

MINUTES OF THE RUTHERFORD COUNTY PLANNING COMMISSION  
FEBRUARY 23, 2010 – 9 AM

Present: Steve Wright, Chairman; Marshall Atchley, Vice Chairman; Danny Wells; Ronnie Harrill; Mike Hager; Dwayne Harris; Jim Huffstickler; Phillip Miller; and Danny Searcy, County Planner.

Prayer, Ronnie Harrill.

Minutes approval, Steve Wright.

**Subdivision Regulations** amendment Discussion: Planner highlights areas of concern regarding bonding in the regulations and asks if staff is on the right track in our research, in light of lessons learned from the experience with LR Buffalo Creek and the GreyRock S/D. Board members discussed the importance of keeping phases smaller to minimize any issues with DENR if each phase complies with DENR's limits "open disturbed area."

The PC favored the idea to limit any guarantee to final graveling and paving only, which would require the primary roadbed to be established before any guarantee/bonding discussion occurred. However, it does raise a question about how to handle installing any utilities under the road at a later date. Some members like the idea of requiring the developer to submit a target accomplishment/milestone chart as a prerequisite to bonding and adhere to this schedule or face certain consequences up to and including bond payments for failure to meet target dates; Planner will obtain legal counsel to determine if this allowed. Further thoughts are for this plan to be pretty comprehensive, including when utilities going in, when paving begins, etc.

Additional thoughts and questions include:

- how to handle any legal holdup if the County does call bonds?
- How to place more emphasis/require developers to place cash escrow with County.
- Eliminating "surety performance bonds" from the list of choices for a guarantee.
- One member states that the performance bond should include funding for a project manager salary in case of calling bonds.
- Limit a guarantee to one phase at a time? / Limit total # lots?
- How to consider topography/steep slopes, etc.
- Consider total acreage and linear feet of road to be the measured rather than total lots. County Planner will continue revising bonding guidelines.

**The Vineyards**, Revision of lots 54 and 23. Deferred from last month due to ownership confirmation as the property closing had not occurred at that time. The owners now have a clear deed and want to divide the lot into two smaller lots which will be consistent with the other lots in the s/d. This action would not require a design change or variance. County Planner mentions that the setbacks from road are not reflected on plat. Surveyor states this will be added to the Mylar. Will also change wording of "proposed conveyance" as it is no longer "proposed." Motion to approve (with changes to plat as noted above) by Mike Hager; seconded by Danny Wells. Unanimous vote to approve.

Planning Board Workshop opportunity: Good opportunity and encourage participation, please let County Planner know if interested.

**Queens Gap Information**. County Planner states he has heard nothing from Keith Vinson since last meeting of the PC. However, he has heard from Burt Baine, who e-mailed to say that he is no longer affiliated with Queens Gap or Devinshire Land LLC. Performance bonds are still in Devin McCarthy's name. Question is proposed, "What if Vinson goes bankrupt and Devin continues to pay bonds?" County Planner states the performance bonds are in place to complete the performance at the site and are should not hinge on ownership, however he will inquire with the County Attorney.

Meeting adjourned.