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January 27, 2025

VIA CERTIFIED MAIL [9589071052700468467367]

AND EMAIL: Mayor@FairviewTexas.org

Mayor Henry Lessner
372 Town Place
Fairview, Texas 75069

VIA CERTIFIED MAIL [9589071052700468467374]

AND EMAIL: IROBERTS@FAIRVIEWTEXAS.ORG

Israel Roberts
Planning Manager
372 Town Place
Fairview, Texas 75069

Re: Public Information Request and Notice of Intent to Sue

Dear Sirs:

Under the Texas Public Information Act, Chapter 552 of the Texas Government Code, I request the following records related to the denial of a conditional use permit (CUP) to The Church of Jesus Christ of Latter-day Saints (Church) for the construction of a religious temple on Stacy Road in the Town of Fairview:

- All applications, correspondence, reports, studies, analyses, evaluations, recommendations, minutes, transcripts, recordings, and other documents relating to the Church's CUP application (CUP2024-04) and the Town's decision to deny it;
- All policies, procedures, rules, regulations, ordinances, regulations, resolutions, criteria, standards, guidelines, manuals, handbooks, directives, or other documents that govern or relate to the Town's review and approval of CUP applications, especially for religious uses or facilities;
- All communications, including emails, text messages, letters, memos, notes, or other documents, between or among any Town officials, employees, agents, consultants, contractors, attorneys, or representatives and any third parties, including, but not limited to, residents, property owners, neighborhood associations, civic groups, religious organizations, media outlets, or other governmental entities, regarding the Church's CUP application or the Town's decision to deny it;

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- All communications, including emails, text messages, letters, memos, notes, or other documents, between or among any Town officials, employees, agents, consultants, contractors, attorneys, or representatives and any land use or development professionals, including, but not limited to, architects, engineers, planners, attorneys, or surveyors, regarding the Church's CUP application or the Town's decision to deny it;
- All documents reflecting or relating to any complaints, objections, protests, petitions, comments, feedback, or input from any third parties regarding the Church's CUP application or the Town's decision to deny it;
- All documents reflecting or relating to any meetings, hearings, workshops, presentations, site visits, inspections, investigations, or other interactions between or among any Town officials, employees, agents, consultants, contractors, attorneys, or representatives and any third parties regarding the Church's CUP application or the Town's decision to deny it;
- All documents reflecting or relating to any past or pending CUP applications, approvals, denials, modifications, revocations, appeals, or litigation involving any religious land uses or facilities in the Town, including, but not limited to, the names and addresses of the applicants, the locations and descriptions of the proposed uses or facilities, the dates and outcomes of the Town's actions, and the reasons for the Town's actions;
- All documents reflecting or relating to any past or pending CUP applications, approvals, denials, modifications, revocations, appeals, or litigation involving any non-religious assembly or institutional land uses or facilities in the Town that are similar or comparable to the Church's proposed temple in terms of size, design, impact, or other relevant factors, including, but not limited to, the names and addresses of the applicants, the locations and descriptions of the proposed uses or facilities, the dates and outcomes of the Town's actions, and the reasons for the Town's actions;
- All documents reflecting or relating to any past or pending CUP applications, approvals, denials, modifications, revocations, appeals, or litigation involving any land uses or facilities in the Town that involve height variances or other approvals to exceed height limitations, including, but not limited to, the names and addresses of the applicants, the locations and descriptions of the proposed uses or facilities, the dates and outcomes of the Town's actions, and the reasons for the Town's actions;
- All documents reflecting or relating to any studies, surveys, assessments, evaluations, reports, analyses, or other information about the impact or effect

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- of the Church's proposed temple on traffic, parking, noise, aesthetics, property values, public safety, public services, public health, environmental quality, land use compatibility, community character, or any other relevant factors;
- All documents reflecting or relating to any consultations, communications, or coordination between the Town and any other governmental entities, including, but not limited to, federal, state, county, regional, or local agencies or officials, regarding the Church's CUP application or the Town's decision to deny it; and
 - All documents reflecting the Town's discussions, studies, or considerations of the Town's compelling interest for denying the Church's CUP, and of less restrictive means for achieving such interest other than denying the CUP.

The term "documents" as used in this request includes any records, papers, files, data, or other materials, regardless of physical or electronic form or characteristics, that are in the possession, custody, or control of the Town or any of its officials, employees, agents, consultants, contractors, attorneys, or representatives. The term "Town" as used in this request includes the Town of Fairview and any of its departments, divisions, offices, boards, commissions, committees, or other entities or subdivisions.

Please provide the requested information in electronic format with all metadata preserved. If that is not possible, please provide the responsive information in paper format. If any portion of the requested information is withheld under any exception to disclosure under the Texas Public Information Act, please identify the exception and provide a written statement of the reasons for the exception. If any portion of the requested information is confidential by law, please identify the law and provide a written statement of the reasons for the confidentiality.

Please respond to this request "reasonably promptly," as required by Section 552.221 of the Texas Government Code. If you have any questions or need any clarification regarding this request, please contact me.

Together with the above-described public information request, the Church also provides statutory notice of its intent to sue the Town pursuant to the Texas Religious Freedom Restoration Act (TRFRA), Tex. Civ. Prac. & Rem. Code §§ 110.001, et seq., for violating the Church's rights to free exercise of religion and nondiscrimination in land use regulation. The Church contends that the Town's denial of the CUP application imposes a substantial burden on the Church's religious exercise – namely construction of a house of worship that meets the needs of its faith– without a compelling governmental interest and in a manner that is not the least restrictive means of furthering the Town's interest. In this regard, we respectfully refer to letters sent to the Town by Kirton McConkie dated July 9, 2024 and August 5, 2024, both of which are incorporated by reference to fully describe the burden, the particular act, and the manner in which Fairview's decision burdens the Church and its members. The Town's refusal to consider or propose alternative ways to address any alleged

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governmental interest that the Town is relying on to justify its denial of the CUP application further burdens the Church's religious exercise and legally protected rights.

Under Tex. Civ. Prac. & Rem. Code § 110.006(g), please promptly provide the Church with "a statement of the government agency's rationale for imposing the burden, if any exists, in connection with" the Town's denial of the Church's CUP.

The Church reserves all rights and remedies available under federal and state law to seek injunctive, declaratory, compensatory, and punitive relief for the Town's unlawful actions, as well as statutory recovery of attorneys' fees, costs, and expenses. While it continues to be the Church's hope that this matter can be worked out amicably, in the face of continued and unreasonable opposition, it appears the Church has no choice but to defend its rights in court.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Pinker", is placed over a light blue rectangular background.

Eric W. Pinker

EWP/mg

cc: William Christian, Esq (via email: WChristian@gdhm.com)