

VICTORY!

WITH SECTION 36 SETTLEMENT

by Ruth Wood

Working out our differences — what a concept! But, that's exactly what ACE, Section 36 activists, and the Heritage Land Bank did.

Several years ago, the Assembly approved the Fink administration's Land Use Study for Section 36 — an undeveloped parcel of land on the Hillside above Rabbit Creek — and designated 200 acres for residential development. Although flawed, the land use study did recommend soils testing and ground water monitoring prior to having the property platted and zoned for development. Those tests were never conducted, but the property was both rezoned and platted. Section 36 activists and ACE appealed the plat.

We won the appeal, but another plat was approved with no testing, so we appealed again. But things were changing over at City Hall. The new administration and the new director of the Heritage Land Bank, Gary Gustafson, agreed to meet with us and attempt to work out a settlement. After many long and arduous meetings we did just that and signed an agreement on November 2nd. It will become final when ratified by the Assembly.

In exchange for ACE dropping the appeal, the Heritage Land Bank agreed to perform soils testing and groundwater monitoring services within the potentially developable areas of Section 36 (Tracts B, C, K, H, and I). All lands designated undevelopable through testing, as well as the wildlife corridors,

wetlands, wetland buffers, stream setbacks, and slope areas greater than 25 percent are included in the definition of "undevelopable." The Heritage Land Bank will apply for rezoning to PLI-p for all undevelopable land, and the Department of Cultural and Recreational Services has indicated it is willing to accept management control of such land. Additionally, ACE cannot challenge the consultant's report in a replat of Section 36 and cannot initiate a new petition or appeal involving any issue settled by the agreement.

The most novel part of the agreement is that the Municipality will coordinate with us as they delineate undevelopable land, and we get to appoint two of the four members to the Request for Proposal Committee which will choose the consultant to conduct the soils tests and groundwater monitoring. We are actively looking for people to serve on the RFP Committee. If you have experience in this area or know someone who does, please call Ruth Wood at 274-3621.

This settlement is not perfect by any means. It represents hard work, compromise and good faith. It never would have happened without the unbelievable dedication of volunteers. ACE board member, attorney John Bernitz, agreed to represent us when no one else would because we didn't have enough money to pay a lawyer. Section 36 activists Tami and Rodney Powell found energy to work on the issue when many others had given

up. Tami's persistence got ACE involved and probably kept a lot of others involved as well. Section 36 activist Claire Steffens sat through all the settlement negotiations, talked with neighbors about them, and made sure we got things right. Many others advised us as we evaluated settlement proposals, and still others made contributions that enabled us to pay the staggering appeal costs. Thanks to you all — individual effort does make a difference!

IT'S NOT OVER YET... THREE THINGS YOU CAN DO TO HELP:

Call Ruth at 274-3621 for details. Leave a message if she's not in.

1. Serve on the RFP Committee.
2. Join the Community Committee that will monitor the muni's work.
3. Send a contribution to ACE so we can continue to work on local issues like this.

P.S. The Settlement Agreement is available at ACE if you'd like to read it.