



Community Development
John Hohman, Deputy City Manager

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February 15, 2018

Mr. Bryan Walker
Black Realty, Inc.
107 South Howard Street, #500
Spokane, WA 99201

VIA EMAIL/U.S. MAIL
bwalker@naiblack.com

RE: Painted Hills PRD/Status of SEPA Review

Dear Mr. Walker:

On February 1, 2018, the City received a letter regarding the Painted Hills PRD project from Todd Whipple of Whipple Consulting Engineers, Inc. (copy enclosed for your reference). The City's previous letter to you of January 22, 2018 expressed concerns about the current status of the project because the City has received no information regarding preparation of a draft environmental impact statement (DEIS).

Even as the City remains unaware of when a DEIS may actually be prepared, Mr. Whipple's letter indicates that fundamental aspects of the project may be modified. Other communications from Mr. Whipple to Henry Allen, the City's water resources engineer, have also suggested that major revisions to the project are being considered. This is why my January 22 letter to you stated that "[i]f the project is expected to be revised, particularly with respect to such significant topics as drainage and flood control, the City will expect a formally supplemented application."

With this background, please understand that the letter of Mr. Whipple is not a substitute for a formally supplemented application. One of the key concepts of his letter is the use of a FEMA Letter of Map Revision Based on Fill (LOMR-F) in conjunction with the project. This concept represents a departure from the LOMR materials that form the basic premise of the application currently on file with the City. The LOMR-based approach was supported by a proposed CLOMR application prepared by WEST Consultants and dated October 13, 2016. The LOMR-based approach was also supported by a SEPA checklist and an updated SEPA checklist. Based on these and other application materials, the City issued a SEPA determination of significance on September 8, 2017, conducted a public scoping hearing on the DS on September 25, 2017, and issued a scoping status summary document on November 9, 2017.

A shift in concept from a LOMR to a LOMR-F will require new revised application materials. The new application materials should be at least sufficient to replace all aspects of the currently filed application that relate to any aspect of flood hazard planning. Other concepts expressed in Mr. Whipple's letter, such as armoring a portion of the Chester Creek channel, imposing plat restrictions on construction, and the sequence of following a CLOMR-F with plat-level LOMRs, would need to be fully explained and documented.

When these new materials are provided to the City, the City will evaluate them in order to determine how the revised project may be considered in relation to the SEPA process that has already been commenced. It is unlikely that a proposed CLOMR-F procedure could be properly considered under SEPA without a renewed or expanded DS scoping process, but the City's position on this topic cannot be stated without new application materials.

Please also understand that the City is not in a position to offer a response to Mr. Whipple's request for a statement of whether "the City would see any reason that this revised proposal could not be formalized." This statement puts the City in a difficult position for several reasons.

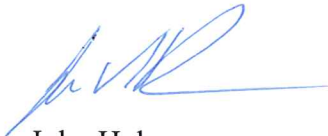
First, the City will not hinder you in any way from revising your project application materials as you see fit. But, the City cannot offer preliminary commitments as to the merits or likelihood of success of any such revisions. The SEPA process, which the project is currently in the midst of, is intended to adequately inform the City (and other agencies) of important aspects of the project before making any commitments to approve the project.

Second, Mr. Whipple's request implies that the City has a role in the development of fundamental design choices for the project. This project is very complex and is beyond the scope of any similar project undertaken in the City. The City is not in a position to provide assurances on project options such as the viability of a CLOMR, CLOMR-F, levee certification, or other related topics. The City's staff will be happy to provide information regarding project application procedures but takes no responsibility for weighing and selecting from among various design options. The design feasibility of the project, including the choice to substitute a CLOMR-F for the current application, is a matter between you and your retained professional consultants.

In closing, I reiterate the request made in my January 22nd letter for a comprehensive update on the state of the proposal. Particularly in light of Mr. Whipple's recent letter the City would appreciate a reconfirmation that the application materials currently on file with the City are still your intended proposal.

As always, please do not hesitate to call with any questions or concerns.

Very truly yours,



John Hohman
Deputy City Manager
City of Spokane Valley

Encl.

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GSV Development Engineering

Whipple Consulting Engineers, Inc
A Civil and Transportation Engineering Company

FEB 01 2018

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Spokane Valley, WA 99206
Ph 509-893-2617 Fax 509-926-0227

Project # _____
Name _____
Submittal # _____

TRANSMITTAL

COMPANY:	CITY OF SPOKANE VALLEY 11707 E. SPRAGUE AVENUE SUITE 106 SPOKANE VALLEY, WA 99206		DATE:	February 1, 2018
ATTENTION:	Henry Allen, PE		DELIVERY TYPE:	Delivery
PROJECT No.:	1166	RE:	Painted Hills PRD SUB-2015-0001 / PRD-2015-0001	
PROJECT:	Painted Hills – Preliminary Plat and Planned Residential Development			
	AS REQUESTED	X	FOR REVIEW	RESPONSE REQUIRED
				DOCUMENT CC:
NO. OF ITEMS	E A	SET	DESCRIPTION	
2	X		Revised Preliminary Grading and Flood Plain Plan	

NOTES/ COMMENTS:

Mr. Allen,

Per the Scoping Summary Meeting held on November 9, 2017 and subsequent conversations as well as research in the area related to flood plain development, we are proposing to fill the site to approximately 1-foot above Base Flood Elevation (BFE) from the Chester Creek Channel to Madison and wholly within the project boundary. All other elements previously discussed such as piping the Compensatory storm to an infiltration facility, adding box culverts as well as other construction issues will generally remain as originally proposed, such as lowering the park area along Thorpe, etc...

As a part of this process, we would most likely change our CLOMR to a CLOMR-F, similar to the flood proposal attached. The Painted Hills project would follow the construction related to the project to the south known as The Creek at Chester a project that progressed through the land use and flood plain in the County's Low Density Residential subdivision preliminary and final plat processes.

It would be the intent of the project to provide a solution that would or could be made to meet and remedy the concerns of the City of Spokane Valley related to long term maintenance by a Home Owners Association. As with other projects that we have permitted in the past such as

Fraser Estates, Southridge, etc... we would at the time of platting and/or building construction, after receipt of the CLOMR-F, would submit plat level LOMR's to complete the flood permitting process to demonstrate that all future buildings finished floors and opening would be 1-foot above BFE.

In addition, strict language in the platting documents would identify those areas that would only be constructed as slab on grade or crawl space as we would anticipate that basements would be prohibited from the development.

It would be the intent of the project that specific and strict construction methods and inspection protocols would be implemented so that an area of no less than 100 to no more than 400 feet east of the Chester Creek channel will be placed, compacted, inspected and tested to meet the requirements for levy construction as noted by FEMA. As required the Chester Creek channel would be armored to a depth of between 3 and 4 feet with appropriate lining materials for the velocities encountered.

At this time, we are only asking for a preliminary review of the revised intent by the City to determine if the City would see any reason that this revised proposal could not be formalized. If the City feels that this proposal has merit to move to full CLOMR preparation the project team is prepared to move forward and prepare a CLOMR-F and submit to the City for formal review and comment. We would hope after City review and comment on a future formal submittal and after any subsequent revisions that the proposed formal CLOMR-F be forwarded to FEMA for review, comment and approval.

We are available to meet on this proposal should you find the need. Should you have any questions do not hesitate to call. We look forward to your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd R. Whipple". The signature is fluid and cursive, with a large initial "T" and "W".

Todd R. Whipple, PE
President

Cc: File

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