

From: [Arleen Fisher](#)
To: [Lori Barlow](#)
Subject: Painted Hills Sub-2015-0001 / PRD-2015-0001 / FPD-2016-0007-Issuance 10/26/18
Date: Friday, November 16, 2018 4:46:56 PM
Attachments: [NPIF section60_3.pdf](#)
[2012 Stormwater Management Program \(PDF\).pdf](#)
[2017-04-07 Disaster Request Letter.pdf](#)
[Photolog.pdf](#)
[Vicinity Maps and Photos 2013 Stormwater Grant Request.pdf](#)
[Painted Hills Golf Course 1948-50.doc](#)

November 16, 2018

Please admit my prior comments, documents, images, and attachment on this proposed development:

PC179 dated 09-20-2015, PC222 dated 10-05-2015, PC300 & PC316 dated 09-29-2017. Add all the Flood Events from the City of Spokane Valley's Painted Hills "other watershed documents" website, especially the 1996 flooding for the record.

Painted Hills is an environmentally sensitive areas & critical areas: wildlife, wildlife corridors, high rated Spokane-Rathdrum aquifer recharge area, floodplains, floodways, stormwater issues, road flooding issues.

Adding fill to this site would create several upstream and downstream flooding problems and create millions of dollars of property damage to homes. It would also create problems in the area on 40th Avenue where the developer plans stormwater mitigation.

SEPA Checklist SVMC 21.20 Received by City of Spokane Valley on 08/20/2018.

Please review

A: Background #11 Gustin Property parcel number in NOT 45343.9052

B: Environmental Elements #3 Water

The projects engineer has specified that it is not fish bearing.

Other professional engineers have documented the fish in Chester Creek during other projects. This area contains surface water, floodplains, floodways. A development directly south of the Painted Hills golf course property have found fish in their stormwater/floodwater mechanisms. They are not allowed to clean out the silt out of their stormwater mechanisms due to the Fish, until the Washington DNR – verifies the find.

Stream designation F should remain in place until the Washington DNR has verified and a proper Watershed Study is completed on all portions or Chester Creek, including Gustin Ditch, and all Chester Creek Unnamed tributaries to assess where these fish come from. When reviewing the Spokane County Flood Insurance Study information, you can see how much area Chester Creek covers. Examples attached in various area's and coming from different mountains and higher elevations. I would not think that the DNR would allow fish to be injected into wells, as they might be a protected bull trout species.

Per Spokane Regional Stormwater Manual 7.5.2

Setbacks

I did not see a “**call out**” in any of developer’s documentation for any other property owners private wells and septic/drain fields. Several residents live in a very close proximity, sometimes just across the street of the proposed development. With many planned changes to stormwater drainage, roads, and cut and fill raising elevations, this should be a requirement. Every aspect of the Spokane Regional Stormwater Manual should be followed for this developments scope.

Per FEMA, once your community adopts its floodway (of which this development has two floodways on the site, plus two that come from HWY27, traveling west towards 40th Avenue where the developer plans to transfer compensatory stormwater and floodwater), you must fulfill requirements of 44 CFR 60.3(d). The key concern is that each project proposed in the floodway must receive an encroachment review, i.e., an analysis to determine if the project will increase flood heights. You may also want to require that this review determine if the project will cause increased flooding downstream. Note that the regulations call for preventing ANY increase in flood heights. This doesn’t mean you can allow a foot or a tenth of a foot – it means zero increase. If you do not limit the increase to zero, small increases in flood heights from individual developments will cumulatively have significant impacts on flood stages and flood damages. Under NFIP minimum requirements, it is assumed that there will be no cumulative effects since the permissible rise for any single encroachment is zero. Therefore, “no-rise” certification a documentation should be made to every single homeowner in four square miles of this proposed development.

After altering a watercourse, the developer has created an artificial situation and must assume responsibility for maintaining the capacity of the modified channel in the future. Otherwise, flooding is likely to increase as the channel silts in, meanders or tries to go back to its old location.

Restrictive Regulation of High-Risk Areas

May a government unit adopt tight regulations for high risk areas, such as floodways and velocity zones and dunes, to implement a no adverse impact standard?

Courts have upheld very restrictive regulations for high risk areas even when there were few

economic uses for the lands because of the potential nuisance impacts of activities in these areas

and because of public trust and public ownership issues.

As an alternative to this highly sensitive area, I would recommend open spaces to meet ecotourism, recreation, and other activities that do not harm the environment. The City of Spokane Valley and Spokane County should seek assistance to purchase the property as a critically environmental floodplain and compensatory flood basin as it’s in the WRIA 57 basin. Possibly do an inter-agency Watershed study and get long-term gage records for Chester Creek. The last Water shed study proposal was done by the Spokane County is 1998. This could be joint effort between the City, County, State Agencies, and Federal Agencies. Chester Creek and the associated tributaries produces to much water and flooding events to ignore any longer. And putting fill and covering so much of the property with hardscape will only exacerbate the problems.

Spokesman Review Article dated Aug 31, 1996 in Part:

Citizens Panel Looks At Methods To Control Chester Creek Floods
Story By [Brian Coddington](#)

Lifetime Chester resident Sally Gerimonte remembers the spring of 1950, when what is now Painted Hills Golf Course was completely under water. Gerimonte, 61, also recalls spring runoff flooding the road leading to the original Chester Elementary. "We used to have to walk through water to get to school," she said.

This article was published after the County Golf Courses received FEMA disaster funds in 1996 for flood recovery to two golf courses. Whereas, Mr Senske states in the article who owned the Painted Hills Golf Course at that time declined government assistance to replace damage to the courses bridge.

Attachments:

Thank you for your time and consideration,
Arleen & David Fisher
6121 S Zuni Dr (Painted Hills 6th Addition)
Spokane, WA 99206