STAFF REPORT

CITY OF LAKE OSWEGO

PLANNING DIVISION

APPLICANT/OWNER:

Medallion, LLC

TAX LOT REFERENCE:

Tax Lot 400 of Tax Map 21E05 AA

LOCATION:

2 Monroe Parkway

COMP. PLAN DESCRIPTION:

NC

ZONING DESIGNATION:

NC

NEIGHBORHOOD ASSOCIATION:

Mt. Park

FILE NO:

LU 15-0058

STAFF:

Debra Andreades

DATE OF REPORT:

December 23, 2015

DATE OF HEARING

January 4, 2015

120-DAY DECISION DATE:

March 23, 2016

I. APPLICANT'S REQUEST

The applicant is requesting approval of the following:

- A Development Review Permit to construct a new 3,776 square-foot commercial building
- A Major Variance to LOC 50.06.001.5.g that requires new structures to be located within 30 feet of a public street
- Removal of five trees to accommodate the project

II. RECOMMENDATION

Approval of LU 15-0058, with conditions. The complete listing of conditions is provided on pages 17 through 20 of this report.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Community Development Code:

LOC 50.02.002	Commercial Zones (NC zone)
LOC 50.04.001.4	Dimensional Standards for the NC zone
LOC 50.01.006	Nonconforming Uses
LOC 50.06.001.5	Building Design
LOC 50.06.002	Parking
LOC 50.06.003.1	Access/Access Lanes (Flag Lots)
LOC 50.06.003.2	On-site Circulation-Driveways and Fire Access Roads
LOC 50.06.003.3	On-Site Circulation-Bikeways, Walkways and Accessways
LOC 50.06.003.5	Transit
LOC 50.06.004.1	Landscaping, Screening and Buffering
LOC 50.06.004.3	Lighting
LOC 50.06.005	Park and Open Space
LOC 50.06.006.3.b	Drainage Standard
LOC 50.06.008; 50.07.004.11	Utility Standard
LOC 50.07.003.1.b	Burden of Proof
LOC 50.07.003.5	Conditions on Development
LOC 50.07.003.7	Appeals
LOC 50.07.003.14	Minor Development Decisions
LOC 50.08.004.3	Major Variances

B. City of Lake Oswego Streets and Sidewalks Code [LOC Chapter 42]:

LOC 42.03.130	Vision Clearance at Intersections
LOC 42.08.400-42.08.470	Streets and Sidewalks

C. City of Lake Oswego Tree Code [LOC Chapter 55]:

LOC 55.02.010 - 55.02.080	Tree Removal
LOC 55.02.084	Mitigation Requirements

D. Prior Approvals

PUD 1-67	Mt. Park Master Plan
LU 07-0001	(Not Constructed; Expired)

IV. FINDINGS

A. Background/Existing Conditions:

1. The subject site is approximately 22,486 square feet in area (Exhibit E-1), and is located at the southwest corner of the intersection of Boones Ferry Road, (a minor arterial at this location), and Monroe Parkway (a major collector).

2. The site is at a slightly higher elevation than Boones Ferry Road and the topography rises from east to west (Exhibit E-3). There are several mature pines and a deciduous tree on the site (Exhibit E-3). The site contains an existing Chevron gas station building that will be removed, and two fuel islands with canopies and underground tanks that will remain.

3. The site is located in Phase II of the Mt. Park Planned Unit Development (PUD) and is zoned NC (Neighborhood Commercial). Properties to the north and west are also zoned NC, and developed with commercial uses. The property to the south is zoned R-3 and contains the Lake Grove Water District Reservoir. Properties across Boones Ferry Road to the east are zoned R-3 and developed with townhomes. The property south of these townhomes is in unincorporated Clackamas County (Exhibit E-2).

4. In 2007, the applicant received approval of a Development Review permit for the same structure that is currently proposed (LU 07-0001); however, it was never constructed and the approval expired.

V. REVIEW AND APPROVAL PROCEDURES

A. Neighborhood Meeting

The applicant held a neighborhood meeting on July 22, 2015. The minutes of the meeting are included as Exhibit F-8.

Public Notice to Surrounding Area:

Pursuant to LOC 50.07.003.3.e, the City has provided adequate public notice and opportunity to comment on this application. No comments were received as of the date of this report.

B. Burden of Proof:

Per LOC 50.07.003.1.b, the applicant for a development permit shall bear the burden of proof that the application complies with all applicable review criteria or can be made to comply with applicable criteria by imposition of conditions of approval. The applicant has provided sufficient evidence to enable staff to evaluate the proposal. These documents are listed as exhibits at the end this report.

C. Classification of Application

LOC 50.07.003.14.a.ii(6) describes the construction of a structure other than a detached single-family dwelling, duplex, zero lot line dwelling or accessory structure as a minor development. The proposed building is therefore classified as a minor development.

D. Minor Development Criteria for Review of Application

Per LOC 50.07.003.14.d, for a minor development application to be approved, it shall first be established that the proposal complies with the following criteria:

1. The requirements of the zone in which it is located;

Nonconforming Uses [LOC 50.01.006]

The site is nonconforming with regard to landscaping. As a result, the area of existing landscaping cannot be further reduced unless it is increased an equal amount elsewhere on the site. In addition, the increase in square footage of the structures on the site will require the same percentage of increase in the amount of open space/landscaping as part of a multi-building complex (existing fuel pump canopy and new mini-market), LOC

50.01.006.3.c.i(2). This will be discussed in more detail below under the Landscaping and Open Space standards.

The site is also nonconforming to the requirement in LOC 50.06.001.2, Building Design standard, that buildings must be located within 30 feet of a public street. When an existing structure is nonconforming to this standard, that structure may remain without complying with the requirement. This applies to the existing fuel island canopies, which are proposed to remain. However, the new convenience store is required to comply with this requirement. The applicant has applied for a variance to the building location standard. See discussion, below under Major Variances.

Commercial Zones (NC zone) [LOC 50.02.002]

The site is located in the NC (Neighborhood Commercial) zone. An automobile service station (with repair facilities) is not a permitted use in the NC zone. The site is located in Phase II of the Mt. Park PUD approved in 1970. On the date of approval, the NC zone permitted automobile service stations as a conditional use. Thus, the automobile service station is a nonconforming conditional use.

The application proposes a "mini-market" that is part of the automobile service station. See LOC TABLE 50.06.002-6. Mini-markets that are a part of the operation of an automobile services station are now deemed to be accessoary to the service station. Service stations today commonly have some form of mini-market associated with them. The Planning Commission has directed the staff to interpret "accessory use" based upon contemporary practices. [Informal Interpretation of LOC 50.03.004.1.a based on direction from the Planning Commission, dated October 2011[1]]. The mini-market does not expand the type of primary use, it is now a part of the permitted accessory uses of a service station. Therefore, this is not an expansion of a nonforming use (or expansion of a conditional use).[2]

The existing zoning code at the time of creation of the Mountain Park PUD did not require setbacks for non-residential uses. When the PUD was approved, that zoning code provision was carried forward, except to the extent setbacks were created by the PUD. Accordingly, there are no setbacks along the west or south property lines (except for a three-foot building separation required by the Building Code). The site is subject to special requirements adopted as part of the Mt. Park PUD. There is a setback of 25 feet from Boones Ferry Road and 20 feet from Monroe Parkway. The site plan (Exhibit E-4) indicates that the proposed structure will meet these requirements. The fuel islands, which will remain in their present location, comply with these setbacks; however, the canopies do not comply because they are

[1] "To determine when a use is considered "accessory," consider (1) Generally accepted uses to a primary use based on "state of the industry," (2) Whether the accessory use is in scale with the primary use, (3) Whether the impacts of the accessory use significantly alter the impacts of the primary use (i.e., traffic volume), and (4) Whether the accessory use is the same scale as would be found for a primary use elsewhere." Planning Commission, October 2011. Staff finds that the proposed mini-market is an accepted accessory use to an automobile service station, it is in scale with the gas station use (it is accessory, rather than a primary use), and does not alter the impacts of the automobile service station in terms of traffic because most users of the mini-market will be customers that are primarily using the automobile service station facilities.

[2] In LU 07-0001, the proposed min-market was classified as a convenience store. Because convenience store is a different type of use than either a food store or a specialized food store, staff now concludes that classification was inaccurate. (Planning Commission interpteation direction, dated October 2011.)

approximately 14 feet from the north and east property lines. The existing canopies are considered legally nonconforming as discussed above under LOC 50.01.006.

The site plan indicates that the building is five feet from the west property line and 6.5 feet from the south property line. The proposed building is approximately 3,776 square feet, the trash enclosure is approximately 180 square feet, and the canopies cover approximately 1,458 square feet, resulting in a total lot coverage of 24%, well within the 50% maximum allowed by the Mountain Park PUD.

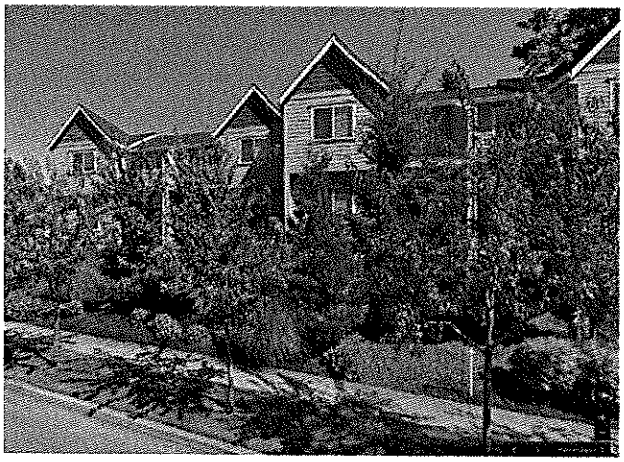
The maximum allowed height is 35 feet or two stories whichever is less. The height is measured as a vertical distance from the "grade" to the average height of the highest gable. The grade is defined as the average of the finished ground level at the center of all walls of the building, as specified in the 1961 Zoning Code that is applicable to this site. As indicated on Exhibits E-8 and E-9, the height of the proposed building complies with the above standard at approximately 26 feet. The height of the canopies are 16.5 feet (Exhibit E-12). This standard is met.

2. Development Standards applicable to minor developments

Building Design [LOC 50.06.001.5]

As prescribed by this standard, buildings are to be designed to be complementary in appearance to adjacent structures of good design with regard to materials, roof lines, height and overall proportions. Buildings are to be designed and located to complement and preserve existing natural land forms, trees, shrubs and other natural vegetation. In addition, buildings are to be located within 30 feet of a public street and provide an entrance directly from the street. As illustrated on Exhibit E-4, the proposed building does not comply with the building location standard. The applicant has applied for a Major Variance to this portion of the standard which is discussed below under LOC 50.08.004.3.

The design of the building shall be complementary to adjacent buildings of good design, which includes the adjacent craftsman style residential structures. The applicant states (Exhibit F-1) that the building materials are inspired by traditional craftsman styling that is compatible with the style of residential structures across the street from the site as indicated in the photo to the right. The building is proposed to be constructed with a concrete base clad in cultured stone veneer. Additional materials include "weathered wood" composition roof and fiber cement (Hardiplank™) lap siding painted "Gumnut" and Hardipanel painted "Brush Box Brown" (Exhibits E-8, E-9, E-15 and E-17). The fascia, trim, beams and battens (spaced to articulate the wall expanses) are proposed to be painted "Crisp Khaki" with wood columns and beams stained "Warm Oak" (Exhibit E-17).



The structure has a modified hip roof, accented with gabled roofs and a shed dormer with almond-colored vinyl divided light windows on the east elevation to provide additional

natural light inside. The doors and storefront windows will complement the craftsman style of the building. There is a gabled canopy with open beams that provides shelter and creates an inviting entry. The mechanical equipment is proposed to be screened by locating it in a roof well at the southwest end of the building (Exhibit E-9) adjacent to the Lake Grove Water District reservoir site, minimizing any noise impact to adjacent residences. The outdoor lighting on the building is a craftsman-mission style with 15-inch lights for the main entry and 11-inch lights for the north and south exit doors (Exhibit E-10) that is complementary to the craftsman style of the building. The design of the structure is compatible with adjacent residential structures (See photo above and Exhibits E-15 and E-16). Staff notes that the building elevations show a sign hanging from a beam above the entrance and. Approval of the building design does not imply approval of the sign. The applicant will be required to submit a sign permit application, which is a separate review process.

The site plan, Exhibit E-4, indicates a bike rack just east of the entrance to the building. The bike rack shall be a color, such as dark brown, that complements the building colors. This will be made a condition of approval.

The trash and recycling enclosure is located on the north side of the building (Exhibit E-4) and is proposed to be constructed of similar materials and roof structure as the proposed building (Exhibit E-12). The rear of the enclosure is constructed with CMU and faced on with lap siding. The front of the enclosure contains a galvanized metal gate that will be painted. Staff notes that the site plan, Exhibit E-4, also indicates a new flagpole to the east of the entrance in the parking lot. Staff finds that the flagpole would not be complementary in appearance to the building because it would conflict with the craftsman style. Therefore, a condition of approval will require that the flag pole be eliminated from the design.

The applicant is proposing to modify the roof material on the existing fuel islands to complement the new building, (Exhibit E-12). The brick veneer on the column will be replaced with stone veneer and the wood roof shakes will be replaced with the same composition roof to match the proposed building, creating visual continuity. As conditioned, the Building Design standard is met.

Major Variances [LOC 50.08.004.3]

Per LOC 50.06.001.5.g, buildings are to be located within 30 feet of a public street except where prevented by topographic constraints or existing natural resources. The purpose of the standard is to provide pedestrian-oriented development. The existing and proposed use is heavily auto-oriented. The proposed building does not comply with this standard as shown on Exhibit E-4, because it is located in excess of 30 feet from both public streets and there are no topographic constraints relating to the site or existing natural resources that prevent compliance. The applicant has requested a variance from this standard, classified as a Major Variance (LOC 50.08.004.2).

The reviewing authority may grant a major variance from the requirements of this Code if:

i. The request is necessary to prevent unnecessary hardship based on the following considerations:
   (1) The physical circumstances of the property involved;
   (2) Whether a hardship was created by the person requesting the variance;
   (3) The economic impact on the applicant if the variance is denied; and

(4) Other factors deemed relevant by the reviewing authority.

In determining whether the criterion of "preventing unnecessary hardship" exists, one must determine whether a hardship exists. The Code lists several factors that may be considered. This is not an exclusive listing of factors and not all considerations above must be found to exist on the property in order to meet the "preventing unnecessary hardship" criterion.

A hardship is "unnecessary" if the hardship that results from the application of the Code requirements is disproportionally greater than the regulatory requirement caused by the physical circumstances, economic impact, or other factors related to the property. The location of existing structures have been considered "physical circumstances" relating to a piece of property in determining whether an unnecessary hardship exists in prior Major Variance approvals. The existing fuel pumps will remain in their existing locations and preclude the ability to locate a building within 30 feet of a public street. The fuel pumps consist of two fuel islands adjacent to each street, approximately 30 feet from the street, and will be an integral part of the convenience store/fuel service use. The applicant discusses alternative proposals considered for the site that included retaining the existing building in Exhibit F-2. Locating the building closer to Boones Ferry Road in the only available area on the south portion of the site would alter the internal vehicular site circulation by closing off one driveway approach and increasing the distance to the entrance for pedestrian access and the possibility that pedestrians would cross a vehicular path. Alternatively, location of the building closer to Monroe Parkway would close off another driveway approach and the building would encroach into the travel area surrounding the north fuel island. In the quest to update the site with a well-designed building, the applicant states that the proposed location is the only alternative besides retaining the existing building and making no changes to the site. Staff concurs.

The applicant states it is not possible to move the building closer to Boones Ferry Road because access to the site would be compromised due to the slope. There is 7-8 feet of grade change from Boones Ferry Road to Monroe Parkway. The entrances onto Boones Ferry and Monroe Parkway create efficient circulation on site, which would be compromised if one of the entrances were removed.

The applicant also states that most of the pedestrian traffic is likely to occur from Monroe Parkway as the sidewalk on Boones Ferry Road does not extend beyond the site frontage. The proposed location of the building provides direct access for pedestrians from Monroe Parkway. In addition, the proposed sidewalk adjacent to the south property line provides an additional pedestrian connection to existing stairs on the adjacent property to the west, improving the pedestrian environment in the immediate neighborhood.

Staff finds that, given the existing location of the fuel island facilities, a building cannot be located within 30 feet of a public street without causing an unnecessary hardship to the applicant. This criterion is met.

ii. Development consistent with the request will not be injurious to the neighborhood in which the property is located or to property affected by the request based on the following considerations:

(1) An analysis of the physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards;

(2) The perceptions of residents and owners of property in the neighborhood concerning the incremental impacts occurring as a result of the proposed variance; and

(3) Other factors deemed relevant by the reviewing authority.

Siting the building further back from the street than 30 fee, in the area proposed will not be injurious to the neighborhood because the site is located at an intersection and the building is generally in the same area as the existing building. The building will maintain the same visual impact as the existing building today and and at its proposed location, will provide better pedestrian circulation because the majority of any foot traffic would not come from Boones Ferry Road, which is more auto-oriented. This criterion is met.

iii. The request is the minimum variance necessary to make reasonable use of the property.

If a building were located closer to either of the fronting streets, backing movements of cars exiting the parking spaces would interfere with the driveway entrances/exits and drivers exiting from the fuel pump area. The area between the proposed building and the existing fuel islands is the minimum separation needed to accommodate backing movements from the parking spaces and the sufficient drive aisle width. This criterion is met.

For the reasons stated above, staff finds that the criteria for a Major Variance are met, allowing the proposed structure to be located more than 30 feet from the street.

Off-Street Parking, Loading and Bicycle Access [LOC 50.06.002]

The building size is 3,776 square feet (Exhibit E-7). Service station uses are required to provide 1.6 spaces per 1,000 square feet of gross floor area, plus 0.5 spaces per employee. The applicant indicates that there would generally be 3-4 employees on site. Assuming four employees, the total number of required parking spaces is 8.04 for the use (the fuel pump stations are not counted in floor area). (LOC Table 50.06.002-3).

Exhibit E-4 indicates a total of 11 spaces on the site, including a van-accessible handicap parking space, exceeding the minimum number required. Per LOC Table 50.06.002-2, the maximum number of parking spaces is 125% of the number of parking spaces required without applying the Parking Requirement Modifiers. The maximum number of spaces is 11, which is met by this proposal. The dimensional requirements of the parking spaces and driveway are satisfied (Exhibit E-4). This standard is met.

Bicycle Parking

This standard prescribes numbers and standards for bicycle parking spaces. LOC Table 50.06.002-6 specifies that two spaces or one per 5,000 square feet of gross floor area are required for auto-oriented uses, with or without mini-markets. Bicycle parking is required to be visible but separated from car parking and vehicular traffic, and must be covered. A total of two bicycle spaces will be required to satisfy the requirement for the proposed use. The site plan, Exhibit E-4, indicates a bike rack just east of the entrance to the building under the canopy entrance. This standard is met.

Access [LOC 50.06.003.1]

This standard is applicable to land divisions and the construction of commercial, institutional and multi-family development and prescribes standards for the design of access points. The subject property is at the corner of Monroe Parkway and Boones Ferry Road, a major collector and a minor arterial, respectively. There are currently four curb cuts; two on each

street which will remain. No changes to the existing access points on the site are proposed. This standard is met.

On-Site Circulation - Driveways and Fire Access Roads [LOC 50.06.003.2]

This standard is applicable to all development proposing a new use or an increased use on a site when the development will result in the construction of, or the increased use of private streets, driveways, or parking lot aisles. The maximum width of a driveway approach, measured where the edges of the driveway meet the right-of-way, shall be 24 feet, unless otherwise justified by the recommendations of a traffic study. Where the driveway meets the street, the landing area shall be a minimum of 25 feet long and shall have a maximum grade of 5%. The driveway approaches shall also be designed so that the driver entering or exiting the driveway can see approaching traffic for a sufficient distance to make a safe entrance and exit. The American Association of State Highway and Transportation Officials (AASHTO) standards shall be used in determining compliance with this standard.

The Engineering staff states that this development will result in increased use of driveways. The increase in driveway traffic volume is discussed below under LOC Chapter 42. The applicant has submitted a sight distance review of the existing driveway approaches based on AASHTO standards (Exhibit F-5). The analysis indicated that the existing driveway approaches meet the stopping sight distance requirements as specified by the AASHTO standards. The Engineering staff notes that the analysis only included stopping sight distance, and the applicant must also analyze the driveway approaches according to intersection sight distance. Prior to issuance of the building permit, the applicant shall submit a final sight distance analysis (including intersection sight distance) and remove any obstructions within the sight distance triangle areas.

The Fire Marshal states that access is adequate for emergency vehicles. As conditioned, this standard is met.

On-Site Circulation – Bikeways, Walkways and Accessways [LOC 50.06.003.3]

This standard is applicable to all minor and major development involving the construction of a new structure other than a detached single-family dwelling, duplex, or accessory structure, and subdivisions and planned developments, and requires that walkways connect at least one public entrance of each building to the nearest public walkway and that walkways meet the accessibility standards of the Americans with Disabilities Act (ADA). The site plan (Exhibits E-4) shows all walkways comply with ADA accessibility standards. In addition, LOC 50.06.003.3.b requires accessways for use by pedestrians and bicyclists when necessary to provide direct routes not otherwise provided by the existing right-of-way. As illustrated on Exhibit E-4, there will be a 5-foot wide sidewalk connection to the front entrance of the building. The parking area contains one van accessible parking space that connects to the entrance. This standard is met.

Transit [LOC 50.06.003.5]

This standard requires the construction of pedestrian linkages and other amenities related to mass transit. The closest bus stop is located at the north end of the site along Monroe Parkway. This development will comply with this standard by existing conditions with frontage sidewalks and by constructing a concrete sidewalk along Monroe Parkway to fill in

the gaps where a concrete sidewalk does not exist, which will connect to the transit stop. See discussion below under Streets and Sidewalks. As conditioned, this standard is met.

Landscaping, Screening and Buffering [LOC 50.06.004.1]

Per LOC 50.06.004.1.b, commercial development shall provide at least 15% of the site in open space. Open space in commercial areas may be provided as a combination of reserved land and landscaping. This standard also requires screening and buffering to mitigate noise and lighting, and establishes the basic requirements for landscape material and maintenance. All development abutting public streets are to provide street trees at the proper spacing for the species.

The 22,486-square foot site requires 3,372 square feet of open space/landscaping. As stated by the applicant, the site currently has approximately 2,092 square feet of landscaping (Exhibit F-1), which is nonconforming. As discussed under LOC 50.01.006, above, if there is an existing structure on the site that does not comply with the Open Space Standard, an expansion of *that* structure does not require the *entire* site to come into compliance; rather, the footprint of the building expansion is multiplied by the percentage of landscaping required (15% in this case) to determine how much additional landscaping shall be provided [LOC 50.06.001.3.c.i(2)]. Staff applies this "expansion of non-conforming structure" analysis to the subject site's *multi-building complex* (existing fuel pump canopies and new mini-market).

The new 3,776 square-foot building will require 566 square feet of additional open space/landscaping. The landscape plan (Exhibit E-13) indicates a total of 3,601 square feet in open space/landscaping (16% of the gross site area), which now complies with the landscaping standard of 15%.

The Landscape plan (Exhibit E-11) indicates columnar maples in landscape islands along Boones Ferry Road and Monroe Parkway that can serve as street trees. Staff finds that this tree is not appropriate for the size of the planting bed. The City's contract arborist recommends one of the following trees: Japanese hornbeam, Vanessa Persian ironwood, Chinese fringetree or City Sprite zelkova.The final landscape plan shall be revised to show one of these recommended tree species as a condition of approval. A mixture of shrubs are proposed along the north side of the building, along the east side and the southeast portion of the site, and in islands along Boones Ferry Road and Monroe Parkway and at the corner. Arborvitae along the south property line and shrubs along the west property line provide screening and mitigate noise and lights. The fuel islands and landscape islands discussed above separate the parking area from the street. The Landscape Plan indicates trees and shrubs at the proper size except the nandina and sweet flag, which should be at least 3-gallon size and the Hinoki cypress, which should be 6-8 feet high, as a condition of approval. As conditioned, this standard is met.

Lighting Standard [LOC 50.06.004.3]

This section is applicable to all minor or major development that results in increased use of public and private streets, public pathways and accessways, or parking lots. Street lighting is required along site frontages of minor arterials and major collector level streets. Engineering staff states that there are existing street lights located along the north side of Monroe Parkway across the street from the site, and there is also an existing street light located at the northeast corner of the site. No additional street lighting will be required along the site frontage.

With regard to parking lot lighting, the maximum height of a pole mounted luminarire is is limited to 22 feet; the minimum level of illumination is 0.15 foot-candles and the maximum level of illumination is 4.0 foot-candles with a uniformity ratio of 4:1. This standard prohibits metal halide fixtures. Engineering staff notes that the existing on-site metal halide flood lights shall be removed. The applicant has submitted a photometrics plan and detail sheet (Exhibit E-14) showing the proposed lighting design for this development. The electrical site plan (Exhibit E-14) indicates low level bollard lights in landscape area adjacent to pedestrian walkways. The metal halide lights will be replaced with LED lights on 20-foot poles. However, the photometric plan indicates that in some areas, close to and under the existing fuel canopies, the maximum level of illumination is exceeded as well as the uniformity ratio.. The reviewing authority may grant an exception to the lighting standards upon finding that a particular use warrants a higher level of illumination to protect the public safety and welfare.

The applicant states there is statistical support that gas stations with mini markets are more likely to be a target for crime and due to security concerns and the need for "full spectrum light" (Exhibit F-1), the applicant requests an exception. The applicant argues that the higher level of illumination is necessary for the safety of both the employees and the customers. The applicant states that potential conflicts exist between vehicles, pedestrians and employees at fueling stations. For this reason, fueling stations utilize increased lighting underneath the fueling canopy areas. Staff finds this to be reasonable and the areas closer to the fuel islands are the areas that exceed the standard. In addition, the LED proposed lights are more directly focused downward than the existing metal halides they are replacing. Therefore, the proposal meets the criteria for an exception.

Park and Open Space [LOC 50.06.005]

This standard requires that commercial development provide 15% of the gross site area in open space. Open space in commercial areas may be provided as a combination of reserved land and landscaping, as discussed above under the Landscaping Standard.

Drainage Standard for Certain Structures [LOC 50.06.006.3.b]

This standard requires that drainage improvements be provided to ensure that the proposed development will not adversely affect surrounding properties and run-off rates are maintained at their natural undeveloped levels. In addition, this standard requires design features to minimize pollutants from entering the stormwater system and that sufficient stormwater detention shall also be provided. When on-site detention is not feasible or practical, as determined by the City Manager, or required by the City, the applicant shall submit a plan to mitigate any adverse effects resulting from increased runoff and construct these mitigating measures (LOC 50.07.004.1.c). The determination of whether or not the application meets the drainage requirements is under the review authority of the City Engineer.

The City Engineer has made the following findings and recommendations:

The City Engineer has determined that it is not feasible or practical to require this development to provide on-site detention per the code requirement, because the amount of stormwater release from the proposed development that would be required to be detained may not be sufficient to keep the system functioning; the amount of release that would be required to be detained is likely not significant enough to prevent the orifice in

the detention control structure from being frequently clogged. LOC 50.07.004.1.c.i requires development to mitigate for its increased runoff resulting from the increased impervious areas from development; therefore, stormwater facilities shall be provided to maximize the amount of stormwater that is percolated into the soil and to minimize direct overland runoff into streets, drainage systems, and/or adjoining property, thus providing runoff mitigation to comply with the detention standards.

Runoff from a significant area of the existing pavement (approximately 50%) on the site sheds easterly towards Boones Ferry Road and bypasses the single catch basin that is located in a small depression at the southeast corner of the property. Existing grading thus permits pollutant-laden parking lot runoff (and fuel spills, should any occur) to enter the adjacent street, flow along the gutter for approximately 200 feet to a point where the gutter ends where it flows overland into a creek (Monroe Tributary to Springbrook Creek, a Resource Protection area). Runoff containment and pollution control shall be provided for the runoff from this existing pavement area.

In addition, the Engineering staff notes there is an existing 36-inch public storm drain line that crosses the southeast corner of the site and is also located right behind the existing right-of-way line along Boones Ferry Road. There does not appear to be a recorded storm drainage easement over this pipe. The applicant shall grant a public storm drainage easement over the existing storm main, and the edge of the easement shall be located a minimum of 7.5 feet from the edge of the pipe. Encroachments that would unreasonably diminish the City's public utility easement interests within or above the easement area will not be allowed [LOC 42.18.1030]. The proposed sidewalk and paving over the existing storm pipe will be allowed; however, proposed parking lot lights, bollards or private storm facilities will not be allowed within the easement area without an encroachment permit. The site plan shows a parking lot light and a private trench drain within the easement. The City Engineer finds that the light and private trench drain could be allowed within the easement as shown on the site and utility plans, Exhibits E-4 and E-7; however, the applicant shall obtain an encroachment permit from Engineering Department prior to final occupancy.

The applicant provided a preliminary stormwater report (Exhibit F-3) indicating that stormwater runoff from the new mini-market building will be managed by directing the storm runoff through a flow-through planter located adjacent to the southeast corner of the new building. Groundwater depths are anticipated to be approximately 3-7 feet below ground surface, preventing the option to construct subsurface infiltration facilities on the site. Therefore, the flow-through planter would be an acceptable option to manage the storm runoff. In addition, the applicant is proposing to construct a trench drain near the southeast driveway approach to collect runoff from the existing parking lot and direct it through a new private oil/water separator and storm filter catch basin before discharging to the existing public storm system.

The Engineering staff finds that the proposed stormwater disposal plan complies with LOC 50.06.006.3.b. Any alternative design that provides equivalent compliance with the stormwater management standards shall be approved by the City Engineer, e.g. rain gardens or infiltration planters. A final storm design and drainage report shall be submitted at the time of building permit review to the satisfaction of the City Engineer.

All on-site stormwater facilities will be private and the applicant will be required to submit an Operations and Maintenance Plan and record a Declaration of Covenant for

Operation and Maintenance of Surface Water Management Facilities. As conditioned, this standard is met.

Utilities[LODS 14 / LOC 50.06.008]

Utilities are available or can be made available as follows:

Sanitary Sewer: There is an existing 10-inch public sanitary sewer main located in Boones Ferry Road. The applicant is proposing to tap this 10-inch main with a new 6-inch service lateral as indicated on the composite utility plan (Exhibit E-7). The Engineering staff finds the proposed location of the tap will be acceptable with a 6-inch clean-out required to be constructed at the right-of-way line.

Water and Hydrants: The City has an existing 8-inch public water main located in Monroe Parkway. The closest hydrant is located at the northwest corner of the site along the south side of Monroe Parkway. The applicant is proposing to utilize the existing water service located at the northwest corner of the site. The Engineering staff notes that the water meter shall be located behind the sidewalk. The Fire Marshal states that hydrant location and water flow are adequate.

3. Any additional statutory, regulatory or Lake Oswego Code provisions which may be applicable to the specific minor development application;

City of Lake Oswego Streets and Sidewalks Code [LOC Chapter 42]

Vision Clearance [LOC 48.20.530 / LOC 42.03.130]

This standard requires that no vegetation, fence, or signage be located higher than 30 inches within a "vision clearance triangle." The vision clearance triangle for driveways is formed by 10-foot legs extending from the intersection of the edge of driveway and the street travel lanes. Prior to issuance of the building permit, the applicant shall demonstrate that the proposed driveway approaches will comply with this standard. As conditioned, this standard is met.

Street and Sidewalk Improvements [LOC 42.03.005 –.125]

There are no additional traffic impacts from an accessory mini-market because the the service station is the primary use.

These standards authorize the City Engineer to make specific street and sidewalk improvement recommendations after taking a variety of policy and site specific factors into consideration.[3] The City Engineer's comments are included for the review of the overall understanding of the project. The City Engineer's conditions of approval are included, as they must be included in the decision, to find that the application will comply with this Code.

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[3]*To meet the review criteria for a minor development, an applicant must comply with "any additional ... Lake Oswego Code provisions which may be applicable to the specific minor development application, such as ... the Streets and Sidewalks Ordinance." LOC 50.07.003.15(d)(ii)(d). The determination of whether or not the application meets the requirements of LOC Chapter 42, Streets and Sidewalks, is under the review authority of the City Manager or City Engineer; the requirements of this Chapter are not under the review authority of a hearing body, other than to find whether or not the City Engineer or City Manager has found that the application complies with LOC Chapter 42, or whether conditions of approval are required for compliance with this Chapter.*

The Engineering staff has reviewed the development proposal and field conditions in the context of the City's codes, improvement policies and Transportation System Plan, and offers the following observations and recommendations.

Based on the submitted Trip Generation analysis (ExhibitF-4), the proposed development can be expected to contribute an additional 17 vehicle trips during the weekday AM peak hour to the City's street system and one vehicle trip during the weekday PM peak hour. Additional pedestrian and bicycle trips can be expected as well. The cumulative effect of new trips (all modes) imposes an additional burden and concomitant concerns for preserving street capacity and public safety, particularly for bicycles and pedestrians.

The City has a governmental interest in assuring that new development does not contribute to a degradation of adequate, safe and efficient public transportation facilities. New development should mitigate the negative impacts (increased noise, and the degradation of aesthetics, safety, system capacity, and bicycle and pedestrian mobility) resulting from new development. The City has adopted a broad palette of policies, plans, regulations, and fees that have been designed to offset the adverse impacts of development on the natural and built environment. In this regard, the following regulations, standards and site specific characteristics have a direct bearing on the governmental interest in preserving the functionality and safety of the public infrastructure, and are particularly relevant to this development proposal:

- LOC Chapter 42 requires frontage improvements to be constructed when property is developed.
- LOC Chapter 42 directs the City Engineer to recommend to the decision making authority the appropriate width of public rights-of-way, and the width and character of the improvements contained therein.

The implementation of the City's plans, policies, and regulations will offset to some degree the negative impacts of development on the public infrastructure. LOC 50.07.003.5 allows the reviewing authority to impose conditions of approval on a development permit when the condition is reasonably related to alleviation of a need for public services or facilities created or contributed to by the proposed development. In addition, the US Supreme Court has ruled (Dolan v. City of Tigard) that in order to require exactions, the local government must apply a test of "rough proportionality" between the impacts of the proposed development and the need for the exaction.

The Engineering staff has reviewed the development proposal and field conditions in the context of the City's codes, improvement policies and Transportation System Plan (TSP) and makes the following recommendations. Factors considered in the Engineering Division's evaluation of Monroe Parkway and Boones Ferry Road include their functional classification and the following site specific factors:

- Monroe Parkway is designated as a "major collector" in Lake Oswego's TSP, and Boones Ferry Road is a "minor arterial."
- Although Monroe Parkway is improved to its ultimate width, staff notes that the section of sidewalk adjacent to the landscape bed between the two driveways is constructed of rough asphalt, and that a short section of sidewalk is missing in the vicinity of the fire hydrant. The site plans indicate the applicant's intent to remedy these deficiencies by installing standard concrete sections at these two locations.

- The sidewalk intersection at Monroe Parkway and Boones Ferry Road is deficient on both sides because it lacks a required landing, orientation and ADA design requirements.

The development is required to mitigate its impact to Monroe Parkway and Boones Ferry Road and will be required to construct sidewalk improvements along these streets.

Engineering staff also notes that per LOC 50.06.008.4.d, utilities shall be installed underground. This development will not be required to underground the existing overhead utility lines located along the site frontage of Boones Ferry Road; however, any new utilities leading to the site shall be located underground.

As conditions of approval of the proposed development, the City will require the following mitigations to alleviate impacts created or increased by the proposed development:

- Improve the section of sidewalk along Monroe Parkway, adjacent to the landscape bed and between the two driveways, to fill in the missing section with concrete sections at these two locations, and improve the sidewalk intersection at the southwest and northwest corner of Monroe Parkway and Boones Ferry Road with the required landing, orientation and ADA design requirements, to the satisfaction of the City Engineer.
- If applicable, dedicate sufficient right-of-way at the northeast corner of the site for the reconstruction of the ADA ramp at the street intersection.

The City finds that requiring the above frontage improvements are therefore directly related to mitigating the increased traffic, bike, and pedestrian trips that will be created by this development. Requiring the street frontage improvements is roughly proportional to the adverse impacts created by the development because:

- The development can be expected to contribute an additional 17 vehicle trips during the weekday AM peak hour to the City's street system and one vehicle trip during the weekday PM peak hour.
- The above described improvements will encourage use of the sidewalks and bike lanes, and use of transit, thus reducing the demand that would otherwise arise for vehicle travel on the street.
- The above described improvements will address the safety of the pedestrians and bicyclists by providing separation of modes of travel.
- The above described improvements will address the safety of ingress into the site and egress from the site.
- Similar mitigation requirements for street improvements have been required for similar developments in the City, with the result being that such improvements have mitigated the increased traffic (vehicle, pedestrian, and bicycle) by preserving the functionality and public safety features of the public street system.

In light of the above facts and Code requirements, staff finds that the development of this site will place sufficient additional demand on the surrounding street system to justify the associated improvements above, and that these mitigating improvements are roughly proportional to the degree of impact imposed by the new development, as described above, and consistent with the improvements of similarly sized developments of land in the vicinity, as required by the U.S. Supreme Court in the case of Dolan v. the City of Tigard.

City of Lake Oswego Tree Code [LOC Chapter 55]

Tree Removal

This Code requires approval of a permit for removal of any tree in excess of five inches in diameter, subject to Type II criteria as listed in LOC 55.02.080(1-4), and prescribes protection measures for trees to remain during construction. The tree removal plan (Exhibit E-13) indicates six Type II trees are proposed for removal. However, the applicant states in Exhibit F-1 that one of the trees, Tree D-3, presumably the one referred to in the Tree Assessment, Exhibit F-7, blew over in a storm and has been removed. Therefore, five trees are proposed for removal. (Although the applicant states that two of the trees are dead, this is a separate permit from a Type II, however, by applying for these trees to be removed as part of this development application, they will be reviewed as Type II trees that must be mitigated for.) As discussed below, the landscape plan shows more than five trees that will be planted, therefore, all five trees are being reviewed under the Type II criteria. Compliance with LOC 55.02.080 is required for such tree removal. Any trees proposed for removal will be granted tree removal permits [LOC 55.02.035; 55.02.080], if they:

- Are proposed for removal for development or landscaping purposes;
- Will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks;
- Will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood, except when alternatives to tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone; and,
- They are not being removed for the sole purpose of providing or enhancing views.

Regarding the removal of the five trees, staff finds that:

Removal for Development Purposes.

The removal of all five trees is necessary for development because they are in the area proposed for grading, siting the structures, sidewalks and new landscaping.

Significant negative impact on erosion, soil stability, etc.

The removal will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks, because the trees are not critical in providing windbreak, erosion control, or soil stability. Those that do provide this function in the vicinity are the more mature trees on the reservoir site to the south.

Significant negative impact on the character, aesthetics, or property values

The removal will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood because, as stated by the applicant, two of the trees are dead and the other three trees are not the dominant trees on the vicinity and are not located close to the road so that their removal will not be noticeable.

Views

The tree removal is not for view enhancement because their removal will not improve any

view, and as stated above, they are being removed for development purposes.

The criteria are met for the removal of five trees. The applicant shall apply for a verification tree removal permit for five trees prior to the construction of the approved development.

Mitigation

Any tree approved for removal should be mitigated at a minimum 1:1 ratio. Mitigation trees are required to be a minimum 2-inch caliper for deciduous trees and a minimum 6-8-feet height (excluding leader) for evergreen trees. The landscape plan (Exhibit E-13) shows mitigation in compliance with the size requirement of 2-inch caliper deciduous or 6-8 feet high evergreen except for dwarf Hinoki cypress. The final landscape plan must show this tree at 6-8 feet high or an alternative species so that there are at least five trees that meet the size requirement for mitigation. The final planting plan shall include a note that requires all burlap and wire cages to be removed before trees are planted, as a condition of approval.

4. Any applicable condition of approval imposed pursuant to an approved ODPS or prior development permit affecting the subject property.

There are no outstanding conditions of approval that affect the subject property.

VII. CONCLUSION

Based on the information provided by the applicant and the findings presented in this report, staff concludes that LU 15-0058 complies with all of the applicable criteria or can be made to comply through the imposition of conditions.

VIII. RECOMMENDATION

Approval of LU 15-0058, subject to the following conditions:

A. Prior to any Grading, Construction or Issuance of any Building Permits, the Applicant/Owner Shall:

1. Apply for a Demolition Permit for the existing structure on site. The applicant shall note that this may require an asbestos report from a licensed agency to the satisfaction of the Building Official. The Demolition Permit shall be accompanied by an application for a Tree Protection Permit, if necessary.

2. Submit final engineered construction drawings for the public improvements for review and approval by the City Engineer. Drawings shall conform to the City's most current design standards and the drafting specifications. All final engineering design drawings and as-built plans submitted for the creation of public facilities (street, wastewater, water and surface water) shall be vertically controlled by the City Datum (NGVD'29) and horizontally controlled by the Oregon State Plane coordinate system (NAD 83/91). The final plans shall include design of the following:

   a. Design to construct concrete sidewalk over the section of sidewalk along Monroe Parkway that is currently gravel.
   b. Design to replace the existing asphalt sidewalk with concrete sidewalk in between the existing driveway approaches along Monroe Parkway.

c. Design to improve the sidewalk intersection at the corner of Monroe Parkway and Boones Ferry Road on both sides of Monroe Parkway with the required landing, orientation and ADA design requirements, to the satisfaction of the City Engineer.
d. If applicable, sufficient right-of-way dedication at the northeast corner of the site for the reconstruction of the ADA ramp at the street intersection.
e. Sufficient public storm drainage easement over the existing public storm main that crosses the southeast corner of the site and behind the existing right-of-way line along the site frontage of Boones Ferry Road, to the satisfaction of the City Engineer.
f. Design for the individual private water and sanitary service. The water meter shall be located behind the sidewalk.

3. Dedicate sufficient right-of-way at the northeast corner of the site (if applicable) for the reconstruction of the ADA ramp at the street intersection.

4. Demonstrate that all driveway approaches serving the site comply with both AASHTO standards and the City's vision clearance standards, and remove any obstructions within the sight distance triangle areas.

5. Submit a public storm drainage easement over the existing public storm main that crosses the southeast corner of the site and the main line behind the existing right-of-way line along the site frontage of Boones Ferry Road, to the satisfaction of the City Engineer. Upon approval, sign and record the easement with the Clackamas County Clerk's Office.

6. Submit a final site plan, stormwater plan and drainage report for the on-site stormwater quality and detention systems, prepared by a registered engineer for review and approval of the City Engineer. Driveway and parking lot runoff cannot be directed to a subsurface infiltration disposal system without Department of Environmental Quality (DEQ) approval. Infiltration facilities shall meet minimum setbacks of five feet from property lines and 10 feet from building foundations. Any emergency overflow shall be conveyed to an approved point of disposal.

7. Complete all public improvements as required by Condition A(2), *or* submit a financial guarantee to ensure its construction per LOC 50.07.003.9. The financial guarantee shall be based on 120% of an itemized engineer's estimate that is in turn based on final construction plans that are far enough advanced to support the estimates, to the satisfaction of the City Engineer.

8. Submit final building plans for review and approval by staff that are the same or illustrate substantial compliance with the plans approved by Exhibits E-4 through E-17, to the satisfaction of staff with the following modifications:

   a. The flag pole shall be eliminated from the site plan.
   b. The color of the bike rack shall be dark brown to complement the building colors

9. Apply for and obtain a verification tree removal permit for the five trees approved on Exhibit E-13 and submit a revised landscape/mitigation plan showing five mitigation trees, with the following addtional information:

a. Planting specifications shall ensure that all trees will be planted without burlap and root ball wire baskets. Trees shall be 2-inch caliper deciduous or 6-8 foot high evergreen.
b. Shrubs shall be at least 3 gallon in size and trees shall be at least 2-inch caliper for deciduous and 6-8 feet high for evergreen.
c. All street trees shall be one of the following species: Japanese hornbeam, Vanessa Persian ironwood, Chinese fringetree or City Sprite zelkova.

10. Install all tree protection fencing as required by Code Requirement No. 2, below. All protection fencing shall be inspected and approved by staff prior to the issuance of any grading or building permits.

11. Apply for an erosion control permit and install the erosion control fencing as required by LOC Chapter 52. These measures shall remain in place throughout construction period.

12. Pay all applicable System Development Charges pertaining to the development.

B. <u>Within 90 Days of the Recordation of the Public Utility Easements, the Applicant/Owner Shall</u>:

1. Submit a final title report, or lot book report from a title company demonstrating that the easements were recorded and are valid and subsisting.

C. <u>Prior to any Final Building Inspection or Occupancy of any Structures, the Applicant/Owner Shall</u>:

1. Complete all public improvements and submit certified "as-built" drawings of public improvements conforming to the City's standards for record drawings.

2. Complete the construction of all private utility services, including water, storm, sanitary and franchise utilities.

3. Install the bicycle rack for a minimum of two bicycles spaces as shown on Exhibit E-4. .

4. Provide certification from the engineer of record that the stormwater facilities for the development were constructed according to the design and are functioning properly.

5. Submit for review and approval of staff an Operations and Maintenance Plan for the private on-site storm facilities and record a Declaration of Covenant for Operation and Maintenance of Stormwater Management Facilities.

6. Obtain an encroachment permit for parking lot light and a private trench drain within the public storm drainage easement on the southeast portion of the site.

7. Install all landscaping, including all mitigation trees, as approved by Condition A(9), above, and Exhibit E-13 (landscape plan).

8. Provide a one-year guarantee (one 12-month growing season from the date of installation) for all landscape materials, including mitigation planting, pursuant to LOC 50.06.010.2. The guarantee shall consist of a security in the amount of five percent of

the total landscaping cost.

Code Requirements

1. **Expiration of Development Permit:** Per LOC 50.07.003.17, the approval of LU 15-0058 shall expire three years following the effective date of this development permit, and may be extended by the City Manager pursuant to the provisions of this section. **The approval of the Major Variance for siting of the new commercial building is valid as long as the fuel island pumps and the building are not removed or relocated on the site.**

2. **Tree Protection:** Submit a tree protection permit application as required by LOC 55.08.020 and 55.08.030 for review and approval of staff, including off-site trees that are within the construction zone. This plan shall be attached to the construction documents or printed on the construction site plans, and shall include:

   a. The location of temporary tree protection fencing, consisting of a minimum 6-foot high cyclone fence secured by steel posts, around the tree protection zone, or as recommended by the project arborist and approved by the City.

   b. A note stating that no fill or compaction shall occur within the critical root zones of any of the trees, or that if fill or compaction is unavoidable, measures will be taken as recommended by a certified arborist to reduce or mitigate the impact of the fill or compaction. Such measures shall be clearly outlined in the tree protection plan. The note shall also inform contractors that the project arborist shall be on site and oversee all construction activities within the tree protection zone.

   c. A note that clearly informs all site contractors about the necessity of preventing damage to the trees, including bark and root zone. The applicant and contractor(s) shall be subject to fines, penalties and mitigation for trees that are damaged or destroyed during construction.

   d. A sign shall be attached to the tree protection fencing, which states that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the City Manager and project arborist.

Notes:

1. The applicant is advised to take part in a post-Land Use Approval meeting. City staff would like to offer you an opportunity to meet and discuss this decision and the conditions of approval necessary to finalize the project. The purpose of the meeting is to ensure you understand all the conditions and to identify other permits necessary to complete the project. If you would like to take advantage of this meeting, please contact the staff coordinator at (503) 635-0290.

2. The land use approval for this project does not imply approval of a particular design, product, material, size, method of work, or layout of public infrastructure except where a condition of approval has been devised to control a particular design element or material.

3. Development plans review, permit approval, and inspections by the City of Lake Oswego Planning and Building Services Department are limited to compliance with the Lake Oswego Community Development Code, and related code provisions. The applicants are advised to review plans for compliance with applicable state and federal laws and regulations that could

relate to the development, i.e., Americans with Disabilities Act, Endangered Species Act. Staff may advise the applicants of issues regarding state and federal laws that staff member believes would be helpful to the applicants, but any such advice or comment is not a determination or interpretation of federal or state law or regulation.

EXHIBITS

A-D. [No current exhibits; reserved for hearing use]

E. GRAPHICS/PLANS

E-1 Tax Map
E-2 Vicinity Map with Zoning
E-3 Existing Conditions Plan
E-4 Site Plan
E-5 Grading Plan
E-6 Erosion Control Plan
E-7 Utility Plan (2 pages)
E-8 Building Elevations-East and North
E-9 Building Elevations-West and South
E-10 Lighting Cut Sheet
F-11 Floor Plan
E-12 Trash Enclosure and Fuel Canopy
E-13 Landscape Plan with Tree Removal
E-14 Electrical Site Plan and Photometrics (3 pages)
E-15 Color Renderings-East and North Elevations
E-16 Photo Simulation (2 pages)
E-17 Color and Materials Board

F. WRITTEN MATERIALS

F-1 Applicants' Narrative
F-2 Variance Narrative
F-3 Drainage Report, prepared by DL Design Group, Inc., dated 10/26/15
F-4 Trip Generation Report, prepared by Greenlight Engineering, dated 10/25/15
F-5 Sight Distance Certification, prepared by Architecture Northewet, P.C., dated 10/26/15
F-6 Window and Door Specifications
F-7 Tree Assessment prepared by Don Richards, Arborist, dated 5/21/07
F-8 Minutes of Neighborhood Meeting held July 22, 2015

G. LETTERS

Neither for nor Against (G1- 99)

None

Support (G100-199)

None

Opposition (G200+)

None

Date of Application Submittal: September 24, 2015
Date Application Determined to be Complete: November 24, 2015
State Mandated 120-Day Rule: March 23, 2016