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June 16, 2017

Mr. Nathan G. Smith  
Attorney at Law  
Kutak Rock LLP  
510 West Riverside, Suite 800  
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**EMAIL/U.S. MAIL**  
[nathan.smith@kutakrock.com](mailto:nathan.smith@kutakrock.com)

RE: *City of Spokane Valley/Painted Hills PRD*

Dear Mr. Smith:

More than six weeks ago, the City sent a letter dated May 2, 2017 (the "May 2 letter"), to Todd Whipple, who the City understood to be an authorized representative of Bryan Walker, the developer of this project. A copy of the May 2 letter was sent to Mr. Walker, and another copy of the May 2 letter is enclosed here. The May 2 letter requested additional information pursuant to WAC 197-11-335 as part of the City's review of this proposal under the State Environmental Policy Act. The City stated that additional information was required "in order to render [a] decision on a Threshold Determination." The letter requested additional information on the proposed phasing plan for the project and on the details of the project's relationship with FEMA mapping. The City invited questions from Mr. Whipple regarding the purpose and intent of the letter.

In a meeting that took place at City Hall on May 24, 2017, between Mr. Walker, yourself, and City representatives, the May 2 letter and the need for additional information as part of the City's SEPA review process was a topic of conversation. Your client mentioned the existence of a phasing plan, but also acknowledged that the phasing plan had not been previously submitted to the City. Your client also stated that he was unsure of how various items of floodplain management infrastructure would be integrated with or correlate with different potential phases of the project. After further discussion, there was no decision as to how or when the City might receive the requested information, but the City did understand that it would be forthcoming.

However, since the May 24 meeting, the City still has received no new information as a matter of record regarding the requests made in the May 2 letter. For the City's part, the main purpose of the meeting was to emphasize the importance of the information requested in the May 2 letter to the City's SEPA review. The meeting was certainly amicable, and the City believed that the requested information would be shortly forthcoming. In a series of brief telephone calls and meetings that have since taken place between Mr. Whipple and City staff, none of the points of

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the May 2 letter has been confirmed, and no new materials have been provided to the City on the phasing and FEMA mapping issues.

The purpose of this letter is to reiterate the City's concerns regarding the need for additional information in order for the City to make an appropriate threshold determination in a timely manner.

The City has taken the step of retaining a consulting firm with expertise in environmental analysis, land use, permitting, and wetland resources. This firm, Shockey Planning Group, Inc., was retained to provide additional support for the City's review of this project. In consultation with Mr. Shockey and his firm, the City continues to view additional information on the issues raised in the May 2 letter as vital for the City's review process in determining whether a mitigated determination of non-significance or a determination of significance is appropriate.

Please provide either a substantive response to the information request or an estimate of how and when a substantive response will be provided at your earliest convenience.

Please do not hesitate to contact me with any questions or concerns.

Very truly yours,



Kenneth W. Harper

KWH:jmk  
Enc.

cc: Client (w/ enc.)  
Mr. Reid Shockey, AICP, Shockey Planning Group, Inc.



COMMUNITY AND PUBLIC WORKS DEPARTMENT

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May 2, 2017

Mr. Todd Whipple  
Whipple Consulting Engineers, Inc.  
2528 North Sullivan Road  
Spokane Valley, WA 99216

RE: Painted Hills PRD Request for Additional Information (SUB-2015-0001)

Dear Mr. Whipple,

The City is in the process of conducting the required environmental review for the Painted Hills Planned Residential Development (PRD)/Subdivision project in accordance with chapter 21.20 SVMC. As provided in WAC 197-11-335 and in order to render its decision on a Threshold Determination, the City requires certain additional information regarding the phasing of the project and the FEMA Land Use Map Revision now under review.

#### Project Phasing

The applicant in this matter has indicated that the Painted Hills development will likely occur in phases. SVMC 20.40.050 requires a master phasing plan including both a map and narrative on how phased infrastructure will fit with the overall utility, park and transportation plans of the City over time. The master phasing plan will allow the City and other service providers to assess short term impacts on local systems as each phase is implemented. There will likely be various mixes of single family, multi-family and commercial uses in each phase which, again, can be evaluated with existing services in the area to ensure compatibility.

Please provide the master phasing plan that identifies the time frame for build out, and the anticipated sequencing and timing associated for each phase of development within the PRD. We acknowledge the applicant's statement that market demand may ultimately dictate the precise phasing of the PRD; however, a more specific plan than that described in the application will allow a more detailed analysis of development sequencing.

#### FEMA Map Revision

The PRD site is located in a Special Flood Hazard Area (SFHA) and the project plan is subject to FEMA's approval of a revision of the SFHA and Flood Insurance Rate Map. The City's assessment of the Painted Hills project design will affect, and be affected by, decisions on the C-LOMR and LOMR. To assist in reviewing the impacts of one upon the other, please provide a map depicting the SFHA superimposed on the project as requested.

You may choose to update the original narrative dated July 15, 2015 with this information, or provide a separate narrative.

You may contact me at 720-5335 or [Lbarlow@spokanevalley.org](mailto:Lbarlow@spokanevalley.org) if you have further questions.

Respectfully,

A handwritten signature in blue ink that reads "Lori Barlow". The signature is written in a cursive, flowing style.

Lori Barlow, AICP  
Senior Planner

Cc. Bryan Walker, Black Realty Inc., 107 S Howard St. # 500, Spokane, WA 99201  
John Hohman, Deputy City Manager  
Cary Driskell, City Attorney  
Erik Lamb, Deputy City Attorney  
Henry Allen, PE, Sr. Engineer  
Chad Riggs, PE, Sr. Development Engineer  
Ken Harper, via email