

**From:** Art Zack [mailto:artzack@gmail.com]  
**Sent:** Friday, November 16, 2018 12:26 AM  
**To:** Lori Barlow <lbarlow@spokanevalley.org>  
**Cc:** Arthur Zack <artzack@gmail.com>  
**Subject:** Painted Hills Development Comments on Scope of EIS

Dear Ms. Barlow --

I'm a long time Spokane Valley resident and property owner. I also live about one mile from this proposed project and frequently use the roads by it.

Attached you should find 2 copies of my letter about this project, addressing both what needs to be in the EIS, and the scope of the negative impact likely from this ill-advised project. For both the quality of our environment and the quality of our neighborhoods, this is the wrong project in the wrong place.

Please consider the contents of my letter in addressing this project. The 2 copies are identical, except one is a MS WORD document, and the other is copies as a pdf. Use whichever is easier for your purposes, but make sure these are included in the project record.

Please also note the request on page 1 of my letter to include in the Project Record 2 relevant articles and pictures from this week's Spokesman-Review newspaper.

Please keep me on the mailing list for this project and inform me about any developments related to it.

Thank you,

**Art Zack**

11715 E. Glenview Circle  
Spokane Valley, WA 99206  
November 15, 2018

Lori Barlow, AICP  
Senior Planner  
City of Spokane Valley  
10201 E. Sprague Ave.  
Spokane Valley, WA 99206

Re: **Comments on the Scope of an EIS for the proposed Painted Hills Planned Residential Development Project Re-submittal** (for the old golf course site):

PRD-2015-0001 Painted Hills PRD;  
SUB-2015-0001; FPD-2016-0007

Dear Ms. Barlow:

I'm been a Spokane Valley homeowner since 1978, and for the last 26 years have lived a little over one mile from this proposed development. My children attended two of the four public schools that would be negatively impacted by this development. During spring, summer, and fall I ride my bike past this location several times a week and am quite familiar with the area throughout the seasons.

I'm going to start out by asking you to include in the project record 2 items that appeared in the Spokesman-Review Newspaper over the last three days, and consider them in the EIS Analysis:

- 1) In the November 13, 2018 Spokesman-Review, on page 1 of the Northwest Section, there is a **photograph of flooded ground on the old Painted Hills Golf course as of March 2017**. As a regular user of this area, I can tell you that this picture is typical of what's seen here most spring seasons.
- 2) In the November 15, 2018 Spokesman-Review, on page 1 of the Valley Voice section there's an article on the Saltese Flats Wetlands Project. Barely 5 miles east of Painted Hills, Spokane County is taking a very different approach to the Saltese Flats wetlands – restoring wetlands and wildlife habitat, and turning this area into an outdoor classroom for our local school children. **I'm requesting that in this EIS, the City of Spokane Valley include an alternative that considers a similar approach for the Painted Hills site.**

I'm writing to express my strong opposition to this development, even as modified, for the following reasons. All these objections need to be analyzed in the EIS, and the results of that analysis made public:

- 1) Most of this area is both a FEMA special flood hazard area and large parts are clearly wetlands, with seasonal flooding a regular event. Most of the rest of the area has high water tables. The flood hazard cannot be mitigated sufficiently for this type of development. Attempts to channel the water out of this area are unlikely to be fully successful in wet years, creating enormous liability for the City of Spokane Valley for allowing this development. And even if they were successful some of the time, this would create new flooding downstream from this area, negatively impacting downstream home owners, and creating enormous liability for the City of Spokane Valley and its taxpayers. To address these problems, at a minimum the EIS must:
  - a. At a minimum, the EIS must analyze the amount of water coming into this site during 10, 20, 50, and 100 year flood events, and determine if developer's floodwater

structures are adequate to handle these amounts of inflow during a rapid flood event. With changing climate, “100 year” flood events in the northwest are occurring every few decades in many locations. It may be more appropriate to include a 200 year flood event for analysis.

- b. The EIS needs to include a risk analysis of the potential liability to the City of Spokane Valley and its taxpayers for allowing this development if the developer’s flood control structures prove inadequate.
  - c. Since this is an aquifer recharge area (for the sole source aquifer for the majority of the residents in the Spokane Valley), the EIS needs to include careful analysis of the impacts of the developer’s flood control structures and fill material on the quality of water going into the aquifer.
- 2) As a wetland, there are various protections required by federal law and EPA regulation, as well as state regulation. Have the relevant state and federal agencies been consulted and provided input for this project? That consultation and input from all government levels needs to be included in the EIS.
- a. Required Consultation with the Washington State Department of Ecology – their website states that “**The State’s wetland program goal is to achieve no overall net loss in the amount and function of Washington’s remaining wetlands.**” There is a process for wetland regulation and permitting. The State regional wetlands staff need to review projects, and projects need to go through “mitigation sequencing to avoid and minimize impacts . . .” The EIS needs to include the results from these required processes with the State Department of Ecology, and specifics about how the developer will comply with this, including the “no overall net loss” goal.
  - b. EPA, FEMA, and the Army Corp of Engineers all need to be consulted for projects that potentially impact flood zones and wetlands. The EIS need to include the results from these Federal consultations.
- 3) This is clearly a substantial part of the area where Chester Creek enters over the Spokane Valley aquifer, and this is an important aquifer recharge zone. The intensity of development that’s proposed here is likely to have significant negative effects o the water quality for all of us who depend on this aquifer.
- a. The Washington State Department of Ecology also administers Section 401 of the federal Clean Water Act, and projects must submit to conditions in the developed Section 401 water quality certification. The EIS needs to include the results from this State DOE 401 water quality certification, and stipulate how the developer will comply with this. This is especially important since this is an aquifer recharge zone for a sole source aquifer.
  - b. The revised proposal includes importing 330,000 cubic yards of fill materials. This is an enormous quantity of **fill material equal to a full size football field buried to a height of 155 feet.** This staggering amount of fill needs to be disclosed to the public in terms that the average person can understand. Since this is an aquifer recharge zone, the cleanliness and texture of the fill material is important to ensure aquifer water quality. The EIS needs to analyze the effects of this fill material on water quality, and to stipulate what the source of the fill material will be, and how it will be tested for water quality safety. **The EIS needs to make clear that the wetlands are being dealt with by essentially burying them.**

- 4) Given the presence of Chester Creek and its associated wetlands, the EIS needs to disclose if other state agencies including Washington Department of Fish and Game been consulted on and given approval for this project?
- There is a large redwing blackbird nesting area either within or right on the boundary of this area. There is potential habitat for amphibians and reptiles among other species within the project area. The Washington Department of Fish and Wildlife has lists of state endangered, threatened and sensitive species, and species of concern. The EIS needs to disclose if the proposed development site has been surveyed by a qualified wildlife biologist for these state listed species, how and when those surveys were carried out, and what the results of those surveys were.
  - The Washington Department of Fish and Wildlife has lists of priority habitats. The EIS need to disclose if the proposed development project area been analyzed for the presence of these priority habitats, and what protective measures will be taken.
  - The developer simply stating that the project will include a wildlife habitat corridor and 30 acres of green space is totally meaningless. To know if an area will function as a wildlife habitat corridor, the location and configuration of the corridor needs to be carefully specified. The EIS needs to disclose these location and configuration specifics and analyze if they will provide a **functional** wildlife corridor, and for what species. Likewise, for green space to be functional for human uses, its location and configuration needs to be specified, analyzed for human uses and disclosed in the EIS.
- 5) Madison Road is still the two lane road that would provide the main access to and from this revised proposed 580 residence development and the major parts of Spokane Valley. Thorp Road is only a short connector, and then dumps traffic out on either Madison or Dishman-Mica. Dishman-Mica Road is a busy highway, difficult to turn on to, and leads away from many Valley retail areas. So Madison Road will still get most of the traffic. There is an Elementary School and a Middle School within ¼ mile of this project, along Madison Road. Less than 1/2 mile up this road is University High School. And less than ½ mile further up this road (*Madison becomes Pines Road*) there is South Pines Elementary School. The majority of the children attending these four schools either have to cross Madison or Pines Roads, and/or walk along these roads to reach the school. This huge development is clearly a significant safety hazard to these school children. The EIS needs to analyze these hazards to our school children and do a risk analysis of the likely impacts in terms of accidents and injuries given the increased traffic levels.
- 6) The Draft Purpose and Need Statement for this project states that: *“The purpose of the proposed action is to relieve the under-supply of housing in the Spokane Valley . . .”* If this was true, the Painted Hills proposal would be only one of many alternatives considered to address housing. Instead, it’s the single thing addressed, as if there was no other possible way to address housing needs. The EIS needs to disclose if any other ways to address Spokane Valley housing needs were considered, and how those alternatives compare in their environmental impacts.
- 7) The Draft Purpose and Need Statement for this project goes on to state that: *“The proposed development site is one of the largest contiguously owned buildable tracts of residential land in the Spokane Valley . . .”* This statement demonstrates that the entire analysis process is biased towards favoring massive building development here. Many people are contesting whether this is in fact a suitable building tract. Given the FEMA flood zone, wetlands, aquifer recharge zone,

wildlife habitat, and inevitable impacts on surrounding neighborhoods and school children, the primary purpose of the EIS needs to be determining if this area is suitable for massive building development.

In summary, this revised proposed development would generate flood hazards (already identified by FEMA) for residents and liability for the City of Spokane Valley and its taxpayers. The revised project design seems inadequate to address those flood hazards, and may even exacerbate them. These flood zone impacts need to be analyzed and disclosed in the EIS, as specified above in this letter.

The revised project would do even more to remove wetlands that should be and probably are protected by law and regulation. Results of wetland consultations with the Washington State Department of Ecology and the relevant federal agencies needs to be disclosed and analyzed in the EIS.

The revised proposal would negatively impact wildlife using those wetlands. It would negatively impact the Spokane Valley aquifer. It would create a significant safety hazard to children attending four nearby schools. It would jam up nearby roads and intersections that are clearly incapable of handling the volume of traffic that would be generated, and create hazards for current residents. All these likely impacts need to be disclosed, analyzed, and addressed in the EIS.

**This proposed development is the wrong action in the wrong place, and I am strongly opposed to it.**

Please make sure I'm on the mailing list for the EIS that's evaluating this revised proposed development, and keep me informed about anything happening relating to this development.

Thank you,

*Arthur C. Zack*, Ph.D.