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## **Franklin County's Proposed Concrete Plant Headed to Court of Appeals**

Concerned Citizens Against Landvatter Ready Mix, along with an individual plaintiff, have filed an appeal from a Circuit Court decision upholding a Franklin County Commission rezoning of land to make way for a concrete plant. The plaintiffs are represented by Great Rivers Environmental Law Center.

Landvatter Ready Mix, Inc. proposes to build a ready-mix concrete plant on tree-covered hills very near the Nature Reserve in Franklin County. There are houses and apartments in the area between the Nature Reserve and the proposed plant. The homeowners believe the proposed plant will cause them to breathe in dust, suffer from noise and increased traffic, and believe that the wildlife, fish, birds, flora and fauna in the Nature Reserve will also suffer from the plant.

At the heart of the three-year old controversy are two issues: whether Franklin County's definition of "Commercial" zoning districts is constitutional when "Commercial" is defined to include industry; and whether the Planning and Zoning Commission is required by law to hear from citizens before voting on zoning regulations.

Kelly Brothers Mason, a resident whose house sits right in between the Nature Reserve and the proposed concrete plant, said, "This concrete plant should not be built here; it belongs in an industrial park. We were not allowed to voice our concerns to the Planning and Zoning board which makes the recommendation to the Commissioners, and they approve recommendations 92% of the time. Our property values will plummet. The wildlife and birds that depend on the Nature Reserve will suffer."

"The County's current land use regulation includes industrial uses in commercial districts. A company could put any kind of unhealthy noisy, dirty plant into a commercial district under this illegal regulation." said Kathleen Henry, attorney at Great Rivers Environmental Law Center. "The point of having industrial districts is to locate businesses that emit pollutants away from humans in order to protect human health. Franklin County now offers no protection for its citizens."

The citizens request the Court of Appeals to reverse the decision of the County Commission of Franklin County.