

MINING RECLAMATION

There are many areas in Ohio where over the years limestone has been mined and gaping holes remain in land that once was farmland. Today, this land is often described by county assessors as "wasteland." These lands add little or nothing to the local tax base. As is, mining companies can walk away from liability when they donate these lands to a county or municipality for a park, leaving no tax revenue or local benefit for the mined and depleted acreage. This circumstance is bad for local communities and bad for the state of Ohio. These actions damage local character, community heritage, and weaken the tax base for communities which are already facing large cuts to local government funds.

As an example, a few years ago a large cement company in Xenia Township (Greene County) told neighbors living around a large parcel of land held by the company that the company was planning to create a large quarry on the acreage. Heretofore, the land had been a buffer between the homeowners and the company's large manufacturing plant and existing mining operations. Local concern grew. Should rezoning take place and mining operations begin, property values likely would drop, the air would be more fouled, the noise would be constant, and the truck traffic ceaseless. Furthermore, questions lingered about what would happen to the water that supplied the wells of the homeowners.

The homeowners organized and created a local action committee, X-TAG, to challenge the rezoning from agriculture to industrial/mineral extraction. These residents went to their township trustees for support and help. A forward-looking Xenia Township Trustee suggested a stakeholder group be formed to try to agree upon resolutions whereby the land, owned by the company, could be mined with the least harm to the neighbors and the township. One representative from the zoning commission, one representative each from the neighbors' group, a local environmental group, the cement company and a sand and gravel company met weekly for more than six months to come up with a set of resolutions they all could accept. These resolutions are listed on the www.x-tag.org website. After nine months' work the Zoning Commission and the Xenia Township Trustees passed the new resolutions. To date the cement company has not applied for a change of zoning from agriculture to mineral extraction, however, it is eminent.

Mining poses significant impacts to people, land, water, roads, and private property from the effects of blasting, extraction, de-watering, dust, noise, and heavy truck traffic.



Mineral extraction interests have urged Ohio lawmakers to remove township authority to zone for mineral extraction, arguing that township trustees are not sufficiently informed or educated to make these important decisions. Industry's position is that township trustees should cede decision making authority to the Ohio Department of Natural (DNR). It would be very convenient for mineral extraction companies to be able to go to Ohio DNR to request a change of zoning on the property they hold, pay the department a fee for a permit, then carry out their business unimpeded by the interests of the local community. The General Assembly must stand up for the rights of townships and their residents by restoring local control for these important zoning issues.

In the previous General Assembly, Ohio Senate Bill 18 (effective May 27, 2005) was yet another blow to local control, removing residential zoning authority from townships to act in the interest of "public convenience, comfort, prosperity, and general welfare." Business interests, by going to the state level, had hoped to gain economic "certainty" and "predictability" for their ventures. But democracy is not these, and though it is "messy," it serves the people.

Local government actions are the most transparent of any actions in government. Good business is conducted with the public good and the future of the State of Ohio in mind. Local control helps to ensure both of these.

RECOMMENDATIONS

Ohio was blessed with limestone. Today, society needs concrete for construction. There should be a sustainable level of mineral extraction that will last over time. However, our state leaders should respect the interests of township residents, and place faith in their competency to know what is best for their communities. Local elected government officials should be authorized to zone for mineral extraction with this in mind. Our townships are the fundamental building blocks of democracy. Placing this zoning control with townships protects and respects citizen rights.

The General Assembly should consider and pass a protective law that requires a multi-stakeholder process when writing zoning ordinances that have such a great potential to impact the public interest, health, and well being of Ohio.

FOR MORE INFORMATION

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