



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
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**Mitigated Determination of Non-significance
RCW 197-11-350**

1. **Description of Proposal:** Pacific Ag has proposed development of an approximately 50-acre digester within the Port of Sunnyside's (the "Port") Midvale Industrial Park in the Heavy Industrial (M- 2) zoning district.
2. **Property Owners:** Sunnyside RNG, LLC
1000 S. Hwy 395, Suite A506
Hermiston, OR 97838
3. **Location of Proposal:** Vicinity of 2711 and 334 Sunnyside Mabton Highway.
4. **Parcel Number(s):** 220901-13001, -44401, & -41404
5. **Lead Agency:** City of Sunnyside
6. **File Number:** 2023-0200
7. **Findings:**

The SEPA Environmental Review Application was mailed to SEPA agencies on May 17, 2023; several comments were received and have been incorporated into the MDNS.

 - A. The Department of Archaeology and Historic Preservation (DAHP) provided comments expressing concern and requesting conditions for an inadvertent discovery plan be established prior to the issuance of building permits.
 - i. Staff Response – a condition for an Inadvertant Discovery Plan has been added as a condition to the MDNS.
 - B. The Washington State Department of Ecology provided the following comments “Water Quality - Project with Potential to Discharge Off-Site
If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.
The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

Solid Waste Management - This project involves a solid waste handling facility that is regulated under WAC 173-350. Please contact your local County Health Department to find out what requirements pertain to the project, and whether a solid waste permit is required. If you believe your facility meets the criteria for permit exemption from WAC 173-350, please fill out a notice of intent form and submit it to Ecology.”

- i. Staff Response - The proposed development shall work with the Washington State Department of Ecology and acquire all necessary permits for development prior to the issuance of an City of Sunnyside development permits being issued.

- C. The Washington State Department of Transportation provided the following comments:

“The subject project is adjacent to State Route 241 (SR 241), a Class 2 managed access highway with a posted speed limit of 55 miles per hour. According to our records, the property has a permitted access at milepost (MP) 5.52, and three grandfathered approaches at MP 5.61, 5.71, and 5.75. As a condition of development approval, these approaches must be removed...

Any proposed lighting should be directed down towards the site, and away from SR 241.

All loads transported on WSDOT rights-of-way must be within the legal size and load limits or have a valid oversize and/or overweight permit.

It is the applicant’s responsibility to keep and maintain SR 241 free of debris.

- i. Staff Response - The proposed development shall maintain WSDOT right-of-way. Additionally, as part of the proposed project, the applicant, City of Sunnyside, and Port of Sunnyside will be working collaboratively to install, improve, and expand right-of-way for the proposed vehicle traffic this development will cause. A traffic report is on file with the City of Sunnyside and has been reviewed by WSDOT.

- D. A letter was received from Jerry’s Valley Meats generally opposing the proposed development and the proposed infrastructure development.

- i. Staff Response - The proposed use is an outright approved use in the Heavy Industrial (M-2) zoning district. The applicant has indicated they are willing to cooperate with the City’s conditions for development, and have filed all of the required permits. There is no reason or cause to deny this permit.

All comment letters have been added to the project file and can be viewed at Sunnyside City Hall at 818 E. Edison Ave.

8. Determination:

The Lead Agency for this proposal has determined that it will not have a probable significant adverse impact on the environment and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), provided the measures listed below are taken to mitigate potential adverse impacts. This decision was made after careful review of the completed environmental checklist, and other information on file with the lead agency. This information (including all environmental documentation and a traffic study) is available to the public upon request and can be examined at our office during regular business hours. Environmental documents include: SEPA checklist, this preliminary threshold determination, and submitted materials.

9. Identified Environmental Impacts and Mitigation Measures:

Substantive authority to require mitigation for significant and non-significant impacts is derived from WAC 197-11-660 City of Sunnyside Municipal code chapter 18.04-010 and, by reference, the policies contained in the City of Sunnyside Comprehensive Plan.

Archaeological Resources:

Based upon comments received from DAHP, there may be potential for cultural resources to be on site.

Mitigation Measure:

An Inadvertent Discovery Plan shall be created and submitted to the City of Sunnyside as part of the building permit package for the proposed development.

Stormwater:

Based on a variety of information, impacts to surface water by the development will most likely result unless stormwater is properly managed. Excavation, site development, road building and subsequent lot use, needs to be done in a manner that drainage facilities are not negatively impacted by site development and increased stormwater runoff.

Stormwater management is needed to minimize potential for negative effects of inadequately managed stormwater onto the public road system, and adjacent properties.

Mitigating Measures: a stormwater management plan is required to be submitted for review and approval by City of Sunnyside public works department prior to construction. The plan must meet the following design standards:

- a) Stormwater retention or detention shall be provided. A professional engineer registered in the state of Washington shall design all drainage facilities and components. Drainage plans using best management practices and design requirements must be submitted to and approved by City of Sunnyside prior to grading or development.

- b) Post development stormwater flow rates and volumes shall not exceed predevelopment conditions. The standard of full retention of the 25-year storm event generally meets the goal.
- c) The depth to groundwater should be determined prior to planning the layout of stormwater facilities. If a stormwater infiltration facility will be used for the disposal of runoff, a permeability test should be conducted initially at the site to determine existing infiltration rates prior to the design stage.

Dust Control

Based on soil types in the area and the proposed disturbance to those soils combined with the typical winds in this area make for the possibility of large amounts of suspended particulate matter into the air.

Mitigation Measure:

Dust

- a. A dust control plan must be filed with the Yakima Regional Clean Air Authority.

10. Conclusion:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- 11. Appeal Period:** This MDNS is issued under WAC 197-11-340(2). The Lead Agency will not act on this proposal for 14 days from the date of issuance. Appeals may be submitted on this proposal to the address below.

- 12. Contact:** For information on other issues relating to this proposal, contact Trevor Martin, at (509) 836-6393 or via email at tmartin@sunnyside-wa.gov.

13. SEPA Responsible Official:



- 11. **Position Title:** Trevor Martin, AICP
Community and Economic Development Director
SEPA Responsible Official
- 12. **Address:** 818 E. Edison, Sunnyside, WA 98944
- 13. **Date:** June 22, 2023