

BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the Appeal of) No. APL LAND-2019-00814
)
)
Rory and Donna Veal)
)
Of the October 17, 2019) **APPELLANTS' WITNESS AND**
) **EXHIBIT LISTS**
Administrative Decision file number)
LAND-2019-00814 regarding their Real)
Property known as)
Tax Parcel Number 352605-9123)

In accordance with the Hearing Examiner's Order Setting Hearing and Pre-
Hearing Schedule, Appellants Rory and Donna Veal submit the following preliminary
lists of witnesses and exhibits. Appellants reserve the right to amend, refine, or expand
their list as they develop their claims and following submittal of the City's lists.

Appellants' witness list is set forth below. If, for any reason, any of the listed
witnesses becomes unavailable for hearing, Appellants reserve the right to substitute
another witness with similar qualifications, expertise, or familiarity with the issue on
review. Additionally, Appellants reserve the right to call rebuttal fact and/or expert
witnesses who are not listed below and to call as a witness any of the witnesses listed by
the City. Any of the witnesses identified may be contacted through Appellants' counsel.

1. **Brian Collins.** Mr. Collins is an expert in geology and fluvial geomorphology. He made field visits to the subject property; reviewed available aerial imagery, digital topography, and other relevant geospatial data; and reviewed historical information and studies pertaining to the subject channel. He may be called to provide fact and expert testimony regarding the geomorphological formation of the subject channel on the property.

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- 2. **Bruce Dodds.** Mr. Dodds, Dodds Consulting Engineering, Inc., is a professional civil engineer and land surveyor licensed in the state of Washington for 45 years. Mr. Dodds inspected the subject property and surrounding areas and evaluated and reviewed historic photos, plans, and records. Mr. Dodds may be called to provide expert testimony regarding the development and design of SR-202 (Redmond-Woodinville Road NE) and the nature of the drainage system and drainage discharges under SR-202.
- 3. **Terry Curtis.** Mr. Curtis is an expert in the interpretation of aerial photography, the extraction and compilation of photogrammetric data from aerial photographs, and the production of maps and exhibits derived from aerial photography. Mr. Curtis examined and analyzed aerial photography covering the subject property. Mr. Curtis may be called to provide expert testimony regarding the photographic evidence of the presence or absence of a channel on the subject parcel.
- 4. **Rory Veal.** Mr. Veal and his wife, Donna Veal, are the Appellants. The Veals own the subject property and reside on the adjacent property. Mr. Veal has first-hand knowledge of the conditions of the property dating back to 1984 and the development and regulation of the subject property and surrounding areas. Mr. Veal may be called to provide fact testimony regarding the condition of the property, his personal observations thereof, and the development and regulation of the subject property and surrounding areas.

Appellants designate the following list of exhibits. Appellants reserve the right to: (1) offer any exhibit identified by the City; (2) offer any rebuttal exhibits or other exhibits not listed below as allowed by the Hearing Examiner; and (3) offer illustrative exhibits.

- 1. Washington State Office of Community Development, Appendix A, Example Code Provisions for Designating and Protecting Critical Areas.
- 2. Excerpt from Redmond Planning Commission Minutes (Jan. 19, 2005).
- 3. City Review of Stream Assessment Report, to Mr. Rory Veal from Emily Flanagan (May 8, 2018).
- 4. Letter from Van Ness Feldman LLP to Erika Vandenbrande, City of Redmond Development Services, Re: Request for Administrative Interpretation (Aug 19, 2019).
- 5. City of Redmond, Stormwater Utility, <https://www.redmond.gov/392/Stormwater-Utility> (last accessed Jan. 10, 2020).
- 6. Declaration of Rory Veal (Aug. 12, 2019).
- 7. Brian Collins, Geomorphological Assessment of Watercourse on Rory and Donna Veal Property (Parcel 3526059123) in City of Redmond, WA (Jan. 2020) (“Collins Report”).

- 1 8. Dodds Consulting Engineers, Inc., History of Surface Water Drainage through
- 2 WSDOT SP202 Culvert @ Station 71+70 (Aug. 16, 2019) (“Dodds Report”).
- 3 9. Report of Terry A. Curtis, Certified Photogrammetrist (Jan. 24, 2020) (“Curtis
- 4 Report”).
- 5 10. Keith Litchfield, P.E., Revised Drainage Calculations, File No. PL90-06 (Dec.
- 6 11, 1995) (“Litchfield Report”).
- 7 11. Keith Litchfield, P.E., Drainage Report Redwood Manor (Mar. 1994).
- 8 12. Redwood Manor Grading and Drainage Plan (July 1, 1999) (Annotated).
- 9 13. Ed McCarthy, Veal Residence – Hydrology Assessment, 9859 Woodinville-
- 10 Redmond Road NE (Aug. 11, 2015) (“McCarthy 2015 Report”).
- 11 14. Ed McCarthy, Veal Residence – Hydrology Assessment – Basin D, 9859
- 12 Woodinville-Redmond Road NE (Jan. 20, 2020) (“McCarthy 2020 Report”).
- 13 15. Beaver Creek Environmental Services, Stream Assessment Report, Parcel
- 14 #3526059123 (Sept. 22, 2017).
- 15 16. Beaver Creek Environmental Services, Wetland Evaluation & Delineation
- 16 Report, Parcels # 3526059123 & 0225059135 (Nov. 10, 2017).
- 17 17. Terra Associates, Inc., Preliminary Report Wetland Evaluation Riverpoint
- 18 Project, Redmond, Washington (June 26, 1996).
- 19 18. Affidavit of Ronald D. Kluger (July 8, 2019).
- 20 19. City of Redmond, Lot Line Adjustment No. LLR 97-003 (May 24, 1997).
- 21 20. City of Redmond, Technical Committee Report, to Planning Commission from
- 22 Technical Committee, re: LAND-20165-01851; SEPA-2015-01852 (Oct. 23,
- 23 2015).
- 24 21. City of Redmond, Planning Commission Report, to City Council from Planning
- 25 Commission (Dec. 2, 2015).
22. City of Redmond, Stream Classification Map (1993).
23. City of Redmond, Sensitive Areas Map: Streams (1997).
24. 2016 stream classification and map.
25. Geotech Consultants, Geotechnical Engineering Study (Apr. 8, 1991).
26. Herrera Environmental Consultants, Inc., Field Measurements Figure (undated;
- provided by e-mail from James Haney to Jenna Mandell-Rice on Jan. 7, 2020).
27. Aerial Photograph (zoom 5) (July 7, 1959).
28. Aerial Photograph (zoom 7) (July 7, 1959).
29. Photograph taken from SR-202, facing west toward subject parcel, Paramtetric
- (1994).
30. Aerial Photograph, King County (1935).
31. Aerial Photograph, King County (1936).

APPELLANTS' WITNESS
AND EXHIBIT LISTS - 3

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**Van Ness
Feldman** LLP
719 Second Avenue Suite 1150
Seattle, WA 98104
(206) 623-9372

- 1 32. Aerial Photograph, Army Map Service (1942).
- 2 33. Aerial Photograph, U.S. Geological Survey (1952).
- 3 34. Aerial Photograph, King County Map Vault (1954).
- 4 35. Aerial Photograph, Washington Department of Transportation (1959).
- 5 36. Aerial Photograph, Washington Department of Natural Resources (Carl Berry
6 Film) (1959).
- 7 37. Aerial Photograph, Washington Department of Natural Resources (1965).
- 8 38. Aerial Photograph, Washington Department of Natural Resources (1970).
- 9 39. Aerial Photograph, Washington Department of Natural Resources (1978).
- 10 40. Aerial Photograph, Washington Department of Natural Resources (1981).
- 11 41. Aerial Photograph, Washington Department of Natural Resources (1985).
- 12 42. Aerial Photograph, Washington State Department of Transportation (1985).
- 13 43. Aerial Photograph, Washington Department of Natural Resources (1989).
- 14 44. Aerial Photograph, King County iMap (1988).
- 15 45. Aerial Photograph, U.S. Geological Survey (1990).
- 16 46. Aerial Photograph, Washington Department of Natural Resources (1995).
- 17 47. Aerial Photograph, Washington Department of Natural Resources (1996).
- 18 48. Aerial Photograph, King County GIS (2000).
- 19 49. Aerial Photograph, Washington Department of Natural Resources (2001).
- 20 50. Aerial Photograph, King County iMap (2002).
- 21 51. Aerial Photograph, Google (2002).
- 22 52. Aerial Photograph, GoogleEarth (2002).
- 23 53. Aerial Photograph, U.S. Geological Survey (2006).
- 24 54. Aerial Photograph, Google (2007).
- 25 55. Aerial Photograph, GoogleEarth (2011).
- 56. Aerial Photograph, King County iMap (2013).
- 57. Aerial Photograph, King County (2017).
- 58. Aerial Photograph, GoogleEarth (2018).
- 59. Findings and Decision of the Hearing Examiner for the City of Redmond, In the
Matter of the Application of Ron Kluger for Approval of a Preliminary Plat, PPL
90-0006 (Oct. 7, 1991).
- 60. Parametrix Inc., City of Redmond 160th Ave NE Design Report, Drainage Basins
Map (1995).
- 61. Parametrix Inc., City of Redmond 160th Ave NE Design Report, Plan & Profile
Sta. 22+00 to Sta. 36+00 Map (1995).
- 62. Parametrix Inc., City of Redmond 160th Ave NE Route Location Study Figures
(1995).

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- 63. Parametrix, Inc., 160th Avenue NE Extension Preliminary Design Report Project No. 90-CI-86 (Nov. 1995).
- 64. CH2MHILL, 160th Ave NE Extension Draft Pre-Design Report (Nov. 8, 2012).
- 65. CH2MHILL, 160th Ave NE Extension Project—Wetland and Stream Assessment Appendices.
- 66. Short Plat SS-78-41 Application and Decision (Jan. 23, 1979).
- 67. Excerpt from Terra Associates Report on Project No. T-2887-3 (Dec. 11, 1996, revised July 7, 1997).
- 68. Washington State Department of Transportation, SR 202 NE 85th St. to NE 109th St. R/W Plan (Nov. 5 1984).
- 69. Redmond Public Works Department Map, SE ¼ SEC. 35, T. 28 N., R. 5 E.
- 70. Field Notes, Map (Apr. 9, 2014).
- 71. Map, King County, Washington Section 35, Township 26, N. Range 5 W. M. (Dec. 31, 1907).
- 72. Map, U.S. Geological Survey (1897).
- 73. Map, U.S. Geological Survey (1950).
- 74. Timber Cruise Map, King County (Dec. 31, 1907).
- 75. E-mail from Tom Hardy to Casey Costello, Re: Stream Questions (Dec. 6, 2016).
- 76. E-mail from Casey Costello to Tom Hardy, Re: Stream Questions (Dec. 7, 2016).
- 77. E-mail from Tom Hardy to Roger Dane, Re: Veal Property Site Visits (Apr. 16, 2014).
- 78. Video of water on Veal Parcel due to slump of Redmond-Woodinville Road NE, recorded by Rory Veal (Jan. 23, 2016).
- 79. Video of water on Veal Parcel due to slump of Redmond-Woodinville Road NE, recorded by Rory Veal (Sept. 19, 2017).
- 80. Video of intercepted ground water in storm water system during drought, recorded by Rory Veal (Aug. 7, 2017).
- 81. Video of water originating from Basin D and bypassing catch basin, recorded by Rory Veal (Sept. 9, 2019).
- 82. Video of water discharging from subject culvert onto Veal Parcel, recorded by Rory Veal.
- 83. Demonstrative of channel measurements/size.
- 84. Bruce Dodds CV.
- 85. Terry Curtis CV.
- 86. Ed McCarthy CV.
- 87. Brian Collins CV.

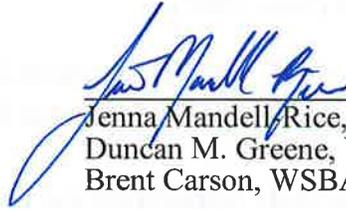
DATED this 27th day of January, 2020.

APPELLANTS' WITNESS
AND EXHIBIT LISTS - 5



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APPELLANTS' WITNESS
AND EXHIBIT LISTS - 6

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BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the Appeal of) No. APL LAND-2019-00814

Rory and Donna Veal)

CERTIFICATE OF SERVICE

Of the October 17, 2019)
Administrative Decision file number)
LAND-2019-00814 regarding their Real)
Property known as)
Tax Parcel Number 352605-9123)

I, Antonia Gales, declare as follows:

That I am over the age of 18 years, not a party to this action, and competent to be a witness herein;

That I, as a legal assistant in the office of Van Ness Feldman, caused true and correct copies of the following documents to be delivered as set forth below:

1. Appellants' Witness and Exhibit Lists

and that on January 27, 2020, I addressed said documents and deposited them for delivery as follows:

Deputy City Clerk
Cheryl Xanthos
Office of the Hearing Examiner
City Hall, 3rd Floor
15670 NE 85th Street
Redmond, WA 98052
cdxanthos@redmond.gov

- By U.S. Mail
- By Legal Messenger
- By Email
- By E-Service

1 *Counsel for the City of Redmond*
2 Jim Haney
3 Ogden Murphy Wallace
4 901 5th Avenue, Suite 3500
5 Seattle, WA 98164
6 jhaney@omwlaw.com

- By U.S. Mail
- By Legal Messenger
- By Email
- By E-Service

5 I certify under penalty of perjury under the laws of the State of Washington that
6 the foregoing is true and correct.

7 EXECUTED at Seattle, Washington on this 27th day of January, 2020.

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9 
10 Antonia Gales, Declarant

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CERTIFICATE OF SERVICE - 2

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