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BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the Appeal of
Rory and Donna Veal
Of the October 17, 2019
Administrative Decision file number
LAND-2019-00814 regarding their Real
Property known as
Tax Parcel Number 352605-9123

NO. APL LAND-2019-01139

CITY'S AMENDED WITNESS AND EXHIBIT
LIST

Pursuant to the Pre-Hearing Order, the City makes the following disclosure of its witnesses
and exhibits in this matter:

I. WITNESSES

The City of Redmond may call any or all of the following witnesses in the appeal hearing:

1. Carol Helland, Interim Director of Planning and Community Development, City of Redmond, 15670 NE 85th Street, Redmond, WA 98052, (425) 556-2107, chelland@redmond.gov. Ms. Helland issued the code interpretation that has been appealed in this matter and may testify regarding any and all aspects of such interpretation, including but not limited to, the city codes involved, the exhibits attached to the interpretation, observations of the Veal property, the technical reports submitted by the Veals, and any and all other matters considered in making the interpretation.
2. Cathy Beam, AICP, Principal Planner, City of Redmond, 15670 NE 85th Street, Redmond, WA 98052, (425) 556-2429, cbeam@redmond.gov. Ms. Beam consulted with Ms. Helland

1 on the interpretation that has been appealed in this matter and may testify regarding any and all aspects
2 of the interpretation, including but not limited to, the city codes involved, the exhibits attached to the
3 interpretation, observations of the Veal property, the technical reports submitted by the Veals, and any
4 and all other matters considered in making the interpretation.

5 3. Joanna Crowe Curran, PhD, PE, LG, Geomorphologist and Engineer, Herrera
6 Environmental Consultants, 2200 Sixth Ave., Suite 1100, Seattle, WA 98121, (206) 787-9225,
7 jcurran@herrerainc.com. Ms. Curran is the co-author of a Technical Memorandum dated October 17,
8 2019 regarding a watercourse assessment for the Veal property. Ms. Curran may testify regarding any
9 and all subjects covered by the Technical Memorandum, including but not limited to, materials relied
10 upon, observations of the Veal property, and any and all other matters considered in reaching the
11 conclusions set forth in the Technical Memorandum.

12 4. Brianna Blaud, MS, Fisheries Biologist, Herrera Environmental Consultants, 2200
13 Sixth Ave., Suite 1100, Seattle, WA 98121, (206) 441-9080, bblaud@herrerainc.com. Ms. Blaud is
14 the co-author of a Technical Memorandum dated October 17, 2019 regarding a watercourse
15 assessment for the Veal property. Ms. Blaud may testify regarding any and all subjects covered by
16 the Technical Memorandum, including but not limited to, materials relied upon, observations of the
17 Veal property, and any and all other matters considered in reaching the conclusions set forth in the
18 Technical Memorandum.

19 5. Gary Schimek, Environmental and Utilities Services Manager, City of Redmond,
20 15670 NE 85th Street, Redmond, WA 98052, (425) 556-2742, gschimek@redmond.gov. Mr. Schimek
21 is knowledgeable concerning streams, watercourses and drainage systems on and in the vicinity of the
22 Veal property. Mr. Schimek is also knowledgeable regarding the culvert under Redmond Way that
23 empties onto the Veal property. Mr. Schimek also has knowledge historical analysis of streams. Mr.
24 Schimek consulted with Ms. Helland on the interpretation that has been appealed in this matter and
25 may testify regarding any and all aspects of the interpretation, including but not limited to, the city
26 codes involved, the exhibits attached to the interpretation, observations of the Veal property, the
27 technical reports submitted by the Veals, and any and all other matters considered in making the
28 interpretation.

1 6. Stephen Hitch, PE, CSM, Engineering Supervisor, City of Redmond, 15670 NE 85th
2 Street, Redmond, WA 98052, (425) 556-2891, sjhitch@redmond.gov. Mr. Hitch is knowledgeable
3 concerning streams, watercourses and drainage systems on and in the vicinity of the Veal property.

4 7. Emily Flanagan, Senior Surface Water Engineer, City of Redmond, 15670 NE 85th
5 Street, Redmond, WA 98052, (425) 556-2707, eflanagan@redmond.gov. Ms. Flanagan has technical
6 expertise in hydraulic and hydrologic modeling and analysis. She has extensive surface water
7 planning, design, and permitting experience, and is leading the City's surface water basin planning
8 efforts. Her professional experience includes flow control and water quality structures, fish passage
9 culverts, stream restoration, scour analysis and fluvial hydraulics. She may testify concerning any of
10 these subjects as they relate to the Veal property, and may also testify regarding her observations of
11 the Veal property, her review of reports prepared by the Veals' experts, her review of the drainage
12 basin and culvert that flows onto the Veal property, catch basins in the area, and her review of
13 stormwater facilities in the area of the Veal property.

14 8. Tom W. Hardy, Stream and Habitat Planner, City of Redmond, 15670 NE 85th Street,
15 Redmond, WA 98052, (425) 556-2762, twhardy@redmond.gov. Mr. Hardy may testify regarding his
16 observations of the Veal property and his analysis of the watercourse on the property. Mr. Hardy may
17 also testify regarding his review of reports submitted by the Veals' experts.

18 9. Sarah Pyle, Community Development and Implementation Manager, City of Redmond,
19 15670 NE 85th Street, Redmond, WA 98052, (425) 556-2426, spyle@redmond.gov. Ms. Pyle is the
20 land use development review manager for the City of Redmond and may testify regarding the
21 regulations that govern development of the Veal property based on the interpretation that is the subject
22 of this appeal. Ms. Pyle may also testify concerning the history of development in the vicinity of the
23 Veal property, the technical reports submitted by the Veals, and the pre-application meetings and
24 conferences with the Veals.

25 The City of Redmond reserves the right to call additional or different witnesses in the appeal
26 in response to witnesses or exhibits listed by the Veals. The City also reserves the right to call any
27 witness listed on the witness lists submitted by the Veals.

II. EXHIBITS

The City may offer any or all of the following exhibits at the appeal hearing:

1 Administrative Interpretation issued by Carol Helland, then Deputy Director of
2 Planning and Community Development, dated October 17, 2019.

3 1
4 2 Process Agreement between the City of Redmond and Rory and Donna Veal, dated
5 July 18, 2019.

6 3 Code Interpretation Request Letter from Brent Carson and Duncan Greene of Van Ness
7 Feldman submitted by Rory and Donna Veal on August 19, 2019, together with:

8 Appendix A: Factual Background

9 Appendix B: Legal Analysis

10 Appendix C: CTED Example Code Provisions for Designating and Protecting Critical
11 Areas.

12 Appendix D: Glossary of Terms, Washington State Department of Ecology
13 Stormwater Management Manual for Western Washington, dated August 2001
14 (excerpts)

15 Appendix E: City of Redmond Ordinance No. 1693, passed by the Redmond City
16 Council on July 7, 1992, with attached Sensitive Areas Regulations.

17 4 General Application form for Veal Code Interpretation Request dated August 19, 2019.

18 5 Declaration of Rory Veal dated August 19, 2019, together with:

19 Exhibit 1: Aerial Photographs

20 Exhibit 2: 1993 and 1997 Stream Classification Maps.

21 Exhibit 3: Affidavit of Ronald Kluger.

22 Exhibit 4: Revised Drainage Calculations for Redwood Manor, prepared for Ron
23 Kluger by Litchfield Engineering, dated December 11, 1995, and Drainage Report for
24 Redwood Manor, prepared for Ron Kluger by Litchfield Engineering, dated March
25 1994.

26 Exhibit 5: Redwood Manor Grading and Drainage Plan 7/1/1999 (Annotated).

27 Exhibit 6: Letter to Rory Veal from Bruce J. Dodds, PE, PLS, Dodds Consulting
28 Engineers, Inc., dated August 16, 2019, re: History of Surface Water Drainage through
WSDOT SP202 Culvert @ Station 71+70, including Tabs 1 – 12.

Exhibit 7: Letter from Ed McCarthy, PE, PS, to Rory Veal, dated August 11, 2015, re:
Veal Residence – Hydrology Assessment, 9859 Woodinville-Redmond Road.

Exhibit 8: Technical Committee Report to Redmond Planning Commission dated
October 23, 2015 re: Redmond Zoning Code: 2015 Landslide Hazard and Streams
Classifications Map Update.

1 Exhibit 9: Planning Commission Report to Redmond City Council dated December 2,
2 2105 re: Redmond Zoning Code: 2015 Landslide Hazard and Streams Classifications
3 Map Update.

4 Exhibit 10: Letter to Rory Veal from Eric G. LaBrie, AICP, ESM Consulting
5 Engineers, LLC dated June 24, 2016 re: Veal Property Maintenance.

6 Exhibit 11: Stream Assessment Report prepared for Rory Veal by Beaver Creek
7 Environmental Services, Inc., dated September 22, 2017.

8 Exhibit 12: Wetland Evaluation & Delineation Report prepared for Rory Veal by
9 Beaver Creek Environmental Services, Inc., dated November 10, 2017.

10 Exhibit 13: Letter to Kevin Andrade of Trammel Crow Company from Greg Munger
11 and Anil Butail of Terra Associates, dated June 26, 1996 re: Preliminary Report –
12 Wetland Evaluation, Riverpointe Project, Redmond, Washington.

13 Exhibit 14: Memo to Rory Veal from Emily Flanagan dated Ma 18, 2018, re: City
14 Review of Stream Assessment Report

15 Exhibit 15: Maps, Redmond Planning Commission Minutes of October 15, 2005,
16 miscellaneous internet articles and emails.

17 6 Herrera Technical Memorandum dated October 17, 2019.

18 7 Herrera Scope of Work Task Order 19-01.

19 8 City of Redmond Ordinance No. 1955, effective November 27, 1997.

20 9 1997 Sensitive Areas Map – Stream Classification. Redmond Community
21 Development Guide Supplement No. 2 – December 1999.

22 10 1993 Sensitive Areas Map – Wetlands and City of Redmond Comprehensive Plan Draft
23 Environmental Impact Statement August 1994 – Appendix A.

24 11 Aspect Consulting Report to City of Redmond, re: Geotechnical Evaluation TO #17-
25 02, Redwood Road Slump (2008).

26 12 Washington State's Historic State Roads: Historic Context for Island, Snohomish,
27 King, Pierce, and Kitsap Counties, prepared by the Washington State Department of
28 Archaeology and Historic Preservation and the Washington State Department of
Transportation (2014).

13 14 Sheets 3.01, 3.02, and 3.03 (09-0085 through 09-0087) from Woodinville-Redmond
14 Road Roadway and Drainage Plan for City of Redmond 2007 Sidewalk Improvements,
Project 1010905.

15 13 History of Roads and Highways in the State of Washington, Highway Department
16 Library (1956).

17 14 Sheets 3.01, 3.02, and 3.03 (09-0085 through 09-0087) from Woodinville-Redmond
18 Road Roadway and Drainage Plan for City of Redmond 2007 Sidewalk Improvements,
19 Project 1010905.

- 1 15 Executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan, King County Department of Public Works, Surface Water Management (1991).
- 2
- 3 16 As-Built Site Development Plans for Redwood Manor, Litchfield Engineering Site Development and Technical Services (1999).
- 4 17 Governor Marion Hay signs Permanent Highway Act on March 8, 1911, K. Oldham, HistoryLink.org Essay 7239.
- 5
- 6 18 Kirkland Quadrangle, 7.5 Minute Series (Topographic), Scale 1:24000, USGS (1950).
- 7 19 Redmond Quadrangle, 7.5 Minute Series (Topographic), Scale 1:24000, USGS (1950).
- 8 20 State Roads as Established by Legislature, 1893 to 1935, Washington State Department of Transportation (undated).
- 9 21 SR 202 NE 85th St. to NE 109th St. Road Design Plans, Washington State Department of Transportation (1986).
- 10
- 11 22 Field Measurements Figure prepared by Joanna Curran.
- 12 23 1938 Aerial photograph (Army Air Corps/University of Washington, 1938-01-29 – 1938-09-29), from the HistoricalAerials.com website.
- 13 24 1964 Aerial photograph (USDA, 1964-8-23 – 1964-10-04), from the HistoricalAerials.com website.
- 14 25 1968 Aerial photograph, (USDA, 1968-08-31 – 1968-09-03), from the HistoricalAerials.com website.
- 15
- 16 26 City Staff Report

17 The City of Redmond reserves the right to offer additional or different exhibits in the appeal
18 in response to witnesses or exhibits listed by the Veals. The City also reserves the right to offer any
19 exhibit listed on the exhibit lists submitted by the Veals.

20 DATED this 3rd day of February, 2020.

21 OGDEN MURPHY WALLACE, PLLC

22
23
24 By 
25 James E. Haney, WSBA #11058
26 Attorney for City of Redmond
27 jhaney@omwlaw.com
28 901 Fifth Avenue, Suite 3500
Seattle, WA 98164-2008

1
2
3 **DECLARATION OF SERVICE**

4 I, Erin Kelly, an employee of Ogden Murphy Wallace, PLLC, make the following true
5 statement:

6 On the date below, I filed the attached document via email to:

7 ***Office of the Hearing Examiner***

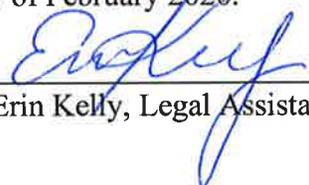
8 Cheryl Xanthos
9 Deputy City Clerk
cdxanthos@redmond.gov

10 ***Appellant Representation***

11 Jenna Mandel-Rice
12 Brent Carson
13 Van Ness Feldman LLP
jrm@vnf.com
brc@vnf.com

14
15 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
16 is true and correct.

17 EXECUTED at Seattle, Washington this 3rd day of February 2020.

18 
19 _____
20 Erin Kelly, Legal Assistant