

From: anderson9200@comcast.net
To: [Evan Maxim](#)
Cc: [Kari Sand](#)
Subject: Treehouse -- failure to provide analyses
Date: Friday, March 15, 2019 3:24:36 PM

Dear Mr. Maxim,

Before leaving on my trip tomorrow morning, I want to raise one point which will be included in greater depth in a letter to be sent upon my return in a week and a half. That letter will also include other points. The point that I wish to raise now is the continuing failure of Treehouse to provide an analysis relating to the potential long term hazard to upstream and downstream landowners. Rather Treehouse and its experts simply state conclusions in this regard.

Appellant's [Treehouse's] Closing Argument before the hearing examiner discusses at pages 16-17 the concerns of the upslope and downstream neighbors. In the Argument, counsel for Treehouse stated that the various reports concluded that the proposed construction would have no adverse effect on slope stability. He also referred to the testimony by Mr. Chang at the hearing that the proposal, if anything, would provide greater stability to the upslope homes. With respect to the downstream neighbors, counsel for Treehouse refers to the Triad report for the conclusion that the recommended flow control measures would minimize the downstream drainage problems.

As you know, the hearing examiner remanded the Treehouse application for several reasons. The hearing examiner found at pages 4-5 of his decision that Treehouse had failed "to provide an analysis of 'potential adverse impacts to adjacent and down-current properties.'" Clearly, the hearing examiner found that the existing record was inadequate in this regard and that the conclusions stated by Treehouse's experts were not sufficient. Rather, an "analysis" was required.

Since that time, Treehouse has not provided an analysis. It has simply recited information that was already in the record before the hearing examiner and stated the same type of conclusions made at the hearing. To the best of my knowledge, the experts have made no new studies or gather new empirical data. They have not walked the downstream watercourse to examine the erosion there. They have not stepped foot on the steep slopes outside of the Treehouse property. They have done no new tests.

For example, if one looks at the GEO Group letter of May 3, 2017, there is nothing new that was not in the record before the hearing examiner. The letter really boils down to six short sentences (see page 3) of which two are conclusions. If a customer commissioned an engineering firm to do an analysis on an engineering issue that was of great importance to the customer and received six short sentences, it would be a joke.

The March 23, 2018 memorandum from Core Design discusses the downstream effect during the construction period, but only has one conclusory sentence with respect to the period after that. It states: "The proposed project is unlikely to impact siltation or flooding in the watercourse in the permanent condition." There is no analysis here. Furthermore, it refers to siltation or flooding, but makes no reference to the serious problem of erosion which is of great concern to the neighbors. In addition, the use of the word "unlikely" hardly gives much comfort. It clearly indicates that it is possible that it will result in an impact. One can imagine a customer's reaction if the safety certificate on an electric range certified that the range was "unlikely" to produce fires. The Core Design memorandum does refer to the revised report by Sewall, dated March 8, 2018, but the Sewall report provides for no discussion or analysis with respect to the impact on the downstream properties. In fact, the downstream situation is not even mentioned or

alluded to in the revised report.

With respect to the Triad letter of January 9, 2018, this letter essentially states that Triad has already answered all of the questions in its earlier downstream report. However, the earlier Triad report was an exhibit at the hearing, and the remand order shows that the hearing examiner did not consider this report to be sufficient.

In this regard, it should be remembered that the applicant has the burden of proof with respect to establishing safety and other elements required for a reasonable use exemption.

This is essentially a preview of one of the points that I intend to raise on my return. I believe that my son David Anderson will also be communicating with you. As a civil engineer, he may be able to affirm that a few conclusory sentences do not constitute an "analysis" from an engineering perspective. Thank you for your consideration. Peter M. Anderson