

### **The message can't get much stronger (June 6, 2003)**

A unified voice is always the best voice, and our Planning Commission sent a strong message on May 30 when it recommended, four to one, that the Subdivision Improvement Agreement negotiated last year with developer Larry Kanne stand as it is currently written. The SIA was negotiated by attorneys for both sides before the Board of County Commissioners signed off on the Villages at Sunset. It comes as a surprise that Kanne now expects concessions after the fact. The view that the economy has changed and times are getting hard just doesn't wash. All of us suffer the rigors of a changing economy; and we do not turn to government for our bailout. Performance is performance, in good times and bad.

Kanne entered into the SIA with his eyes wide open. As a business man, he knows the cost of doing business. He indicated at the May 30 meeting the project is not in financial jeopardy. The fact that he's not willing to fill his end of the bargain, and that he's seeking a fiduciary arrangement with Park County, speaks otherwise. So do his hollow, once again "veiled" threat at the meeting that he might go back to the original project -- for which a final plan was never approved -- if he doesn't get his way. There was even some "intimidation" about selling the project as a whole. The information should never have been revealed at the meeting, unless some grain of substance hints that this is the real place the bread is to be buttered.

There are two troubling elements. First is the fact that lending institutions -- and this means banks, insurance companies, etc. - - are not interested in extending Kanne the letter of credit needed to guarantee performance. If these lending institutions are leery, Park County should be three times as leery about stepping into the breach. While units of government can provide incentives for doing business, such as tax abatement, walking into a fiduciary relationship is no different than tripping through a mine field. No one can predict the success or failure of the Sunset project at this time. What is obvious is that the project, since its inception in 1982, has been fraught with problems with three distinct developers. Sunset is a different project today, but we are getting a glimpse at some disturbing sidebars which beg our attention. A part of doing business is the business of doing. Kanne doesn't understand, or refuses to accept this. More than likely; bets are being hedged here.

Second, and perhaps the greater concern, is the potential for conflict of interest which would arise for this, and other future land development projects, if Park County assumes the role of business partner. County government represents the citizens of this county; and the Board of County Commissioners is a regulatory legislative body. It must act with objectivity and independence when it considers land use issues. This is all but impossible if one concession is granted in the hope that things will work out in the wash. The condition of the wash water isn't this county's concern, and one can reasonably question what would motivate a board of commissioners if it has hands in both buckets. In the extreme, this conflict bodes ill for future legal confrontations/litigation. Simply put, it, is not in the best interest of Park County residents to have public officials serving as partners in a private, for profit, enterprise.

The BOCC has every reason to expect, and demand, that Kanne perform as per the agreement last year. Otherwise, the agreement isn't worth the paper upon which it's printed. Some points are simply not worth negotiating. If, as Kanne says, the project is not in financial jeopardy, he should withdraw his request for an amendment. If ever there was a case of making sure development pays its own way, here it is.

-- *Lora Abcarian*