

A Status Report from Attorney Tim Mara on the Update of the Township's Comprehensive Plan

Those of you who sat through the Board of Zoning Appeals' hearings on the Martin Marietta mining proposal will surely remember that many of the expert witnesses on both sides made frequent reference to the Anderson Township Comprehensive Plan. A Comprehensive Plan is intended to be a guide for decision making by the Township Trustees, the Zoning Commission, and the Board of Zoning Appeals, so the Plan was appropriately the subject of extensive testimony. In fact, CABOOM and others allied in opposition to Martin Marietta believe that the Comprehensive Plan explicitly provides that the Martin Marietta property is to be used for office parks and warehouses and **NOT MINING**. That fact should play a critical role in the BZA's eagerly-anticipated decision.

Coincidentally (?) in December the township embarked on an update of its Comprehensive Plan which was adopted in 2005. Professional planners recommend an update every five years, although few communities actually do such frequent updates. Our concern is that the provisions of the Comprehensive Plan explicitly calling for the Martin Marietta property to be used for office parks and warehouses and **NOT MINING** will be watered down or worse yet changed to support Martin Marietta's position. That could undermine our position if the BZA continues to delay a decision to the point that an updated plan is published before the BZA makes its decision. Or, if the BZA rejects Martin Marietta's application, if the plan is revised to delete the **NO MINING** recommendation, that could be a factor in any subsequent appeal Martin Marietta might file in court. For that reason, CABOOM has worked mightily to prevent any dilution of the plan's **NO MINING** recommendation.

The plan update process is still underway, and the purpose of this status report is to let you know where things stand and to urge you to do your part to prevent a change in the plan's **NO MINING** recommendation.

The Plan Update Process is Flawed

From the get-go there have been problems with the plan update process. As is often done, the Township Trustees appointed a Steering Team to work with the township's consultants. Such committees generally serve as a sounding board for the professional planners. Steering committees also serve as reviewers of plan drafts and are expected to make their recommendations to the trustees. In this case, the trustees appointed a 34 member committee which includes **representatives of Evans Landscaping AND Pavestone, but NOT ONE RESIDENT OF THE ANCOR OR MT. CARMEL ROAD AREA**. Ironic, isn't it, that the two companies which have been the subject of so many complaints by area residents regarding dust, noise, and truck traffic were accorded two votes on the Steering Team, but clean Ancor-area industries such as AcuPoll have no representative on the Steering Team nor do residents!

The composition of the Steering Team is more than symbolic. **Being on the Steering Team gives members some leverage or influence regarding the outcome** of the planning process over and beyond that enjoyed by citizens or businesses in general. For example, the Evans and Pavestone representatives have an opportunity to fully participate in the Steering

Team's debate and discussion of alternative land use scenarios, whereas people who are not Steering Team members can only observe the committee proceedings. Their active participation will be limited to designated public participation sessions. **In the absence of a committee member / advocate for the residents, the committee discussions will inevitably become one-sided.**

By letter dated February 26, 2010, I wrote to the Trustees to protest this inequity and urged them to remedy this disparity by the appointment of an ANCOR resident and a resident of Mt. Carmel Road to the Steering Team saying "it's the fair thing to do." In response, the Trustees had the Assistant Director of Development Services write to me that the Steering Team was basically the same people who served in 2005 and **Trustees did not want to add to the committee so as to keep it "manageable in size."**

So, despite the logic of our complaint, the Trustees now rely upon a Steering Team with critical representation from dust, noise, and traffic-generating businesses but no ANCOR or Mt. Carmel Road residents to provide input regarding possible changes to the **NO MINING** provisions of the Comprehensive Plan.

The Planning Summit

I believe it was in February that the township's consultant held a public meeting to ask the public to identify issues that might be addressed in the updated plan. CABOOM members showed up in large numbers as did the pro-mining people – largely Doug Evans and friends. It was then announced that a three day Planning Summit would be held on April 19 to 21.

On April 19, another public meeting was held, this time at the Senior Center. About 40 township residents showed up, many of them CABOOM members and supporters. Those in attendance were broken down into five tables, and using maps provided by the consultants were asked to identify geographic areas of the township in need of closer examination in the planning process. The ANCOR area, including Round Bottom Road, Broadwell Road, and Mt. Carmel Road, was the overwhelming choice of those participating. Attendees were also asked to list characteristics of the area which were sources of problems to be addressed. "Types of and uses" appeared to be the top concern, and there was strong concern expressed about dust, noise, and heavy truck traffic, all affecting health and safety.

Before breaking up for the evening, participants were also asked to respond to some 18 issues using an automated touch pad system. The results of the exercise will soon be posted on the township's website.

On Tuesday, April 20, the consultants met with a number of focus groups. The one bone that the Trustees tossed to us in response to our complaint regarding the composition of the Steering Team was an opportunity for an ANCOR focus group. Approximately 22 ANCOR area residents met with the consultants at 3 PM that day for a discussion of issues relevant to the area. Residents made it quite clear they like the current plan's vision for office parks and warehouses for the Martin Marietta property, **NOT MINING.**

Thanks to Cathy Berger keeping her ears open, we learned quite indirectly that the township had also scheduled a 4:30 meeting with a focus group of ANCOR area businesses. Strangely, Jack Gordon of AcuPoll, one of the clean, respected businesses in the area, was not invited. Could it be because Mr. Gordon testified against Martin Marietta at the BZA hearings? Nonetheless, both Cathy and Jack attended the business focus group meeting too. Among others in attendance were **Doug Evans and a representative of Martin Marietta. They made it absolutely clear that they want mining in the ANCOR area. Clearly, they want the updated Comprehensive Plan to support their position.**

On April 21, the consultants reported their preliminary findings, using a power point presentation. With regard to the ANCOR area, the consultants listed three points:

- Proposed mining has had a galvanizing effect for all involved
- Beyond mining, outstanding issues related to noise, air quality, environmental impact, and truck traffic
- Desire for more recreational uses and public access to the Little Miami

The question of mining versus no mining was avoided, or at least put off to another date.

The On-Going Update Process

With the benefit of the information obtained during the Planning Summit, the consultants will meet with the Steering Team to review planning policies and draft an updated plan. A meeting with the Steering Team has tentatively been scheduled for May 10. Because Ohio's Sunshine Law requires that all committees appointed by the Trustees meet in open session to which any citizen has a right to attend, it is important that we be present to hear the discussion. We will try to let you know when the date and time have been firmed up. Please note that although this is a public meeting, only Steering Team members have a right to speak – we can only observe. This, again, underscores the problem with the composition of the Steering Team. Evans and Pavestone representatives will be able to participate in the discussion and argue their position, but we will have no voice.

There will be additional public meetings, probably in the Fall, before the updated plan comes to the Trustees for adoption some time before the end of the calendar year. Your on-going participation will be vital to our goal of ensuring that the Comprehensive Plan continues to support our position that the Martin Marietta property should be used for office parks and warehouses, **NOT MINING**. In the meantime, we continue to hope that the BZA will soon reach a decision in the Martin Marietta case.