

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

November 14, 2018

Dear Ms. Barlow,

I am writing to provide scoping comments on the proposed Painted Hills planned residential development ("Painted Hills PRD"). This letter is in response to the City of Spokane Valley's Determination of Significance For Revised Project Proposal and Request for Comments On Scope Of An Environmental Impact Statement dated October 26, 2018. I have reviewed numerous documents on the City's web site dedicated to this proposed development and have spoken with several of the City's staff. I appreciate the effort the City has put forth in the information provided to the public.

The Developer has submitted a revised SEPA received by the City on August 20, 2018. In addition, the developer submitted a Land Disturbance Permit Application dated August 17, 2018. The scope of work contained in the application calls for the movement of approximately 450,000 yards of material. Included in this disturbance is the import of approximately 330,000 yards of material.

The revised development plan does not alter the Proposed Residential Design of the placement of 580 dwelling units on the property that was submitted in 2015. Essentially unchanged. Therefore, all previous comments relative to the EIS scoping conducted in September of 2017 remain applicable as to the current proposal. I, therefore, refer to the September 21, 2017 Scoping Comment letter that I submitted to the City to consider in the scoping. In addition, please reference my recorded comments made at the Public Hearing held on September 25, 2017. Also, reference the Scoping Status Summary Document dated November 9, 2017 issued by the City. Contained, therein, is a Summary of comments received from September 8, 2017 through September 29, 2017. Again, all comments made as presented in those documents remain relevant to the current scoping request by the City. Some of which were omitted from the Scoping Status Summary Document.

What has changed is the developers plan to raise the existing grade of the site that sits within the FEMA designated floodplain one foot over the Base Elevation. As stated above, the developer intends to do so though a cut and fill plan and to file a CLOMAR-F. I have the following comments that I believe the City and developer need to address in the scope of the Environmental Impact Statement. These comments reflect the adverse impacts on the natural and human environment.

Due to the significant amount of fill that would be imported onto the site the number of haul trips by trucks will place a tremendous degree of wear and tear on the existing road infrastructure. Include in the scope of the EIS the mitigation and resultant cost and funding of road repair.

The haul trucks will create a vehicle traffic control problem and will impede the daily flow of vehicles. Include in the scope of the EIS the mitigation of this significant negative impact.

Hours of operation and road conditions can create additional hazards. Address in the scope the mitigation of this significant negative impact.

The flow of the haul trucks and the backup of traffic will impede the use of the roads by emergency vehicles (fire, medical, police) posing a delay in their response time. Include in the scope the mitigation of this significant negative impact.

In the event of an emergency evacuation of school children or current residents within the area vehicles will be exposed to the danger of the trucks on the roads and delays in leaving the area. Include in the scope the mitigation of this significant negative impact.

Significant dust will be created that poses not only a public nuisance, but also a public health hazard through the inhalation by individuals living in the area, pedestrians and school children. Include in the scope the mitigation of this significant negative impact.

Noise from the haul truck traffic, together with grading and other equipment on the site will be an unhealthy disturbance. Include in the scope the mitigation of this significant negative impact.

The haul trucks will create a danger to pedestrians, cyclists and other users of the roads. Include in the scope the mitigation of this significant negative impact.

The fill material will be coming from unknown sources. Address in the scope the mitigation of containments to ensure that none exist to protect the water quality being infiltrated into the Aquifer.

Raising the base flood elevation and the diversion of water through the proposed Flood Control plan will eliminate the Compensatory Water Storage Area. Address in the scope the negative impact it will have on the naturally occurring Critical Aquifer Recharge area.

A developer is proposing the build out 1200 apartment units south of 32<sup>nd</sup> Avenue. Address in the scope the negative impact this will have on University High School, Chester Elementary School and Horizon Junior High School. Refer to the letter received by the City from the school district that certain of these schools are at capacity and the comment that children from the proposed Painted Hills development will not be able to attend those schools. Include in the scope the mitigation of this cumulative negative impact.

A traffic scoping meeting was held on November 13, 2018, pertaining to the afore mentioned development. Include in the scope the added negative impact of traffic resulting from this new development.

The proposed Flood Control system includes as secondary or tertiary flood water control using existing culverts under Madison Rd. Include in the scope the mitigation of flood water encroaching upon properties adjacent to Madison Rd. Also, include the inability to divert the water from the West slope of the ridge to the East of the proposed development. Address in the scope the negative impact that flooding on those properties will have on existing drain fields and water wells.

The raising of the Base Flood Elevation does not eliminate the flood waters naturally occurring which has resulted in the breach of existing levees. It appears that the developer has proposed the cut and fill plan to eliminate or reduce the use of levees. In documents received through the City's web site, there are letters pertaining to such from WCE and a response letter from the City denying that the City would not allow the use of levees in the Flood Mitigation Control Plan. The DOE strongly discourages the use of levees which was sent to the City in an email. The Chester Creek levee has been breached in the past and unless maintained will do so again. Include in the scope the impact on the development when the levies are breached or fail as to the dispersion of the flood waters not containable by the box culvert system of transporting water into a pond and infiltrating such water into the Aquifer. Include the impact on the sufficiency of the Storm Water drainage control system when this occurs. Also, include the intent of the developer to fund ongoing maintenance and operation of the levee systems.

Chester Creek remains a fish bearing stream as designated by the DNR. The developer is attempting to remove that designation. That negative impact needs to be addressed in the scope.

The City's decision to require this EIS, in that the developer never responded to the first EIS and now with the cut and fill plan being proposed represents the assurance that the City is following a prudent process to protect our Natural and Human Environment.

If the proposed HOA fails financially (more likely than not) to sustain the operation and maintenance of all flood and storm drainage water control facilities and infrastructure include in the scope the party or parties to be responsible.

I strongly reiterate, that all scoping comments received by the City prior to the September 25, 2017, public hearing and those recorded during the public hearing, together with those contained in the SEPA Environmental Impact Statement Scoping Status Summary Document dated November 9, 2017 be included in the scope of the EIS we are now being asked to comment on.

Thank you for your consideration of these comments.

Very truly yours,



Daniel L. Pavelich

Cc: John Peterson

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