



BRICKLIN & NEWMAN LLP
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Reply to: Seattle Office

November 16, 2018

VIA E-MAIL TO lbarlow@spokanevalleye.org

Lori Barlow
Spokane Valley Building Dept.
11707 E. Sprague Ave., Suite 106,
Spokane Valley, WA 99206

Dear Ms. Barlow:

I am writing on behalf of the Painted Hills Preservation Association to provide scoping comments on the updated Determination of Significance for the Painted Hills planned residential development (“Painted Hills PRD”) issued on October 26, 2018. Please incorporate by reference my previous scoping comment letter, submitted to the Spokane Valley Building Department on September 29, 2017, as many of the significant environmental issues remain after the applicant’s revised proposal.

The significant environmental consequences and difficulty in implementing the applicant’s proposed project have become clearly apparent. While we appreciate the applicant’s willingness to explore new options, the underlying issue still remains: this large residential development is proposed to be built in a recognized floodplain that is frequently inundated with water. After being forced to acknowledge that revising the floodplain map by utilizing levees would not work, the applicant is now proposing another wildly impractical solution: raising the entire gradient of the area with approximately 450,000 cubic yards of material. This new so-called “solution” will cause a host of new significant environmental consequences, and the Environmental Impact Statement must analyze these new issues.

I. Traffic Issues Associated with Hauling of Fill

The proposal to haul in and deposit over 300,000 cubic yards of fill will cause significant traffic issues along the existing traffic infrastructure. The revised Determination of Significance states that “up to 330,000 cubic yards of import material” will be brought onto the site, with “movement of up to 450,000 cubic yards of material.” At the outset, it is important to acknowledge that this number is merely a guess. Various factors, such as erosion, compaction, loss of fill material in transit, and the nature of heavy construction activities could mean that a significantly higher amount of fill is necessary to complete the proposed project.

Hauling 330,000 cubic yards of fill will result in a massive number of dump truck trips. The average dump truck can carry between 10 to 14 cubic yards of material.¹ Accordingly, the applicant's proposal will result in at least 23,500 to 33,000 round-trip dump truck visits to the site to provide the necessary fill. This figure does not include the heavy machinery that will be necessary to complete any on-site grading, and as noted above, it is entirely reasonable to assume that additional fill might be needed.

The Painted Hills Preservation Association has already documented how the traffic impacts from this proposal will cause significant adverse impacts, and it has already pointed out the many flaws and shortcomings of the applicant's previous traffic impact studies. Adding over 30,000 dump trucks is akin to throwing gasoline on the fire, and this proposal will only make the traffic impacts worse. It is not yet clear what routes the dump trucks will need to take to obtain the fill, but regardless of the route, there will be significant adverse environmental consequences caused through the traffic impacts. Not only will traffic be ensnared by an influx of large dump trucks, but pedestrians (especially children at the nearby schools) and bicyclists will be placed in danger by the large influx of dump trucks. Dishman Mica Road, which runs adjacent to the property, is popular with cyclists, and the road has already seen fatal collisions.² Adding large dump trucks will only increase the danger for human health and safety.

The influx of heavy equipment will also cause significant damage to the existing road infrastructure. Quite simply, the road system in the area is not designed for frequent heavy truck traffic. The significant environmental impacts to the existing infrastructure must be fully evaluated in the EIS.

II. The Effectiveness of Using Massive Amounts of Fill Material Must be Analyzed.

The applicant is proposing to utilize a staggering amount of fill to raise the gradient of the land to avoid floodwaters. Moving over 450,000 cubic yards of fill is a massive earthmoving project, and it inherently comes with risks and environmental consequences. The EIS must fully analyze all of the environmental consequences that can arise.

To put the scale of the amount of fill that the applicant is proposing to use in perspective, 450,000 cubic yards is nine-and-a-half times as big as the U.S. Capitol Rotunda; five-and-a-half times as big as the iconic Spaceship Earth sphere at the Walt Disney EPCOT Center; three-tenths as big as the Houston Astrodome, and about one-tenth as big as the Great Pyramid at Giza.³ Not only is the applicant proposing to move huge quantities of fill, the applicant is also proposing to place a large residential development on top, with the hope that raising the elevation of the land will prevent the flooding that frequently occurs in the area. The EIS must analyze the feasibility of moving such

¹ <https://www.earthhaulers.com/how-much-dirt-can-a-dump-truck-carry/>

<https://www.coopskw.com/learn-much-dirt-can-carry-kenworth-dump-trucks/>

² <http://www.spokesman.com/stories/2017/may/23/bicyclist-who-was-struck-by-minivan-south-of-spoka/>

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large quantities of earth, the stability of the fill, the fill's ability to withstand frequent flooding, and the ability of the fill to support a massive residential development.

It is also unclear where the applicant proposes to obtain such large quantities of fill. Wherever the applicant intends to obtain fill from, the possibility of soil contamination must be adequately analyzed and disclosed.

III. The Effectiveness of the Proposed Flood Control Measures Must Be Analyzed.

The underlying problem of controlling flood waters must be analyzed and disclosed, and it is imperative that the analysis covers not just the subject property but also surrounding properties and areas downstream in the Chester Creek watershed. Obviously, the applicant's proposal does not remove the water — rather, it is an effort to displace the floodwaters to another location. The environmental consequences of removing compensatory floodplains must be fully analyzed.

The effectiveness of the proposed flood control measures must also be analyzed for the proposed PRD. It is imperative that the EIS analyze whether the massive quantities of fill can stand up to repeated flooding and whether the flood control measures will be effective in preventing flooding from occurring within the Painted Hills PRD and the surrounding residences. The applicant is proposing a geoengineering project of extraordinary scope and scale — the environmental consequences of this project must be fully analyzed before it is implemented.

Finally, the same concerns outlined in the September 29, 2017 letter still remain. The EIS must address the significant adverse environmental impacts identified within that letter, as well.

IV. The EIS Must Consider Adequate Alternatives

Painted Hills Preservation Association's September 29, 2017 scoping letter discussed the need for reasonable alternatives at length. It is imperative that reasonable alternatives that can meet the purpose and need of the project are analyzed within the EIS. In the draft purpose and need statement produced on the City's project website, it states that the project is needed to fulfill the purpose of housing. However, the purpose and need of this project is not defined so narrowly as to require the City to consider only alternatives that squeeze the most units possible onto the property. The City must consider alternatives that do not require a floodplain map revision and the massive quantities of fill necessary to obtain a floodplain map revision. To not consider alternatives that avoid revising the floodplain map would not only be irresponsible, it would not meet the purpose of an EIS to consider "reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality." WAC 197-11-400(2). There are alternatives available that would avoid the need for floodplain alteration — Painted Hills Preservation Association has submitted one such alternative — and the City must consider this type of alternative within the EIS.

V. Conclusion

Painted Hills Preservation Association appreciates the opportunity to provide comments and work with the City to help make a fully informed decision that is right for the community and the environment. However, it is troubling that the City's Painted Hills website page contains documents from a "DEIS Coordination and Kickoff Meeting" that already included a draft table of contents and draft purpose and need statement. The City should allow the scoping process to play out fully to give the public the opportunity to help shape the direction of the EIS, as provided in WAC 197-11-408, rather than holding a "Kickoff Meeting" two weeks before the scoping comment period closes. Again, please incorporate by reference the scoping comments submitted on September 29, 2017. Thank you for your consideration of these comments.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in cursive script that reads "Jacob Brooks".

Jacob Brooks

JB:psc

cc: Clients