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## Forks zoners uphold law that developer challenged

### KMRD said building restrictions weren't adequately publicized.

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The [Forks Township](#) Zoning Hearing Board on Monday upheld the township's 2006 zoning ordinance against a developer's challenge, which alleged the township failed to give adequate notice of the law.

The zoners reached their decision after more than 21/2 hours of testimony from the township solicitor, Karl Kline, and cross-examination by John VanLuvanee, attorney for KMRD, the developer that wants to build 3,000 housing units in a farmland preservation zone.

The board's action means the 2006 ordinance is in effect, and ordinances prior to it no longer apply.

After denying the procedural challenge, the zoners also voted 4-1 on the four other points the developer has been arguing for almost two years. Robert Kimmel, who was named to the board earlier this year, voted to continue hearing those challenges.

Last night was to have been the 20th hearing involving KMRD, which has proposed the massive King's Mill development of condominiums, mobile homes and townhouses.

Among its other challenges, KMRD contended that township standards for development in the farmland district are too restrictive and don't allow affordable housing.

On the procedural challenge, VanLuvanee said the 2006 ordinance was invalid and that his client should be able to build on the basis of the 1983 ordinance. That ordinance would have enabled KMRD to build more houses on the 545 acres of land it owns. The 2006 ordinance limits construction to three homes per acre.

VanLuvanee contended last night that Kline, who prepared the legal notice, did not include the whole ordinance or a sufficient summary, as required by law.

But Kline said the state Municipalities Planning Code permits a summary to be given of the ordinance. Kline said he did just that, adding that publishing the 200-page ordinance four times, as required, would have cost the township, \$200,000 to \$240,000.

VanLuvanee said he could not understand how Kline could summarize in 65 words the more than 200 pages with 101 sections.

The zoners' solicitor, Michael Shay, said the zoners had to question only one point: Was it a summary or was it not?

VanLuvanee questioned also how the legal notice that was published could have told anyone where KMRD's development was to go. He also said the notice could not tell anyone what changes the township and its Planning Commission had made in creating the new ordinance.

But Kline said not only was the ordinance published correctly, but notices also were printed on meetings announcing public hearings and on the dates when it would be approved by the Board of Supervisors.

Kline said because there had been so many people interested in the ordinance, the township had to move one of its public hearings to the recreation center.

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