

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Suzy Foss, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....March 2, 2011

► Minutes: Beth Perkins

► The Board met with Dick Martin to express his concerns regarding One Horse Subdivision approval at 9:00 a.m. Present were Interim Planning Director Tristan Riddell, Terry Nelson and Dick Martin.

Dick Martin has a small beef operation and is struggling. He decided to subdivide his land in order to stay operating in December 2005. The subdivision met sufficiency in 2006 however, the 1 per 2 came into effect and everything was put on hold for a year and then approved in March 2008. During the eleventh hour, the ditch was ordered to be looked at for wetlands.

Commissioner Chilcott asked where in the five phases is the subdivision. Terry replied it is 77 lots of various sizes. Commissioner Kanenwisher requested clarification of Dick's request. Dick replied he is looking to negotiate without lawsuit since the timeframe was held up. Commissioner Kanenwisher doesn't know how to enter into a settlement conversation without a County Attorney present. Dick stated he is willing to work with the County in anyway to help with his situation. Terry proposed to not have the road built in order to sell the commercial lot. Tristan suggested amending the phases to add phase six where just an approach would have to be put it and then after the road be completed. Commissioner Chilcott stated there is no way to settle a negotiation without County Attorney consult. He suggested Dick do some research and begin the amendment process for the phases. Terry discussed the mitigation fees and how they were negotiated. Commissioner Chilcott stated the mitigation fees were agreed to on both sides and aren't an issue. His concern is the wetlands issue. Subsequent to that, the area was changed to a no build/no alteration zone to move forward. Dick stated the wetland issue was brought forth on October 27th and the subdivision hearing was scheduled for November 2nd. He feels that he got the run around with two delays. Commissioner Iman stated the Board does not have the ability to retract decisions made without legal action. The solutions being asked for are nebulous at best. All avenues should be addressed first and then see what opportunities could be agreed upon. There is legal action that could take place if proof can be provided that the County made a mistake. Commissioner Chilcott suggested going through the material modification process.

Commissioner Kanenwisher stated aside from the legal conversation, he would like to see an attempt to go through the modification process. He asked if there is a need for legal action to revisit the mitigation fees. He would like to research addressing them after the fact.

Commissioner Foss would like the opportunity to investigate the legal possibilities. Dick stated the County did not process his subdivision in a timely manner and it has cost him damages. He is trying to solve this without taking legal action. Commissioner Chilcott stated there is a process defined to alter the current subdivision through phasing changes and maybe an opportunity to discuss payment of mitigation fees outside litigation in order for Dick to move forward.

Commissioner Stoltz thanked Dick for coming in to negotiate prior to lawsuit.

▶ Commissioner Foss addressed her concern with an interview for Treasurer yesterday and requested another candidate be interviewed at 10:15 a.m. Commissioner Chilcott stated this is a matter of significant public interest. He believes the Board could be challenged without public notice to re-open the applicant pool. The Board concurred to address this issue during the scheduled selection of Treasurer.

▶ Commissioner Iman and Commissioner Chilcott participated in a MACO Land Use Committee Legislative conference call at 12:00 p.m.

▶ The Board met for an interview with a Treasurer applicant Marie Keeton at 2:00 p.m.

▶ The Board met for an interview with a Treasurer applicant JoAnne Johnson at 3:00 p.m.

SIGN IN SHEET – COMMISSIONERS MEETING ROOM

****PLEASE PRINT YOUR NAME LEGIBLY****

THANK YOU!

DATE: 2 MAR 11

MEETING: COMMISSIONERS

H. ELDREDGE

Paul Forsting

Mike Gandy

Chuck Roebik

Ren Chevrad

Al DeBellis
