

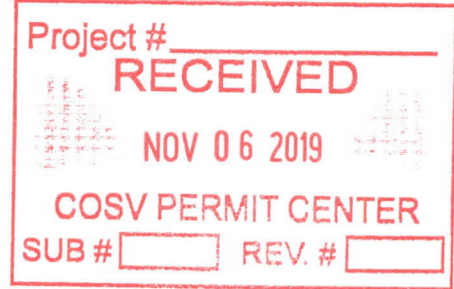


Whipple Consulting Engineers, Inc.

November 6, 2019  
WCE No. 13-1166

City of Spokane Valley  
Development Engineering  
10210 E Sprague Avenue  
Spokane Valley, WA 99206

Attn: Lori Barlow, AICP  
Senior Planner



Re: **Painted Hills**  
**Review of the Draft EIS, City Comment Letter dated September 19, 2019**  
**Initial Response Letter**  
**Alternatives Assessment / Purpose**

Dear Ms. Barlow,

This is the first response to your letter. All other aspects not being responded to in this submittal are underway and pending direction from the City as it relates to various aspects of the Flood Hazard Management comments, particularly those comments from Stantec related to discharge rates as well as other aspects requested.

**Alternative Assessment, Response**

A review of WAC 197-11-440(5)b and 197-11-786 as well as the entirety of the Washington State SEPA code codified in WAC 197-11 we offer the following:

The pertinent section of WAC 197-11-440(5)b is underlined below, as excerpted from the WAC.

**WAC 197-11-440**

**EIS contents. ...**

**(5) Alternatives including the proposed action.**

(a) This section of the EIS describes and presents the proposal (or preferred alternative, if one or more exists) and alternative courses of action.

(b) Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.

(i) The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

(ii) The "no-action" alternative shall be evaluated and compared to other alternatives.

(iii) Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

(c) This section of the EIS shall:

(i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives. Include the proposed action, including mitigation measures that are part of the proposal.

(ii) Describe the location of the alternatives including the proposed action, so that a lay person can understand it. Include a map, street address, if any, and legal description (unless long or in metes and bounds).

(iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals, if known.

(iv) Tailor the level of detail of descriptions to the significance of environmental impacts. The lead agency should retain any detailed engineering drawings and technical data, that have been submitted, in agency files and make them available on request.

(v) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One alternative (including the proposed action) may be used as a benchmark for comparing alternatives. The EIS may indicate the main reasons for eliminating alternatives from detailed study.

(vi) Present a comparison of the environmental impacts of the reasonable alternatives and include the no action alternative. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation, may be discussed.

(vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(d) When a proposal is for a private project on a specific site, the lead agency shall be required to evaluate only the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. This subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan that was adopted after review under SEPA. Further, alternative sites may be evaluated if other locations for the type of proposed use have not been included or considered in existing planning or zoning documents.

#### **WAC 197-11-786**

##### **Reasonable alternative.**

"Reasonable alternative" means an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. (See WAC [197-11-440\(5\)](#) and [197-11-660](#).) Also see the definition of "scope" for the three types of alternatives to be analyzed in EISs (WAC [197-11-792](#)).



While we have tried numerous times to meet with representatives from the City regarding this request for the 4<sup>th</sup> Alternative, this meeting has not occurred. Therefore, we have none the less have tried to present an alternative that we believe meets the objectives of the request for an additional alternative. Having reviewed the pertinent sections provided above and not withstanding the no-action alternative we reviewed a copy of an alternative provided to the City by anticipated opponents of this project. That work product was prepared for the opponents by a planning firm or planning individual and generally left the property intact and undeveloped and tried to develop only that portion of the property that was outside the flood plain proper. To that end, we have left an area of nearly 30 acres open that would essentially be open space. This area would be graded to store and discharge the flood waters that are the essential part of this project.

This option is not a preferred option and other than minimizing the flood work required from the preferred proposal limits the applicant's enjoyment and fulfilment for developing the property as allowed under City Code to its highest and best use as under City code there is no diminishment of development activity as long as mitigating measures can adequately and reasonably be provided. Additionally, we believe that this option takes away the developers right to modify flood plains as developers on similar developments have been allowed to do to maximize the development potential of their properties with no risk to the public. We do not believe that it is unreasonable to substantially modify a flood plain to facilitate land development within the Urban Growth Boundary. To the contrary we believe that GMA, the City's planning documents and FEMA fully expect flood plains to be modified to meet the needs of the public whether that be for housing, retail and commercial or entertainment purposes.

Per WAC 197-11-440(5)d, we do not believe as a private project that this 4<sup>th</sup> alternative meets the goals and objective for private development on this site.

None the less, we present you with this 4<sup>th</sup> Alternative. Highlights of this proposal are noted below:

- Proposes to leave a 30-acre tract of open space for flood plain retention and discharge.
- Proposes to excavate the 30 acres to a depth between 5 and 8 feet to store and discharge the flood volume.
- Proposes the same or nearly the same headworks on Thorpe for the capture of the flood event and discharges this to the 30-acre tract via either piping or ditching
- Proposes to fill the lots to 1 foot above the resulting BFE by using the spoils from the excavation for this purpose.
- Proposes 258 residential lots in the R3 zone, as flood plains or flood area are not allowed under current City Code to be used for PRD processes, therefore, this would be a standard long plat with flood modifications, lowering the gross density to about 2.6 units per acre.
- Proposes most if not all of the frontage improvements on Dishman Mica, Thorpe and Madison Roads, however, the Madison Road frontages would most likely not include the additional 30 feet of open space as the flood conveyance pipes would be relocated
- The Proposals Traffic impacts would be less scalable per the accepted traffic study.

- All other aspects of the Proposal should be less and scalable.
- It would be the intent of this Proposal to continue to use the Triangle property Lot 242 to remove the flood plain emanating from the culvert under the WSDOT Hwy 27 Right of Way.
- Proposal will be evaluated as required by the City when compared to the other no-preferred options.

**Purpose, Response/Query**

In response to this portion of your letter we offer the following;

At no time did we, the Applicant, discuss delaying the FEMA process until after the completion of the EIS process as you have now indicated. To the contrary, we have been working with City Staff to complete the FEMA work independently, concurrently and complementary as a precursor to the EIS process.

If after you review this response you would like to meet or have a conference call, do not hesitate to email [toddw@whipplece.com](mailto:toddw@whipplece.com) or call at (509) 893-2617.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd R. Whipple". The signature is stylized with a large, sweeping flourish at the end.

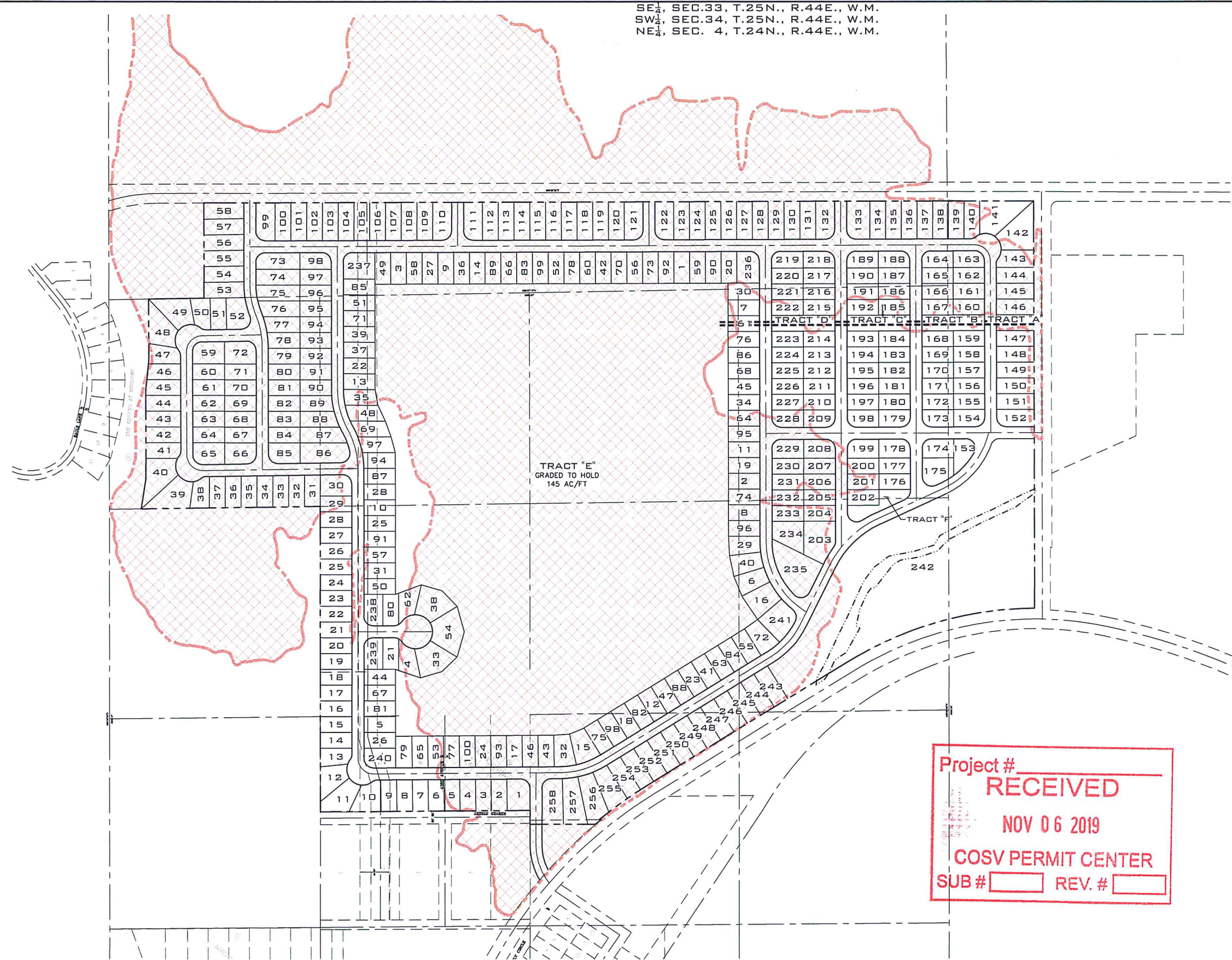
Todd R. Whipple, PE  
President

Enclosures:

Cc: Owner  
Read Stapleton, DOWL  
Nathan Smith JD, Kutak Rock, Attorneys  
File

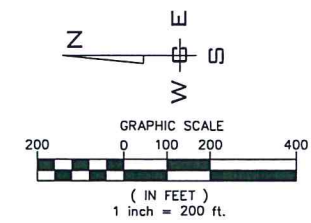


SE 1/4, SEC. 33, T. 25N., R. 44E., W.M.  
 SW 1/4, SEC. 34, T. 25N., R. 44E., W.M.  
 NE 1/4, SEC. 4, T. 24N., R. 44E., W.M.



SITE DATA TABLE	
PARCEL NUMBERS	45336.9191, 45334.0106, 45334.0108, 45334.0109, 45334.0110, 45334.0113, 45334.0114, 45334.9135, 44041.9144
EXISTING ZONING	R-3
ALLOWABLE DENSITY (bu/ac)	597.00
	SF AC
PROJECT AREA	4,334,236.86 99.50
RIGHT OF WAY AREA	1,054,916.81 24.22
OCCUPANCY	SINGLE FAMILY
NUMBER OF LOTS	258
NUMBER OF TRACTS	6
REMAINDER LOTS	0
	SF AC
TOTAL RESIDENTIAL LOT AREA	1,807,716.80 41.50
TOTAL TRACT AREA	1,471,603.25 33.78
REMAINDER LOT AREA	0.00 0.00
MAXIMUM LOT AREA	309,737.18 7.11
MINIMUM LOT AREA	5,000.00 0.11
AVERAGE LOT AREA	157,368.59 3.61
DESIGN DENSITY (unit/ac)	6.22
DOMESTIC WATER	SPOKANE COUNTY WATER DIST #3
SANITARY SEWER DISPOSAL	SPOKANE COUNTY UTILITIES
FIRE DEPARTMENT	SPOKANE VALLEY FIRE

Project #  
**RECEIVED**  
 NOV 06 2019  
 COSV PERMIT CENTER  
 SUB #  REV. #



DATUM: NAVD - 88  
 TBM S-5 OF THE SOUTH PONDEROSA SEWER PROJECT  
 WITH AN ELEVATION OF 2005.87 (NAVD29) - 2009.67  
 (NAVD88) WAS USED FOR THE VERTICAL DATUM FOR THIS  
 MAP.

NO.	DATE	BY	REVISIONS

**SCALE:**  
 HORIZONTAL:  
 1"=60'  
 VERTICAL:  
 N/A

PROJ #: 13-1166  
 DATE: 11/01/19  
 DRAWN: SLS  
 REVIEWED: TRW

**WCE**  
 WHIPPLE CONSULTING ENGINEERS  
 2528 NORTH SULLIVAN ROAD  
 SPOKANE VALLEY, WA 99216  
 PH. 509-893-2617 FAX. 509-926-0227

**PAINTED HILLS  
 SINGLE FAMILY LOT LAYOUT  
 DISHMAN-MICA RD.  
 SPOKANE VALLEY, WA**

**SHEET  
 1 OF 1**  
 JOB NUMBER  
**13-1166**