Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of 3/30/16

Please see directions for completing this document on the next page.

DATE: March 14, 2016

FROM: Will Groves Community Development Department 388-6518

TITLE OF AGENDA ITEM:
A de novo public hearing on a conditional uses, non-conforming use, and Landscape Management site plan review (247-15-000113-CU, 114-CU, 115-NUV, 116-LM, 670-A) to establish new community dock and decks, verification of non-conforming structures (bunkhouse and garage), alteration of the bunkhouse, and verification of nonconforming uses consisting of fill within the flood plain and wetlands.

PUBLIC HEARING ON THIS DATE? Yes

BACKGROUND AND POLICY IMPLICATIONS:
Before the Board of County Commissioners (BOCC) is an appeal filed by Elizabeth A. Dickson, attorney for Peter Dreifuss. The appeal is submitted in response to a Deschutes County Hearings Officer's decision that a new community dock and decks, verification of non-conforming structures (bunkhouse and garage), alteration of the bunkhouse, verification of nonconforming uses consisting of fill within the flood plain and wetlands, and a septic system do not comply with all applicable regulations. By Order 2016-004, the Board initiated review of this application under DCC 22.28.050 through a de novo hearing.

FISCAL IMPLICATIONS:
None

RECOMMENDATION & ACTION REQUESTED:
Staff recommends that the Board open the public hearing and receive testimony.

ATTENDANCE: Will Groves

DISTRIBUTION OF DOCUMENTS:
CDD, Legal

Community Development Department
Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
http://www.co.deschutes.or.us/cdd/

MEMORANDUM

DATE: March 14, 2016

TO: Board of County Commissioners

FROM: Will Groves, Senior Planner

RE: Elizabeth A. Dickson's appeal of a Hearings Officer's decision. File Nos. 247-15-000113-CU, 247-15-000114-CU, 247-15-000115-NUV, 247-15-000116-LM (247-15-000670-A)

Before the Board of County Commissioners (BOCC) is an appeal filed by Elizabeth A. Dickson, attorney for Peter Dreifuss. The appeal is submitted in response to a Deschutes County Hearings Officer's decision that a new community dock and decks, verification of non-conforming structures (bunkhouse and garage), alteration of the bunkhouse, verification of nonconforming uses consisting of fill within the flood plain and wetlands, and a septic system do not comply with all applicable regulations. The appellant requests the BOCC formally consider the decision.

BACKGROUND

In approximately 1976, Applicant's predecessor constructed a small structure on the property, referred to as the "bathhouse," that had a sink, toilet, shower, and laundry facilities inside and a faucet and sink outside.

In 2009 and 2010, the applicant built several structures on the subject property, including the existing dock, free-standing decks, walkways, garage, and an addition to the "bathhouse" consisting of a bedroom and attached decking, creating the bunkhouse. The applicant also placed eight cubic yards of gravel on the driveway.

In 2013, the county received code violation complaints concerning construction and use of improvements on the subject property without necessary permits and approvals: 247-13205-CE (septic system); 247-13206-CE (work without building permits); and 247-C13207-CE (work without land use approval). The applicant submitted the subject land use applications to permit the work performed after-the-fact.

The Hearings Officer issued a decision on December 9, 2015 finding that the proposal does not comply with all applicable regulations. Specifically, the "bathhouse" was found to have been unlawfully established while PL-5 was the active zoning code, aboveground decks were found

to be not allowed in the 100-foot river setback, and the dock was found not to comply with a number of regulations. On December 22, 2015, the applicant appealed the decision to the BOCC.

The 150-day period for issuance of a final local decision under ORS 215 expires on January 21, 2016. The applicant has offered to toll the 150-day clock through May 31, 2016 to allow sufficient time for the BOCC to hear this matter and issue a decision.

APPEAL

The notice of appeal describes several assignment of error. These are summarized below, with references to those pages within the decision where the Hearings Officer addressed the issue.

1. **County Flood Plain designation should reflect actual site conditions verified by survey.** H.O. Decision, pp. 32-33:

> "The Hearings Officer has found the county is authorized to interpret the FP Zone to apply only to those portions of the subject property located at or below the BFE based on a site-specific flood plain survey. The staff report raises the question of whether and to what extent the RR-10 Zone applies to the subject property because the entire property is zoned FP, which is a base or "primary" zone. As discussed in the findings above, in prior decisions the county has found that where, as here, a site-specific survey shows the flood plain is less extensive than the area mapped by FEMA, the provisions of the FP Zone are not applied to uses outside the surveyed flood plain and the provisions of the adjacent zone do apply. However, I have concluded that for purposes of the analysis in this decision, I will consider the entire subject property to be zoned FP. Therefore, I find the provisions of the RR-10 Zone do not apply to the applicant's proposal."

Staff Note: While the BOCC might conclude that the bunkhouse and garage should be evaluated under RR-10 zone criteria (as they are above the Base Flood Elevation), the setback requirement preventing expansion of the bunkhouse and placement of the decks is identical in the RR-10 and FP zones.

2. **Nonconforming Use Verification should be granted when historic photos, neighbor testimony, and County Records prove existence.** H.O. Decision, pp.40-51.

> "The record indicates the original bathhouse was constructed on the subject property in 1976. The county's official records indicate that in 1976 the subject property was zoned RR-1, Rural Recreational Residential Zone, under PL-5, the county's first zoning ordinance which took effect in December of 1971. Sections 3.150 and 3.155 of the RR-1 Zone listed the uses permitted outright and conditionally in that zone. The Hearings Officer finds none of those uses includes the original bathhouse. Section 3.160 of PL-5 authorized two "accessory uses" in the RR-1 Zone -- "not

more than one private garage" and "home occupation." I find neither of these uses includes the original bathhouse."

Staff Note: Staff understands the record to contain no debate on the establishment date of the "bathhouse". At issue is whether that use was lawful at the time of establishment under PL-5, the zoning code in effect at the time of the use establishment.

3. **Deschutes River dock requirements need clarification.** H.O. Decision, pp. 16, 20-27.

   Staff Note: The Hearings Officer denied the dock under several criteria (including frontage and dock size). While staff believes the Hearings Officer made reasonable interpretations, BOCC affirmation or reinterpretation on these issues would likely be granted deference on any future appeal.

4. **Marine Life and Wildlife Habitat identification and mitigation analysis should weight site-specific information over general regulations or observations.**

   Staff Note: The Applicant states: "We ask the Board to consider the reason for dock restrictions and if the underlying concern to protect habitat is met, that the Board allow the dock replacement to be deemed permitted". Staff notes that the applicant appears to be requesting a variance to dock criterion, but has not applied for a variance.

   The applicant also included a request to reevaluate the Hearings Officer's denial of decking in the 100-foot river setback under this appeal topic.

Attachments

1. Hearing Officer's decision
2. Notice of Intent to Appeal

Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
Phone: (541) 388-6575 Fax: (541) 385-1764
http://www.deschutes.org/cd

APPEAL APPLICATION

FEE: $4140

EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. A statement describing the specific reasons for the appeal.
2. If the Board of County Commissioners is the Hearings Body, a request for review by the Board stating the reasons the Board should review the lower decision.
3. If the Board of County Commissioners is the Hearings Body and *de novo* review is desired, a request for *de novo* review by the Board, stating the reasons the Board should provide the *de novo* review as provided in Section 22.32.027 of Title 22.
4. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.

It is the responsibility of the appellant to complete a Notice of Appeal as set forth in Chapter 22.32 of the County Code. The Notice of Appeal on the reverse side of this form must include the items listed above. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

Staff cannot advise a potential appellant as to whether the appellant is eligible to file an appeal (DCC Section 22.32.010) or whether an appeal is valid. Appellants should seek their own legal advice concerning those issues.

Appellant's Name (print): Elizabeth A. Dickson, Attorney for Peter Driefuss Phone: (541) 317-5505

Mailing Address: 747 SW Mill View Way City/State/Zip: Bend, OR 97702

Land Use Application Being Appealed: 247-15-000113-CU/114-CU/115-NUV/116-LM

Property Description: Township 20 Range 11 Section 18C Tax Lot 4300

Appellant's Signature: See attached authorization letter dated March 2, 2015.

EXCEPT AS PROVIDED IN SECTION 22.32.024, APPELLANT SHALL PROVIDE A COMPLETE TRANSCRIPT OF ANY HEARING APPEALED, FROM RECORDED MAGNETIC TAPES PROVIDED BY THE PLANNING DIVISION UPON REQUEST (THERE IS A $5.00 FEE FOR EACH MAGNETIC TAPE RECORD). APPELLANT SHALL SUBMIT THE TRANSCRIPT TO THE PLANNING DIVISION NO LATER THAN THE CLOSE OF THE DAY FIVE (5) DAYS PRIOR TO THE DATE SET FOR THE *DE NOVO* HEARING OR, FOR ON-THE-RECORD APPEALS, THE DATE SET FOR RECEIPT OF WRITTEN RECORDS.

(over)

MARCH 2, 2015

TO WHOM IT MAY CONCERN:

THIS AUTHORIZATION IS EXTENDED TO ELIZABETH DIXON, ATTORNEY AT LAW, WHOS ADDRESS IS HURLEY RE PC, 747 SW MILL VIEW WAY, BEND, OREGON.

ATTORNEY DIXON HAS AUTHORITY IN ACT ON MY BEHALF IN REGUARDS TO ALL MATTERS PERTAINING TO THE DESCHUTES COUNTY ISSUES AS FAR AS PROPERTY ISSUES ARE CONCERNED.

PETER A. DREIFUSS
3451 DIEGO ESTATES DRIVE
FALLBROOK, CA 92028

HURLEY | RE
ATTORNEYS AT LAW | P.C.

747 SW Mill View Way, Bend, OR 97702
541-317-5505 ▪ Fax: 541-317-5507 ▪ www.hurley-re.com

December 21, 2015

Board of County Commissioners
C/o William Groves, Senior Planner
Deschutes County Planning Division
117 NW Lafayette Ave.
Bend, OR 97703

via Hand Delivery and Email to Willliam.Groves@deschutes.org

RE: Notice of Appeal of Hearings Officer's Decision – File Numbers 247-15-000113-CU/114-CU/115-NUV/116-LM

Dear Commissioners,

On behalf of my clients, Peter Dreifuss and Sandy Bovenzi Dreifuss, we request *de novo* review by the Board of County Commissioners ("BOCC")" of the December 9, 2015 Hearings Officer's Decision on applications for conditional use permits, nonconforming use verification, and landscape management review as noted above. The County decision was mailed on the date of the decision, so a notice of appeal must be filed by today, December 21, 2015, making this notice timely. This letter is accompanied by the Planning Division form and the required appeal fee of $4,140.

My clients have agreed to extend the 150-day statutory time limit to reach a final decision on their applications to Friday, April 29, 2016. Our letter extending this time limit is enclosed with this notice.

Request for *De Novo* Review on Appeal

The Dreifusses seek *de novo* scope of review of Hearings Officer Karen Green's decision ("Decision") dated December 9, 2015, as allowed by DCC 22.32.027, on the following grounds:

1. The 150-day time limit will not be exceeded by hearing this appeal, because the Dreifusses have agreed to extend to April 29, 2016, giving the Board approximately four months to decide to hear the appeal, allow County Staff to formulate recommendations, schedule the appeal for hearing and hold same, and make a considered review on appeal.

2. Several significant policy issues are at stake in this Decision. The precedents set by this Decision may foreseeably impact other County decisions involving these timely matters:

    - Flood Plain designation refinement policy
    - Nonconforming Use Verification proof required
    - Deschutes River dock policy
    - Spotted Frog habitat identification and mitigation

Brief Factual Statement and Procedural Posture

Mr. and Mrs. Dreifuss purchased Lot 2, Block 57, Oregon Water Wonderland Unit II Subdivision ("OWWII"), in August of 2009. The 1.41 acre lot contained improvements that had been built in approximately 1976 to compliment an RV. These included a graveled driveway to the river, a bathhouse with a sink, toilet, shower, laundry facilities, and space for a table and chairs. The bathhouse was served by a 900-gallon septic system which was authorized by Deschutes County and received a certificate of satisfactory completion in October of 1976. A boat slip, then later a dock in the boat slip's place, was also built for the benefit of the lot.

The lot is technically a part of the OWWII subdivision, but is not served by the subdivision's sewer service because the lot is on the southwest side of the Deschutes River, across the river from the rest of the subdivision, and a piped crossing has not been permitted or built. The subdivision HOA has no immediate interest or funding to extend services to the Dreifuss lot.

The Dreifusses love the quiet, screened, river-front lot with RV-customized improvements. They also enjoy traveling by RV and plan to spend summer months at the site in their RV. However, the structural improvements on the lot were over 30 years old. The septic system was checked out by a professional service and was in good condition, so they retained that and repaired and upgraded the existing bathhouse and added a well house, a garage, a deck, and a new dock over the old piers to go with their RV.

Regrettably, they did this work without checking with the County first. A neighbor filed a code enforcement complaint and the County notified the Dreifusses that the lot improvements required permits. The subject applications are the result of the Dreifusses' efforts to comply with County law.

Statement of Issues on Appeal

I. County Flood Plain Designation should reflect actual site conditions verified by survey.

Deschutes County's Flood Plain Zone designation (FP) does not accurately reflect site conditions at the Subject Property. The entire lot is zoned FP, though the actual base flood elevation line (BFE) area is limited to approximately ¼ of the lot. The Dreifusses engaged two surveying companies to survey the lot and fix the line at its precisely correct location. See Site Plan, attached as **Exhibit A**.

The Hearings Officer agrees that the Flood Plain Zone technically only applies below the base flood elevation line, but assumes the entire lot was FP so the improvements are not allowed.

We ask the Board to consider a policy which allows improvements above the flood line to be considered as outside of the Flood Plain Zone, where specific measurements are available to confirm same. In short, that the site-specific information supersedes general, broad-brush zoning designations for this particular lot or parcel.

II. Nonconforming Use Verification should be granted when historic photos, neighbor testimony, and County records prove existence.

The Subject Property's bathhouse, constructed in 1976, was served by the permitted septic system. It was built prior to applicable permit requirements for the structure, so may be considered legal. The Hearings Officer Decision opines that it was not a nonconforming use, despite its history. Evidence presented clearly proves to the contrary.

The Dreifuss property has been served by a site-installed septic system since 1976. The County has no proof that the system was abandoned, only that an application filed in 1992 to expand it to full residential use was denied. County Staff is understandably reluctant to encourage use of South County septic systems in light of recent controversies and known water table risks. However, existing lawful uses have a legal right to be verified as nonconforming, and Applicant Dreifuss has provided evidence of original lawful permits and continual use. County Staff's conclusion that the 1976 septic's use was discontinued is outweighed by evidence proving continual use.

Because the bathhouse and the septic were not granted NCU status by the Hearings Officer or Deschutes County Staff, the Hearings Officer declined to further analyze the changes made to the bathhouse by the Dreifusses and whether or not they extended that original 1976 RV-related use. We ask the Board to complete the analysis of the improvements, after finding that the 1976 improvements were nonconforming uses, and are therefore entitled to the protection of existing structures and uses.

It is important to note that the original bathhouse contained a toilet, shower, sink, washer/dryer, and table and chairs. The updates and improvements made by the Dreifusses do expand the structure to include a bed area and refine the finishing both inside and out. However, no kitchen was added, so the structure is still not a dwelling or residence as defined by County Code definitions. The RV-accessory use is preserved from its original use in 1976.

III. Deschutes River dock requirements need clarification.

The Subject Property has featured a boat slip and a dock in the past. Rotted piers are clearly visible in the silt below the waterline to prove it. The Dreifusses built a new landing platform and dock that is approximately ½ over the water and ½ over land in the area over the old piers. County Code allows a private dock if the lot has 200 feet or more of river frontage. Surveyed evidence proves the shoreline contains 209.5 feet of river frontage. See Site Plan, **Exhibit A**. There was dispute over how such measurement should be taken, requiring interpretation of the County Code. The Hearings Officer chose to disregard the professional surveyed measurement, and instead imposed her own method of measurement as the drafters' intent. That method of measurement resulted in a shoreline measurement of 175 feet.

The Hearings Officer also considered the entire structure to be a dock, rather than just the separate part of the structure that spans the river. As such, she found it to exceed 160 square feet maximum, when measured as a single unit. We ask the Board to interpret the meaning of the language "built over or floats upon the water. . . ." We ask the Board to consider the approximately 255 square feet as 130

square feet of dock, and 125 feet of landing, and so find it compliant with the personal dock Code provisions.

IV. Marine Life and Wildlife Habitat identification and mitigation analysis should weight site-specific information over general area regulations or observations

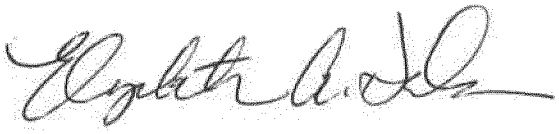
Deschutes River Basin concerns are regularly examined by the Army Corps of Engineers, the U.S. Forest Service, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, and the Upper Deschutes Watershed Council, to name a few. All of these agencies were notified of the subject application. General concerns about Spotted Frog, an endangered species, were investigated by an expert who fully examined the site for signs of habitat or activity and concluded there were none on the Subject Property. The Hearings Officer was satisfied with this expert's opinion.

Despite this finding, the Hearings Officer will not consider allowing the replacement of the dock at the site. We ask the Board to consider the reason for dock restrictions, and if the underlying concern to protect habitat is met, that the Board allow the dock replacement to be deemed permitted.

River setbacks of 100 feet are interpreted very narrowly by the Hearings Officer. The Dreifusses built a deck just above grade without railings to provide a river viewing area. The deck is comprised of two platforms connected by a short walkway. See Site Plan, **Exhibit A**. County Code defines a deck as landscaping, and landscaping is allowed within 100 feet of the river. However, County Code restricts structures within the 100-foot area of the River, and the Hearings Officer has opined that this deck is a structure, not landscaping, so must be excluded from the 100-foot River setback. We ask the Board to consider whether this platform deck should be allowed within 100 feet of the River for viewing purposes.

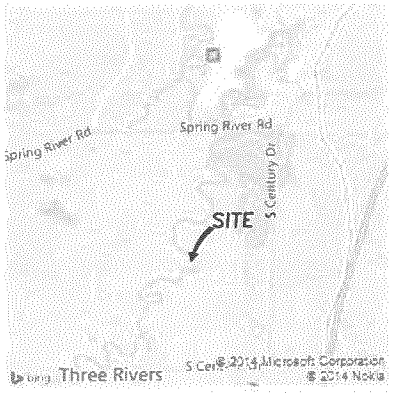
Thank you, in advance, for your consideration of this request. If accepted for appeal to the Board of County Commissioners, we shall supplement this information for clarification and we shall provide a complete transcript of any hearing below, such as is available from Planning Division digital records, as required by DCC 22.32.024.

Sincerely,



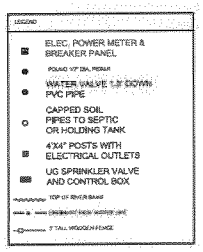
Elizabeth Dickson
EAD/mls
Cc: Client

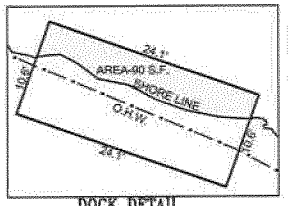
EXHIBIT A



SURVEY DATA BY:
FRESHWATERS SURVEYING, INC.
SCOTT C. FRESHWATERS, PLS
P.O. BOX 4524
SUNRIVER, OREGON 97707
541.593.1792 OFFICE
541.420.1822 MOBILE
JUNE 19 + SEPT 24, 2014
CLIENT: PETER DREIFUSS
#9766

THIS IS NOT A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A BOUNDARY SURVEY MAY DISCLOSE. THE PROPERTY LINE DIMENSIONS ARE PER THE PLAT OF OREGON WATER WONDERLAND UNIT 2. THE ELEVATIONS SHOWN ARE NAVD 1988 DATUM. THE BASE FLOOD ELEVATION IS 4184.2 AS SHOWN ON THE FEMA F.I.R.M. NO. 41017C1130E AND DETERMINED FROM PLATE 10P OF THE FEMA F.I.S. BOOKLET.





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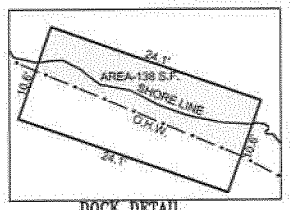
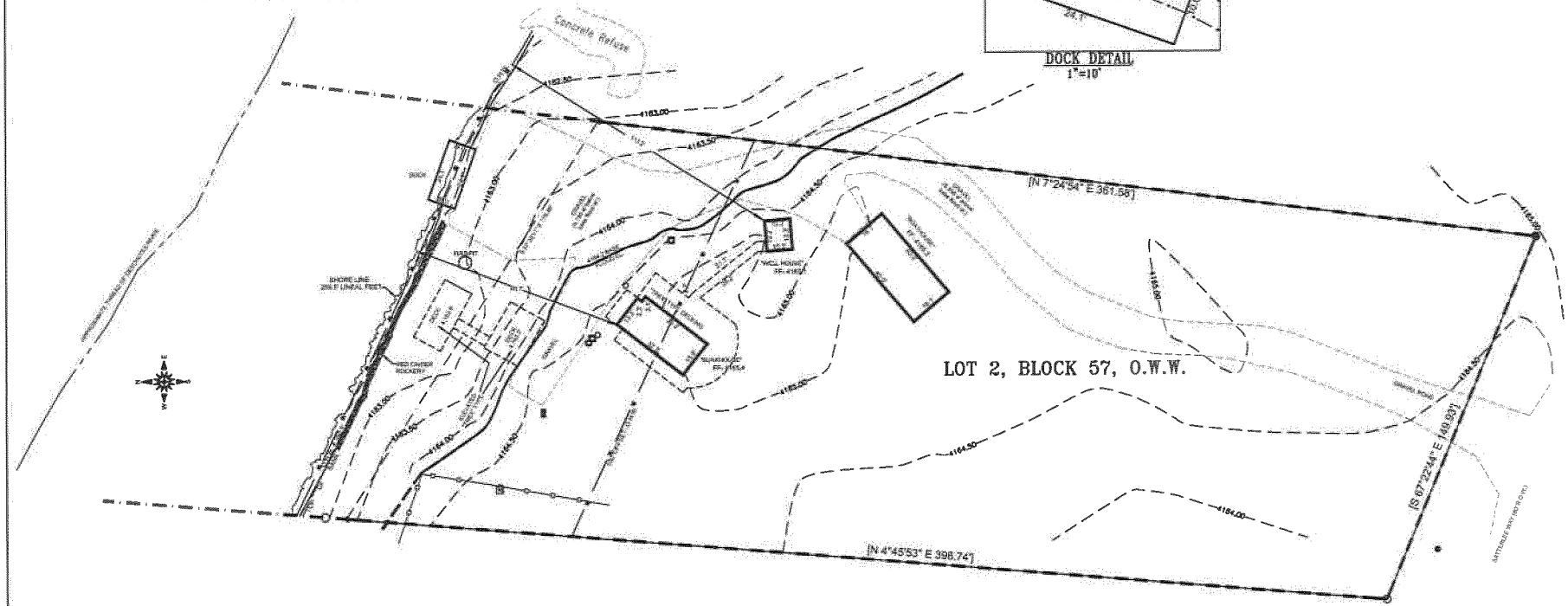


DOCK DETAIL
1"=10'

SITE PLAN
17266 SATTERLEE WAY

LOT 2 IN BLOCK 57 OF OREGON WATER WONDERLAND, T. 20 SOUTH, R. 11 E., SECTION 18, DESCHUTES COUNTY, OREGON.

SITE ADDRESS: 17266 SATTERLEE WAY
TAX LOT: 20 11 18 CO 04300



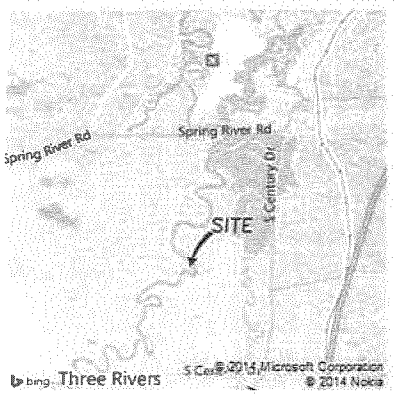
REGISTERED PROFESSIONAL ENGINEER
DESCHUTES
OREGON
PREVIEW
RENEWS 6/30/16

SUN COUNTRY ENGINEERING & SURVEYING, INC.	Developer:	Title:						
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE (541) 382-8682	PETER DREIFUSS 337 OAK AVE. CARLSBAD, CA 92008	SITE PLAN 17266 SATTERLEE WAY						
		Drafting: TH	NO.	DATE	REVISIONS	sht.	1	
		Design: TH		8/20/15	ADD AREA OF GRAVEL			
		Scale: 1" = 10'		9/17/15	ADD SURVEY OF SHORELINE, DECK OVERHANG (DOCKS)	of	1	
		Date: 6/25/14						
		W.O. No. 9766						

DATE

Exhibit A
Page 1 of 1

EXHIBIT A



SURVEY DATA BY:
FRESHWATERS SURVEYING, INC.
SCOTT C. FRESHWATERS, PLS
P.O. BOX 4524
SUNRIVER, OREGON 97707
541.593.1792 OFFICE
541.420.1822 MOBILE
JUNE 19 + SEPT 24, 2014
CLIENT: PETER DREIFUSS
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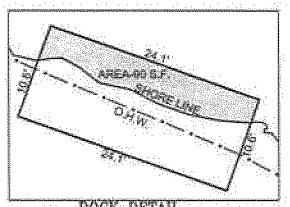
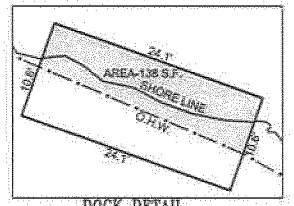
LEGEND
- ELEC. POWER METER & BREAKER PANEL
- FOUND 1/2" DIA. REBAR
- WATER VALVE 1.5" DOWN PVC PIPE
- CAPPED SOIL PIPES TO SEPTIC OR HOLDING TANK
- 4"X4" POSTS WITH ELECTRICAL OUTLETS
- UG SPRINKLER VALVE AND CONTROL BOX
- TOP OF BANK
- ORDINARY HIGH WATER LINE
- 3' TALL WOODEN FENCE



DOCK DETAIL
1"=10'

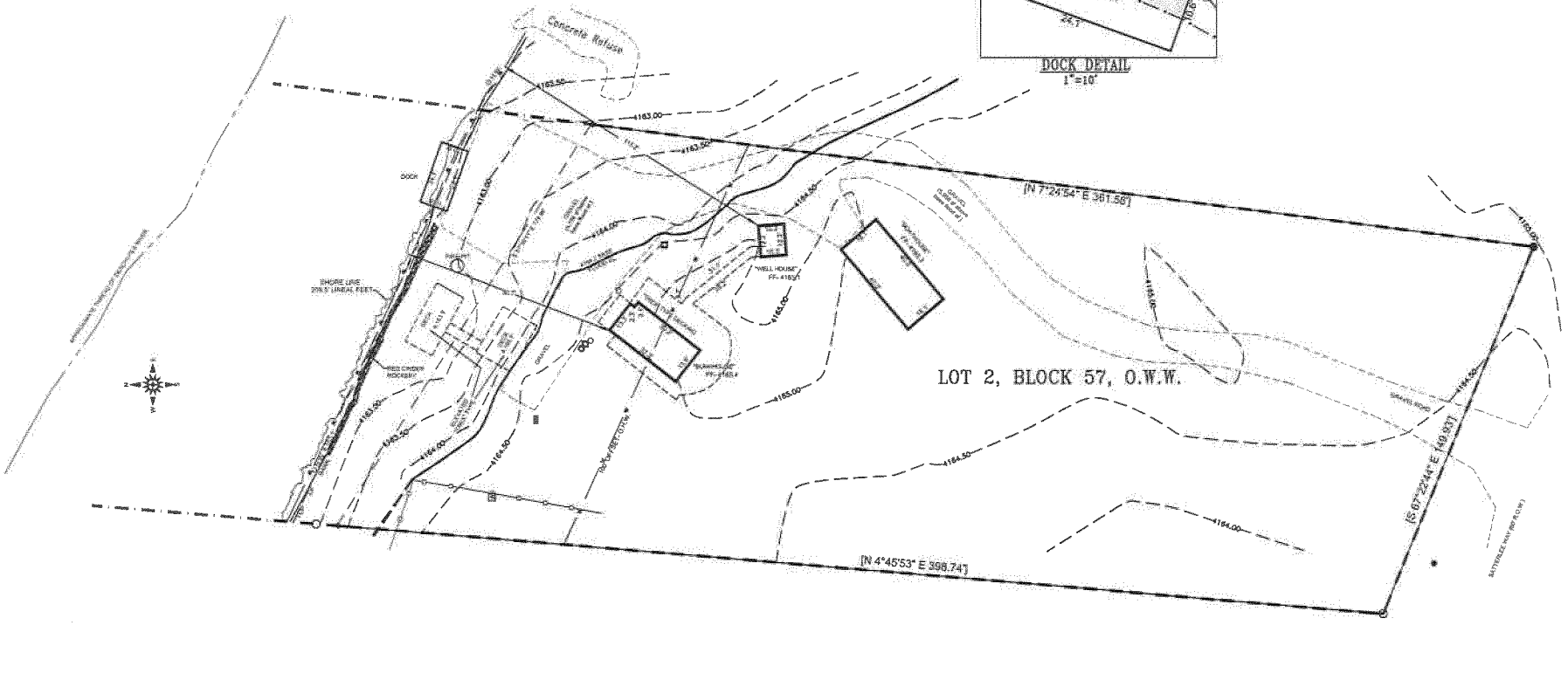


DOCK DETAIL
1"=10'

SITE PLAN
17266 SATTERLEE WAY

LOT 2 IN BLOCK 57 OF OREGON WATER WONDERLAND, T. 20 SOUTH, R. 11 E., SECTION 16, DESCHUTES COUNTY, OREGON.

SITE ADDRESS: 17266 SATTERLEE WAY
TAX LOT: 20 11 18 CO 04300



REGISTERED PROFESSIONAL ENGINEER
58,927PE
OREGON
RENEWS 6/30/18

SUN COUNTRY ENGINEERING & SURVEYING, INC.	Developer:	Title:						
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE (541) 382-8882	PETER DREIFUSS 337 OAK AVE. CARLSBAD, CA 92008	SITE PLAN 17266 SATTERLEE WAY	Drafting: TF	NO.	DATE	RECORDING	DATE	
			Design: TF		6/30/15	ADD AREA OF GRAVEL	sht.	1
			Scale: 1" = 20'		9/17/15	ADD SURVEY OF SHORELINE, DECK DIMENSIONS (SCC&S)	of	1
			Date: 6/20/14					
			W.O. No.: 7769					

Exhibit A
Page 1 of 1

HURLEY | RE
ATTORNEYS AT LAW | P.C.

747 SW Mill View Way, Bend, OR 97702
541-317-5505 ▪ Fax: 541-317-5507 ▪ www.hurley-re.com

December 21, 2015

Deschutes County Planning
C/o Will Groves, Senior Planner
117 NW Lafayette Avenue
Bend, OR 97703

via Email to William.Groves@deschutes.org

Re: Land Use Planning Applications 247-15-000113-CU/114-CU/115-NUV/116-LM, Tolling Request

Dear Will,

Our offices represent Peter Dreifuss and Sandy Bovenzi Dreifuss in the above-mentioned land use applications. The purpose of this letter is to inform you that we intend to appeal the Hearings Officer's decision dated December 9, 2015, on the instant applications to the Deschutes County Board of Commissioners ("BOCC") for *de novo* review. As such, we hereby formally request a second extension of the statutory time limit for the issuance of the County's final decision on our clients' pending applications.

We respectfully request this extension per ORS 215.427(5), which is cited as follows:

> **The period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.**

The Dreifusses would like to extend the decision deadline to **Friday, April 29, 2016.**

Sincerely,

Elizabeth A. Dickson
EAD/mls
Cc: Client