

MINUTES OF THE RUTHERFORD COUNTY PLANNING COMMISSION  
March 24, 2009

Present:

Steve Wright, Chairman  
Marshall Atchley, Vice Chairman  
Jim Still, Secretary  
County Planner: Danny Searcy  
Planning Director: Hicks Owens  
Mike Hager

Ronnie Harrill  
Dwayne Harris  
Jim Huffstickler  
Phillip Miller  
Harold Thompson  
Kim Warner

Approval of January Minutes.

Hearthstone Ridge, Phase 5, Final. There are 24 lots/55 acres—Developer has created a walking path from an abandoned railroad bed and made a good use of some flood prone area with a community park. Roads, lots, setbacks, frontage and certifications all in compliance with the Subdivision Regulations. The new Flood Plain has taken the majority of 3 lots (166, 167 & 168). Based upon preliminary research, it does not leave these lots unbuildable, but it is certain that any construction would be subject to the Flood Damage Prevention Ordinance. Mike Hager asked about septic tank concerns for any lots lying in flood plain; Developer Myers commented that he has applied for permit, but health department has not issued those permits yet. Developer will contact Health Department inquiring what bearing the 100-year floodplain has on permitting. Motion to approve this Phase 5 by Mike Hager; seconded by Ronnie Harrill; motion carries by unanimous vote.

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Other Business: Queens Gap Bond Extension, Withdrawn. John Stump of Jack Hewatt Realty spoke addressing concerns over Queens Gap requiring additional time for construction. Stump stated that he is a resident of RC in Union Mills and owns lot in Queens Gap. Also Bill Grant, another lot owner, was present and shared the same concerns. John suggests that RC NOT give Queens Gap an extension of time to complete the utilities, but that RC require developer to convert the performance bonds to place cash in escrow to equal amounts with RC. Mr. Stump feels Devin McCarthy has not been truthful in dealing with property owners, the county, etc. and after grossing over \$40M in Phase 1 sales has no excuse for not having completed this infrastructure. Stump's contract states clearly public water from BRWA, not on-site wells; it also offers completed roads by April 09, but now McCarthy is revising the HUD to give them two additional years for roads, water and sewer. Mr. Stump thanked the board for their time and efforts to protect the owners of Queens Gap.

Chairman asked the Planner to describe the scenarios surrounding Queens Gap regarding an extension of time to complete the infrastructure. 1—No extension would result in “Calling the bonds” this option potentially leaves some reservations due to the County's current experience which has resulted in no progress and has yet to benefit the owners. 2 – Grant a 12-month extension that includes targeted milestones of accomplishment and consequences for missing

those milestones up to and including calling the bonds much sooner than granting a broad 12 months. 3 – Grant the broad 12 months extension with no performance measures and no consequences until the full 12 months are exhausted.

Burt Baine provided hardcopy of Queens Gap progress report. The Developer remains committed to completing Queens Gap in a timely manner with full utilities, etc. Developer states he did not realize it would be such a challenge to work in a remote, mountain area. Lost 7 months in beginning to planning, getting contractors, etc. Some roads ready for paving. At this point, the water source is the only infrastructure to be changed. Burt does not believe that is a substantial deviation as homeowners will still receive “public water” that is state-certified when faucet is turned on. The order of operations they have been following is: Roads, water, electric--then sewer and technology. Paving delayed with electric/sewer due to terrain. Waterlines to begin by September according to engineer Jonathan Hollifield. Will need 2 separate facilities for sewer due to the “continental divide” in the 3400 acres. Burt also states that bonds are good and have been verified. Does not want bonds called as they are working in good faith. Will seek extension of deadline at April 28 meeting. They would agree with having developmental milestones set and checked. Property owners do not need litigation now. Phase 1 has 600 acres—put in \$178,000 to get electricity for one home—up front. Queens Gap is prepared to install electricity, septic, and well to a resident in phase 1 at this point if homeowner wants to obtain the building permit and construction. They have started the state permitting for water/sewer lines—filed application in February, and moving forward as State allows.

Meeting adjourned.