

Lori Barlow
Spokane Valley Community
and Public Works Department
10210 E Sprague Ave.
Spokane Valley, WA 99206

November 12, 2018

Dear Ms. Barlow,

This letter is in response to the Request for Comments on the Scope of an Environmental Impact Statement relative to the resubmitted Painted Hills Planned Residential Development Project in the City of Spokane Valley, hereinafter referred to as "City". SUB-2015-0001/PRD-2015-0001/FPD-2016-0007

In addition to my comments relative to this resubmittal, also consider all previous letters and public comments concerning this development. My previous comments were included in a letter to the City dated September --, 2017.

I would like my research and comments to be answered in your scoping process.

As you are aware this is a strategic FEMA designated Floodplain that has two Floodways. We have been advised by The City that it considered purchasing the property at the time the financial institution holding the mortgage note foreclosed on the property. In the words of the City. "This strategic Floodway property should be acquired: for securing and maintaining in perpetuity for public interest, floodways and floodplains" dated 2014 under the category "Flood Mitigation".

This proposed development site is one of the largest contiguous tracts of diverse environmental land in the City and is the reason many of us acquired property to build homes here. The golf course was supposed to be in perpetuity.

This tract of land, if developed, according to the plans submitted will have a permanent significant negative impact on the natural and human environment by reference to its nature and location in this sensitive environment.

1. This is a designated Compensatory Water Storage Area.

2. There are Wetlands that our experts from Seattle have identified and verified.
3. This is a designated Critical Aquifer Recharge area. The City needs to require an NGO to evaluate the damage that may occur to the aquifer.
4. The new area for the pond or flood control facility as described by the develop is in an area according to the FEMA map (2010 Aerial Map). Thorpe Rd NRCS soils rated the area for the pond and some of the dry wells as "Poor Draining"
5. There are two Floodways, 100 year designation by FEMA, in the proposed development. According to the National Flood Insurance Program (FIA-TB-10). Per," Floodway and Alluvial Fan Flood Hazard Areas: Construction in the floodway: The NFIP prohibits encroachment into Floodways that would cause increases in flood stage." This applies to all of the surrounding area of this proposed development
6. "Construction in the area: the NFIP prohibits the use of structural fill for support of building in these areas. This bulletin strongly recommends that structural fill **Not**, emphasis supplied, be used to elevate buildings constructed in A zones. "The NFIP will not remove the land from the Floodplain based on the placement of fill in the Alluvial Fan Flood Hazard Areas." I believe this means they cannot lower the level of the ground immediately to the North of Thorpe Rd and Madison for a secondary secure area in the case of flooding.
7. If the cut and fill plan is approved the permeability of the soils affects water infiltration.

There will be a loss of storage and conveyance of flood water to our aquifer. The placement of fill can result in an increase of BFE by reducing the ability to convey and store flood water. This will result in increased flood damage both upstream, South of Thorpe Rd and to the boundary area to the North of the proposed development. In filled areas in the Floodplains, floods can still greatly influence the ground water at the filled site. This location is surrounded by higher hills, and slopes of mountains that drain to this area that is being proposed to be developed.

As the City is aware this is a flood prone area. I have historical pictures that I acquired from the City and many other photos and videos of my own and others

showing the extreme flooding that occurs on a frequent basis. The magnitude and significant levels of unpredictability of the proposed Flood Control Plan are enormous.

As I have stated and shared the City's information in my last comment the City has stated dry wells are not a good method to control water. WCE has also stated in their stormwater assessment that storm drains freeze and are not effective. The management of flooding from this site does include many instances of the ground being frozen. Again, address the contamination of the aquifer.

The maintenance and operation of their plan to contain the flood waters will be too large of a financial undertaking and liability for a Home Owners Association. And in no instance should the City take on or be subject to any financial responsibility. The developer should be required to post a performance bond in the amount of two million dollars if we as neighbors, individuals owning homes within the proposed development, or if the City is sued to provide required funds to operate and maintain the flood control system when it fails.

The City can reasonably foresee the inevitable consequences of this happening in the development. The risk assessment of this project is extremely high for more flooding, maintenance of existing and additional levees (even though we have submitted information from the DOE from records obtained from the City where they strongly **discourage the use of levees**, (emphasis supplied) in flood control. The cost of maintaining the levees and dry wells, box culverts and the gravel ponds will be extremely costly and time consuming to protect our well being. This has been designated a Compensatory Water Storage Area and is a Critical Aquifer Recharge area.

The Character of the Impacts will be negative, long-term and a permanent loss to our Community.

There are many inaccuracies in the developers SEPA Checklist. I have addressed these to the City after reviewing the initial SEPA Checklist. The City must know they are incorrect and yet the City has not required changes. Most of my knowledge was acquired reading City information.

1. Under the Land Disturbance (LD) Permit Checklist the City (or is it the developer) need to check the pond area and gravel areas to make sure they are not greater than 500 square feet.
2. Animals affected that have not been added are eagles. I have sent pictures to the City of eagles resting on the property. There are also moose.
3. The developer indicates no Wetland are on the property. We have hired experts from Seattle which have verified that wetlands exist. In addition, there are other Agency documents indicating wetlands exist. The City has written many grants requesting funds for the Chester Creek Wetlands and Watershed area.

Now I will address the "Painted Hills Floodplain Review #2" submitted August 20, 2018. We live across Madison Rd to the East and it is unacceptable and is a negative impact to have secondary flow directed to our property. Existing culverts transverse Madison RD. We have drain fields and wells and have the right of quiet enjoyment of our property. This is a significant negative impact.

I have discussed levees above. The DOE strongly discourages the use of levees. Levees currently exist and are critical to contain the Chester Creek water and there are other levees. WCE has indicated more than 200' of levees will have to be raised. They intend to use armoring portions on the Chester Creek channel. Being a wildlife corridor, which the developer has acknowledged, this plan will deny the wildlife of a natural environment for their sustainability.

An HOA is not capable, nor will they have the financial resources to manage the operation, maintenance, and infrastructure replacements and modifications of the proposed complex flood control infrastructure. I reiterate that a two-million-dollar performance bond needs to be posted by the developer to ensure that funds will be available for such without the City becoming subject to the liability and ultimately the tax payers.

As the City is aware, and through a statement in an internal email acknowledge that HOA's fail. HOA's are even sued by their own members. Observing in the various documents filed by the developer and City comments that a 20% contingency be provided to cover unexpected costs does not began to cover the costs associated with the flooding to existing neighborhoods and the operation, maintenance and replacement of the infrastructure being proposed.

On page 10 of the “Preliminary Geotechnical Evaluation Phase I”

As stated above, the FEMA map indicates soils on the North end of the of proposed development are poor draining.

Also, stated above FEMA and NFIP have stated you cannot remove Alluvial soils in a flood plain area. There are two flood ways on this site that commence to the South of Thorpe Rd and run to the North.

On page 14. Because you are not allowed to lower the depth of a flood plain this cannot be a secondary protection area to stop flooding.

Page 23. Determine that the developer has legal entitlement to put a levee on the adjoining church property. Additionally, the City needs to determine that the developer has unfettered use and access to the Comer Pit sometimes referred to as the Triangle pit or Barrow Pit since it is included in the flood mitigation infrastructure plan.

Page 26. How will the debris be removed from the concrete culverts? Much of our flooding occurs during freezing temperatures.

Page 29. For construction Note # 9 Inland Power and Light has an electrical power line the runs down the site parallel to Madison RD. They have an easement for access. With the proposed swales, fences and hardscape the scope needs to address access to the line for repairs or replacement.

Page 36. Recognizing that levees are not a good control method for flooding of a development with 580 dwelling units. Raising the height of the levees does not properly provide a natural habitat and the effects of this development will significantly and permanently destroy this natural habitat resource.

The proposed Cut and Fill plan will have a significant impact on the health and safety of our community. Allowing that degree of fill in the Compensatory Water Storage Area will affect our health. It will affect our health by a number of direct and indirect environmental pathways. The air will be compromised even if the fill is wetted. Fill truck traffic on the roadways will contribute to the impact. Those suffering from respiratory problems will be affected. I suffer from Asthma and I will be affected by this amount of fill. This will result from the dust rising and the

winds carrying it in my direction. That is a significant and adverse condition that I should not have to suffer nor the rest of our community.

The safety of our school children with three schools immediately to the North of the area will be subjected, under the cut and fill plan, to dust, noise, thousands of haul trucks on the roadway, and emergency evacuation routes severely diminished due to trucks congesting the roadways. Residents, pedestrians and cyclists will be subjected to the same significant negative impact. In the event of an emergency evacuation the roads will be restricted as to egress. In addition, emergency response vehicles will experience significant delays in their response time. The current road infrastructure was not engineered to handle the thousands of haul trucks and will suffer damage as a result. Determine who will pay for this.

School overcrowding will be a significant impact. The superintendent of the Central Valley School district has stated in their letter to the City of Determination of Significance that children from the development will not attend the adjacent schools since they have already reached capacity. What is the plan of mitigation to provide the children with a reasonable opportunity to attend schools within a reasonable range of their homes.

The dust, noise, vibration, and pollutants to our environment are a complete character change to the sensitivity of our existing community.

This is a rare area, unique and not renewable. The City will never ever be able to replace this habitat for animals and the human environment that surrounds it. This area is a critical resource for our community. Our historical landscape and environment will be permanently changed. Completely out of character to its surroundings.

There are reasonable foreseen, inevitable consequences of the operation of this development. The risk assessment of this project overwhelms science and common sense: More flooding, maintenance of more levees, and maintenance of the pond (facility). Permanent negative impact will occur. The City needs to protect our Community, our Compensatory Water Storage Area, our Critical Aquifer Recharge area and our human environment.

There will be a profound change in the character of our area. We will have a loss of solitude which I moved here for. It will not fit into the surrounding area.

Again, there are significant levels of unpredictability of this development. It should not be allowed to move forward.

As mentioned again in WCE's Storm Drainage Report dated July 12, 2018; 2013=11166 "the storm drainage facilities will contain and discharge the 50-year storm under NON-frozen conditions. This is a 100-year designated Flood plain area and the ground freezes contributing to the flooding.

Thank you,

Sandy Pavelich

Cc: John Peterson
Director of Planning
1026 W Broadway Ave
Spokane WA 99260