters and renewable natural gas processing and production facilities are allowed in the Heavy Industrial (M-2) zoning district.

The Mitigated Determination of Nonsignificance is an advisory opinion issued by the SEPA Lead Agency, and not a permit. In order to proceed with an appeal, the MDNS is required to be consolidated with a development permit issued by the agency (See *Ellensburg Cement Products, Inc. v. Kittitas County*). In the City of Sunnyside SMC Chapter 19.01 specifically outline Land Use Action Types and the types of appeal processes they require. Since the proposed project is a permitted use on the site, the applicant will need to submit a Permitted Uses Requiring a Site Plan Review (Type I) Action Type to the City, which only allows for a Judicial Appeal.

The City will continue to move forward with permitting for the proposed project. If/when the applicant applies for a development permit or Action Type, if you wish to proceed with the appeal, you will be required to appeal the issuance of the development permit/Action Type consolidated with the MDNS. The appeal type and location will be based on the development permit or Action Type that is appealed.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Martin".

Trevor Martin, AICP
Community and Economic Development Director
City of Sunnyside