

William Mackey

From: John Lysinger
Sent: Wednesday, October 27, 2021 1:46 PM
To: William Mackey
Subject: Rezoning Task Force Comment

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Mr. Mackey

I will be unable to attend this evening's Rezoning Task Force meeting in person but I hope to be able to call in for at least part of the discussion and will register through a voicemail at 410-778-7423. In any case, I would appreciate if my comment (below) is read out loud during the meeting.

Thank you

John Lysinger
Chesterville

Dear Members of the Rezoning Task Force

I would like to comment on the Rezoning Task Force's process and what is to be done with the product of its work.

Kent County's current Land Use Ordinance (LUO), while certainly not perfect, has undeniably served the County's citizens well for many years. It embodies the collective wisdom and experience of hundreds of concerned citizens over decades of public meetings, and it has been amended to recognize the practical realities of a changing environment and to appropriately balance the desires of property owners with the rights of their neighbors. Disappointments have sometimes resulted but the LUO has stood as a guidepost for planning, and no one should argue that they were unaware of the limitations it imposes in cause of serving the common good.

I commend the hard work and the commitment of time and energy made by every one of this Task Force's members. It has been a lot to ask of any volunteer committee, and you should be thanked for that effort. With the support of the County's Planning Staff, you have worked hard over the past year to discuss and weigh the merits of the proposals that have brought to your attention. For better or worse, you have been challenged by an inability to meet face-to-face with each other and with the broader community. Unfortunately, these challenges and the time constraints of meeting virtually have unquestionably resulted in briefer and more superficial deliberations than some proposals have merited, but to ask more of you might have been too much to ask.

The time and format constraints to which the Task Force's deliberations have been subject have resulted in an inability to reach consensus on numerous proposals for change that have come before the Task Force, although the term "consensus" has been used often. In no meeting that I can recall have I had the impression that Task Force members have been in 100% agreement on any specific zoning change proposal. What is more, there appears to have no systematic attempt of register members' decisions. I do recall the Staff's preliminary tabulation of Task Force members'

opinions on a long list of proposals that revealed numerous split votes and, as far as I have been able to tell, there have been no serious attempt to hammer out those differences.

This matters because Kent County's citizens have planned their lives and investments around the existing LUO's ground rules and changing those rules will inevitably harm someone, even if they have not been aware or motivated to speak up to this point. Changes should not be made lightly, bowing to whoever might motivated to speak up at this moment of low public awareness. It is my strong opinion that the Task Force has not engaged in enough "What if?" discussions, almost never fully arguing out the proposals or taking a "Devil's Advocate" position to fully consider the implications for the future. Obvious examples include a proposal to eliminate the 150 foot limitation on piers (objected to by the Riverkeeper), allowing Data Centers in AZD, and a developer's proposal to adopt a "floating zone" allowance along both sides the 301 corridor. In most cases, Staff has responded by simply noting discussion highlights and the Task Force has moved on to the next topic.

In my opinion, no proposal for change to the LUO should not be submitted to the County Commissioners for adoption until and unless the Task Force has reached a genuine consensus on the item, as represented by a unanimous vote in favor of the change(s). My fear is that split decisions will be represented as consensus. The Commissioners, who can obviously do as they please, should be morally (if not legally) bound to adopt only those changes that have been unanimously approved because to do otherwise would demonstrate distain for the diversity of Task Forces' effort, a dismissal the collective inputs of citizens responsible for the current LUO, and a betrayal of the interests of the many who have not spoken up during these unprecedented days of COVID constraints.

Respectfully,

John Lysinger
Chesterville