

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, December 12, 2022**

The meeting of the Administration and Human Services Standing Committee was held on Monday, December 12, 2022, at 5:00 p.m. The following members were present: Commissioner Markley, Chairman; Commissioners Ramirez, Bynum, Johnson, and Kane. The following officials were also in attendance: Bridgette Cobbins, Assistant County Administrator; Monica Sparks, Deputy UG Clerk; SueZanne Bishop, Assistant Counsel; Renee Ramirez, Director of Human Resources; Shakeva Christian, Manager in Human Resources; Michael Farley, Ordinance Studies Specialist with the Department of Planning & Urban Design, and Brittnie MacDonald, UG Clerk's Office

Chairman Markley said we're going to do the Administration and Human Services Standing Committee Standing Committee first today due to some scheduling issues followed by the Public Works & Safety Standing Committee. We apologize for any inconvenience.

Chairman Markley said before I call this meeting to order, I want to announce that some committee members, staff, and the public are attending remotely via Zoom as well as on-site.

All participants joining by phone should mute their phones when not speaking to avoid background noise. During this meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who's speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comment by contacting the Clerk's Office by 5:00 p.m. the Thursday before the meeting. The public also will have an opportunity to provide brief comments either by telephone or via Zoom from the 5th Floor Conference Room of the Municipal Office Building.

Chairman Markley called the meeting to order and asked the Clerk to call the roll. Roll call was taken and all members were present as shown above.

Chairman Markley said there are no revisions to the agenda this evening and we have no minutes for approval.

Committee Agenda:

Item No. 1 – 212182... UPDATE: REMOTE WORK

Synopsis: An update providing details on the application of the Remote Work Policy, submitted by Alan Howze, Assistant County Administrator.

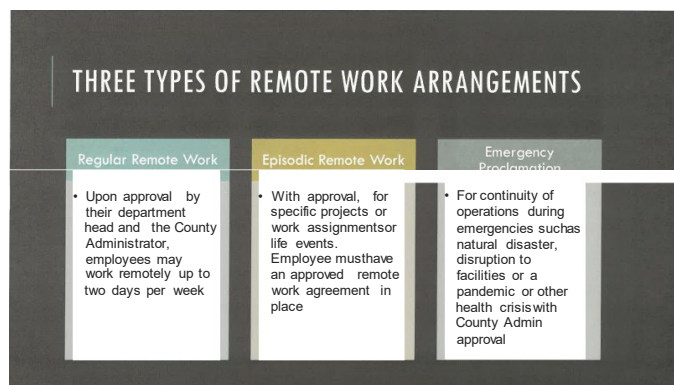
Renee Ramirez, Director of Human Resources, said as you recall, back on July 1, 2022, the Unified Government did adopt a new policy within the Human Resources Guide for remote work. We're here this evening to give you a brief overview of the policy just to review it and then give you an update on the number of departments that actually have submitted plans to the County Administrator.



A brief overview of the actual policy itself, the remote work is at the discretion of the employer and remote work is not available for all classifications within the Unified Government. The policy does state that department heads will submit a plan for remote work for their respective departments that have to be approved by County Administration and then after the approval of

the actual plan for remote work for the respective department, department heads then begin the interactive process with employees engaging with completing the remote work agreements and the assessment of who can remote work.

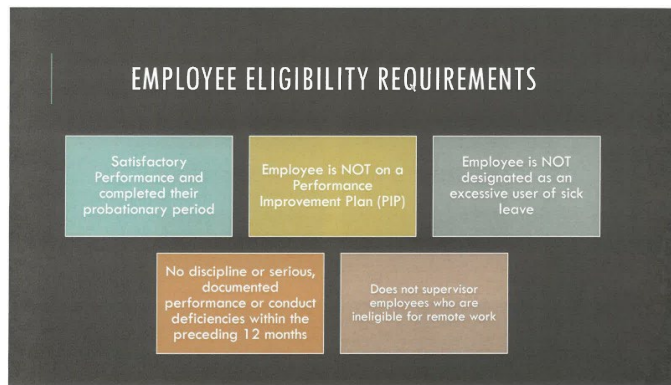
Currently, the stage that we're at (inaudible due to technical malfunction).



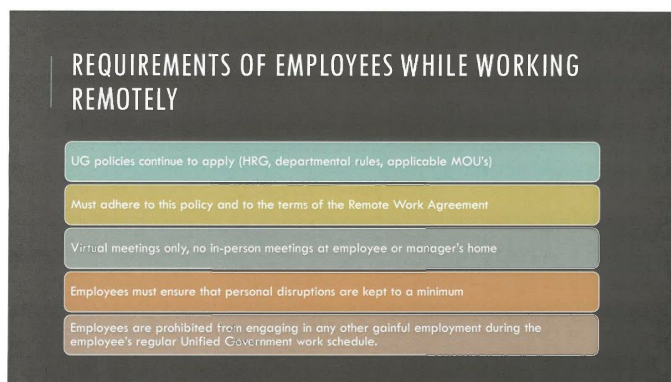
Again, as a reminder, there are three types of remote work arrangements that the Unified Government adopted in the policy in July and the first is the Regular Remote Work, which upon approval by the department heads and the County Administrator, employees may remotely work up to two days per week.

There's also the Episodic Remote Work with approval for specific projects or work assignments or life events. Employees would have to be on an approved Work Remote Agreement that's already in place.

Then, of course, we have the Emergency Proclamation for continuity of operations during emergencies or a natural disaster or any disruptions in our facilities wherein the County Administrator can have remote work done in an emergency situation.



Just a review of the eligibility of requirements. The policy does have eligibility requirements for employees and for department heads to be able to assess who can remote work. Some of the items that are very important in considering remote work for eligible staff are that they have a satisfactory performance and completed their probationary period with the Unified Government in their current classification and that employees are not on any type of Performance Improvement Plan with us, the employee is not designated as an excessive user of sick leave and there are no discipline or serious documented performance or conduct inefficiencies within the preceding 12 months. Lastly, does not supervise employees who are ineligible to remote work. So, these are some key requirements that a department head, when they're assessing the employee to actually remote work, they should be really taking into consideration these factors.



We also set out some requirements of employees while working remotely. UG policies continue to apply even with an employee working remotely which are the HRG, Department Rules and Regulations and applicable Memorandum of Understanding. Again, this policy in no way modifies the Unified Government's requirement of employees for residency. Employees must adhere to this policy and to the terms of the Remote Work Agreements that they do sign with their department heads. Virtual meetings are the only types of meetings that are acceptable when an employee is working remotely. There are no in-person meetings at employee homes or manager homes. Employees must ensure that personal disruptions are kept to a minimum. This is to ensure that we are still providing the level of service that is expected by our community. Employees are also prohibited from engaging in any other gainful employment during the employee's regular Unified Government work schedule.



That being said, back in June there was a deadline set for department heads to submit any remote work plans for their respective department. The County Administrator's Office, working with the ACA's, and the ACA's working with their department heads, reviewed the plans that were submitted by many department heads. Within these plans, the goal of the ACA was to ensure that the department head submitted the plans in conjunction with the policies and to make sure that they were actually following the policies.

There were some plans that were sent back and forth to the department heads because there may have been some instances where the department head didn't quite meet the requirements of the actual policy. They may have proposed working maybe three days per week

or let's just say two weeks from home and one week in the office, so those modifications were made. Those plans were sent back to department heads to modify and resubmit again to the Assistant County Administrators.

This process is a quite lengthy process because it's very detailed oriented where the ACA's had to look at the detail that was outlined in the plans that were submitted. So, that was the first step of getting this moved.



The second step of this is a notification was given to department heads. Once the plans were approved at the County Administrator level, that plan then, there was notification sent by the Administrator's Office to the department head advising that the actual plan had been approved. From there the next step takes place where the department heads have to conduct that assessment and continue with the agreements with the employees who are eligible to remote work.

There were departments that did submit plans and there are a few departments that actually did get approval from the County Administrator's Office, and I did outline them in the presentation. Right now, Human Resources is actually looking through those plans making sure that we have the assessments on file and that we have the agreements for those employees from the department heads and all the sign offs have taken place. At that point, once we do our review, we will be sending notification to the department head that they can begin the remote work with that employee.

Again, this is kind of a tedious process that we've taken on. It's something new for all of us and just to ensure that, one, we are having a continuity of business for any employees who are

working remotely and that we are providing the same level of service to our community that they would have here in the office and that's the end of the presentation and the update and Shakeva and I are here for questions.

Chairman Markley asked, when do you anticipate those first employees getting to begin their remote work. What does that timeline look like? **Ms. Ramirez** said Human Resources just received last week the plans that were approved from the County Administrator's Office, so I've been working on those over the weekend and, frankly, this week just trying to go over what has been approved and we will be working on those communications with the department heads. So, just based on the assessment that I've completed, there are a couple departments that have everything in place and we'll be sending notification for them to begin, so I would assume that department heads can begin that process as soon as we notify them.

Commissioner Ramirez said thank you for putting this on the agenda. I had sent an email to staff requesting that a report be given to the Commission because this was something that—a new policy that we had put in place and I was curious of where we were and everything. Thank you for putting it together and giving us the update. I do have several questions. Like in total how many plans were submitted, do you know? **Ms. Ramirez** said I would actually have to defer that question to the County Administrator's Office because plans were submitted to the County Administrator first.

Bridgette Cobbins, Assistant County Administrator, said, Commissioner, we had a total of 10 departments that submitted their requests. We're still waiting on two to provide updates so HR received the eight that were completed in totality and they're the ones that they're reviewing now to make sure that they've received the documentation to complete their proposals. So, it was a total of 10. We have 47 departments within the Unified Government, 10 departments submitted them, some are electing to wait it out and start at the beginning of the year to see where their staffing situations are going to be at and it's an ongoing process, so we'll see more in the near future.

Commissioner Ramirez said I guess what I'm not understanding, why when the plans are submitted to the County Administrator's Office, why can't HR and the County

Administrator's Office do the work at the same time of reviewing? That's where I'm confused because it seems that a lot of double work is being done. It's going through the Administrator's Office first and then to HR where both could be at the same table reviewing the same plans at the same time. **Ms. Ramirez** said, again Commissioner, I would have to defer that question to the County Administrator's Office.

Ms. Cobbins said the process is very new. At the beginning when we did approve—once the Commission approved the process, there were some things that we still needed to do as an organization to get us to a good place and the main one was with IT and making sure that we had the appropriate protocols in place from a security standpoint. Since it was such a new process and we didn't have a boilerplate program or a boilerplate format, the Administrator's Office wanted to review each one of the proposals to see what was lacking in some of the departments. So once they were submitted to the Administrator's Office, we had to review them and we sent them back several times to departments and we didn't want to put the HR Department in a position where they were going to be the ones making that determination when we hadn't established a platform for the organization as a whole. So, that was the first phase of it and as it evolves, we can certainly change it if the County Administrator's Office or the Administrator sees fit, but since it was such a new program we didn't want to put all that responsibility in the hands of HR for them to make the determination when we weren't quite sure what we were looking for as it related to a policy. What HR submitted was totally different than what maybe the Health Department submitted or the Aging Department, so we had a different variety of proposals that were submitted because we couldn't provide just one cookie-cutter program that was going to be specific to the UG as a whole.

Commissioner Ramirez said okay thank you for that and I think that's why when we originally, the second time passed this policy, a lot of—myself and some of my colleagues felt that this was how the final version was a little too restrictive on staff of being able to implement the work from home policy. The original policy that we had originally passed was good enough for staff to be able to do the work, so I thank you for what you've been able to do with the policy that was passed. I'm just like—I'm still of the mind that it's too restrictive. We should give a little more leeway for our—the County Administrator's Office and HR to be able to work with the department directors to come up with a plan because, as you said, not every department, it's

not a cookie-cutter. Every department is different. They have different responsibilities, they have different staffing levels, so it's going to impact how work is done, but I do thank you for all that you have done.

There is one last question for the, and I think this may have been answered by what you said Bridgette, a deadline. Why was a deadline set. Was it because this is a new process? **Ms. Cobbins** asked, what deadline are you referring to? **Commissioner Ramirez** said Renee said that there was a deadline for all plans to be submitted.

Ms. Ramirez said, Commissioner, we did give a deadline for department heads. With policy being adopted and passed on July 1st we wanted department heads to at least have an actual plan up to the County Administrator's Office for consideration of remote work. So, the deadline was set really to try to move the process along.

Ms. Cobbins said but it's not a closed process. Departments still have the ability and we were pretty much doing it in phases and now we have our first core group of departments that we vetted their process, we've looked at their policies, they're getting the supporting documentation to HR and that will give us a good platform going forward when we're looking at additional departments and their policies. Some departments wanted to wait and see what the other departments were going to submit so that they wouldn't have to create a document from scratch and so we do have baseline examples for other departments to use going forward.

Commissioner Ramirez said okay. That was my last question. Thank you again for what you do and trying to put this policy into place.

Commissioner Johnson said it sounds like to me that there's no start/stop deadline in terms of the departments that have not yet submitted plans or those that are correcting their plans or once those plans are submitted and found to be satisfactory, they can begin to start at that particular time or do they need to wait to the next year before they can start? **Ms. Ramirez** said no, there is no start or stop. If the department head wants to implement the plan, they just submit it to the County Administrator for review and approval and then once they get that, they'll start working with the assessments and the agreements with the employees.

Commissioner Johnson said and then once it's been approved, how long does it take to get it started. How long do you anticipate it's going to take to get it started? **Ms. Ramirez** said we're hoping we're going to get through those this week and we've already been through a couple

of them, so we're just really ensuring that, one, the assessments have been completed, that the department heads vetted out through the assessment to make sure that those employees that are eligible are able to remote work. There is that technology piece as well because there has to be that access to be able to remote in. We don't want to send employees home when they can't perform their essential functions and then we want to make sure that the agreements are in place with each employee because if there becomes performance issues, we need to rely back on those agreements in order to issue any type of discipline for not performing.

Commissioner Johnson said okay. The technology piece, can you kind of elaborate on that. Do they need to have like a T-Line going in or is it just don't—say have Wi-Fi in their homes. Do we supply that. Is there any cost available that we cover, that kind of thing? **Ms. Ramirez** said we don't supply any of the Wi-Fi, but the technology pieces—I believe that's—with technology and there's a process of doing the authenticator and the remote access into the Unified Government and with our cyber incident that occurred in April, they're being very, very careful about and being very diligent about how we are releasing information and allowing employees to port into our systems.

Ms. Cobbins said I also wanted to mention that was what a lot of the delay was. The Commission approved the policy on June 9th, it was effective July 1st, but from July to maybe just within the last month or about a month and a half, IT has been working really hard on trying to create some type of a platform to make sure that we do have security measures put into place going forward and so those were some of the hiccups that we experienced while we were going through this process. We kind of put the cart before the horse initially because we were just excited to get a policy because it's been a long time coming and, unfortunately, with the process of COVID, that kind of pushed us into this arena prematurely without us having true policies in place as an organization to make sure that we're adhering to different policies and procedures going forward.

So, with making sure that we don't encounter any issues as it relates to IT, the IT Department has done their due diligence, and it's a very time-consuming process. It took an hour for them to make sure that my UG sponsored platforms were used so that I could be available to work when needed externally, so it takes a while. So, we were thankful that we had all the policies in place and now we're putting the responsibility into HR's arena to get those supporting

documentations and then the next phase of it will be to make sure that those individuals that need to have access to software will have it when they're working externally.

Commissioner Johnson said my last question is, have we had a chance to kind of anticipate how many persons in totality will be likely afforded the opportunity to work remote? **Ms. Ramirez** said I think, again, that is going to be on a case-by-case basis with plans that are submitted and the assessments that are completed. So, we're in the process of determining that number. We're going through those that we have now and of the eight we can make that determination of how many employees currently have been approved for that, but as we move forward, we're really relying on the department to assist us with that because there is that vetting process that they have to go through because we're not familiar with some of the systems that they may be required to have access to that we may not be able to allow access to at an employee's home. **Commissioner Johnson** said yeah, understood.

Commissioner Markley asked, any other comments from commissioners? Clerk, did we receive any comments or do we see anyone online? **Ms. Sparks** said no to both. **Commissioner Markley** asked, anyone here in the audience wish to make public comment on this item? I will just thank you very much for your update and presentation. We appreciate your time tonight.

Action: For information only.

Item No. 2 - 212184...PRESENTATION: SHORT-TERM RENTAL

Synopsis: A presentation on the ongoing Short-Term Rental review, submitted by Gunnar Hand, Director of Planning & Urban Design.



Michael Farley, Ordinance Studies Specialist with the Department of Planning & Urban Design, said I'll be giving a brief presentation tonight related to the work that staff has done related to updating and looking at proposals to update short-term rental ordinances within the Unified Government. Like I said, we made a couple quick amendments from when I submitted the presentation in order to more accurately reflect both our findings and generate a little more discussion.

History of Short-Term Rental In Wyandotte County

Early 2010s – Airbnb and other third-party sites make short-term renting easy and popular

2017/2018 – Short-term rental (STR) are granted an amnesty period, allowing property owners/operators to apply for a Special Use Permit

2019 – UG contracts with HostCompliance to track online advertisements of STRs in KCK

2019 – An established set of safety conditions to be met is proactively given to applicant during the pre-application meeting

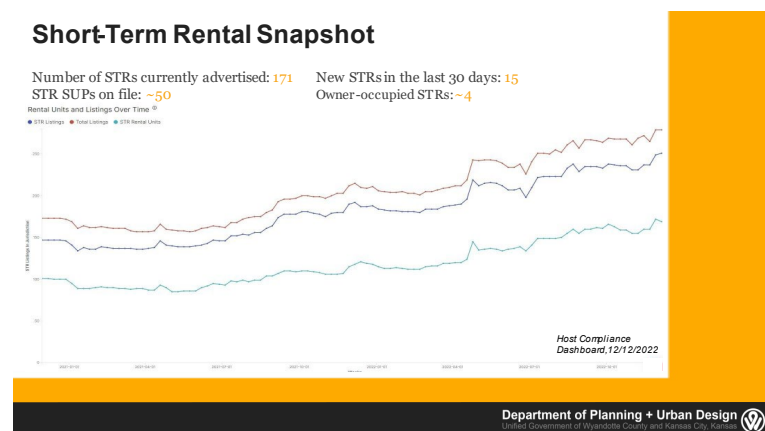
2021 – A separate, modified Special Use Permit application is created to address the specific needs of STR

November 2022 – STR ordinance proposal presented to City Planning Commission

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Very briefly, the history of short-term rentals in Wyandotte County really took off about 10 years ago with the rise of Airbnb and other third-party platforms. In those past years what we've discovered is that short-term rentals have been difficult to regulate both by the nature of which they are purchased online through a third-party vendor and then the fact that they are the use of one's private home and so, therefore, are not as public-facing as a storefront or other type of businesses would be. Over the last several years Planning staff has worked to update safety conditions and other standards that could apply to short-term rentals specifically as well as

modifying the special use permit application in order to help streamline special short-term rental applications as those numbers have grown.



Briefly, we are using host compliance—I apologize. This is the original, okay, yeah. I could still do this one, but we do have more updated info and so I don't mean to be a bother, but okay. Yep, all of a sudden we got onto the second slide and I go that's different. Hopefully, we didn't miss much on that first slide, just basically, short-term rentals are difficult to regulate as of right now. So, using host compliance, which is the platform that the UG utilizes in order to track short-term rentals through their third-party websites like Airbnb, as you can see we have a growing rate of short-term rentals that are applied—within the county that host compliance is identified as advertising.

As of right now, as of this morning, 171 short-term rentals are being advertised, 15 of those are new as within the last 30 days. To give you an idea, we have approximately 50 short-term rental special use permits that are active right now through our department and only about four of those are owner-occupied. That gives the idea that there is a great deal of advertised short-term rentals within the county that are either out of compliance or have not submitted an application with the Planning Department.

Short-Term Rental Ordinance Context

- Address a variety of ownership and renting models
 - Owner-occupation
 - Long-term rentals
 - Short-term rentals
- Acknowledge the uses and limitations of enforcement
 - Finite enforcement resources
 - Equitable application of enforcement
- Allow for increased utility and profitability of land while ensuring existing neighborhoods are maintained
 - Emphasizing incremental changes
 - Maintaining opportunities for neighbors' notice and input
- Leveraging the popularity and profitability of STRs to redevelop blighted properties for the overall benefit of the neighborhood
 - Revitalization without displacement
 - Receiving outside monies while promoting investment into community as a whole

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As I mentioned, short-term rentals by their nature are difficult to regulate and they bring up several intersectional issues that we must face as a county. They bring up the issue of different types of ownership and renting models, so we have long-term occupation, short-term rentals, long-term rentals. We also must acknowledge the limitation of our enforcement resources and, therefore, not rely simply on enforcing our regulations, but rather making sure that they are easy to comply with to begin with. Also, ensuring that people can use their property for a variety of uses, including short-term rentals, but in the same time balancing the neighbor's ability to have quiet enjoyment to the rights of their own property. And lastly, leveraging the popularity and profitability of short-term rentals especially in blighted areas and allowing for revitalization without displacement of neighbors and also ensuring that the outside monies coming in are improving the community as a whole, not just the houses which they serve.

Current SUP Application & ReApplication Terms

- Owner-occupied properties
 - Initial SUP-STR application: Up to 2 years
 - 1st re-application: Up to 5 years
 - 2nd re-application: Up to 10 years
- Non-owner-occupied properties
 - Initial SUP-STR application: Up to 1 year
 - 1st re-application: Up to 2 years
 - 2nd re-application: Up to 5 years
 - 3rd re-application: Up to 10 years

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For our current process, short-term rentals can only be applied for through a special use permit. We have slight differences between owner-occupied and non-owner-occupied properties. Owner-occupied can come in and apply for up to a two-year special use permit and then from there they

can go five years upon renewal and then 10 years after that. Non-owner-occupied properties to start off at one year, but then follow that 2, 5, 10 model afterwards.

Short-Term Rental OrdinalIntent

- Staff expertise +
- Planning best practices +
- Peer city comparisons +
- Initial feedback from Planning Commission +
- Consideration of Short-term rental ordinance context =



Owner-centric approach to short-term rental permits, based on building typology and zoning district.

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In looking at revisions to the short-term rental ordinance, we have several different areas that we're pulling from. We're looking at staff expertise, Planning best practices. These considerations that I just mentioned, as well as feedback from the Planning Commission, all that to create an owner-centric approach to short-term rental permits.

Questions toConsider

- Is the two-tier model (administrative review and SUPs) the right approach?
 - What are the appropriate triggers to employ?
 - What quantitative thresholds would you like to see?
 - Should caps/limits apply for STRs under admin review or only if SUP is required?

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What I have next is an example proposal of what short-term rental regulations could look like. I just wanted to bring up a question to be considered about this two-tier model, which I'm going to talk about, so please keep these in mind in the next couple of slides. What are the appropriate triggers to employ going from an administrative review to a special use permit. What are thresholds we would like to see and overall, should there be caps or limits for short-term rentals under any tier.

Example: Dual-Approach Permitting System

- Level 1: Administrative Review
 - Expedited process
 - Fewer requirements
 - Focus on owner-occupied houses and accessory buildings
- Level 2: Special Use Permit
 - Standard SUP process (~90 days)
 - More proof of standards met
 - Focus on broader neighborhood engagement

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This proposed short-term rental system would be a two-tiered model. The first would be Administrator review. This is meant to be an expedited process that would include less staff hours and allow for easier compliance. Typically, we expect that this would be for home ownership or for property owners who live close to their property, but again, that threshold could be determined through a variety of ways. The point is that there would be an expedited process that would be much simpler to comply with. The second level then would be special use permits similar to the process that we use now for all short-term rental applications. This would be a longer process that takes up to about 90 days and, as you know, culminates with approval or denial from the Board of Commissioners. In this process higher standards need to be met and there is a focus on broader neighborhood engagement through the noticing and neighborhood meeting requirements.

Example: New & Amended Definitions

Short-term rental means a rental less than 31 days

Homeowner means the individual person or persons, corporation, government entity, non-profit, or trust who holds ownership of the building and real property.

Owner-occupied means a residence in which the homeowner primarily resides in the dwelling, does not primarily reside in another dwelling, and uses the address of the dwelling as their home address.

Owner-occupied, actively means a residence in which the homeowner is living, eating, and sleeping at the residence for the majority of the nights in which a short-term rental tenant is occupying the same residence.

Lodging establishment license means the license issued to a hotel, boarding house, or rooming house by the Kansas Department of Agriculture

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Very briefly, we were adding some updated definitions to the code including short-term rental, which has not been defined in the zoning code as well as an emphasis on owner occupation, which we'll address later on.

Example: Level 1: Administrative Review

Administrative review requires the homeowner to submit an annual application, confirming the residence is either owner-occupied or within a specified proximity to the applicant property, and is used in compliance with all other requirements.

Administrative review can apply to the following building types:

- Single-family residences
- Duplexes
- Multi-family residences (more than 2 units)
- Mixed-use residential-commercial buildings

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Within this administrative review, the—let's say we can probably move on from this one, but the idea is that there are several different building types that could be subject to administrative review.

Example: Level 1: Administrative Review

Duplexes must be...

- Actively owner-occupied in 1 unit, or
- short-term renting only the ADU, if 1 unit is actively owner-occupied but not used as a short-term rental, and the other unit is rented by a tenant for more than 31 consecutive days (long-term rental)



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If we're looking at single-family residences, which are about 90 to 95% of all short-term rentals in the county, you could see administrative review could include owner-occupied or ADU's or again property owners who live close by to their property. So, the owner-occupied models similar to what Charleston, South Carolina currently has.

Similarly, duplexes could be subject to administrative review if they are owner-occupied and there could be different balances between having a short-term rental and an ADU outback while a long-term rental in the side-by-side duplex—other models like that.

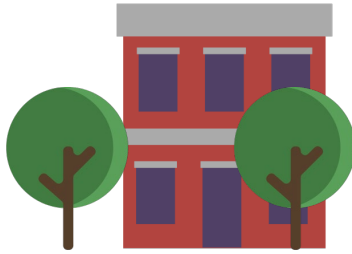
Example: Level 1: Administrative Review

Multi-family residences must be...

- Actively owner-occupied, or
- Owner lives within a specified distance

AND

- No more than a specified percentage of all units are used as STRs (*Kansas City, MO*)



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For multi-family residences, we've talked about having owner-occupied models as well plus a certain percentage cap on the amount of short-term rentals that could be in a multi-family building similar to one of the tiers that Kansas City, Missouri has.

Example: Level 1: Administrative Review

Mixed-use buildings can be either...

- Actively-owner occupied. If so...
 - STR units are allowed up to specified density maximums
 - Density maximums are on a tiered system, allowing for greater density of STRs in larger buildings

OR

- Not actively owner-occupied. If so...
 - STR units are allowed up to specified, lesser density maximums
 - Density maximums are on a tiered system, allowing for greater density of STRs in larger buildings
 - and,**
 - Commercial space must be occupied, subject to specified time lengths



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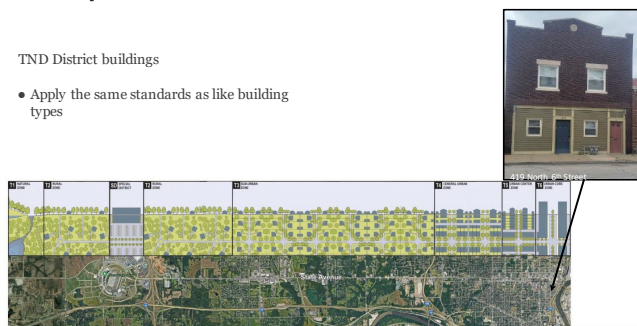
Lastly, in mixed-use buildings typically with a commercial space below and residential space above—**Commissioner Markley** said, Michael, I'm going to interrupt for just a second, not because anything you're doing, but I'm being told that Commissioner McKiernan is still seeing like the preview view of the first slide and it's not showing online, so I don't know if somebody with technology can address that. **Ms. Sparks** said, Commissioner, we've asked IT to look into this. There's someone with Zoom that's not sharing correctly. **Chairman Markley** said okay, proceed. **Mr. Farley** said, as I mentioned, the mixed-use buildings could be a similar model to standard multi-family residential buildings whether it be a tiered system allowing for larger buildings that have higher percentages of short-term rentals, but again, finding that balance still between owner-occupation, long-term rentals, and short-term rentals.

Additionally, if there was a non-owner occupied building, perhaps there could be a commercial space occupation requirement as well meaning that first floor would be an active storefront so there's less emphasis on using a building just for short-term rentals, which is a problem that has appeared in several cities including New Orleans, so we want to try to avoid that.

Example: Level 1: Administrative Review

TND District buildings

- Apply the same standards as like building types



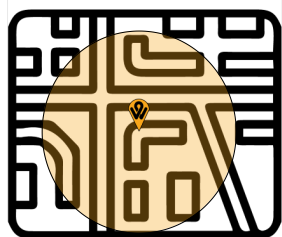
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Then, lastly, addressed in the TND District, we would probably just apply standards to the like building types because, again, TND allows for several different building typologies. Those would just fit into the previous typologies I mentioned.

Example: Level 1: Administrative Review

Escalation Clause. A short-term rental allowed under administrative review will be required to apply for a Special Use Permit under the following circumstances:

- Another short-term rental within a certain distance, **or**
- Zoning or Property Maintenance Compliance citation, **or**
- History of police calls to the property, **or**
- Failure to prove compliance with administrative review requirements



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Lastly for the Administrative Review, there would be some sort of escalation clause built in that would move a property from a quick administrative review to the longer more in-depth special use permit process. Certain triggers could include having another short-term rental within a certain distance of the applicant property, having any zoning or property maintenance compliance

citations within a certain period of time, history of police calls or otherwise a failure to prove compliance with the administrative review requirements.

Example: Level 2: Special Use Permit

A Special Use Permit is required for all short-term rentals that do not meet the requirements of an administrative review, or that trigger the escalation clause. This includes:

- All single-family residences and duplexes with a remote property owner or manager, **and**
- Collectively for all units in a multi-family building if the number of STRs exceeds a specified maximum percentage of total units, **and**
- Collectively for all dwelling units in a mixed-use building if the number of STRs exceeds the allowed quantity/ratio, **and**
- All non-owner-occupied dwelling units with property owners and/or managers located outside of a specified radius around the STR property

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So, if a property were moved from the administrative process to special use permit or had to be there to begin with, it would go through a similar process through the special use permit that the special use permit process has now.

Example: Level 2: Special Use Permit

A Special Use Permit represents a higher standard of review and greater required for all short-term rentals that do not meet the requirements of an administrative review, or that trigger the escalation clause.

- Follows the same process as all Special Use Permit requests do now, including short-term rentals
 - Neighborhood meeting (for properties within 200')
 - Provide guest book and floor plans
 - Public meetings (City Planning Commission & Board of Commissioners)
 - Approval by the BOC
- Requires a Lodging Establishment License from the Kansas Dept. of Agriculture (Lawrence, KS)
 - Full home inspection conducted by Dept. of Agriculture staff

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There would still be a neighborhood meeting requirement, the same standard to provide guest books and floor plans would still apply as they do now. There would be the public meetings and, again, ultimate approval or denial by the Board of Commissioners. Additionally, any property that requires a special use permit may also be subject to a lodging establishment license from the Department of Agriculture. This is a model similar to what Lawrence has right now and this would include a full home inspection conducted by the Department of Agriculture which would allow for greater inspection of the home and insurance and safety standards with less work on UG staff to conduct—you know, ensure the compliance with those or conduct those inspections.

Questions to Consider

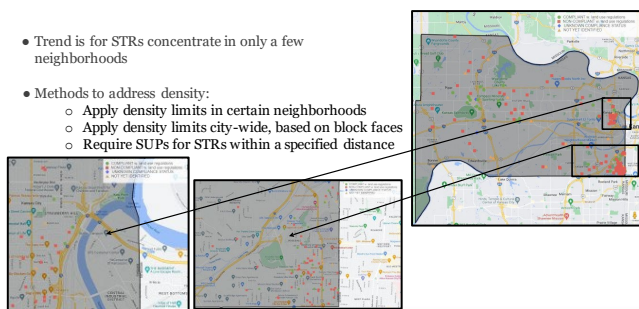
- Is the two-tier model (administrative review and SUPs) the right approach?
 - What are the appropriate triggers to employ?
 - What quantitative thresholds would you like to see?
 - Should caps/limits apply for STRs under admin review or only if SUP is required?

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Again, we're going to come back to the question to consider—we can take a moment here if that's all right to discuss how we feel about the two-tier model system. I do have a couple more slides related to the concentration and density of short-term rentals, but if you feel it's more appropriate to do all discussion at the end, we can certainly do that. **Chairman Markley** said yeah, let's do it all at the end.

Concentration of Short-Term Rentals

- Trend is for STRs concentrate in only a few neighborhoods
- Methods to address density:
 - Apply density limits in certain neighborhoods
 - Apply density limits city-wide, based on block faces
 - Require SUPs for STRs within a specified distance



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Mr. Farley said another consideration I just wanted to bring up was that even though there are short-term rentals throughout the entire county, there are obviously two areas or two neighborhoods that see the greatest concentration of short-term rentals. That would be Strawberry Hill and the surrounding area as well as the Rosedale neighborhood. So, with consideration for these neighborhoods or other potential future areas of high concentration of short-term rentals, we've also looked into maybe addressing density through several different ways whether that be limits within the boundaries of certain neighborhoods, whether there would be quotas citywide based on the number of short-term rentals on a block face that would apply regardless of where you are in the neighborhood or within the UG, or again, having a distance requirement where

short-term rentals within a close proximity would automatically have to be special use permits and, therefore, subject to more neighborhood notice and comment as well as approved by the Board of Commissioners.

Questions to Consider

- Should there be limits on STRs? At the county, neighborhood, and/or block level? If so, how?
 - Neighborhood limits
 - Block face percentages
 - Radii triggers
 - Zoning district maximums
 - Building typology limits
 - UG-wide quota

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Again, just things to think about is what limits should we put on short-term rentals and what level should that be at, be it the county neighborhood or block level—I see we’re having a little more issue. That’s alright. The next slide was just further consideration about different incentives that we could offer short-term rentals.

Questions to Consider

- What incentives could be granted?
 - Density bonuses
 - Compliance with the Narrow Lot Design Guidelines
 - Purchase and development of Landbank properties

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So, if for example, there was density bonuses that were achieved or if it was a new build and it met the narrow lot design guidelines or if it was perhaps a Land Bank property that was purchased there would be either bonus densities or an automatic administrative review even if a property would otherwise be subject to a special use permit. So different, a third type of consideration would just, you know, what incentives could be available for short-term rentals.

Next Steps

- Notification of proposal to Livable Neighborhoods ✓
- Input from the City Planning Commission at the November 14, 2022 CPC meeting ✓
- Informational presentation at the December 12, 2022 A&HS Standing Committee meeting
- Informational presentations to the Strawberry Hill Neighborhood Association on December 13 and the Rosedale Development Association on December 20
- Comment from related and affected UG departments
- Draft ordinance on January 9, 2023 City Planning Commission meeting agenda (for recommendation)
- Draft ordinance on January 23, 2023 A&HS Standing Committee meeting agenda (for recommendation)
- Draft ordinance on January 26, 2023 Board of Commissioners meeting agenda (for adoption)

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Lastly, I said I'm giving this presentation tonight and then I will be meeting with Strawberry Hill and the Rosedale Development Association within the next week and a half to give a similar presentation and get their feedback because they have been identified as the neighborhoods with the highest concentrations of short-term rentals. We're currently receiving, and we'll be reaching out to more UG Departments, that would be related to these ordinances for enforcement and processing and get their input and then we plan to have a draft ordinance go before the City Planning Commission on January 9th with that final draft ordinance, with input from the City Planning Commission, going before the Board of Commissioners on January 26th. Potentially as well, I could come back January 23rd I believe is the next standing committee meeting if there is a desire for me to do so.

Next Steps

- Notification of proposal to Livable Neighborhoods ✓
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I apologize, would it be possible if I go back to the questions to consider...

December 12, 2022

Questions to Consider

- Is the two-tier model (administrative review and SUPs) the right approach?
 - What are the appropriate triggers to employ?
 - What quantitative thresholds would you like to see?
 - Should caps/limits apply for STRs under admin review or only if SUP is required?

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Mr. Farley said right about there, yes. That's alright, I can (inaudible).

Commissioner Ramirez said thank you for your work on this. I know this is a conversation that I and Gunnar have had a conversation and, of course, I've had many conversations with Erin Stryka with RDA and many Rosedaleans. I can tell you with my district that escalation clause is going to get hit quick. They're all, I think, a lot of the STRs in Rosedale are not going to go through the administrative review, they're going to automatically straight to the SUP process, the current one that we have.

I see how the two-tier system could work, but I think from what I know from RDA and from the neighborhood, yes, you know, maintain the character of the neighborhood, but I think the biggest issue is just the density issue and that is something I do agree with. With this two-tier model being able—as you said, you know, either we do the density bonuses—I don't know exactly what restrictions on density we could do, but for me I think it's just the density. I do not have a problem with short-term rentals, Airbnb, I do not. It's people's jobs. That how they make money. It's something they like to do. They like to provide that amenity for people who live here, people who are coming through town, but it's just the density of how many are throughout Rosedale and it's—you turn one street there's one and there, it's—yeah, I think that's just the main issue for me.

Currently, I could not give an opinion of what those density restrictions would look like. I'm not sure at the moment. I'm going to have to think a minute, sorry.

Commissioner Bynum said I just have a variety of questions. Going back to the very beginning of the slides, are you saying that on file in your office the number of special use permits that are

current and active is 50? **Mr. Farley** said, Commissioner Bynum, that is an approximation. While we do have obviously a record of all special use permits that we have, we don't have a good way of easily distinguishing which ones are for short-term rentals, so barring going through and counting every single one because right now they're only identified as short-term as special use permits, so going through and opening them up and seeing which ones would be, that is our best guess based on what comes in every year.

Commissioner Bynum said that just strikes me as unbelievable considering that we approve one almost every time we—at least one every time we have a Planning & Zoning meeting. I don't know, but you think that you see advertised 170+ in Kansas City, Kansas. **Mr. Farley** said yes, so I believe the 171 is for the entire county, so obviously, there could be a couple in Edwardsville or Bonner Springs and there is a potential for some duplicates is my understanding from the software, but again, that's about an approximation.

Commissioner Bynum said I know in the past when we first started allowing this we had a process that we were using for those we saw online that we clearly could see didn't have a permit, we had a process for notifying them that they needed to come in and apply. Are we still doing that? **Mr. Farley** said I guess I can't answer that exactly. That is handled more by our Zoning Enforcement Officers. I believe the process has changed slightly than it did earlier on especially right after that amnesty period, but I don't know the specifics of how we address that compliance right now.

Commissioner Bynum said I'm just looking at some notes I took while you were speaking. We speak in acronyms a lot here, so ADU's are what? **Mr. Farley** said Accessory Dwelling Units. **Commissioner Bynum** asked TND is—**Mr. Farley** said Traditional Neighborhood Design District. **Commissioner Bynum** said you talked in your presentation about one of the items I guess with regard to allowing renewal was history of police calls to a residence. I would add things like history of any calls to codes, history of calls from the neighbors to anyone up here trying to get some resolution. I would want to broaden that out, neighbors, neighborhood groups, just a suggestion as we keep moving forward, but not just calls to the police, but I think calls in general regarding behavior or activity or whatever it is. It could be that the short-term rental is taking all the available parking in the entire—it could be anything.

Question for you, the 200 foot distance that you're referencing as far as the notification process, I guess that's the same as the 200 foot requirement that's statutory around these Planning

& Zoning items, do you have any idea why in general it's such a short distance or maybe Legal can help, I don't know. It's just such a small radius when we draw a circle like that.

SueZanne Bishop, Assistant Counsel, said I do not have an answer to that, but I would be happy to track that information down and get back to you. **Commissioner Bynum** said I would appreciate it and I just think it might be helpful to know in general. You know we hear that a lot with Planning & Zoning cases that people weren't notified. Well, it's because they're outside the required radius and it would just be nice to know why is the required radius so small.

Commissioner Bynum said then as we begin this conversation based on what we've seen tonight, my feeling now is yes to limits on things like density and boundaries and things like that. I mean I'm in favor of whatever we are able to do to put more rules in place for these limits, etc. and I do think density is a big one, I mean as we've seen from your map, so that's it.

Commissioner Ramirez said thank you for bringing that up Commissioner Bynum. I did not see that I realize on that slide. You can do the simple math, taking the 50 that we have on file dividing it by how many is currently advertised, that's 29%. Only 29% of the STRs in our community are following the rules, are following what needs to be done, that's 29%. So, after you mentioning that, I would agree that we need some more rules and regs of how these need to be operated especially with density wise because then it's a lot of STRs that are out there not following the rules that are currently already in place. That's staggering. I didn't realize that how—you were right. I feel like we have one on our Planning agenda almost every time and so I thought we would have more than 50 on file.

So, yeah, I agree that we do need to look at it a little deeper, looking at how we can—but also not thinking of STRs in the future, but the ones currently, bringing the ones that are already in the community into compliance. I think also we need to, as staff and as a Commission, how can we bring those ones that are already out there into compliance with the current rules that we have. You have to have that SUP to be an STR and so I'm curious, does Gunnar or staff have any plan of how to bring the rest of those into compliance? **Mr. Farley** said I will have Gunnar definitely follow up with you on any additional plans we have. As of right now, Commissioner Ramirez, my focus is on the ordinances themselves, so the hope was that we achieve a little more

compliance with existing short-term rentals through this administrative review tier. We suspect that some of the non-compliance does come from just the process of the special use permit. It is 90 days, it is, I believe, \$365 if you're not owner-occupied for a single year, so there's certainly barriers or deterrence's right now that we could look at, you know, that we've looked at lowering through this two-tiered system in order to do that. There could be an outreach portion as well that I, you know, certain ways in the (inaudible). I'm not as—I don't want to speak for the department in that sense, but yeah, we did think that compliance through lower regulations for certain short-term rentals was appropriate. **Commissioner Ramirez** said I just think that's—you know, yes, we need to get through the ordinance, what we have now, but I think things we should look at and I know Gunnar already has a lot on his plate and the Department of Planning has a lot on their plate already, but just looking at how can we bring the rest of those STRs into compliance, not with the ones that we've set, but also with the new ones that we may be passing.

So, 29% who are going to follow the new rules whereas the rest are not, so I think we again as a Commission and staff should look into how can we bring everyone into compliance so that it's fair for everybody.

Commissioner McKiernan said, Mr. Farley, thanks very much for bringing this, what I consider a first pass into committee tonight. I would agree with Commissioner Bynum and Commissioner Ramirez. The first thing we need to do, we need to find everybody who's operating within the Unified Government boundaries and we need to contact them and bring them into compliance. Now, what that compliance is going to look like is going to be the end result of this process and so one of the other things that I think we should really think about is a more robust public engagement process. Going to Strawberry Hill and Rosedale Neighborhood groups is fantastic, but it's only a first step. There's a lot of other territory in Wyandotte County that I think we need to cover and we need to find a way to engage those people as well, my opinion.

I do think that we need to consider a lot more of the nuances of this especially as the short-term rentals are owned and operated by people. Do we have, in addition to a maximum density in any geography like in a neighborhood on a block, we might have a maximum number of short-term rentals, but is there a maximum number that one owner can have overall or in a short area. Is there a difference between an owner-occupied short-term rental and one where the owner does not occupy that dwelling. Is there a difference between an owner who lives in Wyandotte County

but has a property that they don't live in versus an owner who lives outside of Wyandotte County and has properties that they don't live in. I think there is a ton of nuances here and I agree with Commissioner Bynum that not only calls for police service should be considered, but calls of any kind should be considered because ultimately we want everybody who stays in a short-term rental to be a good neighbor to those around them and we need the owner-operators of these short-term rentals to enforce good neighbor behavior to the best of their ability.

I look forward to this process. I think our timeline might be a little shorter than it's going to end up being, but I applaud you for bringing this information forward as a starter.

Chairman Markley asked, comments from other commissioners. Let's loop back to the next steps. I think you mentioned something about potentially returning to this committee after engagement or am I crazy. I remember that. **Mr. Farley** said yes, I believe the 23rd is the next—**Chairman Markley** said January 23rd. **Mr. Farley** said yes, I can certainly come back with an update and that would have—**Chairman Markley** said it looks like Commissioner Kane has his hand up.

Commissioner Kane said I don't know how he would come back if he did what Commissioner McKiernan just said by not just the two folks on the east side of town, but you know, we've got several of those rental properties out here. I would think he would have to see multiple different groups before he would come back that fast with something that says here we are because what works on one end of town might not work on the other. If you we want him to come back, that's fine, but I don't think he would have talked to as many people as we need him to talk to, to make sure this work. It's just my thought.

Chairman Markley said I think definitely we want him to come back. I think when you come back should depend on how your process is moving forward, so I would say to you and to staff don't have them come back in January just because it's January. Let's see where this leads and then we'll expect to see you back when you've continued your community engagement and feel like there's an appropriate update. Good team, okay.

Chairman Markley said, Clerk, any comments from the public or anyone else online? **Ms. Sparks** said no comments. **Commissioner Markley** asked, anyone here from the public to comment on this item? Alright, thank you very much, Michael, for your presentation.

Action: For Information Only

Chairman Markley said that concludes this meeting . I'll entertain a motion to adjourn.

ADJOURN

Commissioner Ramirez made a motion, seconded by Commissioner Bynum, to adjourn. Roll call was taken and there were four "Ayes," Kane, Johnson, Ramirez, Bynum, Markley.

Commissioner Markley said I understand we're going to take a brief break. We need to do a restart of the Zoom because of the issues that we have been having, so if you are wanting to be with us for the Public Works & Safety Standing Committee, just be aware we're going to take a short break, do a restart and then we'll be back.

Meeting was adjourned at 5:55 p.m.

dt