

Forks Township Zoning Hearing Board Members,

RE: An “indefinite continuance” of KMRD’s Substantive Challenge

Regarding the current proposition, I believe we need a brief recap of where we have come from. Along with the substantive challenge before you, KMRD presented the Township with a very aggressive sketch plan of a development. KMRD fully understood that this plan was not even marginally consistent with the 2006 enacted zoning ordinance or the 1997 municipal comprehensive plan. Both of those documents were enacted after considerable hours of due diligence by various public committees, followed by numerous public hearings, and other reviews. The basis of the substantive challenge is that Forks Township zoning is arbitrary, unreasonable, exclusionary, and unconstitutional. During the span of 9 (nine) months, 11 (eleven) hearings and more than 20 (twenty) hours of testimony, KMRD presented their case. To date Forks Township has presented 3 (three) hearings. School, police, fire, EMS, and other public safety impacts have not been fully addressed. Our high-crowned rural roads and traffic concerns await expert testimony. The irreversible conversion of our prime agricultural soils and our rural historic heritage has not been defended. Forks Township has barely begun to present its case. To put it simply, granting an “indefinite continuance” of these proceedings, at this point, would be arbitrary, capricious, an abuse of discretion, and contrary to the constitutional right of due process.

KMRD is asking that Forks Township suspend these proceedings so that they might negotiate some remedy that they feel is lucrative. However, they are clearly indicating that if these talks breakdown, they wish to reserve the right to come back and resume these proceedings, even though their evidence has already been presented. The people of Forks Township through the Board of Supervisors have put these proceedings into the hands of the Zoning Hearing Board. The people’s side of the case should be heard. In June 2006 Supervisors vowed to “vigorously oppose” this zoning challenge. A written statement issued Monday June 26, 2006 by Supervisors stated, “The Board stands firm in its position that it will not allow several ***** developers to dictate the future of land development within Forks Township”. To date I am not aware of any public deliberations or votes by the Board of Supervisors indicating an opposing view. KMRD can stop these proceedings right now by totally dropping their various challenges.

The ZHB is an autonomous body that has exclusive jurisdiction to hear and render final adjudications on substantive challenges. Gentleman, the future of Forks Township is in your hands. Granting an “indefinite continuance” now would be “penny wise and dollar foolish”, that is to say contrary to the best long term interests of the people of Forks Township. Please stay the course and vote to deny any motion for an “indefinite continuance” of these proceedings.

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