



City of Bellevue
 Department of Planning & Community Development
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 06-120917 WB

Date Received 8/3/06

Approved / Date 3/8/07
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted/denied to: **Bob and Theresa Foulon**

to undertake the following development:

Demolition of an existing 576 square foot joint use pier and construction of a fully grated 445 square foot fixed pile pier with 8 six inch and 2 four inch steel pilings on Lake Washington. Includes repositioning of two existing boatlifts and new shoreline planting.

upon the following property: 64 Cascade Key

within Lake Washington
 and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.25E.080 (G) Clearing and Grading Regulations; LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-37

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

1. **MINIMUM SETBACK FROM NORTH PROPERTY LINE:** Pursuant to the terms of the document titled Agreement for Intrusion into Required Setback From Adjacent Property For Private Moorage or Other Structure, under recording Number 20061020001158, the new pier may be located no closer than 3' 4" from the northern property line.

Authority: Land Use Code 20.25E.080.N

2. **WORK WINDOWS:** To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16th through July 31st and November 16th through December 31st, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: SEPA: Comprehensive Plan Policy EN-38 and Shoreline Master Program Policy SH-13

3. **FEDERAL AND STATE PERMITS:** To mitigate adverse impacts, Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue,

prior to construction.

Authority: Bellevue City Code 20.25E.080

4. **SHORELINE PLANTING PLAN:** To mitigate potential impacts to the fisheries resources the Native Planting Plan prepared by the Watershed Company dated July 2001 must be implemented. Shoreline planting shall occur within 30 days of completion of the pier and prior to project final inspection and sign off by the City.

Authority: SEPA: Comprehensive Plan Policy EN-38 and Shoreline Master Program Policy SH-13

4. **DEMOLITION:** The existing JMA dock must be demolished prior to commencing construction activities associated with the new pier under this approval.

Authority: SEPA: Shoreline Master Program Policy SH-50

5. **FIELD LOCATION OF UTILITIES:** To mitigate potential water quality degradation if a sewer line were broken during construction, utilities shall be field located prior to construction activities. The appropriate jurisdictions and departments shall be contacted at 1-800-424-5555.

Authority: SEPA: Comprehensive Plan Policy EN-38

6. **SILT CURTAIN:** To mitigate adverse impacts to water quality from the migration or lateral spreading of re-suspended sediments, a silt curtain shall be placed underwater around the boundaries of the pier construction area. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to construction of the pier. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance. Silt curtain details and location shall be shown on the site plan prior to issuance of the Building Permit.

Authority: Comprehensive Plan Policy EN-38, Shoreline Master Program Policy SH-13, BCC 23.76.090

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

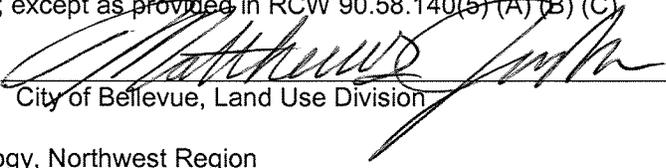
This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

March 8, 2007

Date


City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
Dept. of Fish and Wildlife, c/o Dept. of Ecology, 3190 160th Ave SE, Bellevue, WA 98008-5452 attn: Stewart Rienbold
DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452

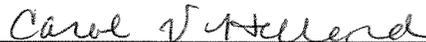


**City of Bellevue
Department of Planning & Community Development
Development Services Division
Land Use Staff Report, Environmental Review and
State Environmental Policy Act Threshold Determination**

Proposal Name: Foulon Pier
Proposal Address: 64 Cascade Key
Proposal Description: Demolition of an existing 576 square foot joint use pier and the construction of a fully grated 445 square foot fixed pile pier with 8 six inch and 2 four inch steel pilings on Lake Washington . Includes repositioning of two existing boatlifts and shoreline planting.
File Number: 06-120917 WB
Applicant: Bob and Theresa Foulon
Decisions Included: Shoreline Substantial Development Permit
Planner: Matthews Jackson
Senior Planner

State Environmental Policy Act
Threshold Determination:

Determination of Non-Significance (DNS)



Carol V. Helland,
Environmental Coordinator

Director's Decision:

Approval with Conditions



Matthews Jackson, Senior Planner
Department of Planning and Community Development

Bulletin Publication Date:

March 8, 2007

Appeal Deadline:

March 29, 2007, or 21 days from the date of filing with
Department of Ecology

For information on how to appeal a proposal, visit the Permit Center at City Hall or call 425-452-6864. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the decision must be made by 5 p.m. on the date noted for appeal of the decision. Appeals must be made to the Washington State Shoreline Hearings Board.

I. Request/Project Description

The applicant requests to construct a fixed pile pier on Lake Washington. The proposed structure would have a 30' x 4' catwalk connecting to a 14' x 5' ell section and 35' x 6' extension. Total pier length is 70 feet from the ordinary high water mark at the face of an existing bulkhead. Glu-laminate beams will connect to thru-flow molded plastic grating for the decking. Total overwater coverage is approximately 445 square feet. An existing joint use pier (JMA dock) will be demolished prior to construction of the new pier (See related condition of approval in Section IX regarding demolition of the existing pier). Two existing boatlifts will be relocated from the existing JMA dock to the new pier.

II. Site Description and Context

The site is in the R-2.5 land use district and is designated Single Family – Medium in the Factoria Subarea of the Comprehensive Plan. The pier is a typical ancillary development to the single family residences along Lake Washington.

The property is approximately 34,363 square feet in size and contains an existing home. The primary structure is located approximately 200 feet from the Ordinary High Water Mark (OHWM), and the lot has only 30 feet of lake frontage. The area between the home and the beach contains a grass lawn, pathway, and shrubs.

An existing dock encroaches 5 feet onto the neighboring Gibson property (property lines extended). This dock is subject to a Joint Maintenance Agreement (JMA dock) which contains terms for joint use and maintenance. An unrecorded settlement agreement between the Gibsons and Foulons will result in each party maintaining a private use dock after the JMA dock is demolished (See related condition of approval in Section IX). In order to locate a new pier on the Foulon property, the Gibsons have signed and recorded an agreement to allow the new pier to intrude into the required 12 foot setback pursuant to Land Use Code (LUC) 20.25E.080.N. This agreement will allow the new dock to be located 3' 4" from the northern property line as depicted on the submitted drawings. See related condition of approval in Section IX.

III. Consistency with Land Use Code/Zoning Requirements

The site is in the Shoreline Overlay District and is subject to the regulations regarding moorage (Land Use Code (LUC) Section 20.25E.080.N). Private moorage may not extend more than 80 feet from the OHWM and may be no closer than 12 feet to the side property line (Unless a mutual agreement with the adjacent property owner is recorded). In addition, the height of any moorage structure may not exceed 16 feet. The proposed development, as conditioned, conforms to the applicable Land Use Code regulations.

IV. State Environmental Policy Act

The environmental review indicates the proposal to construct a fixed pile pier and modify existing vegetation could potentially cause adverse environmental impacts. Adverse impacts which are less than significant are usually subject to City Codes or Standards

which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process. . Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. EARTH AND WATER

An existing rock bulkhead is located along the shoreline approximately at elevation 21.85 which is the high pool lake elevation maintained at Chittenden Locks. The lake bottom in front of the bulkhead slopes gently for approximately 14 feet and is predominantly gravel and cobble. Beyond this zone, the bottom is comprised of a mixture of silt, sand, and sunken small woody debris.

Construction of the pier will involve driving ten piles. The pile driving activity will increase the amount of suspended sediment in the water column. Water currents will carry the suspended sediment some distance from the project site, depending upon the wind patterns. Water quality in this area of Lake Washington will be impacted during construction and until the sediments settle. To mitigate the impacts of increased turbidity in the water, a silt curtain will be required to contain sediment to the immediate work area. Refer to Section IX for A related condition of approval requiring a silt curtain.

B. ANIMALS

The site abuts Lake Washington, which is used as a fisheries breeding and rearing resource for sockeye, Chinook and Coho salmon, as well as other fish. The proposed development must ensure that there will be no take of Chinook and Coho salmon and bull trout as listed under the Endangered Species Act in order to receive development approval.

The City of Bellevue commissioned an analysis of the effects of bulkheads, piers and other artificial structures, and shoreline development on salmonids and other species listed as threatened, endangered, or as candidate species under the Endangered Species Act (ESA). The Watershed Company and the University of Washington's Washington Cooperative Fish and Wildlife Research Unit prepared the report entitled "A Summary of the Effects of Bulkheads, Piers and other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes". The report, dated July 13, 2000, is the product of a literature review initiated to determine the state of knowledge about the utilization of the regional lakes and streams as salmonid and bull trout habitat and the impacts of lakeshore development on salmonids. The report conclusions include: itemization of current research results on various shoreline development impacts to the fish utilizing these waterbodies; lists of issues requiring additional research to evaluate impacts to the resource; and a list of recommendations for ensuring protection of the fish and their habitats.

Following is a partial list from the bulkheads and pier report of potential impacts resulting from development of docks, bulkheads, boatlifts, boathouses, and other shorezone structures and activities on juvenile and adult Chinook and Coho salmon, and bull trout. Although individual shoreline projects may appear to have minimal impacts, analysis of cumulative impacts of numerous shorezone structures indicates the impacts to the habitat and health of the fish and animal species can be catastrophic. Some of these impacts include:

- Piers, piles, boatlifts, and moored boats provide cover, shade, and focal points for exotic predators, such as smallmouth and largemouth bass, which prey on juvenile Chinook, Coho, and sockeye salmon.
- Shading from piers, boat canopies, boathouses, and moored boats may reduce the abundance of prey organisms available to juvenile Chinook, Coho, and sockeye salmon, and to forage fish of bull trout, by reducing aquatic vegetation and phytoplankton abundance.
- Reduction of nearshore aquatic vegetation may reduce complex refuge habitat.
- Temporary turbidity associated with construction of docks and bulkheads may reduce water quality to the detriment of Chinook, Coho, and sockeye salmon, bull trout, and forage fish of bull trout.
- Pile driving may disrupt the distribution and behavior of, or injure, Chinook and Coho and sockeye salmon, bull trout, and forage fish of bull trout.
- Piers and bulkheads may disrupt the migratory and rearing behavior of juvenile Chinook, Coho, and sockeye salmon.
- Boating activity that usually accompanies development of piers could disturb rearing and migrating of salmon.
- Chemicals used to preserve or clean wood structures, and hydrocarbons from boats and personal watercraft could be acutely or chronically toxic to the salmonid species, bull trout, or prey items of these species.
- Pier lighting may facilitate nocturnal predation on juvenile salmonids by visual predators such as smallmouth bass, cutthroat trout, and piscivorous birds.
- Piers and bulkheads and other shoreline structures eliminate or disrupt potential spawning areas, interrupt shoreline currents, wave action or groundwater upwelling essential to proper oxygenation of eggs, and change gravel movement and the pattern of gravel deposition.
- The permanent removal of woody debris during bulkhead and pier construction reduces the availability of complex refuge habitat for small fish, and attachment surfaces for periphyton.

A document dated July 26, 2006, prepared for USACE RGP-3 and RGP-1 compliance, concludes that the construction of the pier and installation of the boatlifts "may affect, not likely to adversely affect" listed species and critical habitat. Both the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) have concurred with this finding.

Adverse impacts to the fish and other aquatic organisms in the lake can be partially mitigated by complying with conditions imposed by the state and federal

agencies that also regulate development in the lake. The U.S. Army Corps of Engineers issued a Letter of Permission (LOP-Reference #200600929) authorizing the proposed pier construction on November 20, 2006. Among other general conditions, the LOP authorizes in water construction activities from July 16 through July 31 and from November 16 through December 31. No work is authorized from January 1 through July 15, and from August 1 through November 15. Refer to Section IX for a related condition of approval limiting in water construction.

A Hydraulics Project Approval is required from the State Department of Fish and Wildlife, which may also limit the times of construction to periods which will be less impacting to the fisheries resources.

According to the bulkheads and pier report, shading from piers may reduce the amount of aquatic vegetation and produce artificial cover for predators of juvenile salmon. The decking will include open grating which allows sunlight to penetrate. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to this permit. Refer to Section IX for a related condition of approval requiring the submittal of federal and state permit approvals prior to commencing work.

C. PLANTS

Existing vegetation found onsite is primarily composed of grass lawn and shrubs. In order to reduce the cumulative impacts of numerous over water structures in the lake, the applicant will be required to plant a vegetated buffer that extends south from the edge of the new dock. Native vegetation will consist of shrubs, groundcover, and emergents, including but not limited to Scouler's willow, mock orange, kinnikinnick, bear grass and hardstem bulrush. The vegetation will provide food, organic matter, and root structure for protection of juvenile fish in the near shore area. Woody debris from the buffer will provide nutrients to Lake Washington. Refer to Section IX for a related condition of approval requiring mitigation planting adjacent to the shoreline.

V. Public Comments and Response

The City initially notified the public of this proposal on February 1, 2007 with mailed notice and publication in the Weekly Permit Bulletin and Seattle Times. Comments were received from the adjacent property owner (Gibson) located at 66 Cascade Key regarding compliance of the proposed dock with the terms of the settlement agreement. Although the City of Bellevue has no authority over the terms of this agreement, it was confirmed that the dock satisfies these terms and meets City of Bellevue codes as approved.

VI. Changes to Proposal as a Result of Staff Review

1. A shoreline planting plan was added to the proposal.

VII. Applicable Decision Criteria

The proposal, as conditioned below, meets the applicable moorage regulations listed in Land Use Code Section 20.25E.080.N.

1. The height of any moorage structure shall not exceed a maximum of 16 feet above the ordinary high water mark.

Finding: The proposed pier will be 2' 6" above the ordinary high water mark.

2. No private moorage or other structure waterward of the ordinary high water mark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line.

Finding: The proposed pier will be located 12 feet from the southern property line and 3' 4" from the northern property line per the recorded agreement signed by the adjacent property owner to allow the new pier to intrude into the required 12 foot setback pursuant to Land Use Code (LUC) 20.25E.080.N.

3. Private moorage may not extend more than 80 feet beyond the ordinary high water mark.

Finding: The proposed pier will extend 70 feet beyond the ordinary high water mark at the face of an existing rock bulkhead.

The proposal, as conditioned below, meets the applicable Shoreline Substantial Development Permit regulations listed in Land Use Code Section 20.30R.155.

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and

Finding: The environmental checklist, drawings, and approved Army Corp. of Engineers permit provides sufficient evidence to support approval of this proposal with conditions.

2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and

Finding: As discussed in Section III above, this proposal complies with the applicable code requirements including, but not limited to, regulations

regarding private moorage.

3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

Finding: As discussed in Sections I – III above, this proposal is consistent with all applicable polices and procedures of the Shoreline Management Act, Chapter 173-14 WAC, and the Master Program contained in the City of Bellevue Comprehensive Plan.

VIII. Decision of the Director

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **APPROVE WITH CONDITIONS** the subject proposal for a Shoreline Substantial Development Permit.

IX. Conditions of Approval

The following conditions are imposed under authority referenced:

1. **MINIMUM SETBACK FROM NORTH PROPERTY LINE:** Pursuant to the terms of the document titled Agreement for Intrusion into Required Setback From Adjacent Property For Private Moorage or Other Structure, under recording Number 20061020001158, the new pier may be located no closer than 3' 4" from the northern property line.

Authority: Land Use Code 20.25E.080.N

2. **WORK WINDOWS:** To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16th through July 31st and November 16th through December 31st, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: SEPA: Comprehensive Plan Policy EN-38 and Shoreline Master Program Policy SH-13

3. **FEDERAL AND STATE PERMITS:** To mitigate adverse impacts, Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to construction.

Authority: Bellevue City Code 20.25E.080

4. **SHORELINE PLANTING PLAN:** To mitigate potential impacts to the fisheries resources the Native Planting Plan prepared by the Watershed Company dated July 2001 must be implemented. Shoreline planting shall occur within 30 days of completion of the pier and prior to project final inspection and sign off by the City.

Authority: SEPA: Comprehensive Plan Policy EN-38 and Shoreline Master Program Policy SH-13

4. **DEMOLITION:** The existing JMA dock must be demolished prior to commencing construction activities associated with the new pier under this approval.

Authority: SEPA: Shoreline Master Program Policy SH-50

5. **FIELD LOCATION OF UTILITIES:** To mitigate potential water quality degradation if a sewer line were broken during construction, utilities shall be field located prior to construction activities. The appropriate jurisdictions and departments shall be contacted at 1-800-424-5555.

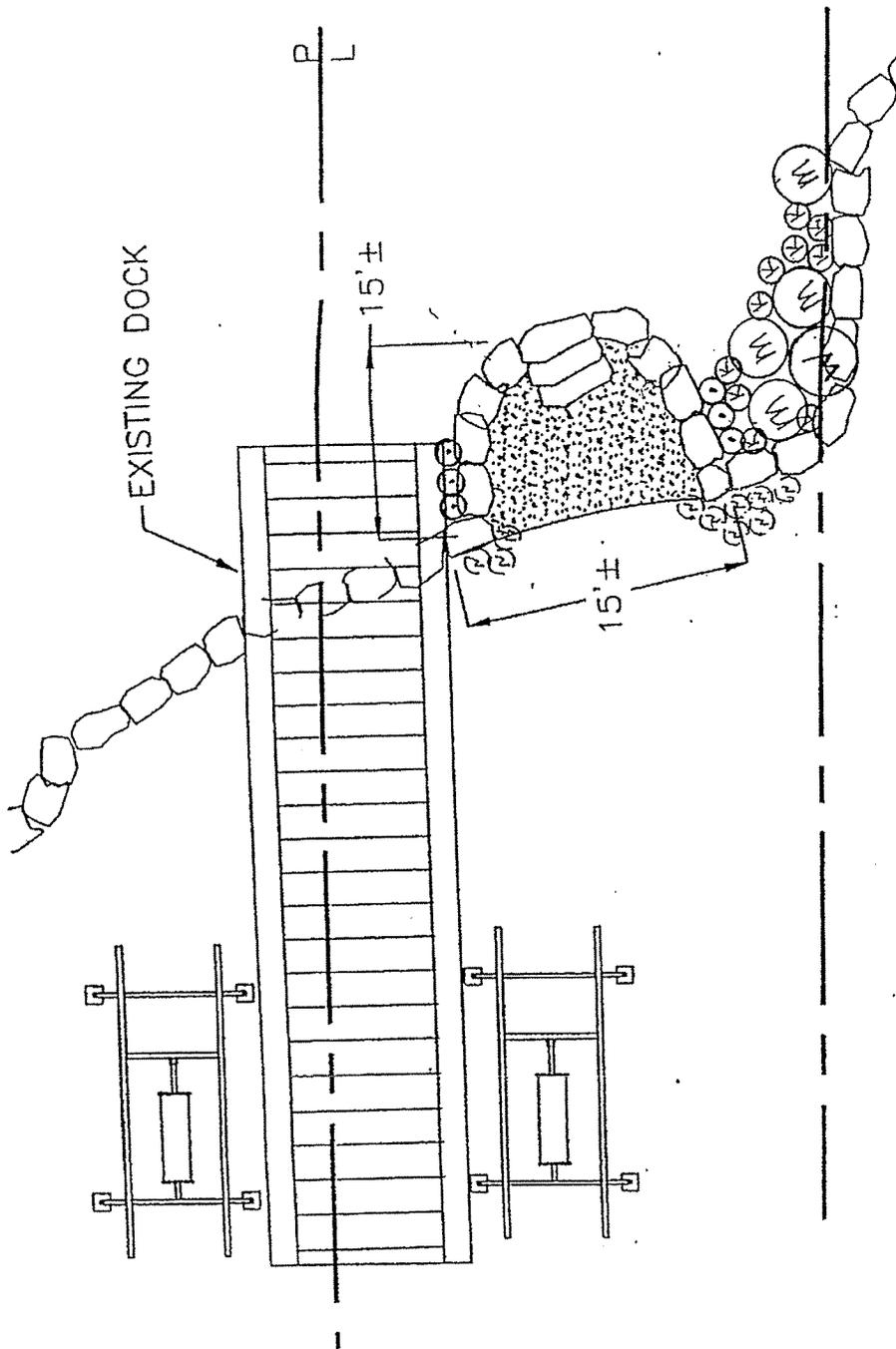
Authority: SEPA: Comprehensive Plan Policy EN-38

6. **SILT CURTAIN:** To mitigate adverse impacts to water quality from the migration or lateral spreading of re-suspended sediments, a silt curtain shall be placed underwater around the boundaries of the pier construction area. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to construction of the pier. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance. Silt curtain details and location shall be shown on the site plan prior to issuance of the Building Permit.

Authority: Comprehensive Plan Policy EN-38, Shoreline Master Program Policy SH-13, BCC 23.76.090

LIST OF ATTACHMENTS

- A. Shoreline Planting Plan
- B. Environmental Checklist
- C. Plans
- D. Setback Intrusion Agreement



QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	CONDITION	SYMBOL
1	Scouler's willow	<i>Salix scouleriana</i>	2'-4'	cutting or as available	(W)
4	mock orange	<i>Philadelphus lewisii</i>	2'-3'	container	(W)
10	kinnikinnick	<i>Arctostaphylos uva-ursi</i>	1 gal.	container	(W)
6	bear-grass	<i>Xerophyllum tenax</i>	1 gal.	container	(W)
10	hardstem bulrush*	<i>Scirpus acutus</i>	1 gal.	container	(W)

Figure 6. Native planting plan (prepared by The Watershed Company).

ENVIRONMENTAL CHECKLIST

8/1/06

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: Bob and Theresa Foulon

Proponent: Bob and Theresa Foulon

Contact Person: Alan D. Foltz, Permit Coordinator, Waterfront Construction, Inc.
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **205 NE Northlake Way, Suite 230, Seattle, WA 98105**

Phone: **206-548-9800**, fax **206-548-1022**, foltz@waterfrontconstruction.com

Proposal Title: **Foulon Private Residence Pier**

Proposal Location: **64 Cascade Key, Bellevue, WA 98006**
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please **attach an 8 ½" x 11" vicinity map** that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: **Proposal is to install a private use pier, fully grated, with 8- six inch and 2-four inch steel pilings, with re-positioning of two existing boatlifts from the existing joint use pier. Demolition of the joint use pier to precede new construction that shares portion of the existing footprint. See permit drawings.**
2. Acreage of site: **0.79**
3. Number of dwelling units/buildings to be demolished: **1:Jt pier**
4. Number of dwelling units/buildings to be constructed: **N/A: 1:private residence pier**
5. Square footage of buildings to be demolished: **576 sq.ft.**
6. Square footage of buildings to be constructed: **445 sq.ft.**
7. Quantity of earth movement (in cubic yards): **N/A**
8. Proposed land use: **Shoreline property enhancement to provide private pier.**
9. Design features, including building height, number of stories and proposed exterior materials: **See permit drawings. Proposed Pier deck to be 2'-6" above OHW.**
10. Other **N/A**

Estimated date of completion of the proposal or timing of phasing: **As Permits Allow. No Phasing.**

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **None known.**

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **SEPA checklist.**

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known. **None known.**

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

**Bellevue SDP, SEPA, Setback Variance, Easement covenant, building permit.
Corps NWP & RGP3.
WDFW HPA**

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning N/A**
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
**Plan of existing and proposed grading
Development plans**
- Building Permit (or Design Review)
**Site plan
Clearing & grading plan**
- Shoreline Management Permit
Site plan Cover Letter for Application

A. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: **Flat** Rolling Hilly Steep slopes Mountains Other
- b. What is the steepest slope on the site (approximate percent slope)? **N/A**

- c. What general types of soil are found on the site (for example, **soil**, clay, **sand**, **gravel**, peat, and muck)? If you **know the classification of agricultural soils, specify them and note any prime farmland.**

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
None known.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Not Applicable.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
No. N/A

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Existing is Unchanged by proposed construction.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
None proposed.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
During construction only, muffled exhaust from diesel crane or construction tug only.

- b. Are there any off-site sources of emissions or odor that may affect your proposal?. If so, generally describe.
No.

- c. Proposed measures to reduce or control emissions or other impacts to the air, if any:
Minimal use of equipment as needed.

3. WATER

a. Surface

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Yes. Lake Washington.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Yes. Proposal is to install a private use pier, fully grated, with only six inch steel pilings, with re-positioning of two existing boatlifts from the existing joint use pier. Demolition of the joint use pier to precede new construction that shares portion of the existing footprint. See permit drawings.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not Applicable.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not known.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No ground activity. Pile work using vibratory pile driver is only ground activity proposed.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None. Construction and joint use pier removal to have all materials stored on construction barge, for subsequent disposal at an approved upland disposal site.

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. Existing runoffs not disturbed or altered.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None proposed.

4. Plants

- a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

None altered or removed.

- c. List threatened or endangered species known to be on or near the site.

None known.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None proposed. Mitigation for pier consists of proposed full grating of decking.

5. ANIMALS

- a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
- Birds: hawk, heron, eagle, songbirds, other:
 - Mammals: deer, bear, elk, beaver, other:
 - Fish: bass, salmon, trout, herring, shellfish, other:
- b. List any threatened or endangered species known to be on or near the site.
Salmon, eagles.
- c. Is the site part of a migration route? If so, explain.
No.
- d. Proposed measures to preserve or enhance wildlife, if any:
Construction to be done only within approved Corps and WDFW work windows.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.
Diesel and electric needs to be provided from construction barge exclusively.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
Not Applicable.
- c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:
Equipment use to be minimal to construction needs.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
None anticipated. Emergency spill plan is posted for response should accidental spill occur.
- (1) Describe special emergency services that might be required.
Immediate Spill reporting to Coast Guard, Foss Environmental Services, Waterfront Construction management, and Department of Ecology is required to construction crews. Foss Environmental to be involved if spill clean up should be required. WDFW is alerted f fish kill or water quality problems are noticed.
- (2) Proposed measures to reduce or control environmental health hazards, if any.
None proposed.

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?
No area noises known, or generally an issue.
- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Short term construction noises from crane and tug equipment, from muffled exhausts. Vibratory pile driving minimizes noise during driving.
- (3) Proposed measures to reduce or control noise impacts, if any:
Use of equipment when needed only.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? **Private residences. South adjacent property is Bellevue owned park.**
- b. Has the site been used for agriculture? If so, describe. **No.**
- b. Describe any structures on the site. **Private residence is well upland. Joint use property is over adjacent Gibson / Foulon property line. Legal agreement between Gibson and Foulon authorizes removal of the joint use pier upon completion of the new proposed Foulon pier, Document submitted with applications.**
- d. Will any structures be demolished? If so, what? **Joint use pier, shown on drawings and mentioned above.**
- e. What is the current zoning classification of the site? **Residential, Single Family Residence.**
- f. What is the current comprehensive plan designation of the site? **Not known.**
- g. If applicable, what is the current shoreline master program designation of the site? **Not Known.**
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **No.**
- i. Approximately how many people would reside or work in the completed project? **None. Daily transient workers arrive by water.**

- j. Approximately how many [redacted] would the completed project displace? [redacted] e.
- k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A**

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **None proposed.**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
N/A

- c. Proposed measures to reduce or control housing impacts, if any:
None Proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Proposed Pier: 2'-6" above OHW.

- b. What views in the immediate vicinity would be altered or obstructed?
None altered or obstructed.

- c. Proposed measures to reduce or control aesthetic impacts, if any:
None proposed.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None anticipated.

- b. Could light or glare from finished project be a safety hazard or interfere with views?
Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal?
Not applicable.
- d. Proposed measures to reduce or control light or glare impacts, if any:
Full deck grating is proposed as a mitigation measure to allow light transmission through the decking.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Private resident shoreline activities to the north. City Newcastle Park to the south.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
None proposed. No impacts involved.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
None known.
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.
Not applicable.
- c. Proposed measures to reduce or control impacts, if any:
None proposed or applicable.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
Residential community accessed along Cascade Key.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Not known. Not affected by project.
- c. How many parking spaces would be completed project have? How many would the project eliminate?
N/A
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not Applicable.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None.

- g. Proposed measures to reduce or control transportation impacts, if any:

None proposed.

15. Public Services

- a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. Utilities

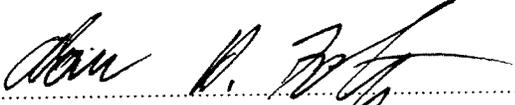
- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None proposed.

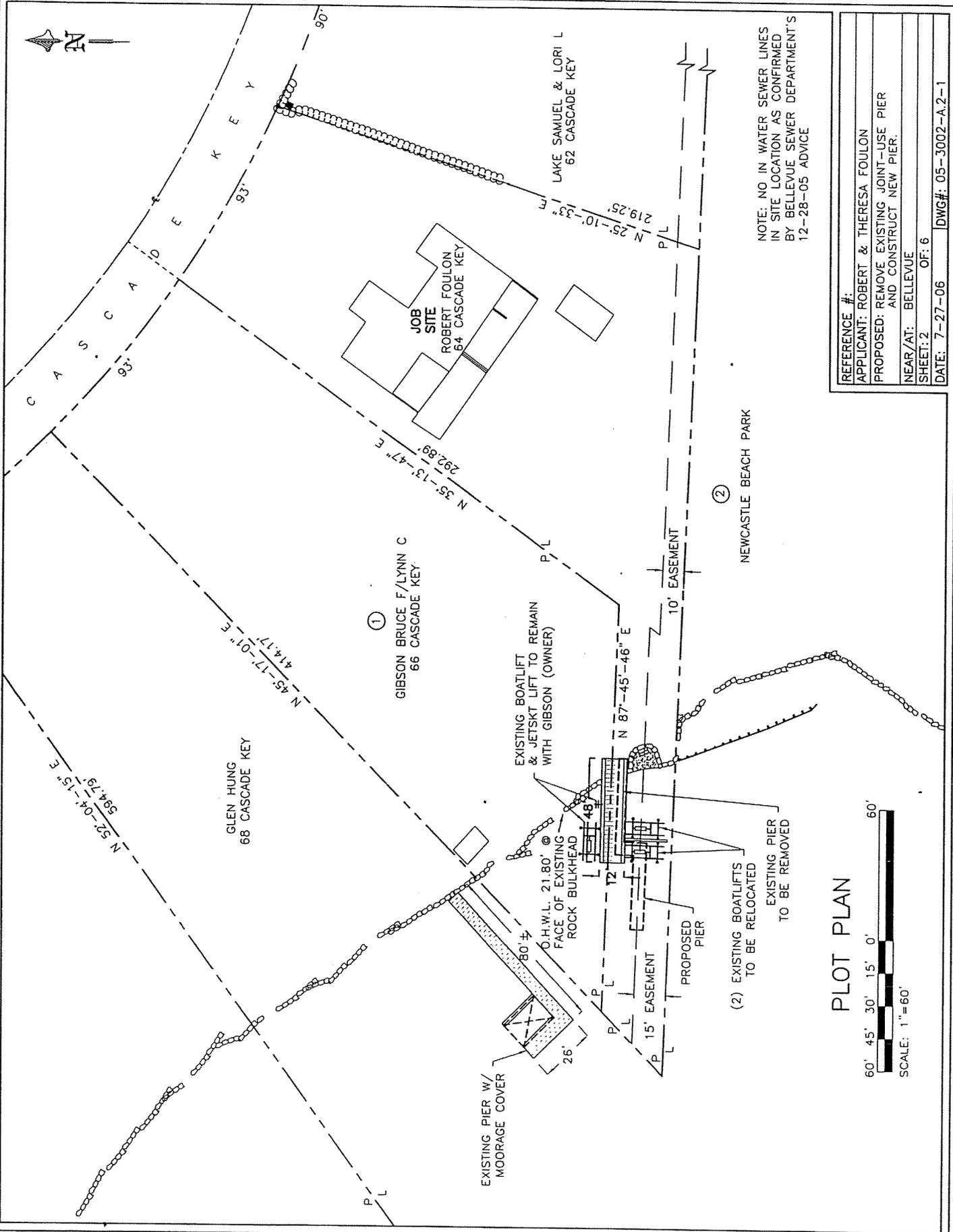
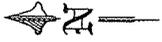
Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature.....

Alan D. Foltz, Permit Coordinator, Agent

Date Submitted.....9-2-06

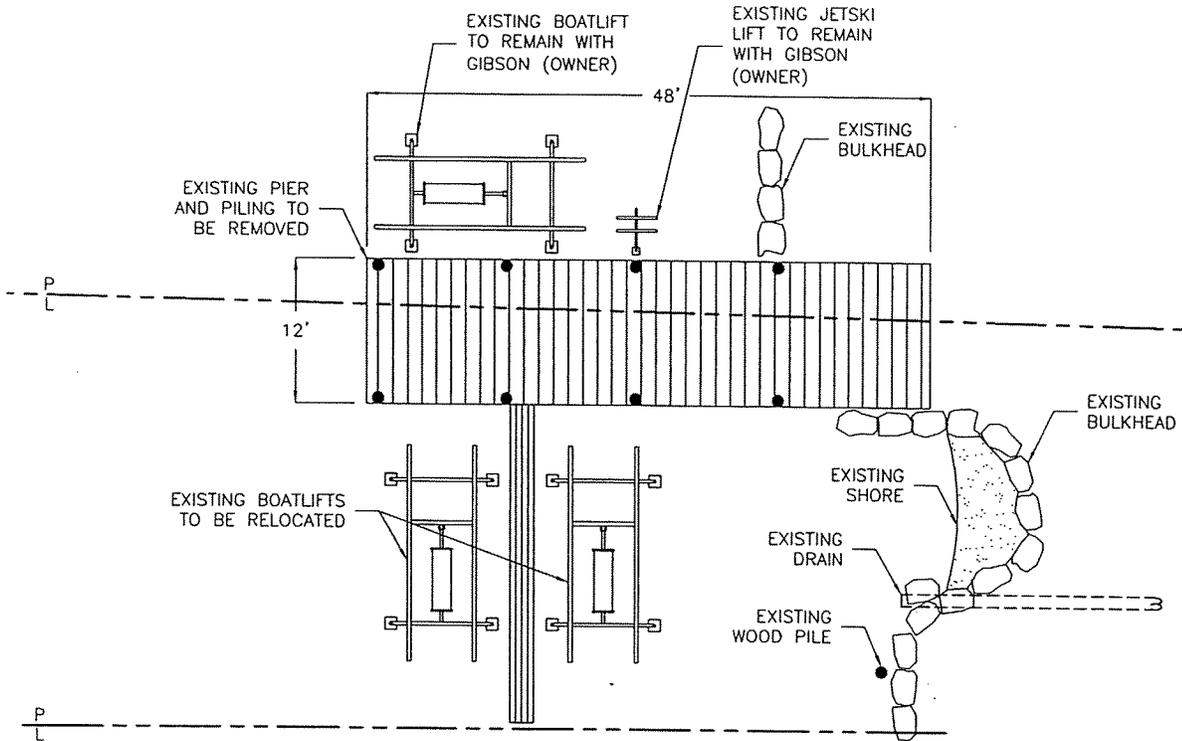


NOTE: NO IN WATER SEWER LINES
IN SITE LOCATION AS CONFIRMED
BY BELLEVUE SEWER DEPARTMENT'S
12-28-05 ADVICE

REFERENCE #:	
APPLICANT:	ROBERT & THERESA FOULON
PROPOSED:	REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT:	BELLEVUE
SHEET:	2 OF 6
DATE:	7-27-06
DWG#:	05-3002-A-2-1

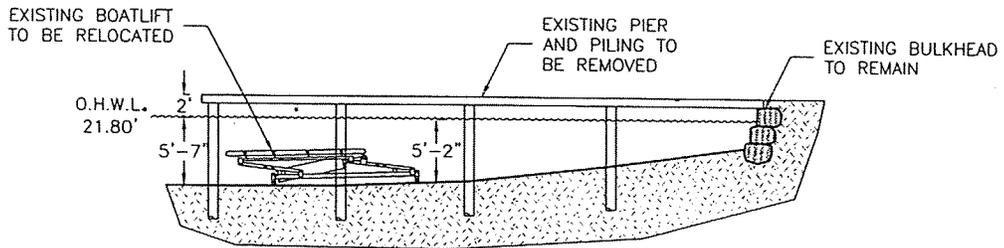
PLOT PLAN



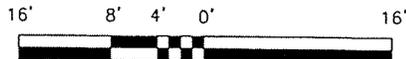


EXISTING JOINT USE DETAIL VIEW

SCALE: 1/16"=1'



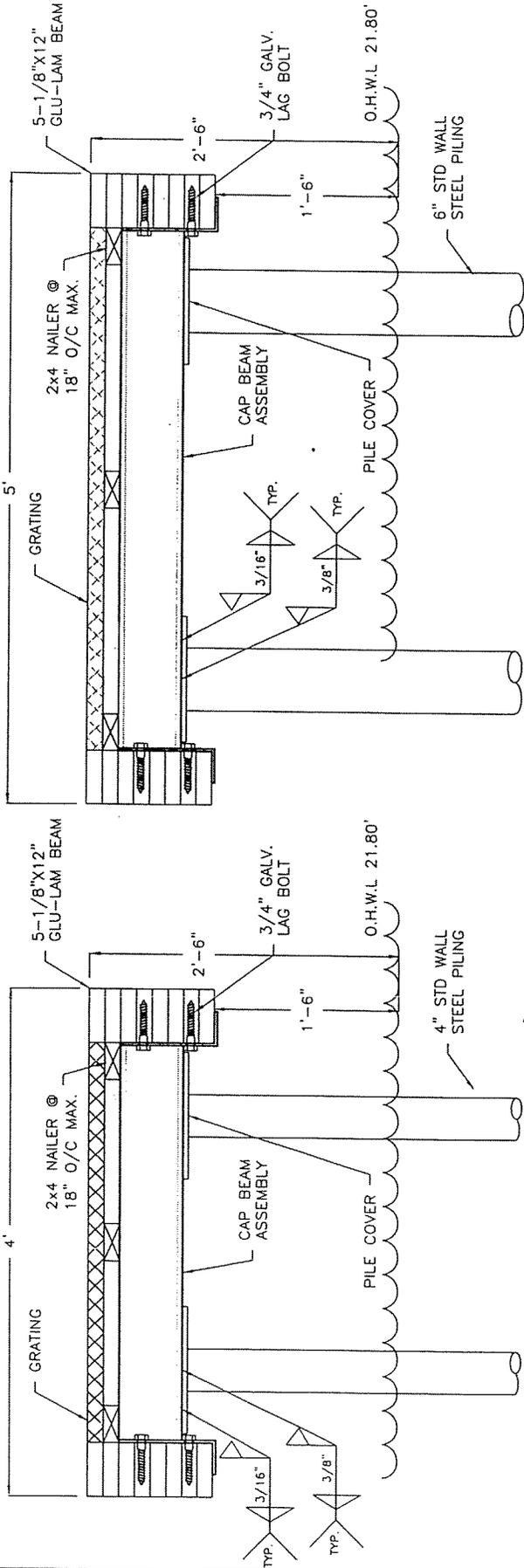
EXISTING ELEVATION VIEW



SCALE: 1/16"=1'

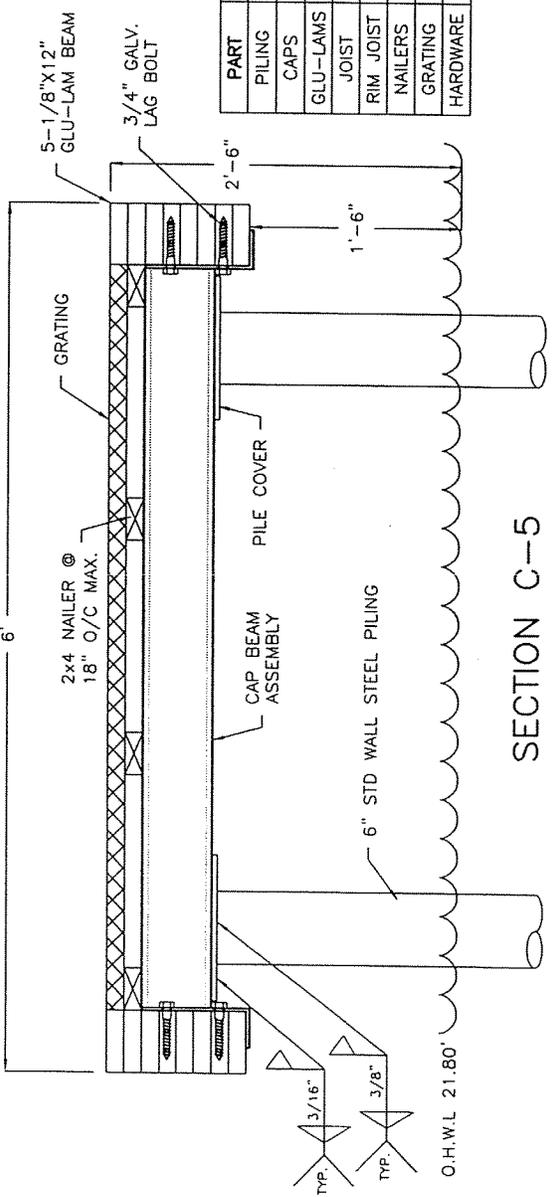
EXISTING PIER S/F= 576
 PROPOSED PIER S/F= 445

REFERENCE #:	
APPLICANT:	ROBERT & THERESA FOULON
PROPOSED:	REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT:	BELLEVUE
SHEET:	3 OF: 6
DATE:	7-27-06
DWG#:	05-3002-A.3-1



SECTION A-5
SCALE: 3/4"=1'

SECTION B-5
SCALE: 3/4"=1'

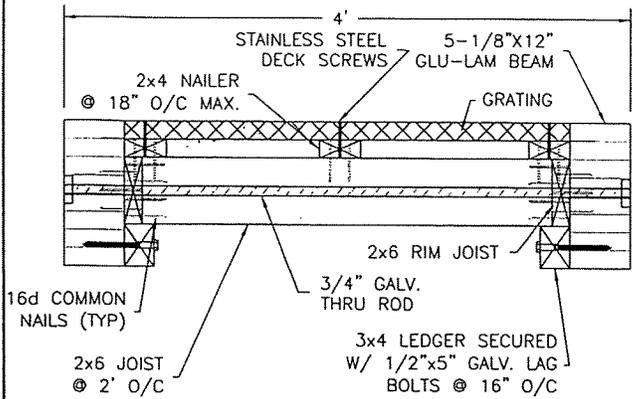


SECTION C-5



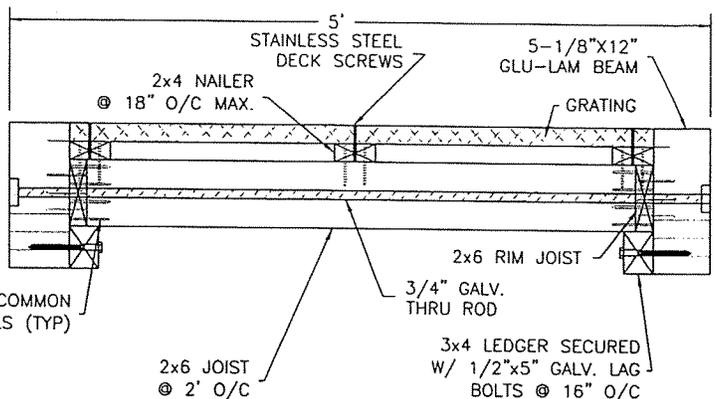
PART	SPECS	TREATMENT
PIILING	4" STD & 6" SCH. 80	EPOXY COATED
CAPS	W6x15 "H" BEAM	GALVANIZED
GLU-LAMS	5 1/8"x12" D.F. GLU-LAM	COPPER-8-QUINOLINOLATE
JOIST	2"x6" D.F.	ACZA
RIM JOIST	2"x6" D.F.	ACZA
NAILERS	2"x4" D.F. #2 OR BTR	NONE
GRATING	THRU-FLOW MOLDED PLASTIC	NONE
HARDWARE	STEEL	GALV. OR STAINLESS

REFERENCE #:
 APPLICANT: ROBERT & THERESA FOULON
 PROPOSED: REMOVE EXISTING JOINT-USE PIER
 AND CONSTRUCT NEW PIER.
 NEAR/AT: BELLEVUE
 SHEET: 5 OF: 6
 DATE: 7-27-06 DWG#: 05-3002-A-5-1



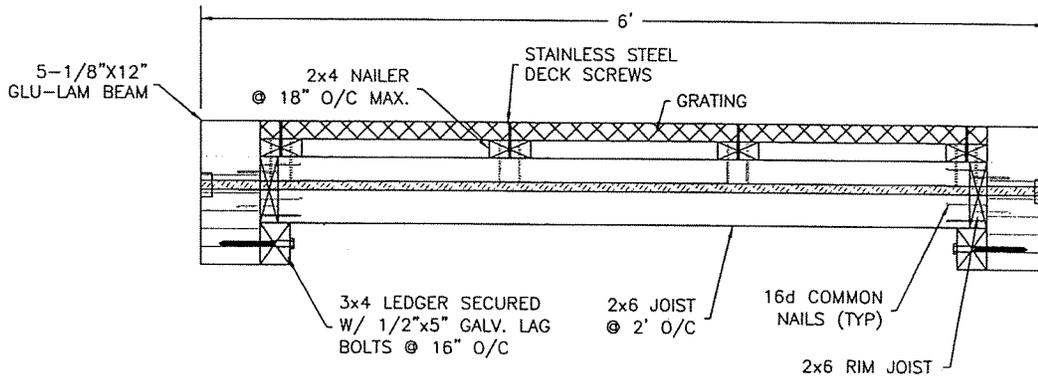
PROPOSED 4' SECTION FRAMING

SCALE: 3/4"=1'

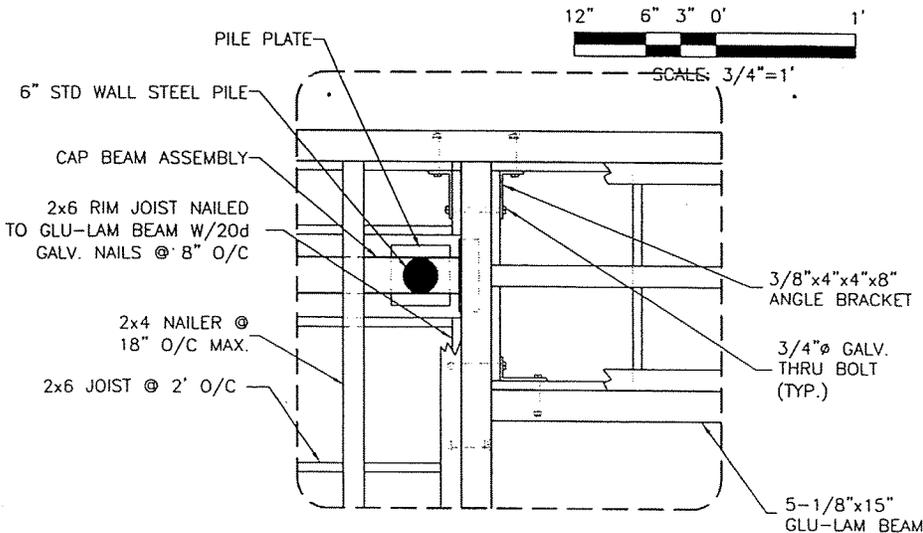


PROPOSED 5' SECTION FRAMING

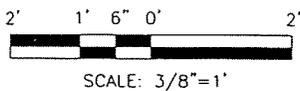
SCALE: 3/4"=1'



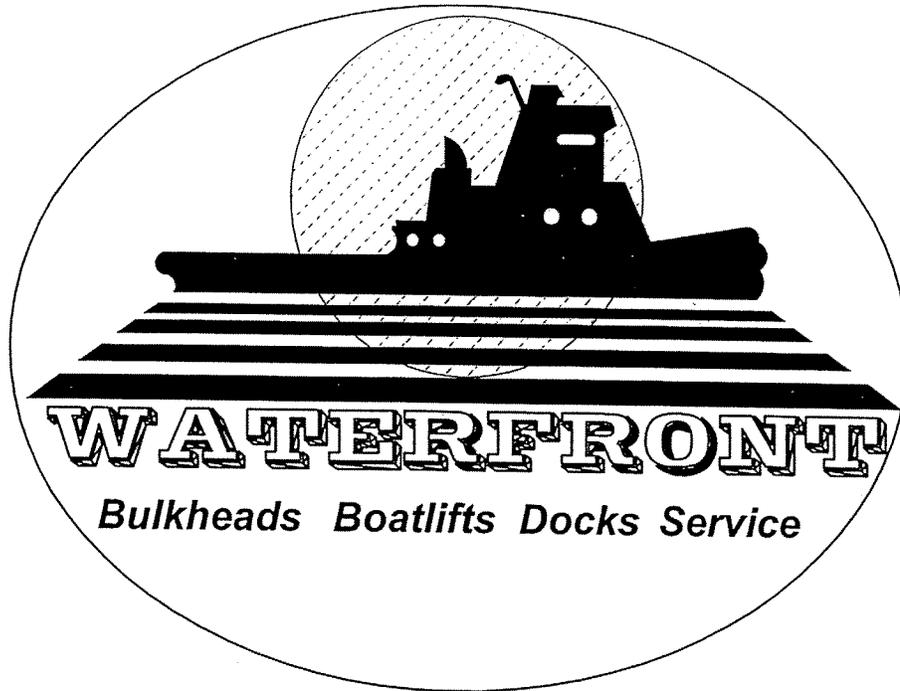
PROPOSED 6' SECTION FRAMING



GLU-LAM BEAM CONNECTION DETAIL D-6



REFERENCE #:	
APPLICANT:	ROBERT & THERESA FOULON
PROPOSED:	REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT:	BELLEVUE
SHEET:	6 OF 6
DATE:	7-27-06
DWG#:	05-3002-A.6-1

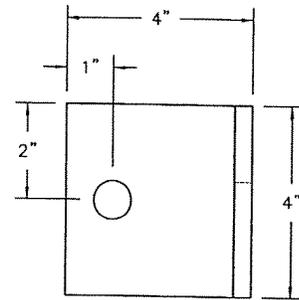
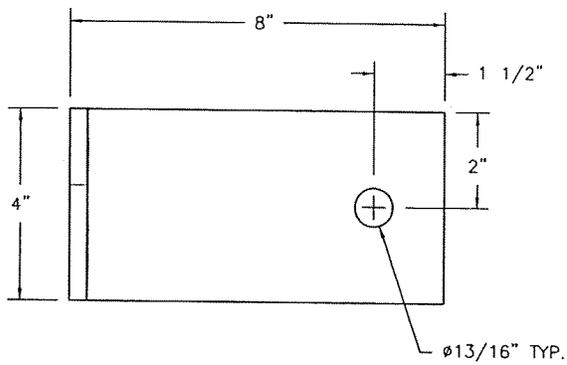
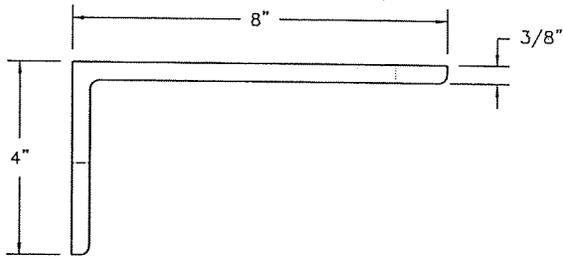


ROBERT & THERESA FOULON
FABRICATION PACKET

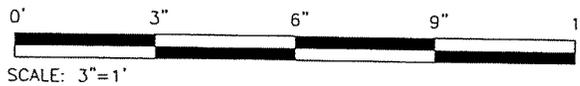
ANGLE BRACKET: PAGE 1

STEEL CAP ASSEMBLY: PAGE 2

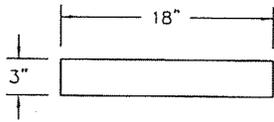
PILE PLATE: PAGE 3



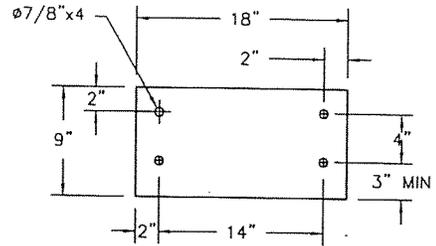
ANGLE BRACKET



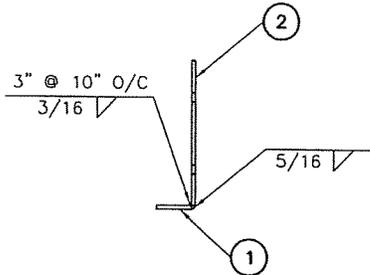
REFERENCE #:
APPLICANT: ROBERT & THERESA FOULON
PROPOSED: REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT: BELLEVUE
SHEET: 1 OF: 3
DATE: 7-27-06 DWG#: FAB1



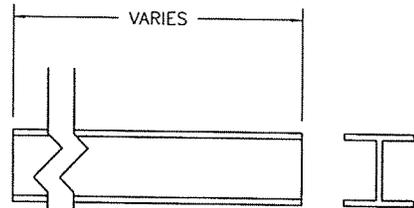
BEAM PLATE (1)
(BOTTOM)



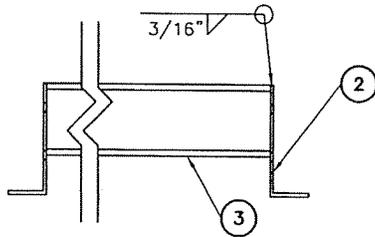
BEAM PLATE (BACK) (2)



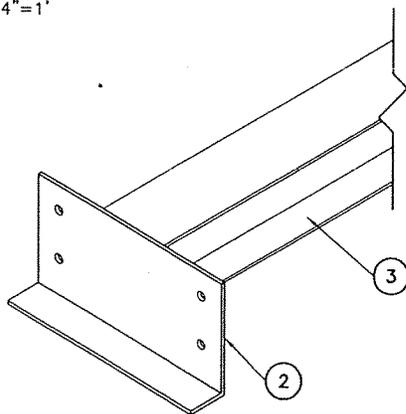
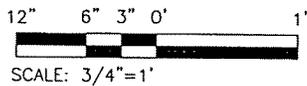
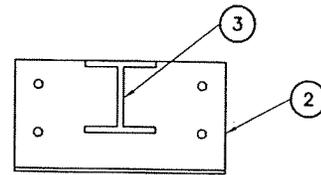
BEAM BRACKET ASSEMBLY



W6x15 "I" BEAM (3)

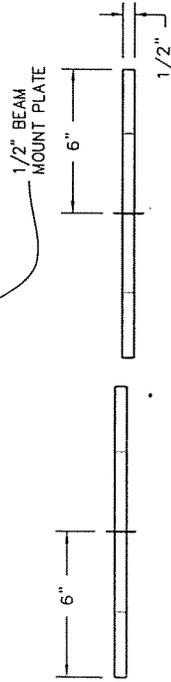
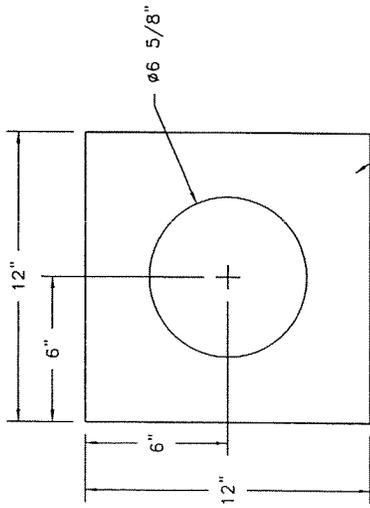


STEEL CAP ASSEMBLY

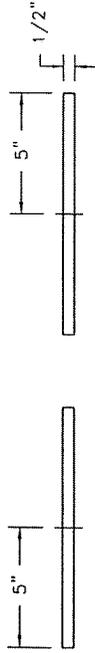
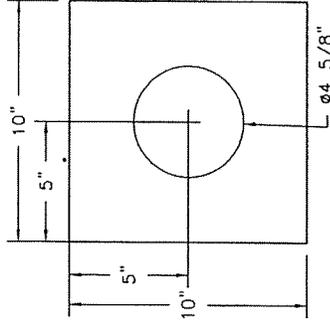
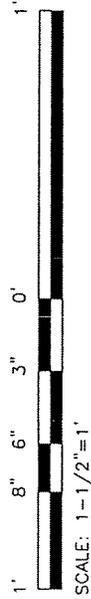


PART #	QTY REQD	NOMENCLATURE OR DESCRIPTION	MATERIAL SPECIFICATION
3	-	W6x15 "I" BEAM	6" 15 LB PER FOOT I-BEAM
2	1	BACK BEAM PLATE	18"x9"x5/16" STEEL PLATE
1	1	BOTTOM BEAM PLATE	18"x3"x5/16" STEEL PLATE

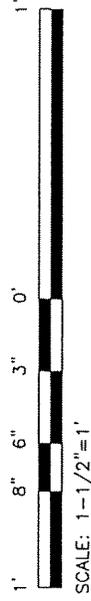
REFERENCE #:
APPLICANT: ROBERT & THERESA FOULON
PROPOSED: REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT: BELLEVUE
SHEET: 2 OF: 3
DATE: 7-27-06 DWG#: FAB2



6" PILE PLATE



4" PILE PLATE



REFERENCE #:	
APPLICANT:	ROBERT & THERESA FOULON
PROPOSED:	REMOVE EXISTING JOINT--USE PIER AND CONSTRUCT NEW PIER.
NEAR/AT:	BELLEVUE
SHEET:	3 OF 3
DATE:	7-27-06
DWG#:	FAB3

WHEN RECORDED RETURN TO:

CITY OF BELLEVUE
DEPARTMENT OF PLANNING & COMMUN
11511 Main Street
P.O. Box 90012
Bellevue, WA 98009-9012



20061020001158

MITSUNAGA AG 42.00
PAGE 001 OF 011
10/20/2006 13:47
KING COUNTY, WA

Attention: Matthews Jackson, Land Use Division
Permit No. 06-120917 WB

**AGREEMENT FOR INTRUSION INTO REQUIRED SETBACK FROM ADJACENT
PROPERTY FOR PRIVATE MOORAGE OR OTHER STRUCTURE**

Grantor: BRUCE and LYNN GIBSON
(Owner(s) of Property Abutting Property Where Private Moorage or other
Structure is Proposed to Intrude into the Required Setback)

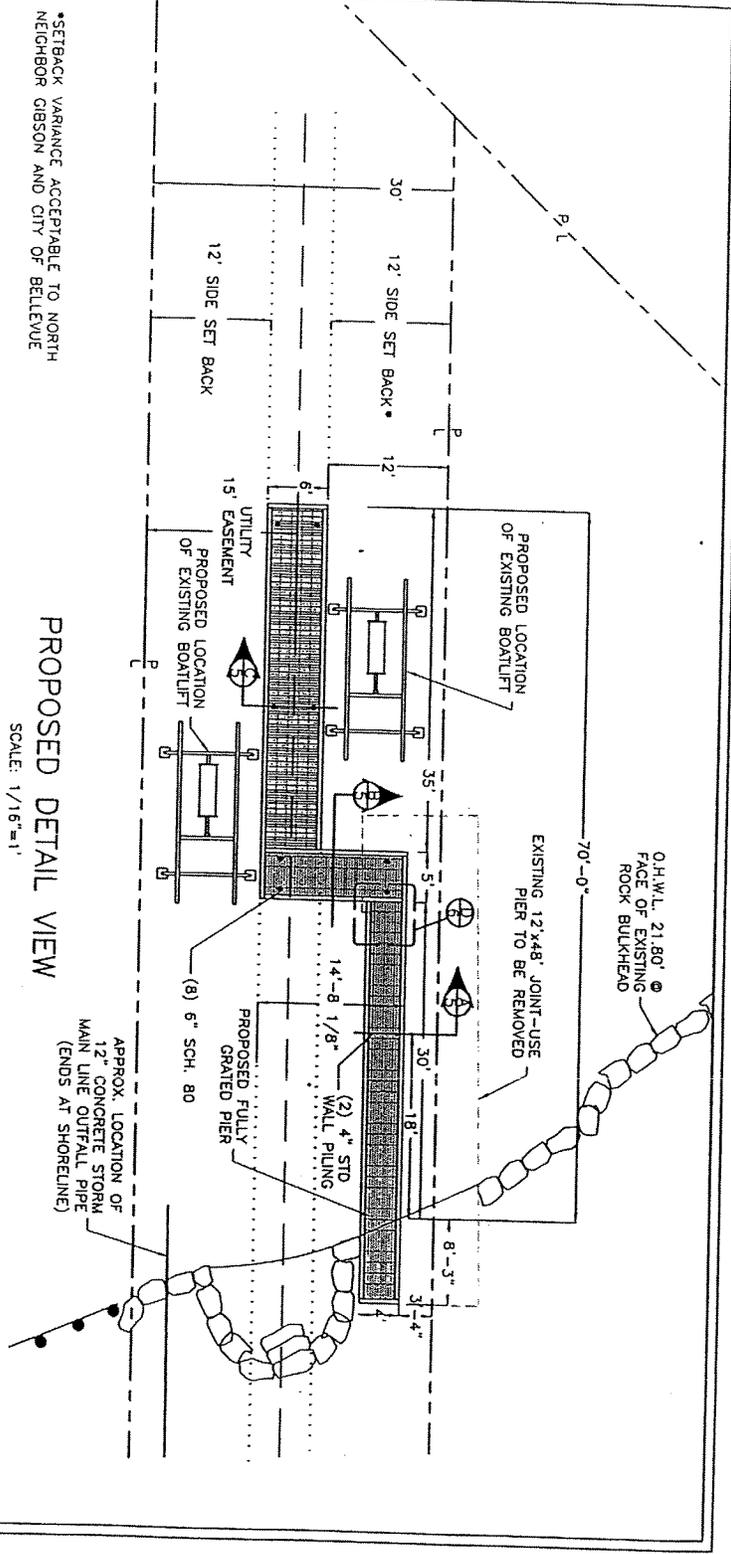
Grantee: ROBERT and THERESA FOULON
(Owner(s) of Property Containing Private Moorage or Other Structure)

Legal Description for Grantor's Property: Lot 7, Newport Revised Division No. 1,
Plats Vol. 61, pp. 25-37, records of King County, except the
Grantor Assessor's Property Tax Parcel/Account Number: 6072800035 south 30
feet thereof

THE GRANTOR(S), BRUCE and LYNN GIBSON
as owner(s) of the property addressed as 66 Cascade Key
and located in King County, Washington, agree that, in accordance with the current City
of Bellevue Land Use Code (20.25E.080.N.1.b.vii), the private moorage or other
structure located at 64 Cascade Key
may intrude into the required setback from the adjacent property as shown on the plan
attached as EXHIBIT A to this agreement, pursuant to the settlement agreement
dated May 2, 2006, attached.

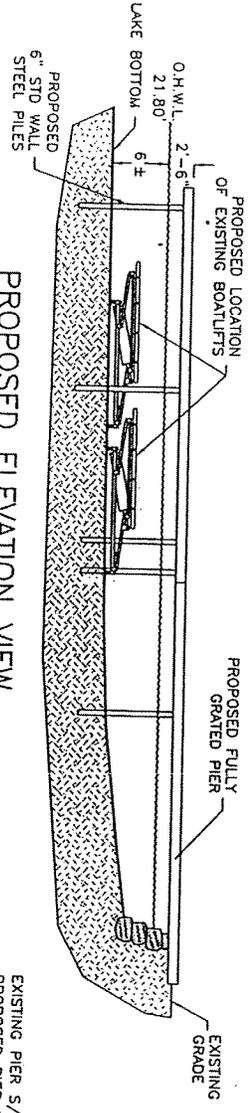
This agreement shall run with the land, and shall be binding on the successors,
assigns, personal representatives, and heirs of the Grantor(s), including but not limited
to all subsequent owners of the subject property. This agreement shall be extinguished
only by the removal of the structure(s) to which it relates, or by amendments to the
applicable provisions in the Bellevue Land Use Code which expressly supersede the
relevant provisions of the codes or regulations in effect at the time that this agreement
is made.

ORIGINAL



PROPOSED DETAIL VIEW
SCALE: 1/16"=1'

*SETBACK VARIANCE ACCEPTABLE TO NORTH NEIGHBOR GIBSON AND CITY OF BELLEVUE



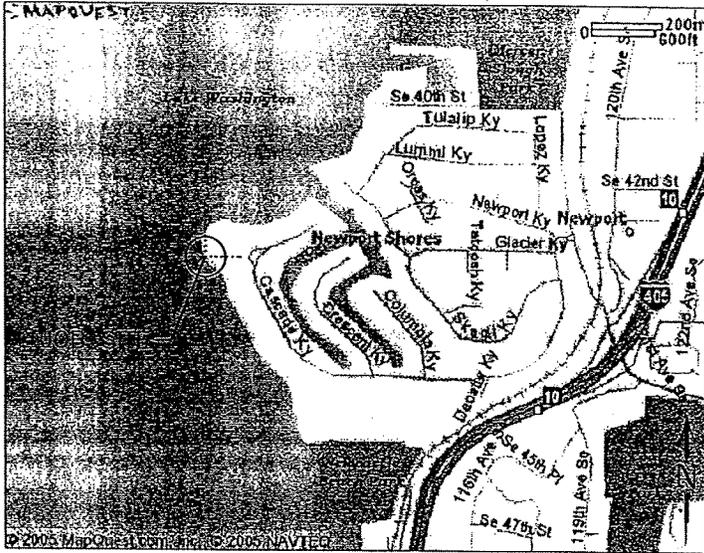
PROPOSED ELEVATION VIEW
SCALE: 1/16"=1'

REFERENCE #:	EXISTING PIER S/F= 576
APPLICANT: ROBERT & THERESA FOULON	PROPOSED PIER S/F= 445
PROPOSED: REMOVE EXISTING JOINT-USE PIER AND CONSTRUCT NEW PIER.	
NEAR/AT: BELLEVUE	
SHEET: 4 OF: 6	
DATE: 7-27-06	DWG#: 05-3002-A-4-1

RECEIVED

AUG -3 2006
PERMIT PROCESSING

PROJECT DESIGNED BY:
Waterfront Construction Inc.
205 NE NORTHLAKE WAY, Suite 230
SEATTLE, WA. 98105 (206) 548-9800



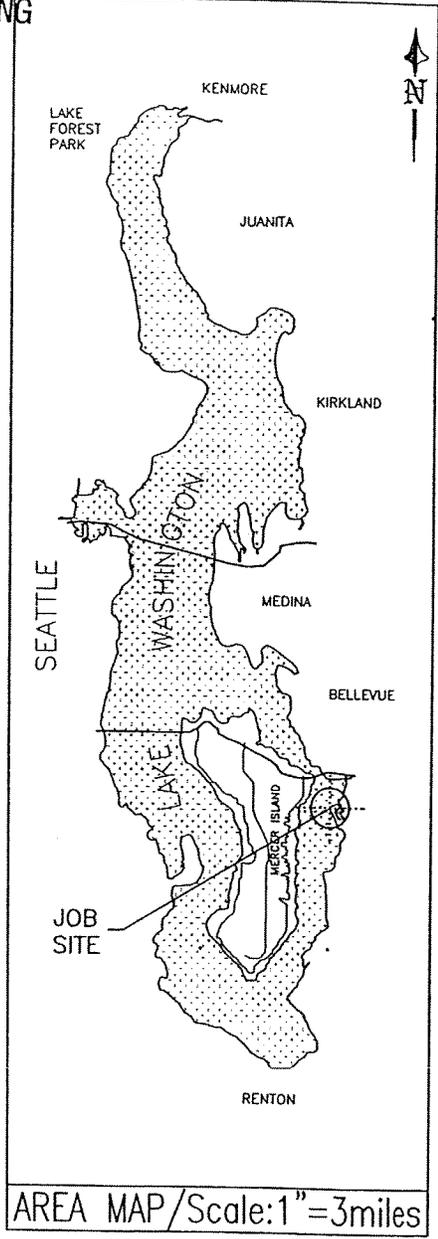
VICINITY MAP/NO SCALE

LEGAL DESCRIPTION

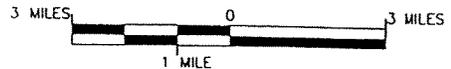
1/4 SEC: SE 17-24N-05E
TAXLOT #: 607280 0030

LOT 5-6-7 NEWPORT REVISED DV #1 LOT 5 LESS POR
ELY OF LN BAAP ON S LN SD LOT 5 N B7-45-46 W
140.91 FT W OF SE COR SD LOT 5 TH N 17-35-40 E
209.39 FT TO NW COR SD LOT 5 & TERM SD LN TCW
ALL OT 6 & S 30 FT OF 7 AKA POR OF BELLEVUE LLA
NO 85-8 REC NO 8504109001

LAT: 47-34'-13"
LONG: 122-11'-37"



AREA MAP/Scale: 1"=3miles



ADJACENT OWNERS:

- ① BRUCE GIBSON
66 CASCADE KY
BELLEVUE, WA. 98006
- ② NEWCASTLE BEACH PARK
BELLEVUE, WA. 98006

PROPOSED: REMOVE EXISTING JOINT-USE
PIER AND CONSTRUCT NEW PIER.

PURPOSE: TO PROVIDE PRIVATE MOORAGE.

DWG#: 05-3002-A.1-1

APPLICANT: ROBERT & THERESA FOULON

SITE ADD. 64 CASCADE KY
BELLEVUE, WA. 98006

MAIL ADD. 64 CASCADE KY
BELLEVUE, WA. 98006

DATUM: C.O.E. 0.0' EST 1919

SHEET: 1 OF: 6 DATE: 7-27-06

1. Foulons to apply for all necessary permits
AsAP for dock w/ agreed configuration +
process expeditiously. (per attached plans)

2. Gibsons to cooperate w/ permits in good faith
to write letter(s) to agencies supporting
application and consenting to location of
catwalk portion of dock in setback area.

No ex parte communications w/ permitting agencies

3. Gibsons to pay \$70K to WC w/in 5 days
and place \$10K in escrow Hb released
on issuance of permits for CDB, COE, DFW. (RF)
unrecorded amendment to the JMA (TF)

4. Release of JMA (and original Settlement Agreement) executed + placed in
escrow Hb filed on issuance of permits for
CDB, COE, DFW demolition of existing dock. (P)

5. Existing dock:

- Gibsons not use pending demolition
- Foulons can use but must comply w/
terms + restrictions in JMA + Settlement K
- Foulons to demolish in next const window
after permit issuance. If fail to do so,
Gibsons can demolish at their cost w/ 2 months
advance notice.

provided
boarded
least two
weeks before
work window.

6. New dock:

- no boats, moorage, storage of any items
in 3' setback between catwalk + mutual property
line
- no lights, signs, ^{decks} or other items attached to

N side of catwalk. (RF) (TF) (AF) (EF)

- Larger Boatlift (10,000 lb, approx 12' wide) to be located only on S side of dock

- On N side of dock, boat lift ~~to~~ be no larger ~~than~~ 4,000 lb / 10 feet wide than existing smaller boat lift (RF) (TF) (AF) (EF)

- if a canopy is constructed on Foulon dock, can be only on S side of dock

violations related to Except for delays in demo. of existing dock parking rules of settlement agreement for new docks

7. Violations of no parking or Gibsons non-use of existing dock (RF) (TF) (AF) (EF)

- \$100 per day

- assessable by arbitration before J. Fulle based on written submissions

- allly fees/costs to prevailing party

- Violations of the JMA and settlement agreements of 2002 are to be dealt w/ according to the terms of those agreements

8. No Parking Zones at the end of the docks on both lots in area beyond dock + toward prop line (per map)

9. Neither party will interfere w/ other's permit.

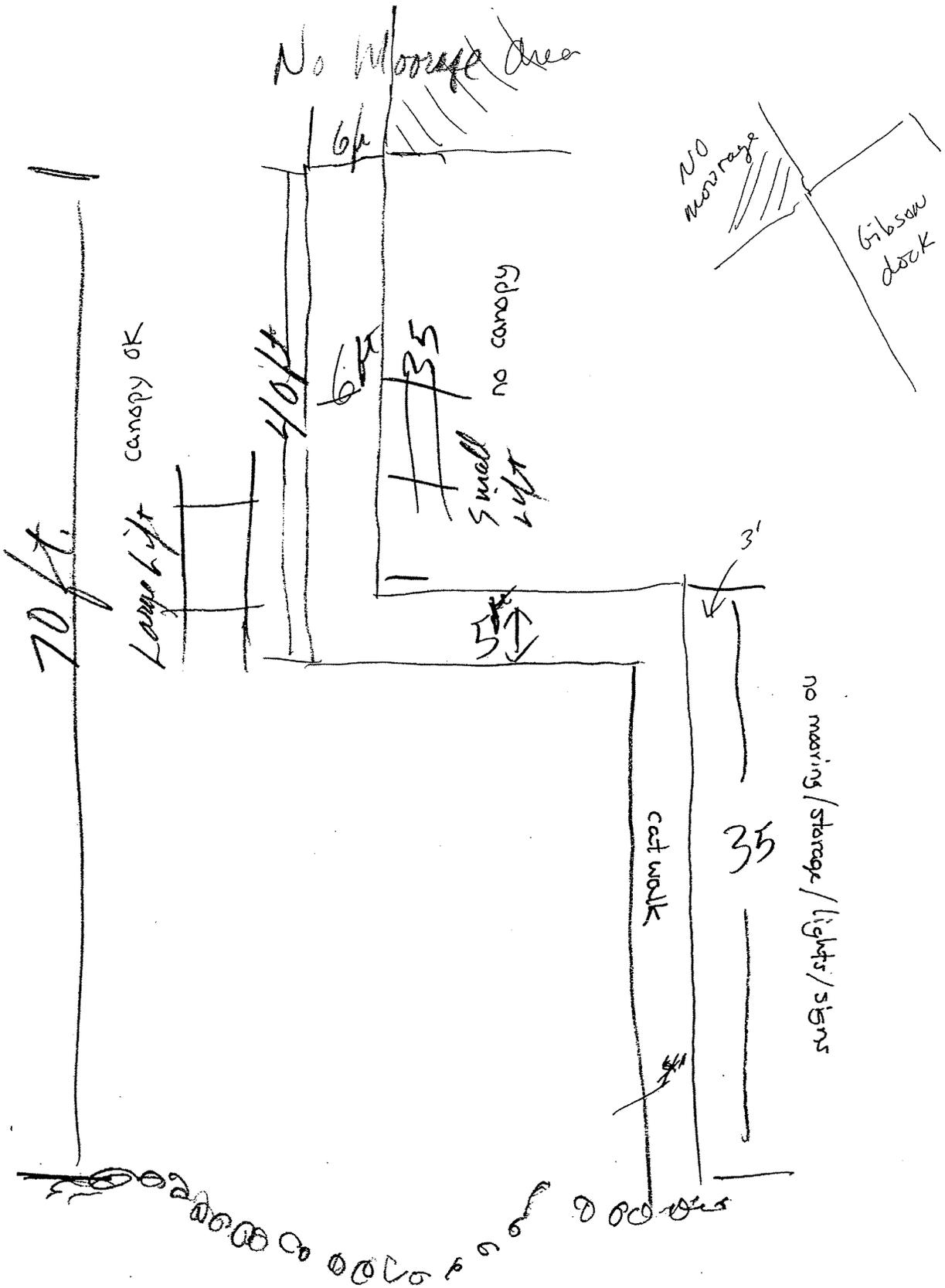
10. Same dispute resolution as prior agreement.

5-2-06
5-2-06

the Gibsons to dismiss lawsuit w/ prejudice when dock demolition. Stay lawsuit in interim

May 2, 2006

[Signatures]



13. Disputes under this Addendum to the Joint Maintenance Agreement or disputes between the Foulons and the Gibsons only as to the Joint Maintenance Agreement itself, if any, shall be resolved as follows:

- (a) The parties first shall provide a ten (10) day written notice of intent to initiate mediation through the City of Bellevue Neighborhood Mediation Service, subject to the availability of a mutually agreed mediator. If no such mediation or mediator is available or such mediation fails, the party seeking dispute resolution shall proceed under subsection (b) of this paragraph.
- (b) Mediation with the Honorable George Finkle, ret., may be initiated upon fourteen (14) days written notice. If Judge Finkle is unavailable, mediation shall be initiated with another mutually agreeable mediator at Judicial Dispute Resolution, LLC in Seattle, Washington. If mediation at this level fails to result in a resolution of the dispute, the parties may next proceed under paragraph (c) of this provision.
- (c) If mediation with the Honorable George Finkle, ret., or another mutually agreeable mediator at Judicial Dispute Resolution, LLC fails, the party may initiate arbitration with Judge Finkle, or, if Judge Finkle is not available, with another mutually agreed arbitrator at Judicial Dispute Resolution, LLC on fourteen (14) days written notice.
- (d) One hundred percent (100%) of the Judicial Dispute Resolution, LLC's fees for mediation and arbitration shall be awarded to the prevailing party.

Handwritten initials and marks:
J.F.
RF
A circled mark
A scribbled-out mark

AGREED TO this 13 day of ^{June} April, 2002.

Handwritten initials:
B/G
B/G

Bruce Gibson
Bruce Gibson

Bob Foulon
Bob Foulon

Lynn Gibson
Lynn Gibson

x *Terry Foulon*
Terry Foulon

TEXT OF SETTLEMENT AGREEMENT
Re-typed from handwritten agreement for ease of reading only

1. Foulons to apply for all necessary permits ASAP for dock w/agreed configuration and process expeditiously. (Per attached plans.)
2. Gibsons to cooperate with permits in good faith to write letter(s) to agencies supporting application and consenting to location of catwalk portion of dock in setback area. No ex parte communications with permitting agencies.
3. Gibsons to pay \$10K to WC within 5 days and place \$10K in escrow to be released on issuance of permits for COB, COE, DFW.
4. Release of JMA (and unrecorded amendment to the JMA) executed and placed in escrow to be filed on demolition of existing dock.
5. Existing Dock:
 - Gibson not use pending demolition
 - Foulon can use but must comply with terms and restrictions in JMA and Settlement K
 - Foulons to demolish in next construction window after permit issuance, provided issued at least two weeks before work window. If fail to do so, Gibsons can demolish at their cost with 2 months advance notice.
6. New Dock:
 - No boats, moorage, storage of any items in 3' setback between catwalk and mutual property line
 - No lights, signs, cleats or other items attached to N side of catwalk.
 - Larger Boatlift to be located only on S side of dock
 - On N side of dock, boat lift to be no larger than existing smaller boat lift.
 - If a canopy is constructed on Foulon dock, can be only on S side of dock.
7. Except for violations related to delays in demo. of existing dock, violations of no-parking rules of new Settlement Agreement for new docks:
 - \$100 per day
 - assessable by arbitrator before J. Finkle
 - based on written submissions
 - attorneys fees/costs to prevailing party
 - Violations of the JMA and settlement agreements of 2002 are to be dealt with according to the terms of those agreements.
8. No Parking Zones at the end of the docks on both lots in area beyond dock and toward prop line (per map)

9. Neither party will interfere with others' permit.
10. Same dispute resolution as prior agreement.
11. Gibsons to dismiss lawsuit with prejudice when dock demolition. Stay lawsuit in interim.

May 2, 2006.

Signed by all four parties

(hand-drawn map inserted at this point in agreement)

Attachment from prior settlement agreement:

13. Disputes under this Addendum to the Joint Maintenance Agreement or disputes between the Foulons and the Gibsons only as to the Joint Maintenance Agreement itself, if any, shall be resolved as follows:

- a. The parties first shall provide a ten (10) day written notice of intent to initiate mediation through the City of Bellevue Neighborhood Mediation Service, subject to the availability of a mutually agreed mediator. If no such mediation or mediator is available or such mediation fails, the party seeking dispute resolution shall proceed under subsection (b) of this paragraph.
- b. Mediation with the Honorable George Finkle, ret., may be initiated upon fourteen (14) days written notice. If Judge Finkle is unavailable, mediation shall be initiated with another mutually agreeable mediator at Judicial Dispute Resolution, LLC in Seattle, Washington. If mediation at this level fails to result in a resolution of the dispute, the parties may next proceed under paragraph (c) of this provision.
- c. If mediation with the Honorable George Finkle, ret., or another mutually agreeable mediator at Judicial Dispute Resolution, LLC fails, the party may initiate arbitration with Judge Finkle, or, if Judge Finkle is not available, with another mutually agreed arbitrator at Judicial Dispute Resolution, LLC on fourteen (14) days written notice.
- d. One hundred percent (100%) of the Judicial Dispute Resolution, LLC's fees for mediation and arbitration shall be awarded to the prevailing party.

AGREED to this 13th day of June, 2002.

_____/S/_____
Bruce Gibson

_____/S/_____
Bob Foulon

_____/S/_____
Lynn Gibson

_____/S/_____
Terry Foulon