

**SPECIAL MEETING
ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
THURSDAY, NOVEMBER 2, 1995**

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Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Judith A. Spalding, Recording Secretary

**ST. WINIFRED'S ESTATES
CRITICAL AREA GROWTH ALLOCATION
REQUEST FOR EXTENSION**

Present: Ed Middleton, applicant
Doug Durkin, County Attorney
Jon Grimm, Director, Planning and Zoning
Dan Ichniowski, Director, Public Works

As a follow up to discussion on Tuesday, October 31, Mr. Middleton appeared before the Commissioners to explain his request for an extension of the three year requirement to make substantial progress within the Critical Area, which expires November 6, 1995, and to explain delays beyond his control.

Mr. Middleton cited economics (real estate business was slow and his divorce); timing in getting grading permit; perc tests; and the length of time in general in meeting all the requirements. Mr. Middleton was granted growth allocation in the Critical Area on November 5, 1992.

Issues discussed included:

- The amount of investment Mr. Middleton has made in the project
- Work that has been completed to date
- That Mr. Middleton has posted bonds for the project
- The definition of substantial progress
- The timing for submission of plans and getting approvals and permits from county/state agencies
- What Mr. Middleton's rights are if the request was not approved.
- Whether the delay was beyond Mr. Middleton's control
- Concerns about the project by the neighbors
- Whether posting of a bond equals completion
- Compliance with Critical Area rules and the County's Zoning Ordinance

During the discussion Director of Planning and Zoning Grimm stated that he believed Mr. Middleton had worked diligently in developing the project and that the length of time it has taken to get to this point was not unreasonable. He further stated that with the recordation of the plat, the commencement of work pursuant to the recording of the plat, and the posting of the bond, he would recommend that the project go forward and that an extension is not necessary it was his recommendation

After legal research by the County Attorney and further discussion of the definition of substantial progress, Commissioner Brugman moved, seconded by Commissioner Chesser to uphold the Director of Planning and Zoning's recommendation to allow the project to allow the project to continue because work to date constituted substantial progress and by the posting of the bond, completion is insured. Motion unanimously carried.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

**Minutes Approved by Board of
County Commissioners on 11/7/95**

Judith A. Spalding
Recorder