



Painted Hills DEIS Review

December 29, 2020

Mr. Read Stapleton, AICP
DOWL
720 SW Washington St., Ste. 750
Portland, OR 97205

*Via Email: rstapleton@dowl.com
and U.S. Mail*

**Subject: Review of Revised Draft Environmental Impact Statement (DEIS) dated
November 2020**

Dear Mr. Stapleton:

Thank you for the revised draft environmental impact statement (DEIS) for the Painted Hills Development dated November 2020 and provided to the City of Spokane Valley on November 15, 2020. The City has had an opportunity to review this revised DEIS and has also obtained the review of this document by the City's retained engineers at Stantec Consulting Services, Inc.

This letter is intended as the City's preliminary comments on the responsiveness of the November 2020 DEIS to concerns previously expressed in a five-page letter to you dated September 19, 2019. The September 2019 letter was itself responsive to an earlier version of the DEIS dated May 31, 2019.

The City appreciates the time that your team has devoted to the revised DEIS. The City notes that it has been approximately 14 months between the date of the City's September 2019 comment letter and the revised DEIS. However, the revised DEIS continues to have an inadequate treatment of topics that were raised in the City's earlier letter. More information on these topics is essential to meet the City's need for a sufficiently detailed analysis of significant environmental impacts to inform decision makers and the public of alternatives, adverse impacts, and mitigation measures that may be associated with the proposal.

This letter is not intended as a comprehensive review of the DEIS. Other topics that may require additional discussion in the DEIS are likely to be identified as the SEPA process continues. However, the following topics were previously identified by the City in the September 2019 letter, and it is appropriate for the City to provide this early feedback following receipt of the November 2020 DEIS.

Flood hazard management

One of the main topics raised by the City in the September 2019 letter was the need for "detailed discussion of risks associated with the off-site and on-site storm drainage and

channel improvements that are proposed.” The City further enumerated several types of risk assessment and stated that “[e]ach topic should be developed with an appropriate level of detail.”

In review of the November 2020 DEIS, the City has determined that there is an insufficient discussion of several aspects of the key topics of risk avoidance and risk assessment.

- The potential for groundwater mounding is not directly discussed. A passing statement in Section 3.1.2.2 of the November 2020 DEIS makes reference to aquifer recharge, but the statement is not supported by reference to a verifying hydrogeologic study or mounding analysis.
- The November 2020 DEIS does not contain a discussion of potential risks or losses associated with hazards that the project’s flood management system may present to the site or surrounding community, including a discussion and analysis of possible points of failure within the system. Failure modes are discussed at Section 3.2.2.2 in terms of event frequency, but this discussion does not include any treatment of the severity (including for extreme events) and specific places of the potential impacts.
- The November 2020 DEIS discusses at Section 3.2.2.2 the administrative and planned operational consequences of removing offsite areas from the designated 100-year floodplain. However, risks and potential losses resulting from removing offsite areas from the floodplain are not discussed.
- The City identified in its September 19, 2019 letter that “The components of the floodwater management system need to be addressed in relation to potential points of failure *and consequences of failure*.” (emphasis added). The November 2020 DEIS identifies several potential modes of system failure, but does not address probabilities of failure, what would happen in the event a particular component does not work as planned, or recourse in the event of a failure. In general, the November 2020 DEIS is deficient in its discussion of adverse consequences of system failure.
- The November 2020 DEIS now includes as Appendix E an operations and maintenance (O&M) manual outlining flood control system maintenance and operations requirements for the proposed homeowners association.
 - However, the November 2020 DEIS does not contain a discussion of foreseeable risks in the event system maintenance and operational activities are not performed as requested. This includes an absence of any discussion of the types of specific impacts that would occur at the site, at off-site facilities, and on downstream

properties. The range of consequences to the project residents, the general public, and the City in the event of failure or default of the homeowners association to fulfil its expected obligations must be addressed.

- Neither the O&M manual nor the November 2020 DEIS contains a discussion of what would occur if the homeowners association becomes insolvent or is dissolved and ceases to exist. As provided in the September 19, 2019 letter, the City is very concerned about how the system will be maintained in perpetuity, and “that liability for system maintenance and performance will not fall to the general public or to any governmental agency, including the City of Spokane Valley or Spokane County.”

Transportation impacts during construction

Unrelated to flood hazard management, the City’s September 2019, letter requested additional analysis of the impact of truck trips to manage the export and import of earth and gravel during project development. The City noted that the May 31, 2019, DEIS estimated the movement of 400,000 cubic yards of material through the use of approximately 12,500 truck trips.

In the November 2020 DEIS, construction-related project impacts are described based on calculations showing truck volumes that would likely occur on a per-day basis. This discussion, at Section 3.3.2.2, does not, however, contain an analysis of how the high intensity of truck traffic would create impacts for other users of the surrounding vicinity’s roadway system or on the roadway itself. The largely quantitative analysis of the November 2020 DEIS is devoid of any qualitative discussion of impacts and related mitigation measures.

An additional matter identified during review of the November 2020 DEIS is that the original traffic review was completed in 2017, with a planning horizon of 2025. However, based on the information in the November 2020 DEIS, the time period for importing fill and constructing the project is at least 14 years (four years for importing fill and ten years for phased construction of the project). The traffic review should be updated to account for the inconsistency in the November 2020 DEIS between the original identified planning horizon of 2025 and the time period estimated for project completion and should provide for an updated horizon year analysis based upon that time period and other project review periods (for example, the SEPA review and FEMA review process).

Integration of review procedures and SEPA process

The September 2019 letter requested that the DEIS “describe the process this project will follow to integrate local project approvals with other agency determinations.” The City asked that the DEIS describe how “the likely range of FEMA actions during the CLOMR review may interrelate with the DEIS and the local land use applications and decisions in the event of

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revisions to the project that may arise during FEMA review.” This topic does not appear to have been addressed in the November 2020 DEIS.

On a related note, the City notes that it received a Conditional Use Permit application for the “Painted Hills Driving Range” (CUP-2020-0004) for a driving range on part of the project property. The DEIS does not address the pending driving range and how it may fit within the project and must do so.

The City wanted to provide these remarks to the November 2020 DEIS to help ensure that the DEIS is prepared in a suitable manner with appropriate methodology. Given the significant missing information previously requested, the City requests that these areas be reviewed and addressed accordingly through revision and resubmittal of the DEIS or explanations as to why such responses were not included in the November 2020 DEIS.

Very truly yours,



Lori Barlow, AICP
Senior Planner