

MINUTES OF THE RUTHERFORD COUNTY PLANNING COMMISSION
January 26, 2010—9 AM

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

Invocation-Ronnie Harrill.

Approval of Minutes—All members voted unanimously to approve.

Old Business: “Subdivision Regulations”—Planner shares some information from the Health Dept. regarding minimum lot size. to consider. Health Dept requests larger minimum lot size due to new requirements on wells and increased well setbacks now, along with required septic repair areas. HD has no problem with flat lots having minimum of 20,000. Chairman Wright states a PE would have to certify slopes, etc. Planner reminds PC that it is also time to begin preliminary planning toward renewing the County’s Land Use Plan as census data and reappraisal results become available.

New Business: Queens Gap, Lot 82, Burt Baine and Keith Vinson present. Developer has presented a revised plat to County Planner which removes the Broad River Water reference. Applicants received the denial letter from December and did not bring any items listed in that letter. Burt suggested that since this lot 82 has had no changes from the 2006 version he felt it was should be reintroduced back into Phase 1. Burt Baine states he will not continue to seek approval on a lot by lot basis, but this one just happens to be the last lot next to the previously-platted road and has road access. Chairman wonders if new lot owner understands site, foreclosures in paper, etc. Buyers are knowledgeable about project and are “sophisticated buyers—not an immediate user”—states Baine. Hager asks if they will come back to seek approval for next adjacent lot, then the next one, etc. Vinson stops Baine from answering and states emphatically, “No.” He states they will not come back for another lot until they come back in the spring with an entire phase. Hager asks if we have water plans, to which Baine states that we do. County Planner comments that the County actually has not received the revised water plans dating back to the recombination. We requested them at that time in Nov. 2008, but Jonathan Hollifield had not completed them. We asked for them from Lapsley in September and October, 2009, and still we are being informed that they are incomplete and that the plans have not been submitted to the State for permitting the water system. Regarding the letter sent to Vinson from the last meeting, Warner states that item #4 needs to be addressed. Vinson asked if he had a specific question; Warner asked him just to speak in general about these concerns, but Vinson had nothing to say. Hager asked Planner to clarify Senate Bill 831 and how it turns a 3-year agreement into a 6-year agreement with the completion date of June 30, 2012.

Planner explained that the County's agreement with Queens Gap was for 36 months. Since 18 months lapsed before Senate Bill 831 effective date of January 2008 – December 2010 leaving 18 months remaining on that original agreement, pending the bond premiums being paid as required. Currently Phase 1 bond premiums come due annually in August. Hager makes motion, once again, to disapprove this addition of lot 82 to Phase 1; seconded by Warner. Unanimous "aye" vote. Request has been.

Citizen of Cedar Creek Mountain asks to speak to a safety issue and Commission agrees to amend agenda. This gentleman is the only homeowner in a new development of 43 lots. There has been a severe mud slide on in which boulders have slid down the side of the mountain. He is here to raise awareness with a legitimate concern. He was told this is a POA problem as the developer is no longer actively involved in the subdivision and the bank can't do anything to alleviate the problem. In Cedar Creek Mountain Development, road which goes up the side of Rocky Mountain contains 13 switchbacks through 110 acres. Wright states this is why we went to state road standards—to keep this from happening. Planner states that the development was built before the State road standards were required. It is noteworthy that the roads were built with tar & gravel application instead of only gravel, which exceeded the old standard. As for the poor road with 13 switchbacks, it has not been to this commission or obtained any county approval. The disturbance would have required a permit from NC DENR as the county does not issue sedimentation and erosion control permits. Mr. Bradshaw may want to contact DENR to handle this as this may be a violation of their rules.

Adjourned.