

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicant:** Overlook Crest LLC  
c/o Rob Janicki  
103 North Township Street  
Sedro-Woolley, WA 98284

**Agent:** Devon Gilliland  
103 North Township Street  
Sedro-Woolley, WA 98284

**Request/File No:** Preliminary Plat approval for "*The Reserve at Overlook Crest*",  
PL07-0465

**Location:** North and east of Overlook Golf Course above Big Lake at 17523  
State Route 9, within a portion of Secs 31 & 36, T34N, R4E &  
R5E, W.M.

**Land Use Designation:** Rural Village Residential (RVR), Rural Resource (RRc) and Rural  
Reserve (RRv)

**Summary of Proposal:** Preliminary approval of a Long Conservation and Reserve  
Development (Long CaRD) land division to create 106 residential  
lots on a 190-acre site with associated open space and  
infrastructure.

**SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) published  
July 7, 2011.

**Public Hearing:** February 27, 2013. Six members of the public testified. Planning  
and Development Services (PDS) recommended approval. The  
Examiner visited the site.

**Recommendation:** The Hearing Examiner recommends approval, with conditions.

**Commission Review:** This is a Level III application. The final decision shall be by the  
Board of County Commissioners after a closed record hearing.

**Online Text:** The entire text of this recommendation can be viewed at  
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

## **FINDINGS OF FACT**

1. Overlook Crest LLC (Rob Janicki) seeks approval of a Preliminary Plat on a 190-acre site east of Big Lake. The development is to be called "The Reserve at Overlook Crest."

2. The property includes the Overlook Golf Course at 17523 State Route 9 along the east side of the highway. It lies within a portion of Secs 31 & 36, T34N, R4E & R5E, W.M. SR9 lies between the project site and the lake. The proposed residential development will occur upslope to the north and east of the golf course. The entire site is outside of the shoreline zone.

3. The project is within the Rural Village Residential (RVR), Rural Resource (RRc) and Rural Reserve (RRv) zones. The application was received on August 2, 2007 and is vested to the Skagit County Code adopted July 24, 2000.

4. The surrounding area is rural and residential with a mixture of parcel sizes. Lots similar in size and smaller than those proposed are located immediately to the north, west and south along Big Lake. Parcels of similar size and larger than those proposed are located to the immediate south and southeast.

5. The proposal is to create 106 residential lots along with associated open space tracts, utilities and roadways, using the Conservation and Reserve Development (CaRD) provisions of the Code. The project will include 58.72 acres of cluster development and 117.97 acres of open space with access via streets dedicated to the public.

6. The residential lots will be clustered in pods along the slope to the east of the golf course. They will range in size from 1/3 acre to 1 acre. Under the CaRD rules, the proposed densities are appropriate for the zones involved.

7. The remaining acreage is to be placed in a single non-residential lot (Lot #107), containing Protected Critical Area (PCA) tracts and designations of Open Space Rural Open (OS-RO), Open Space Protection Area (OS-PA) and Open Space Recreational Amenities (OS-RA). The golf course constitutes the OS-RO acreage.

8. From the golf course eastward, the upward slope of the property to be developed ranges from an elevation of 176 feet to 346 feet at the crest. The northwest corner of the site is at 112 feet along SR 9. Slopes range between 3% and 35% with an average project slope of approximately 13%.

9. There are three small delineated wetlands each placed within a tract designated as a Protected Critical Area (PCA). The area immediately east of the golf course was cleared and seeded several years ago, but contains a scattering of mature trees and shrubs. Farther east, over the crest, the land is forested.

10. In addition to the delineated wetlands, there are a number of ponds on the golf course. These will be enlarged and improved in order to accommodate the drainage control system for the development. A preliminary Stormwater Site Plan for the subdivision, dated January 2012, was prepared by Ronald T. Jepson and Associates.

11. Under the plan, house roof runoff will be dispersed onto the rear of the lots or into open spaces where some infiltration may occur. Stormwater quality treatment for roadways will be provided by biofiltration swales that will infiltrate some of the runoff prior to collection in underdrains. The underdrains will be connected into a stormwater conveyances system through catch basins and piping. The conveyance system will lead to the enlarged stormwater detention and wetpool facilities located on the golf course where additional water quality treatment will occur. Stormwater runoff will be detained within the ponds and released at controlled rates through new outlet structures to the existing off-site drainage facilities which will be upgraded. The system, as designed, should protect downgradient properties from the effects of large storms.

12. The proposed stormwater system is designed to meet the guidelines of the 1992 Stormwater Management Manual for the Puget Sound Basin (SWMM) and the Skagit County Critical Areas Ordinance. A maintenance plan will be required for all drainage facilities. Public Works will review the engineered drainage system prior to final plat approval.

13. The development will be served by public utilities. Water will be provided by the Skagit Public Utility District (PUD). All lots will be connected to Big Lake Sewer District facilities. Electricity, natural gas and telephone service will be available. There is adequate capacity in existing public facilities to accommodate the impacts of the development. The property is located within the boundaries of a Skagit County Fire Protection District.

14. Nine of the proposed lots, located along the eastern edge of the development site are partially outside of the sewer service area. However, it is possible for the sewer district to serve all of the residential lots and no sewer service will need to be extended outside of the service area.

15. A current water letter of availability has been provided by the PUD. The project will comply with the PUD's service requirements, including providing a pump station and, if necessary, a storage tank.

16. Access to the plat will be from Priscilla Lane off Walker Valley Road. Priscilla Lane is presently a private road that provides access to five residential units. It has only a 20-foot paved section and no shoulder. With the subject project, the portion of Priscilla Lane between the new development and the Walker Valley Road will be improved to County standards and will become public. The roadway within the plat will also be public, encompassing approximately 13.31 acres. The roadway will be built to Skagit County Road Standards within a 60-foot wide right-of-way.

17. A second entry to the development for use in emergencies will be provided along the north property line, allowing access through the Nookachamps Hills development, connecting

Overlook Crest to the existing River Rock Road. Bollards will be placed on the property line at the access point to restrict vehicular use to emergencies only

18. Marking changes required by the Washington State Department of Transportation will be made to the intersection of State Route 9 and Walker Valley Road. The testimony was that a turn pocket at this location is not warranted at this time.

19. The proposed residential development will not be served by public transit. There are no transit facilities or bus stops on SR 9. The nearest transit facility available is in the City of Mount Vernon.

20. A professional analysis of the anticipated traffic impact of the development was prepared by Gibson Traffic Consultants. The study showed that all intersections studied will operate at satisfactory levels of service after construction and occupancy of the homes to and beyond the concurrency year 2020. At present it appears that no off-site intersection or roadway improvements will be required to accommodate the development.

21. Buyers of lots will be subject to impact fees for schools in amounts included in the Sedro-Woolley School District Capital Facilities Plan at the time of issuance of building permits. A mitigation agreement with Skagit County Parks provides for per lot mitigation for parks and park facilities at the time of building permit issuance.

22. The proposal is for phased development over a 15-year period. A phasing plan was submitted along with a map detailing six proposed phases and identifying the lots to be completed within each phase. For each phase developed, the applicant shall construct roads, utilities, storm water facilities and other improvements identified in the preliminary subdivision approval as needed for that phase. Upon completion of construction of such improvements, the applicant is to submit a final subdivision application for the completed phase, and if it conforms with the preliminary approval, the County shall approve the final subdivision for that phase.

23. Review was conducted pursuant to the State Environmental Policy Act, resulting in the issuance of a Mitigated Determination of Non-Significance (MDNS) by the County on July 7, 2011. The MDNS was not appealed. Twenty-one (21) conditions were placed on the project by the MDNS, as follows:

a. Temporary erosion and sedimentation control shall be provided, including the implementation of appropriate best management practices (BMPs), prior to and throughout project construction.

b. Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the start of work. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measure shall remain in place until completion of the project.

- c. The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance.
- d. Permanent stabilization using appropriate erosion and sedimentation control BMPs shall be provided and installed prior to completion of construction of plat improvements for the project as a whole or for each phase of the development if project phasing is proposed.
- e. The public right-of-way shall be kept clean. Tracking of mud and debris off site shall not be allowed.
- f. An engineered soils compaction report shall be required for all structures or roadways constructed on fill material.
- g. Roadways serving the plat shall be constructed in accordance with the Skagit County Road Standards Manual and accepted by the County prior to final plat approval of each individual phase of the project.
- h. The applicant shall comply with Northwest Clean Air Agency requirements. Dust suppression shall be provided during construction.
- i. The applicant shall comply with all relevant provisions of 14.24 (Skagit County Critical Areas Ordinance).
- j. Prior to or concurrent with final plat approval, a Protected Critical Area easement approved by the County shall be recorded with the Skagit County Auditor's office identifying the areas designated as PCAs and specifying the limitations on development applicable to such areas.
- k. Prior to final plat approval, the outer limits of all PCAs shall be permanently marked using signage or fencing approved by the County. Maintenance of approved signage or fencing shall be the responsibility of the property owner.
- l. All required permits from state and federal agencies shall be obtained and copies of such permits and approvals shall be provided to the County prior to the beginning of construction of plat improvements.
- m. Washington State WAC's' 173-201A and 173-200 shall be complied with, as required to address surface water quality issues and ground water issues. Best management practices shall be utilized to prevent interference and/or degradation of water quality.
- n. Operations, maintenance and construction shall comply with WAC 173-60 for noise and vibration thresholds.
- o. The applicant shall comply with the Fire Marshal requirements.

p. Potable water service to the development shall be provided by Public Utility District No. 1 of Skagit County consistent with District requirements in place at the time of installation.

q. A Construction Stormwater General Permit (NPDES) will be required by the Department of Ecology (WSDOE) for this project. The developer shall obtain the NPDE permit as required by law.

r. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours, of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

s. The project shall comply with noise, vibration, and light/glare limitations as established under SCC 14.16.840

t. The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning and Development Services.

u. The striping and signage in the vicinity of the intersection of State Route 9 and Walker Valley Road shall be brought up to the current Washington State Department of Transportation Standards.

24. The subject proposal was reviewed under the Skagit County Critical Areas Ordinance. A Wetland Assessment, a Fish and Wildlife Assessment, a Hydrogeologic Investigation report, and addenda were prepared by Wetlands, Inc. The several small wetlands on site were delineated. Staff reviewed these reports and the draft PCA easements and recommended approval of the plat on condition that the PCA documents are executed, noted on the final plat and recorded.

25. The application was circulated to various County departments and their extensive comments are reflected in conditions of approval. As conditioned, the County recommends approval of the preliminary plat.

26. The application and the public hearing were given notice as required by law. Over the time since the application was filed, 13 letters from members of the public have been

received. At the hearing, five members of the public testified. The most repeated fear expressed was over the possibility of adverse drainage effects from the development. Other matters of concern were traffic effects on State Route 9, aesthetic impacts of a large water tower, and safe walking conditions for children to the school bus stop. One witness made an extensive presentation asserting that the proposal will extend urban services and urban level development into non-urban lands, making the property a de facto Urban Growth Area without amending the Comprehensive Plan.

27. The County and the applicant provided considerable information on proposed drainage facilities and gave assurances that protection against the kinds damages feared will be provided. With the conditions imposed, including the requirement that final design work must comply with Skagit County drainage requirements and with the applicable Department of Ecology Stormwater Management Manual, there is nothing in the record to support a finding that adequate provisions have not been made for drainage control

28. Similarly, the record contains no basis for presently requiring additional revisions at the intersection of State Highway 9 and the Walker Valley Road. The possibility of the need for a turn pocket should be reviewed after the project has been partially completed.

29. The applicant stated that plans for a water tower are not yet final. It is possible that an alternative allowing smaller tanks in individual homes might be approved by the PUD, but this is not presently known. If a large tank must be built, it will be located above the center of the newly developed area, near the proposed new cul-de-sac at Alpine Vista road. This would be westerly of the existing homes on Priscilla Lane. Efforts should be made to minimize adverse aesthetic impacts.

30. A condition has been added to insure that safe walking conditions to the bus stop are provided for school children.

31. The County argued that the proposal represents the kind of cluster development and open space preservation for which the CaRD provisions are intended. The density will comply with adopted regulations. There are enough development rights in the zones involved to allow the development proposed. No Transferable Development Rights are being used.

32. The Examiner finds that the proposal, as conditioned, makes appropriate provisions for the public health, safety and general welfare and for open spaces, drainage ways, roads, potable water supplies sanitary wastes, parks, schools and all other relevant facts, including safe walking conditions for students.

33. Any conclusion herein which may be deemed a finding is hereby adopted as such.

## **CONCLUSIONS OF LAW**

1. Under the Skagit County Code (SCC), this is a Level III HE application. SCC 14.06.050((1)(c)). For applications for a preliminary subdivision containing more than 50 lots on contiguous land, the Hearing Examiner is to conduct an open record pre-decision hearing and, on the basis thereof, to make a recommendation to the Board of County Commissioners. The Commissioners shall make a final decision after a closed record hearing.

2. The requirements of SEPA have been met.

3. The proposed subdivision, as conditioned, meets the requirements of the Unified Development Code. SCC 14.18.000(5). Adequate access is provided for each lot, safe walking conditions for school children are provided for; public street rights-of-way are to be dedicated; minimum road frontage is provided for each lot; appropriate impact fees are to be paid; there is sufficient open space; the proposal is within a county Fire District; connection will be made to public water and sewerage systems; public facilities adequate to accommodate the development will be available concurrent with its impacts

4. The proposal is consistent with the Comprehensive Plan as presently written and will carry out the clustering concept that underlies the CaRD process. It will be within pre-established utility district service boundaries and will not require the extension of such public services outside these boundaries. It will not exceed existing density standards. It will not violate the Growth Management Act.

5. The phasing plan is consistent with the requirements of SCC 14.18.000(7).

6. The proposal supports the findings required by RCW 58.17.110(2)(a) and complies with State platting requirements. The public use and interest will be served by the platting of the subdivision and the dedications involved.

7. Any finding herein which may be deemed a conclusion is hereby adopted as such.

## **CONDITIONS**

1. The project shall be carried out in accordance with the application materials, except as the same may be modified by these conditions.

2. The applicant shall obtain all required permits and shall abide by the conditions of same.

3. The applicant shall comply with the conditions of the SEPA MDNS, published on July 7, 2011, as set forth in Finding 23 herein.

4. The applicant shall comply with the provisions of the approved Phasing Plan. (Exhibit 26). The Phasing Plan shall be noted on the face of the final plat for all phases and the Phasing Plan Map shall be recorded as a sheet of the final plat for each phase.

5. The applicant shall have 15 years from the date of preliminary subdivision approval to complete and record all phases of the development. At least one phase shall be completed and recorded within seven (7) years of the date of preliminary plat approval.

6. Upon completion of construction of improvements contained within the boundaries of a phase and completion of any other improvements necessary for access to or proper functioning of that phase, the applicant shall submit a final subdivision application for the completed phase and pay all applicable fees. If the application is in conformance with the preliminary plat approval, the County shall give final subdivision approval for that phase. After recording thereof, the lot owners shall have right to apply for and receive building permits on lots within the approved phase.

7. The Protected Critical Area (PCA) easement(s) shall be signed, noted on the final plat and recorded prior to finalization of Phase 1.

8. The drainage report shall be reviewed, in particular as to the volume of runoff from the property. The report shall be revised if necessary to reflect the correct pre and post development conditions.

9. Further detail shall be provided for the infiltration plan, showing the possible inclusion of ponds, rock beds, rain gardens and additional infiltration swales.

10. Revised plans shall be submitted showing that the proposed infiltration of stormwater from roadways will be in accordance with the County Drainage Code, Section 14.32 SCC. Bioswales shall not be placed within public road right-of-way.

11. The applicant shall submit an acceptable Maintenance Plan for all stormwater and drainage conveyance systems.

12. Roadways serving the plat shall be constructed in accordance with Skagit County Road Standards Manual and accepted by the County prior to final plat approval for each individual phase of the project.

13. Plat roads shall require centerline monumentation.

14. Maintenance and restoration surety or "bond" is required for public plat roads. See Skagit County Road Standards, Section 14.02.

15. Electronic as-built plans shall be provided for public plat roads.

16. A grading permit shall be required for the construction of roadway and drainage facilities. The permit application shall include engineered plans consisting of title sheet, plan and profile, erosion control plan, stormwater drainage plan, specifications and details. A preconstruction meeting shall be scheduled with Skagit County Public Works prior to the start of road construction.

17. Prior to the start of road construction, and in accordance with Skagit County Road Standards, Sec. 12.09, the applicant shall post one or more signs showing the names and business names of both the applicant and the project engineer, as well as contact telephone numbers for each.

18. Pursuant to Skagit County Road Standards, Section 12, the project engineer shall certify that all roadway and drainage improvements have been constructed prior to final plat approval for each individual phase of the project.

19. The applicant shall provide a right-of-way deed or appropriate dedication for County roads. The dedication of the roads and right-of-way shall be shown on the face of the plat.

20. All roadways servicing the plat will need to be designed to an urban standard. Right-of-way width and pedestrian access shall be determined by ADT; *provided that*, in any event, an adequate sidewalk or other walkway shall be provided for school children to safely access the nearest school bus stop to the development.

21. A minimum right-of way width of 50 feet shall be required for all public roads and public road segments.

22. The section of Priscilla Lane that will be used as the main access shall be deeded to Skagit County for right-of-way purposes. Prior to the final approval of Phase 1, this road section shall be constructed to County standards. During all phases of construction of the project, the roadway into the development shall be kept clean and, to the extent possible, free of mud and debris.

23. The finally selected road names shall be shown on the face of the final plat map. Road name options have been submitted and preliminarily approved as "Overlook Crest Terrace: and "Alpine Vista Lane."

24. Road name signs shall be installed in accordance with Skagit County Road Standards.

25. A cul-de-sac shall be installed where the road ends after each phase. The cul-de-sac may be removed when the roadway is extended.

26. Once the address range is assigned, it shall be forwarded to the project engineer and shall be shown on the face of the plat map.

27. After the completion and approval of Phase III, the applicant shall commission an update to the traffic study to determine if any additional features, such as a turn pocket, are needed at the intersection of SR 9 and the Walker Valley Road. If the need for any such features is indicated, they shall be installed prior to the completion of the next phase.

28. The applicant shall show compliance with SCC 14.18.200 (Final Subdivisions) prior to final approval of each phase.

29. All standard plat notes and appropriate departmental signoffs are required. The final list of plat notes shall be sequentially numbered.

30. The following shall be provided to PDS for review and approval: (a) any proposed covenants, conditions or restrictions, (b) any homeowners association agreement(s), (c) any road maintenance agreement(s).

31. The final plat map shall show and label all utility easements on its face.

32. If any portion of the parent parcel is in an Open Space Taxation program, the Skagit County Assessor's Office shall be contacted prior to proceeding with the land division. The tax status of any portion of a parent parcel that is in an Open Space Taxation program shall be addressed prior to final plat approval. Note #9 on the Preliminary Plat shall be removed.

33. The applicant shall provide certification from the Skagit County Treasurer's Office that property taxes for the subject property are not delinquent prior to the issuance of final approval.

34. A landscape plan shall be provided, reviewed and approved by PDS, prior to final plat approval. The landscape plan shall meet the requirements of SCC 14.18.330(3). The plan shall be implemented as approved.

35. A 200-foot setback for structures shall be maintained from any adjacent designated natural resource lands. The 200-foot setback shall be identified on the plat map along with a note advising of this requirement.

36. A set of stamped envelopes addressed to all neighboring property owners and occupants within 300 feet of the subject property (with appropriate postage) and a list of such owners shall be provided to PDS prior to final plat submittal.

37. The lot corners shall be set prior to final plat approval, per SCC 14.18.200(4)(d).

38. The applicant shall provide proof that a voluntary mitigation agreement for payments to offset impacts on County parks and recreation facilities has been entered into and shall so note on the face of the plat. The payments (\$100 per lot) shall be addressed in any CC&R's. The payments shall be made prior to the issuance of individual building permits.

39. If applicable, a Timber Resource Management Plan shall be reviewed and approved for any Forestry designated portions of the property prior to final approval. Any such plan shall be referenced on the face of the final plat. Any such plan shall be recorded with the final plat.

40. The following additional notes shall be shown on the face of the plat:

- A Lot of Record Certification has been issued for all lots included in this land division. By virtue of recording this land division and issuance of the Lot Certification, all lots therein shall be considered Lots of Record for conveyance and development purposes unless otherwise restricted.
- In no case shall the County accept a dedication or any obligation as to any road, street or alley until the same and all roads, streets or alleys connecting the same to the full County road system have been brought to full County Road Standards and a right-of-way deed has been transferred to and accepted by the County.
- The Long Plat CaRD number and date of approval shall be included in all deeds and contracts.
- All drainage facilities or other community utilities and properties shall be owned and maintained by the homeowner's association, by a separate corporate entity, or by the owners of property served by the facilities and kept in good repair. Adequate provisions shall be made for appropriate pro-rata contributions for such maintenance by any future land divisions that will also use the same.

41. Public sewer shall be available to all lots for structures located within sewer district boundaries. All sewer lines and stub-outs shall be installed or bonded for prior to final plat approval.

42. There shall be no extension of sewer service outside of the sewer district service area. A note to this effect shall be shown on the face of the plat.

43. The well located on Lot #106 shall be labeled "pre-existing non-conforming well" on the plat map and the 100-foot Well Protection Zone shall also be shown. A side service stub to the PUD line on the opposite side of the highway from the lot shall be installed. Plat note #3 shall reflect the existence of this well and shall be amended to note that "all future development activity on Lot #106 shall be connected to PUD water."

44. A current letter of availability from the sewer district shall be on file prior to final approval of the plat.

45. The file shall contain a hydro-geo report, providing a well search for any possible overlapping well protection zones from neighboring lots on the project property, The report shall address surface and grounds water quality issues and demonstrate compliance with SCC 14.24.330(2).

46. The hydro-geo report shall be amended, if necessary, to address mitigation requirements needed to protect any "surface water source limited" stream within 1/2 mile of the property. Such further report shall explain how the project will meet the requirements of SCC 14.24.300 and 14.24.340(3)(b).

47. Any mitigation required by the hydro-geo report shall be carried out prior to final plat approval. If necessary, relevant plat notes shall be added,

48. All public water and sewer lines shall be installed, accepted and approved by the appropriate jurisdictional authority (PUD or Sewer District) before final plat approval. The general location of utility lines shall be shown on the plat map, including the water service line to Lot #106. The well protection zone on Lot #106 shall also be shown.

49. Water and sewer lines shall be stubbed at the property lines for each parcel. Written confirmation of installation shall be provided from the project engineer to PDS.

50. Side lines not under the direct jurisdiction of the water or sewer utility shall be installed according to the plans. Documentation of such installation shall be provided to PDS by the project engineer.

51. The project shall meet the requirements of the Critical Areas Ordinance relating to Aquifer Recharge Areas and all requirements of the Public Utility District and Sewer District prior to final approval.

52. The public water system shall be able to provide 500 gallons per minute (gpm) for 30 minutes, over and above that required by health and other regulations. Fire hydrants shall be spaced not to exceed 900 feet apart. Each one-acre building lot shall be within 450 feet of a fire hydrant. No fire hydrants shall be required to protect open space or other non-buildable areas.

53. An approved water storage system shall be provided, capable of providing the above fire flow, with approved fire department connections spaced per the above hydrant spacing. The system does not necessarily have to be a potable or pressurized system.

54. An alternate to the above storage system for fire protection may be approved by the PUD and Fire authorities. Final water plans shall be approved by the Fire Marshal prior to installation. Installation of the storage system or an alternate shall occur and be tested and approved prior to final plat approval.

55. A Fire Marshal approved fire prevention water system shall be provided. The system shall supply adequate pressure and flow to support NFPA 13D sprinkler systems. If the standard water storage approach is used, such systems shall be installed to the lot line of each of the buildable lots prior to final plat approval.

56. A condition shall be placed on the face of the plat stating: "At the time of application for a building permit, the permit applicant shall be required to install NFPA 13D fire sprinklers in each dwelling for which permit is sought."

57. The Open Space for the subdivision shall be designated as Lot #107. The final plat shall clearly identify the total acreage and square footage of the entire open space lot. The plat

shall also identify the Open Space Tracts associated with Lot #107, making it clear that Lot #107 is one lot with separate open space designations.

58. Additional review may result in additional conditions or requirements for final plat approval.

59. All outstanding final plat fees shall be paid prior to final plat approval.

60. Appropriate property taxes shall be paid prior to final approval.

### **RECOMMENDATION**

The Hearing Examiner recommends that the preliminary plat of "The Reserve at Overlook Crest" (PL07-0465) be approved, subject to the conditions set forth above.

**DONE**, this 19th day of March, 2013.



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Wick Dufford, Hearing Examiner