

**ADMINISTRATION AND HUMAN SERVICES
STANDING COMMITTEE MINUTES
Monday, APRIL 24, 2023**

The meeting of the Administration and Human Services Standing Committee was held on Monday, April 24, 2023, at 6:30 p.m. The following members were present: Commissioner Markley, Chairman; Commissioners Bynum, Ramirez, Kane. Commissioner Townsend attended on behalf of Commissioner Johnson, who was absent. The following officials were also in attendance: Gunnar Hand, Director of Planning and Urban Design; Michael Farley, Ordinance Study Specialist with the Department of Planning and Urban Design; Patrick Waters, Acting Chief Counsel; and Monica Sparks, Deputy UG Clerk.

Chairman Markley said before I call the 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. When speaking, please speak directly into the microphone to ensure everyone listening is able to hear your comments and to ensure a clear record is made. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is the current guidance from the Kansas Attorney General.

The public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of this meeting. The public may also indicate their intent to provide remote public comments 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. Roll call was taken and all members were present as shown above.

Chairman Markley said there are no revisions to tonight's agenda, and there are no minutes to approve. We're moving right along to our committee agenda item number one, which is the short-term rental uses ordinance which we have discussed previously in this committee. Gunnar Hand is here to present.

COMMITTEE AGENDA

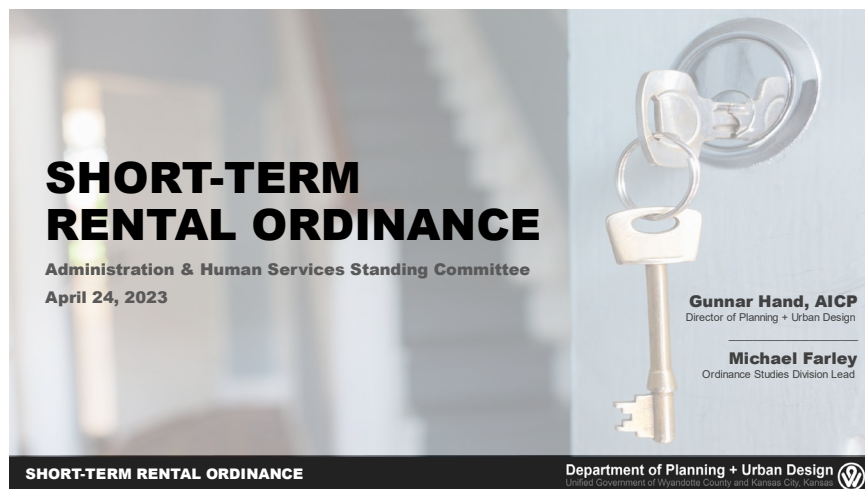
Item No. 1 – 212207...ORDINANCE: SHORT-TERM RENTAL USES

Synopsis: Consideration to create a new Short-Term Rental Ordinance and staff review process, submitted by Gunnar H. Hand, Director of Planning and Urban Design. It is requested that this item be fast-tracked to the April 27, 2023, Full Commission meeting.

Gunnar Hand, Director of Planning and Urban Design, said as a way of introduction to this item, I would just like to say that the short-term rental process has been going on for at least the last six months plus, in earnest. We've had multiple public engagement opportunities as well as internal UG reviews. It's been at the City Planning Commission a couple of times, the standing committee a couple of times, and what is before you this evening staff believes is a balanced approach that still prioritizes actively owner-occupied short-term rentals.

This comes to us from the Planning Commission earlier this month with a recommendation of approval. I will take the time to note there are some unsubstantive typos that we would still like to fix. There will be a slight change between potentially what happens this evening and maybe what we are requesting to fast-track to this Thursday. As a just as a way of example, for instance, there's some formatting issues that got cleaned up by Legal recently. Then, there's a place in our administrative review where we say special use permit and it shouldn't have. It should have said administrative review. So, small things like that, nothing substantive. There are still things I think are potentially worth discussing this evening. I know that we have a few people here this evening as well who would like to provide testimony and we're here to have those conversations accordingly. We did our best in this draft to isolate those areas of contention to make it as easy as possible to continue to move forward. If we don't like a piece, we can remove it and the rest can move on. For instance, now that depends on what the piece is still, but we believe that's how we've crafted this in order to be as flexible as possible to move forward.

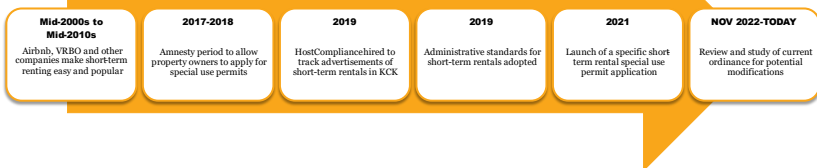
Again, I would just note that we are asking for this to be fast-tracked, any substantive change that were to occur tonight would trigger it. If it were, hypothetically, to move forward to Board of Commissioners, this 30 would trigger a requirement of a supermajority of the Board of Commissioners to approve it on the 27th.



With that, we do want to go over the full presentation with you all just as a matter to get caught back up to speed. I've asked Mr. Farley to move fast so we could have maybe 10 more minutes of your time to go through it again, then we would open it up to questions. So, with that, Mr. Farley?

BACKGROUND & EXISTING CONDITIONS

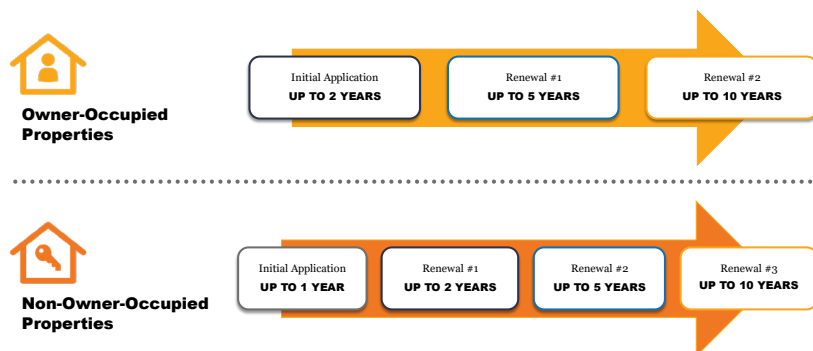
- Short-Term Rentals are classified as commercial activities under the UG Code of Ordinances
- Growth in these services creates a need for better administration and balance within neighborhoods



Michael Farley, Ordinance Study Specialist with the Department of Planning and Urban Design, said again, just to review short-term rentals, in one way or another, have existed within Wyandotte County throughout its history, but it's only been in the last 10 or so years that the rise of Airbnb and other third-party platforms have allowed private homeowners to more actively take

a role in the short-term rental market. In response to that in the last several years, the UG and the Planning Department specifically has made steps to address the rise in short-term rentals, including creating a special portion of the special use permit application in order to streamline the common issues that come up with short-term rentals.

CURRENT PROCESS AND TERMS



SHORT-TERM RENTAL ORDINANCE

Department of Planning + Urban Design
United Government of Vancouver, Seattle, and Tacoma City, National

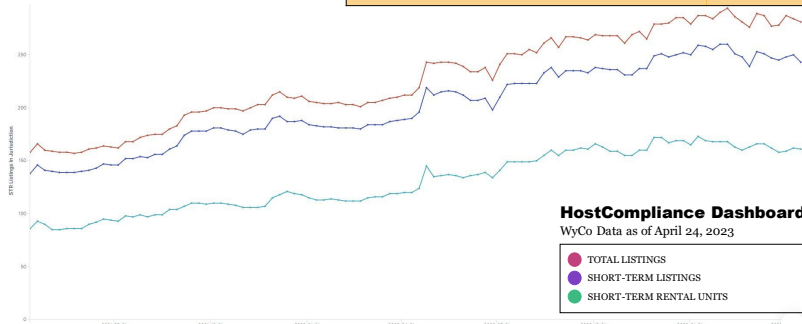
Moving on, since November we have been trying to address short-term rentals with more robust and clarified regulations. Every short-term rental has to go through a special use permit. Owner-occupied properties are, in a way, incentivized over non-owner-occupied properties.

As you can see from this slide, owner-occupied properties are allowed for up to two years upon first short-term special use permit application, then two, five, and ten years while non-owner-occupied properties can only go up to a year and then can follow that two, five, and ten year route. So, even from the beginning, we have been creating incentives and ways that owner-occupied properties can have a little bit of a leg up in the short-term rental market and process.

MARKET SNAPSHOT

- Only 30% of short-term rentals have a special use permit recorded with the UG

Number of Short-Term Rentals Currently Advertised in WyCo	166
New Short-Term Rentals in Last 30 Days	8
Active Short-Term Rentals Special Use Permits	Approx. 50
Active Owner-Occupied Short-Term Rentals	Approx. 4



SHORT-TERM RENTAL ORDINANCE

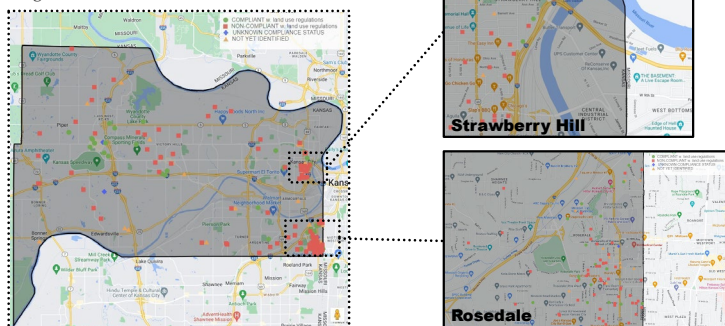
Department of Planning + Urban Design

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We also as well have been using third-party programs, Host Compliance, in order to track short-term rentals are being advertised throughout the county to get a sense of what we are missing versus who's coming in and applying. This is actually a snapshot that we took earlier today, showing the overall rise in the last year of short-term rentals being advertised, as well as all types of rentals. Then, the numbers that are reflecting how many active and new short-term rental advertisements have been found online through Host Compliance scraping through various third-party websites.

MARKET SNAPSHOT

- Short-term rentals are concentrated in a few neighborhoods



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Additionally, just showing the distribution of advertised short-term rentals throughout the county, with particular emphasis on Strawberry Hill and Rosedale neighborhoods, where we see the highest concentrations. As you can see from this map, there are short-term rentals that are found throughout different neighborhoods throughout the county. This is not just something that we were

Officers that we've addressed previously, as well as ensuring that enforcement is not the first tool used, but rather that we create regulations that offer incentives for people to comply.

Also, addressing the balance in neighborhoods, making sure that all changes in neighborhoods will be incremental. We'll strike that balance between private property owners using their property to a greater use, while also maintaining opportunities within the neighborhood for neighbors to know what's going on within their community. And lastly, addressing economic development, finding that balance between the use of short-term rentals to revitalize neighborhoods while ensuring that investment will go back to the neighborhood itself.

ORDINANCE REVIEW



GOAL: Establish an owner-occupancy-preferred approach to short-term rental permits based on building typology and zoning district

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As Director Hand has mentioned before, we have come up with what we call an owner-occupancy-preferred approach to short-term rentals, using all of the staff expertise, best practice, Peer City Comparisons, and lots of community input.

UPDATED DEFINITIONS



SHORT-TERM RENTAL ORDINANCE

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We have actually defined what a short-term rental is. In this case, a rental for less than 30 days. We've also defined in this case, for our purposes, what a homeowner and an actively occupied property is, as well as a street block, which is the unit that we are using to define and limit concentrations of short-term rentals is going to be a street block.

ADDRESSED LAND USE



USE BY DISTRICT

Allowed in all residentially zoned properties, zoning districts that allow residential use, or legal non-conforming residences.



USE BY BUILDING TYPOLOGY

Allowed in single-family residences, duplexes, multi-family apartments, and mixed-used buildings.



DENSITY BY PARCEL

Only one (1) special use permit is allowed per parcel, but there can be multiple short-term rentals within a single parcel, depending on zoning and building type.



DENSITY BY STREET BLOCK

No more than 25% of all parcels per street block are allowed to have a special use permit, but at least one (1) special use permit per street block is allowed.

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Additionally, we've addressed how short-term rentals can be used by zoning district and by building typology. They are, for the most part, allowed in every district that allows for residential uses, as well as all building typologies to various degrees. There are limitations put in place on how many units within a multifamily building would be allowed. Again, addressing that goes into addressing density by parcel and addressing density by the street block. We want to emphasize that no more than 25% of any parcels on a street block could have a short-term rental special use permit.

CODIFIED PROCESS



SUBMISSION REQUIREMENTS

Includes a safety home inspection, floor plans, guest book, holding an insurance liability policy, and posting a copy of the SUP



LENGTH OF TERM

Owner-occupied: 2 years, 5 years, 10 years
Non-owner-occupied: 1 year, 2 years, 5 years, 10 years



LEGAL NON-CONFORMING PERMITS

Allow existing Special Use Permits to continue to run and be renewed, even if not in compliance with the density limits, so long as all requirements of the Zoning Code are followed.



PERFORMANCE STANDARDS

Set standards for off-street parking, neighborhood characteristics, maintaining a business license, and property owner responsiveness to noise/parties.

SHORT-TERM RENTAL ORDINANCE

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Then lastly, we are codifying several processes that we have engaged in the last several years through the special use permit process requirements that we have found that will be helpful for safety purposes. Making sure that there are up-to-date home inspections, how to find the length of term for these special use permits, addressing how legal non-conforming special use permits will be incorporated into this code, and then ensuring that there are performance standards for short-term rentals that are both done through administrative review and special use permit, including the maintenance of a business license property owner responsiveness to noise and parties, and addressing neighborhood characteristics including density.

FOR CONSIDERATION

- **Identifies changes to ownership and/or applicant** which require a renewal of a special use permit before the end of term
- **At the instruction of the City Planning Commission,** legal non-conforming status of existing short-term rentals in high-density blocks is addressed
- **Proposes a 25% limit on non-owner-occupied short-term rentals per street block,** while still allowing at least one (1) short-term rental allowed by special use permit per block and making exceptions for existing special use permits that exceed the density limits
- **Clarifies application submission requirements and performance standards** for all new and renewed short-term rental Special Use Permits



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Lastly, we would just like you for your consideration to—I guess the things that we want to point out here is that we are identifying changes to the ownership and the applicant. We have addressed the legal non-conforming status of existing short-term rentals that might be affected by this limit, this 25% concentration limit, that we are suggesting. Then, clarifying the application submission requirements and performance standards that we have done through the special use permit process over the past several years. With that, I'll open it up to questions.

QUESTIONS

OUTREACH & ENGAGEMENT

- **Commission and Elected Officials Engagement:**
 - ✓ City Planning Commission (Nov. 14, 2022, and Feb. 13, Mar. 13, & Apr. 10, 2023)
 - ✓ Administration & Human Services Standing Committee Meeting (Dec. 12, 2022, and Feb. 13 & Mar. 27, 2023)
 - **Neighborhood Engagement:**
 - ✓ Strawberry Hill Neighborhood Association (Dec. 13, 2022)
 - ✓ Rosedale Development Association (Dec. 20, 2022)
 - ✓ Livable Neighborhoods Task Force (Jan. 26 & Mar. 23, 2023)
 - ✓ Central Area Business Association and Cathedral Neighborhood Association (Feb. 6, 2023)
 - **Unified Government & Other Municipalities:**
 - ✓ Collected department feedback
 - ✓ Participated in regional short-term rental working group
 - ✓ Special session outreach meeting
- ACTION ITEM(S)**
- Present ordinance for recommendation to Administration & Human Services Standing Committee Meeting (Apr. 24, 2023)
 - Present ordinance for approval to Board of Commissioners (*anticipated for Apr. 27, 2023*)



QUESTIONS OR ADDITIONAL FEEDBACK?

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SHORT-TERM RENTAL ORDINANCE

Department of Planning + Urban Design 
Unified Government of Wyandotte County and Kansas City, Kansas

Commissioner Ramirez said I want to thank you for everything you've done on this. I know this is a very hot button issue with Rosedale, you know, my district. I've talked to a lot of Rosedaliens, talked to RDA about this issue. I have no problem with the ordinance itself as it's written and everything. The issue that I have and I cannot support is the 25% density requirement. Because before the original was one per block and now it's 25%. I did some research using the potentially new definition of what a street block is. I just picked a couple of streets out from Rosedale just to give some perspective and I counted on both sides of the road. One street was Eaton between 41st and 42nd. There's 30 homes and 10 total and 25% would be 7.5 homes will be allowed for STR. 46th Avenue between Fisher and Booth, there's 27 homes. 6 homes would be eligible for STR. And 39th between Ferree and 9th Street, 18 homes would be 4.5. That's a lot for a city block to be allowed for commercial purposes. I don't know if I would like it. I would like to change it back to one per block. I don't know if that's a substantive change to the ordinance. I would like to go through the public hearing before I asked to make any changes. But, I would like to change that 25% back to one per block.

Mr. Hand said as you stated, the original staff recommendation was one per block. The City Planning Commission felt that that was arbitrary and would prefer a percentage. So, at their direction, staff changed it to 25%. If this committee and then the full Board of Commissioners

thereafter wanted to change it, it would be a substantive change. It would require a supermajority. Again, this is one of those sections where we've isolated the language in a motion tonight. If that was the change, hypothetically, you could change it back to one pretty easily. Again, it would require a supermajority, staff would not have an issue with that change.

Commissioner Bynum said Commissioner, did you have more? I'm sorry. **Commissioner Ramirez** said not more to say, but more direction from the Chair. When would be the appropriate time for me to make that amendment change? **Chairman Markley** said I would say we'll want to have—I think we have some members of the public here. So, I would say let's do it when we do the motion and that will come probably after our public comments. **Commissioner Ramirez** said sounds good.

Mr. Hand said Madam Chair, if I may, I apologize. I forgot to mention in my opening remarks. The other thing that the Planning Commission motion directed staff to do was to come back to the Planning Commission, if approved by the Board of Commissioners in a year for kind of like an annual report and any recommendations and tweaks. We understand that this is a moving target. It's a living document. I think that would also speak to not just doing something now and then moving forward, right, like this is us coming back. So, there's additional life to this effort.

Commissioner Bynum said Mr. Hand, a question on one of your slides. The slide heading is "addressed land use" and then two just general questions. Under the "addressed land use", it says density by parcel, and then it says "Only one special use permit is allowed per parcel, but there can be multiple short-term rentals within a single parcel depending on zoning and building type". So, those two things are not the same thing. I don't understand that sentence.

Mr. Hand said we wanted to address special use permits by parcels. If there was a, for instance, multifamily building that was one building, one parcel, but two short-term rental units, you could address that with one SUP, because that's one property owner. We just wanted to match basically how we do other land entitlements. Even though there's a possibility, it doesn't happen often. Again, we have like one instance where we have two short-term rentals in one building, we just didn't want to do two short-term rentals. It also brought up a conversation where there's an instance where we have kind of like a row of townhomes that are all short-term rentals and we

packaged those into one SUP. We wanted to make sure that we were being consistent, which is why we felt compelled to address it specifically in this amendment.

So, that guy who has one SUP, I think we would let live on, to honor the way we handled it previously. Not changing the way his approvals move or in this instance renewals, would move forward. For future people, we would try to consolidate that to make it easier for everybody.

Commissioner Bynum said thank you for that explanation. And that, I'm sorry, unfortunately adds another question in my mind because if I'm going to operate a short-term rental, what other processes or fees do I pay to the Unified Government in order to do that? Is there an annual licensure?

Mr. Hand said this ordinance requires all special use permits for short-term rentals to also get a rental license. Oh, excuse me, a business license. I'm saying that wrong. It's a business license. A rental license is only for long-term rentals and we didn't want to conflate that and make it more complicated by adding short-term rentals, which is a different thing. We had enforcement issues in the past where people would get a rental license and say "I'm not a short-term rental, see, I have a rental license, I go for 30 days" and then when we weren't looking, rent it for 29 days or one day or whatever, and so they were playing the game and we tried to eliminate that.

Commissioner Bynum said that does help me because if I had, for example, a fourplex and I wanted to operate each of those units as short-term rental, I'd get one special use permit but then I'd get four business licenses, would that be correct? **Mr. Hand** said one business license because in that scenario, it'd be one business operating all four.

Commissioner Bynum said in your townhome scenario, where it's four different parcels—thank you. Okay, I just thought we need to be doing something that helps with number one the work that has to go into regulating all of this and then also does actually help to regulate it. Some kind of hammer that we can hold because we've all heard our share of unfortunate stories about some of what has occurred in the short-term rentals.

Just two general questions. The updated ordinance here, what issues or challenges would you say the updated ordinance solves for and what efficiencies are we going to gain by updating the ordinance? That's it for me.

Mr. Farley said I would say the efficiencies that we'd be gaining through this ordinance would be allowing for any owner-occupied property to go through a much quicker administrative review process rather than going through the 90-day special use permit process with public

meetings, neighborhood meeting requirement, all that. So that should incentivize people to be able to use their own property while they are living there and still operating the short-term rental in one way or another.

I would say one of the issues that this will be solving will be addressing the concentration concerns that we have in certain neighborhoods, but also throughout the county. I want to emphasize that there is a maximum number of short-term special use permits that can be issued per street block of just 25% which is technically down from the theoretical 100% special use permits per street block that could have been issued now. That is also not a maximum, each of these still have to go through the special use permit process and approval by the Board of Commissioners. We are also codifying neighborhood characteristics, which include density and concentrations is one of the factors that neighborhood characteristics can be considered. So, there are other ways to address density concerns on top of the hard 25% maximum that we are imposing.

Mr. Hand said I would just add on top of that, very often when we have people opposed to short-term rentals, it was just that, I'm opposed to the short-term rental. As we all know, you can't just say we recommend it now because of public opposition. So, we built language in the ordinance that gives decision makers grounding based on neighborhood character and context to make their determination about short-term rentals. It did not exist before. The vast majority, vast majority of what we're doing with this ordinance is codifying what we've been doing for years. So, giving us the legal standing to continue to do that and move forward.

Commissioner Bynum said to that point, does it help us? Does it gain us any handle on being able to track down and require compliance from those who aren't currently coming in to get their special use permit? Because your data says one in every three has a permit. And so, does it help in that way at all?

Mr. Hand said our hope is that it drives more people to conformance because it's actual ordinance now. Two, we've gone through this process and it's a relatively public process. We've gotten some media coverage, so that in and of itself, I think raises awareness. So, we hope that drives some folks. Then, based on some comments we've received in the past, I think we're organizing right now, kind of a zoning blitz where, if and when this ordinance is passed, we'll kind of hit pause. For probably a month, we'll go out to all 166 properties. We have door hangers telling them that you need a SUP. We'll follow up those door hangers with any notices of violation. Mr.

Farley and others at the Neighborhood Resource Center are going to start to stand up, although, you know what you have in front of you as policy, right, that's not protocol or procedures. You have a draft of the application, but there's other forms and a renewal looks different than a new one. So, all that stuff will kind of start to play out over the months following a decision on this. The short of it is, I think we're always going to have an enforcement issue with short-term rentals. I would say everybody is always going to have an issue with short-term rentals in this world.

Commissioner Ramirez said one last, I guess it won't be my last comment, but what have you seen from the success in other cities, other jurisdictions around the country of reaching out to these third-parties VRBO, Airbnb, and asking them and other private companies, they can do what they want, but taking down the advertisings, listings of those STRs that are not in compliance with ordinance and if you've seen somewhat of success, is that a tool that we can add to our box?

Mr. Hand said I mean, and Michael pile on, because he did most of that research in those jurisdictions. I think the truth is the ordinances you're seeing right now are also most jurisdictions beta-testing what they think will work and not work, right. We're all in that first stage of trying to figure this out. Certainly, in this region. In fact, we're kind of jumping ahead with the progress we've made. Most people are still lacking. I think the city of Parkville has adopted one, Kansas City, Missouri, I believe, just did or is very close to adopting one as well. But when you look elsewhere across the nation, it's the same thing. They're all kind of in their first generation of ordinances and then beta testing them and see if it's coming out. I think the problem we have is we're smaller than most major metropolitan cities. So, even if Kansas City was a tier-two city, they have problems, we're going to have more problems. The short of it is, we can keep trying. I think Host Compliance has a mechanism by which they can help with this, but you're basically playing Whack-a-Mole and I would argue that that is a waste of staff time. So, the focus should be on making sure the people who are going through the process are doing it right, trying to get as many people into that process, and then doing our best on the back-end in enforcement. Having Airbnb and Vrbo go on their site on a daily basis and scrub it, I think, is an ongoing relationship that we just don't have the manpower for right now. But, it's something we will certainly look into. I don't think we've actually asked that question of Host Compliance.

Commissioner Ramirez said thank you for that and I understand, I know, as you said earlier, this is this ordinance is going to be a moving target as we go. As you said, it's happening

throughout the nation as well. All cities and jurisdictions are trying to, I don't want to say battle this, but they're trying to figure out a way because of how much STRs and that market has grown exponentially. And so, we're trying to play catch up. I appreciate what you've done and what you continue to do and try to make sure that the ordinance that we have gets—and allows people to do that, but also to make sure that we're protecting the character of our neighborhoods.

Commissioner Townsend said I did review the proposed changes, I just can't remember if they address concerns that we constantly hear when someone comes in proposing limits parking and noise. Now, I know parking is addressed kind of on a singular basis when the applicant comes up and your department will say no more than x number of cars, whatever this says, but what about noise complaints or a methodology to keep the owners accountable? Does it address that really, if not, could you remind us what the options are for neighborhood residents to deal with these complaints, and if necessary, get the permit rescinded.

Mr. Farley said there are several places within the code that noise and other sorts of disturbances are addressed. So, we are codifying the fact that the property owner would have to put up contact information within their home for them or whoever their property manager is if there are issues. It has also incorporated within the neighborhood characteristics factor that we are codifying that responsiveness to disturbances from the property owner or relevant property manager as well as any other sort of issues. Police calls to the property related to the tenants that can all allow the Board Commissioners to take that into account now when hearing cases or renewals.

Commissioner Townsend said how would that be tracked? Really, how would your office know that at house 12345 Party Lane Way you're getting these perpetual complaints about a particular short-term rental?

Mr. Hand said we have an internal tracking system in the UG called Accela, not everybody's on that server. We do have another platform where we can also access police calls. For all staff reports, administrative and those that require Planning Commission and Board Commissioner approval, if you've noticed, we've made some changes to our staff reports, they all include a code update section that tracks violations, police calls, building permits and any other action that's happened on the property as part of it. So, we have that information readily available and so we can track that every time we do a review accordingly. I would also pile on to what Mr.

Farley said, we specifically say you can't have parties. Again, violation history is a factor that we will review in renewals or in new ones, but most likely in renewals. That could trigger administrative to become an SUP or that could become a factor by which we would recommend denial of any renewal of an SUP. So, it's very much in there.

Commissioner Townsend said even if this code, even though it sets out renewal times at certain intervals, let's say the owner is at the interval where it's been a renewal for 10 years, if enough complaints come in, it can still be rescinded. Right?

Mr. Hand said yes, I apologize. I forgot to answer that piece of your question. But yes, there is already existing, a way by which the Board of Commissioners can rescind a special use permit and then an administrative doesn't require the Board of Commissioners. Administratively, we can pull that permit based on any complaints that we feel rises to the level to have to remove it. So, we can pull administratively and you all can move forward. Now, the process to go through and rescind an SUP isn't fun, but it's there. Commissioner Townsend said okay. Thank you for your work on this. Yeah, it'll be trial and error for a while, but at least we've got something to work with.

Mr. Hand said Madam Chair, if I may, there were a couple things I wanted to address. I apologize. I forgot to mention this in my open remarks as well. At the last meeting, we were asked if we could look into the way that taxes are parceled and if predominantly short-term rentals are in single family homes and residential neighborhoods and by turning it into a short-term rental is it effectively becoming a business does that change their classification by which they are taxed? The answer is no. There is a state statute specifically that addresses bed and breakfasts, but that definition includes short-term rentals. So no, it does not change the tax rate. The statute was basically written and advocated that way as we understand it from Mr. Willards synopsis for me here was basically that would—the taxing that happens on the use of the property as a short-term rental or as a bed and breakfast is where the municipality can exact their pound of flesh, if you will, for that use. The base taxing stays as the base taxing. There's a limit to that, but that limit actually matches our limit of seven people and I think it's five bedrooms before it becomes a different classification that the state reviews. Those actually levelled out quite nicely in the ordinance. So, if it's a use that's bigger, it gets triggered anyway and it's something else anyway.

Chairman Markley said I'll ask the Clerk if any comments were received from the public. **Ms. Sparks** said no comments were received. **Chairman Markley** said are there any hands up online from anyone from the public? **Ms. Sparks** said we do have some hands up. Our first speaker is Donna with Cernich Group. **Chairman Markley** said Donna, you'll be given up to three minutes to make your comments. Please state your name and city of residence for the record. **Ms. Sparks** said it shows your muted. **Chairman Markley** said should we try someone else and loop back? **Ms. Sparks** said our other speaker is Rachel Russell. I believe we're still having the same technical issue. **Chairman Markley** said alright. Well, we're going to then ask if there's anyone in the room who wants to make comment. If there's anyone who can try to resolve that issue. In the meantime, we'll try to loop back once more at the end. Anyway, if you're in person who'd like to address the item approach the podium state your name and city of residence for the record and you'll be given up to three minutes to make your comments.

Beth Ciperson, Resident of Spring Valley Neighborhood, we're between Rainbow and State Line bordering West Plaza, Westwood Hills. I'm very concerned about this and really shocked. I'd be very curious, and if it was in the opening comments, I did miss it. I moved up because I couldn't hear when I arrived. I'd be curious. We had a one house per block STR established some years ago with permitting. That is—you can't miss every single block. I was fortunate in the house that was on my block. I knew the owner, he lived a few blocks away and was very responsible. The next block, not at all. I believe that a minority of the STRs in Kansas City, Kansas, Missouri perhaps, are not on permit, they're just taking place. I would think that before you increase it to every fourth house, 25%, of the housing population, housing stock, can do this, you register everybody who is already actively handling this because you're multiplying an exponential problem. I saw a map that has dots of current STRs and you can't use a dot, you would need a paintbrush in my little area. As I said we're on the other side of State Line Road, West Plaza and the crime, the problems, that they are having. I can walk a block over there. I can walk to the Plaza and Westport. You talk about the character of a neighborhood. It is a residential neighborhood we're trying to have. I've invested in my house. This is my first house that I bought in my 50s and it is a neighborhood of residents and a wonderful mixture of people. **Ms. Sparks** said you have one minute remaining. **Ms. Ciperson** said I am just shocked. Again, curious who brought this thought and out of nowhere became 25% of homes. That's far too many. I don't know if it's going to be shared, or by neighborhood, or who

has that need, or why that was called, but you won't be able to control something like that and the problems. Take care of those that you already have, show that you can register those that are going on right now and dealing with the current problems before you multiply it.

Erin Stryka, Resident of Kansas City, Kansas, said I also have only an objection to the part of this ordinance that sets the cap at 25%. I want to talk a little bit about why that high density is problematic. I just want to ask you for a second to picture one in four houses on your block or in your building as hotels, without an owner on site or present, or able to respond to you. The kind of day-to-day contacts and activities that make up a neighborhood just aren't possible with guests who come through. The dealing with litter, the getting help for another neighbor who needs it, the people who trap neuter and release strays from my neighbor over here. We would have 25% of our neighborhoods not able to participate in that. If anyone's thinking, well, 25% is a maximum we won't get there, I want to let you know you make a lot more money using your house as an Airbnb in Rosedale than you do as a long-term renter. I'm pretty concerned we're going to get to that 25% on every block in Rosedale pretty quickly. I also want to say that in Rosedale we have a major affordable housing problem. In fact, we have a density problem at this point. Frank Rushton Elementary, which I think is one of the best elementary schools in KCKPS had to lay off a teacher this year because we had low enrollment.

We are having families pushed out of our neighborhood by our lack of affordable housing and non-owner occupied STRs are exacerbating that. In particular, I want to share a story from a woman on my staff who couldn't be here tonight who has lived in Rosedale for 17 years. She has volunteered with us the entire time. She has been on the board of ANDA. She's got two kids who attend Frank Rushton. Her lease is up at the end of April and she cannot find a place to live in Rosedale. She is moving out of Wyandotte County. **Ms. Sparks** said one minute remaining. **Ms. Stryka** said she shared with me that it is particularly appalling to her to be going around looking for rentals and seeing houses that she looked at years ago before she moved into this place that are now Airbnb's. We have lost housing stock here. I just want to share in her words, I've advocated for this community most of my adult life, but I can't make it work anymore. It breaks my heart to give up my vote, voice, in local government. Let our neighborhoods thrive and be filled with neighbors, not tourists. Let the housing be for the people who stabilize and support the community and who stay here.

I want to say I completely understand that Planning Commission wanted a percentage and not a number. I would submit that 25 is also a number and is also arbitrary. If we've got to have a percentage, thank you, Commissioner Ramirez for your comments. I might suggest you think about 1% or perhaps 3% and want examples—**Ms. Sparks** said your time has expired. **Ms. Stryka** said can I have 20 more seconds? **Chairman Markley** said I'm seeing nods, so go for it. **Ms. Stryka** said Commissioner, in one of your examples of the house with 30 homes on it, 3% would be one home on that block. I understand blocks vary, but that's kind of what we're talking about here. 25% irreparably damages the fabric of a neighborhood, 3% might be a little bit more manageable. Thank you.

Gilbert Pinter, 4170 Cambridge, Rosedale, said Gunnar, could you pull up the map that you showed with the dots on it, the red dots? Hopefully we can get that pretty quick, so it doesn't count against my time. **Chairman Markley** said can you begin while we're waiting on the map? **Mr. Pinter** said certainly. While I understand staff is overburdened and taxed and underpaid, and they work hard and I have to salute them for this code. The existing code as Gunnar pointed out, the processes mirrors this new code. This new code isn't really cutting it, and therefore, we're looking at new codes. I suggest that, before we adopt further codes, that we take care of those that are illegal and survey how many we have of those dots and you'll see a bunch of dots in Rosedale. You'll see a bunch of dots in Armourdale. Let's find out which ones are illegal and which ones aren't legal and say, you know, in certain parts of the city we should probably limit the number of SUPs in a certain area because it attracts the disincentive of owner-occupancy. Owner-occupancy is being riddled in Rosedale by investors. They're buying houses saying, "I'm going to buy this house, I'm going to fix it up, and I'm going to get an SUP to rent it and make money." That goes totally contrary to any master plan I've seen. Totally contrary, you want to retain owner-occupancy. So, maybe in Rosedale, we have only 12 SUPs in a geographical area versus 25% of my neighborhood. **Ms. Sparks** said one minute remaining. **Mr. Pinter** said which would be 28 homes in 110 homes. Crazy, you're promoting that to occur within our neighborhoods and as Erin mentioned, busting up the character of the neighborhood and people can't live in the neighborhood they grew up in.

There are so many discrepancies in the current code. Parties are not defined, what's a party? It's not clear. It's not spelled out. Yeah, other parts of the code talks about noise levels, and so forth, and late-night activities, but this code relies on neighborhoods to enforce it.

It relies on these guys to then take those complaints versus having a code that outlines—**Ms. Sparks** said your time has expired. **Mr. Pintar** said can I ask for another five seconds? **Someone** said so moved. **Mr. Pintar** said instead of saying that you're going to get an automatic revocation, if these things occur, you're revoked! We're going to have a public hearing tomorrow, not a year from tomorrow, not five years from tomorrow. I had a property at 1901 West 42nd Street that I talked to Mr. Hand about back in 2020 of July—**Chairman Markley** said sir, you need to wrap it up, we can't start a whole other story. **Mr. Pintar** said it's still there, illegal, everyone's complained about it. I strongly suggest before you adopt codes, that you've really find out what the problem is because there's no way that staff can enforce what's being proposed to you. I'd be glad to meet with Planning staff and I'd be glad to meet with RDA.

James Bain, Kansas City, Kansas, said I didn't think I would be back so soon. A couple things that I wanted to discuss. We've talked about the great community outreach and I've complimented Michael and Gunnar whenever I've seen them at community events presenting on this. It was wonderful. But this, now, is the first time we actually have an ordinance. The previous presentations were all about the goals of the new ordinance. The goals were great. The goals, as I remember them, were getting people to comply. We've heard about that and how important that is, and I am 100% on board. But, when we talk about getting people to comply, there has to be a reasonable pathway to complying. This ordinance does not allow a reasonable pathway. You saw the list of requirements and a lot of those things are added from the current SUP requirements. Those requirements are heavy lift and a couple of them deal with the million dollars of insurance, the safety inspection. I talked to groups of short-term rental owners, safety of guests or not having enough insurance is not in the top 20 items that short-term rental people face. It's not an issue. I don't know who thought this was a problem or it certainly was not discussed at any community outreach event I was at, or this Commission, this meeting. We've never talked about million-dollar insurance or guest safety. That's brand new.

One of the things I did want to talk about since this ordinance, since the new regulations were published, we have not had a community outreach event. There's never been outreach to

short-term rental owners. They have all our emails, they have all our phone numbers, they could have easily said, come visit about short-term rental licenses, here's some new regulations. It's time to bring short-term rental owners to the table to address any problems. **Ms. Sparks** said you have one minute remaining. **Mr. Bain** said I can tell you what I see remaining is not a problem. I don't understand putting these obstacles in front of people, it is not a way to get people to register. Other people have said it too, getting people to register should be the number one priority, then we can go from there and we can track data on any other problems. People have mentioned parties and whatnot. I don't know, I don't have parties.

I'm owner-occupied. That was another goal that we talked about for months is making a separate category for owner-occupied. If you look at the ordinance, a whole list of requirements that are cumbersome and that you have to renew annually on the administrative process to go through that every year is not reasonable. These short-term rentals for most people, it's a hobby. I live in mind, I have rented 30 times a year, 35 times a year. It is not reasonable to do a million dollars in insurance or in-home inspections every year. **Ms. Sparks** said your time has expired. **Mr. Bain** said 20 more seconds I promise. I think I do more business than most short-term, most owner-occupied, and I'm talking about only owner-occupied because they should be a separate category, because they are easier, but I was probably rented 30-35 times last year, \$14,000. Most of that \$14,000 I put right back into improving the property which we've talked about that too so what I'm saying is this is not a big moneymaker. This is a hobby. I enjoy hosting people in my home, I enjoy bringing people to Kansas City, Kansas. If we're trying to get people to comply it has to be a reasonable pathway for people that are doing this as a hobby, that it is not a major business.

Chairman Markley said anyone else here in person to make comment? Did we make any progress on the online issue? Should we give it a whirl? **Ms. Sparks** said we are going to do a test to see if we can get some response. Okay, we're going to try again. Donna with Cernich Group? **Chairman Markley** said alright, Donna, if you can hear us go ahead and unmute and state your name and city of residence and you have three minutes.

Rachel Russell, Kansas City resident, said can you hear me? **Chairman Markley** said we'll go with Rachel, welcome. State your city of residence and you have three minutes. you still there

Rachel? **Ms. Sparks** said we also have Donna with Cernich Group. **Chairman Markley** said Donna? Can anybody online hear us? **Ms. Stryka** said can I have somebody call me on speakerphone, would that be okay? **Chairman Markley** said I think that would be an avenue that we could utilize. Yes, I think it seems like we can hear them now, but they can't hear us, it appears. **Ms. Stryka** said okay, Rachel, you're here at the microphone.

Ms. Russell said as you all are aware housing stock in our community continues to be needed for both renters and homeowners alike. As we've heard tonight, numerous times, the current draft proposal allows for 25% of any block to be utilized for short-term rentals. This means 25% of any block in our community allows for 25% more of our counties, families, individuals, and youth to not have access to safe, quality, and affordable housing when housing stock is already low. While I make no argument that I want KCK to be a place for individuals and families to visit, I would much rather see this committee, staff prioritize ensuring residents have a variety of housing options before prioritizing the business of short-term rentals. This specific piece of the ordinance does not prioritize nor support a strategic effort to provide affordable housing in our county in its entirety and should be removed from consideration as written.

Potentially as an alternative, this committee would be interested in adopting an ordinance that supports attracting and sustaining housing for 75% of the residents that currently struggle with housing insecurity. In closing, as a fellow Rosedalean, our community continues to be burdened by the lack of single-family housing, expensive, luxury, and unaffordable housing for the median county household, and the lack of amenities provided to its residents. Rosedale has become a landing place for businesses of all types, including short-term rentals and those that receive tax breaks with little or no community benefit. I urge this committee and the UG to prioritize the needs of neighborhoods, residents, and communities over business and development, especially as it relates to housing.

Chairman Markley said we thank Rachel for her flexibility. Once more, I'll see if we have anybody else online, we'll give it one more go and try to allow them to speak. I will say, if there's anyone online that hasn't been able to speak and they are able to send written comment, we can make sure that's distributed to these commissioners and the commissioners at-large in written form.

Ms. Sparks said we do have Donna with Cernich Group. **Chairman Markley** said Donna? Can you hear me, Donna?

Donna Henderson-Hoyt, with Cernich Group in Kansas City. Kansas, I am commenting, kind of piggybacking, on the fact that if you can't enforce what you currently have on the books, how are we going to enforce this new policy, per your own Planning Director's comments in one of these meetings. Again, I've been following this for a few months in the Commission meetings and the Planning and Zoning meetings. It's been pushed back and pushed back and talked about bringing this to the committee, bringing this to the public, and it has never reached the public.

I work and manage properties, work with investors, and I can tell you, my community is a better place because of the properties that have been bought up and brought back to a livable and nice condition, which is where most people want to come when they want to stay, yet I have properties that have been in my community for well over decades, where I cannot get the UG to fix. Abandoned properties, boarded up properties, and codes have been called on them. You're bringing in another project without fixing what's already in the books in which we need the help on. You're discriminating against some who may have multiple properties. In my case, I deal with people that have multiple properties in a community. Your own Planning and Zoning Director is going to have properties in some of these Rosedale and Strawberry Hill areas—what is his goal? Why is he wanting to be in his control instead of rental licensing? The process is outrageous. It's difficult. If you can't get rid of licensing controlled by a simple application, how are you expecting those to—**Ms. Sparks** said one minute remaining. **Ms. Henderson-Hoyt** said come in and work on these properties and go through the process? It's outrageous. It needs to be discussed with the investors and brought to the public, as it has been requested in many of the meetings over the last few months. That's where I would ask that you postpone this, as the Missouri side has this past week, to get more public input and get the talks going between the investors who are building and revitalizing our communities.

Chairman Markley said is there anyone else online, Clerk? **Ms. Sparks** said we do have Adrian Bortz, so I'm trying to promote her to panelist.

Adrienne Bortz, resident of Overland Park, Kansas, I just kind of want to piggyback off of what Mr. Bain was saying and the lady before me. I've been a short-term rental owner. I've gone through the process many times, each time has been a little bit different. There's been things that have been added. The most recent time was extremely extensive. I went through it, I'm happy to go through it. I want those that are in this business, if they're running it as a business, or if they're running it more as a hobby, I want to make sure that they're screening their guests that they're bringing in good people to our communities, and that money is being spent back into Wyandotte because I think Wyandotte is a great community that deserves it as much as any other city around here.

I agree, this does not encourage others to do so. It required thousands of dollars in inspections on brand new builds, there was a three-month turnaround time on it. Again, to Gunnar's point, we're not monitoring it. It was kind of frustrating, as somebody who has followed the process to a T for the past five years, since the beginning of the short-term special use permit. To see that only 50 or 60 of them are permitted and there's 166 out there total. So, my frustration is, again, like why are we adding all these rules if it's not even going to be enforced anyways? My goal in all of this would be to come up with a plan with short term rental hosts and come up with a good plan that benefits—**Ms. Sparks** said one minute remaining. **Ms. Bortz** said I also I agree with the other gentleman who spoke that Rosedale and some of the other areas have a different density, than say, out by The Legends. I think that they should be accounted for as well. There's a lot more people in a closed condensed area down in Rosedale. I agree with that and it's not necessarily always a one size fit all. That's all I have, so thank you.

Chairman Markley said anyone else online, Clerk? **Ms. Sparks** said we have no other hands raised.

Chairman Markley said alright, I have one question and then we'll need to make some decisions, ladies and gentlemen. When this comes before the Full Commission, will it come as a Planning item with an additional public hearing?

Mr. Hand said the intent, as I understand it currently, is to have it on the Standing Committee agenda. We have noted at agenda review this morning that there will be another

presentation and will not be on consent. So yes, we anticipate if it were to move forward tonight to give the presentation again before the Full Commission on Thursday.

Chairman Markley said but there wouldn't be a public hearing because it has to be on the Standing Committee agenda. **Mr. Hand** was inaudible. **Mr. Hand** said Legal Counsel. Again, all these meetings have been publicly noticed meetings over the last three months.

Chairman Markley said it popped into my mind because I was thinking oh my gosh, if we don't get any people to speak, are they going to have an opportunity, since it popped into my mind, I wanted to get clarification.

Patrick Waters, Acting Chief Counsel, said can I just confirm, what was the vote at Planning Commission? **Mr. Hand** said six to one. **Mr. Waters** said okay, so it will have a public hearing because it's not unanimous. There would be a public hearing at Full Commission.

Chairman Markley said so, I'll just make that note to anyone who might be watching from the public or who might watch this video later on. If you wanted to have an opportunity to speak, you're going to have that opportunity again on Thursday, assuming we move forward to something tonight. If they're watching on Zoom earlier and they dropped off in despair, there's still one more chance.

Commissioner Ramirez said as I said before, I'm going to ask that we amend the density requirement back down to one block. I'll ask Counsel to walk me through this. I'm going to spell out the specific sections and everything, so that it's easier for you and for the record. So please correct me if I say it wrong.

Action: **Commissioner Ramirez made a motion to amend Section 27-623, Subsection C ii A.**

Zee Bishop, Unified Government Legal Department, I think, Commissioner, we're actually looking at Section 27-623, Sub B, Sub 2C, 2 and 3. **Commissioner Ramirez** said okay. The section of the ordinance that states the 25% density, I would like to change back to one STR per block.

Chairman Markley said are you making a motion to move the ordinance forward with that section amended? **Commissioner Ramirez** said yes. For approval or—do any other

commissioners have questions? For approval, with the change of the 25% density to one per block. Gunnar, you would ask this to be fast-tracked, correct?

Mr. Hand said yes, but quick point of order before that motion was forwarded, if that's alright. Just reflecting on some of the comments. The way we wrote the ordinance was to mirror administrative and SUP standards and requirements. It's the same thing, two different processes. If this Commission were to adhere to what was currently commented as it relates to actively owner occupied, which would go through an administrative review, which are typically homeowners who are renting their home, the \$1 million liability insurance for SUPs was geared admittedly towards businesses and investors. I think staff would be amenable if you wanted to change that standard for actively owner-occupied to just be proof of homeowners insurance because while it may not have been a conversation, per se, I think safety is a huge issue for staff in this issue when you're taking your residential business that may or may not have been up to code and turning it into a residential home and turning it into a business that you let people in. Yes, liability, and I think the reduction of risk is a great concern to the UG. If we wanted to, we would recommend that change as well.

Commissioner Ramirez said to counsel, yes, we can add that. Striking the \$1 million insurance to just proof of homeowners insurance. **Mr. Hand** for administrative reviews. **Commissioner Ramirez** said for administrative review.

Ms. Bishop said can I just ask for some clarification, Gunnar? I am looking at the language that's on page 24 in Sub 3, is that what we're looking at? **Mr. Farley** said that is correct.

Ms. Bishop said I just want to make sure that I have this correct. I believe that what you are moving is for approval of this item, changing the language that is in Section 27-623 B 2c 2 and 3 to revert to a density of one short-term rental per block. Then, also the language in the same section 27-623 B 3 to allow for proof of homeownership for the owner occupied and it would still be proof of at least a million dollars insurance liability policy for non-owner occupants, is that correct?

Mr. Hand said yes, but Ms. Bishop, I think you may have misspoken and said homeownership, not homeowners' insurance. **Ms. Bishop** said yes, homeowners' insurance. **Mr.**

Hand said they have to own the home and have it insured. **Ms. Bishop** said then the whole motion is to be fast tracked?

Action: **Commissioner Kane seconded the motion.**

Commissioner Ramirez said sorry about that. That was a lot, but we got there. **Chairman Markley** said think I have a motion and a second, but then I also had a comment from Commissioner Bynum and then Commissioner Townsend.

Commissioner Bynum said I have no trouble with the motion or the amended motion that's on the table, but I have questions I think that I'm going to rattle off. I'm curious as to whether these things can be rectified, probably not before adoption, but perhaps after, if that makes any sense, because one of the things we talked about earlier was getting something done with regard to having this authorized in code. Part of what I heard from those who spoke to us tonight was that if we have a problem, owner, permit holder, revocation needs to be quick. I heard we need to adopt a code that staff can enforce. I heard that we need to have an outreach with the short-term rental owners and also those who are investing in our community and that some of what we had placed in the regulation was expensive, but I think we may have just handled at least part of that.

My questions are, number one, can revocation be quick? Do we have the authority to revoke quickly and that may require some legal speak as to what qualifies us for revocation, adopting code that we can enforce.

Again, my frustration with rental licensing isn't so much that we have it, as much as it is the ways that the state of Kansas has enacted legislation that limits us locally. I don't know if you want to speak to that or not.

Then, I'm in favor of adopting the ordinance and moving forward, but I wonder, do we have a way to find out not only who all of the short-term rental owners are, including those that are in compliance, but other investors. That may be just a broad brushstroke. You know, just an open-ended invitation to those who are choosing to invest. I'm not really looking to invite more STRs frankly. So, I'm just curious, I guess, whether we would even have interest in inviting those who are currently landlords to have this conversation. I'm kind of tossing that on the table because when we have a community member speak of those who are investing, I have to assume that she

means those who are investing in housing, which means they're probably landlords of some kind. I'll stop and let you maybe try to address some of that.

Mr. Hand said you all know, I'm the first one to say you can never do enough engagement. This will require ongoing engagement. Again, as per the motion by the Planning Commission, we have to go back to them in a year to report back on how things have gone and bring any recommendations for any changes to anything, applications, policies, the policy itself, or any procedures. I think our goal from day one was always to create something that was tenable for staff as we are today, knowing that that could change in the future. We admittedly know that that's not perfect. I wouldn't argue nothing in the code about short-term rentals doesn't help us enforce it at all. To have an ordinance that we can now officially enforce, that has standards that don't change, like they have changed over the last couple years, as we work towards trying to figure out how to manage short term rentals, I think creates a level of certainty, whether you think it's onerous or not. It is a level of certainty, which I think is important and I think creates a level playing field for folks. SUP revocation is in the code currently. I think it stands on its own. Again, it's has been in my understanding, rarely used. It requires, basically, either for it to be put on a Board of Commissioners hearing or a Special Hearing of the Board of Commissioners to do so, but that exists. Then, administrative permits can be revoked at will. Especially with the backing and the standards that are put into place through an administrative process through this proposed ordinance.

Again, I think I would point out that while it might sound like a lot for everybody to do the work, whether it's administrative or through an SUP, it is what we currently ask all short-term rentals to do as they walk through the door. Again, this has been a moving target as we work towards trying to figure out what the best ordinance to start is. That's been difficult for some short-term rental owners, especially people who have come in through renewals. Commissioner Ramirez, I'm thinking about that guy on Southwest, right now, that's actually up for approval on Thursday, his renewal. Things changed a little bit between his last renewal and the new renewal, and you know, we pushed through it and we got it done. We don't want to do that, but we've learned as we've progressed, and this is where we're at. After the renewal, again, we're going to work through the process and try to define what that looks like both administratively, it'll stay the same thing for SUPs. It should be a lot quicker, because everything that you produce to get your original approval is the same stuff we're going to ask for in the renewal. So, it's not like you're producing

new things, you're picking up your file, you're submitting an application, you're paying the fee for that application plus a business license fee and that's basically it.

I think we're going to put together something like an affidavit that says, for administrator reviews, has anything changed? When you sign it and it says nothing's changed, there's no reason for me to go digging through your files, unless something changes, right. So, I think that should expedite things. Maybe not on the first round, but certainly as renewals move through.

In regards to an investor summit, we have engaged short-term rental owners. Again, we didn't engage all of them and I apologize for that if we should have, but I am equally on the fence about your idea currently on the table. I don't know if we want to overly promote, but I think there will be a round of outreach where we talk about this ordinance, where we let people know that it's now in effect. We put them on notice moving forward and then I think the zoning blitz thereafter puts those property owners—that Host Compliance platform that we get doesn't give us contact information, it gives us property addresses. We can get the contact information once we have the property address, but basically, I think what we're going to do is we're going to go to all 166 and again, just as a reminder, it's a little less than that. Once we scrub those numbers we have to go through a couple of steps, once we take that raw data. Typically, we eliminate two dozen maybe every time, but that's still not 150-ish, right? It's still a lot. I'm not trying to diminish that. We go through, we scrub the numbers, we hang a door hanger, tell them they need to come in. If we need to pursue additional action for people who don't come in, we'll follow up with notices of violation. Again, we're talking about potentially 150 notices of violation and two Zoning Enforcement Officers. If we can't enforce the things that we don't have on the books now, the only way to do that would be to increase enforcement. That's just, again, we're trying to create an ordinance that balances what our current capacity is. Again, we'll have a year to assess that, we'll come back here to assess that.

Commissioner Townsend said I'll start with where Mr. Hand left off because I think he just laid out the plan to one of the questions that I was going to ask, which dealt with what is the plan to get the non-compliant to comply? I think I just heard a reasonable answer to that in a number, roughly 150 currently now. Is that a mix of owner-occupied and the other version? **Mr. Hand** said yeah, it'll be a mix, but again, the vast majority are investors.

Commissioner Townsend which leads me to my second question, comment, spurred a lot by what I've heard tonight. In developing this ordinance and the outreach that you've done, we appreciate the investment into homes that may have been dilapidated and that type of thing. With respect to non-owner occupied, was there any discussion about simply not having that category at all in Wyandotte County? I ask that question, listening to some of the comments here tonight about what that does to long-term rental options here and the forming or not of stronger community and neighborhood boundaries.

Mr. Hand said I think we tried to find a balance, because what we recognized was the investment occurring to turn properties into short-term rentals was doing a lot to improve our housing stock, even though it wasn't necessarily affordable, being converted to affordable or to long-term use. There's a balance there, where again we're trying to find the medium where we allow that reinvestment and rehabilitation of existing structures often. I mean, some of these are extreme situations where it's been burned out for years and no one's going to tackle that, except for the guy or gal who wants to do a short-term rental because that's the only rate of return that works to rehab that deep of a project. We don't want to discourage those people from doing that. Otherwise, we would still have that burnt out house in this neighborhood or that neighborhood. So, I would say no, I don't think we ever had a conversation about if we should eliminate all non-owner-occupied short-term rentals because they make up about 95 or more percent of all of our short-term rentals. There's like 4 of 50, I think is what the stat said, whatever the percentage is, I'm sorry, I'm not good at math in my head. There you go. That's why he's the attorney. Which is easy math, because—okay. Alright, thanks for making me look funny. Again, it was not the issue. I think what we saw was an imbalance that we were trying to improve to have more people engaged in owner-occupied short-term rentals as supplemental income. That's why we proposed to create the administrative process.

Commissioner Townsend said well, going back to your example with the investor and burned out housing. It's sounding like that investment would not have been made, even though they could do long-term rental because the numbers would not pencil for them. That's pretty much it?

Mr. Hand said that's how we understand it. We've worked with a bunch of different groups who do these types of investments. One of our staffers has been involved before she joined, the UG was involved in some of these groups. Those are some of the places we outreached and that's

what they were telling us. Yes, a lot of the reinvestment occurring is because the dollars and cents just work out for short term rentals versus long term rentals versus any other option. So, yes, on a couple of those I think it wouldn't have happened if we would not allow short-term rentals.

Chairman Markley said alright. We do have a motion and a second. There are no further comments or questions. I will offer a call.

Roll Call was taken and there were five “Ayes,” Kane, Townsend, Ramirez, Bynum, Markley.

Item No. 2 – 212378...UPDATE: AMERICAN RESCUE PLAN (ARPA)

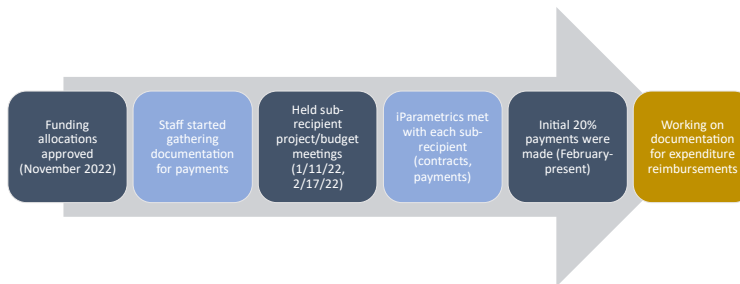
Synopsis: An update on American Rescue Plan (ARPA), including funding for community organizations and UG departments, submitted by Alan Howze.



Administration and Human Services Standing Committee
April 24, 2023

Debbie Jonscher, Interim Chief Financial Officer, I am going to give just a quick update on ARPA. I just want to note, tonight, I'm planning to give an update on the subrecipient process and where we are with that. Then, the plan is to come back in a future meeting and give a full update on all of the spending for all of the ARPA funds. Tonight, I just wanted to kind of go over the process for the allocation payments.

Process for allocation payments:



First off, funding allocations were approved in November 2022. Those are the allocations that I'm talking about tonight. After that was approved, the staff started gathering information, documentation that we were going to need for payments from the separate recipients so that we could get them set up and ready to go once we were ready to make payments. After that, we held some subrecipient project budget meetings. We held one in January and one in February. This was kind of an introduction to IParametrics, which is the group that we hired to help manage and kind of oversee the process for helping us with all the requirements of the Treasury regarding this funding. It introduced the subrecipients to them because they were going to be working directly with them. As well as we went over kind of briefly, what their contracts were going to be that were going to be required to be signed, basically stating what their requirements were going to be for receiving the funding. So, we went over all that. Then after those meetings, IParametrics set up individual meetings with each one of the subrecipients to get their information, to talk about their projects, what was eligible, and then what documentation, we went over that in more detail, what they would need. Then after that, once we received the agreements back and were signed off on, we started making the initial 20% payments. Those have been occurring since February up until now. I have a slide at the very end that kind of updates where we are with each one of those.

Award Allocations:

- 19 Non-profit groups
 - 14 have received the 20% initial payment
 - 1 agreement received last week; payment is in progress
 - 4 still working on agreements
- UG Department Allocations
 - Budget is set up for spending to occur
- Other City Allocations
 - City of Bonner Springs
 - City of Edwardsville

Now we're working on finishing up. We've got a couple of groups that still need to send their contracts back. Then, we're working on documentation for them to send in as they start spending. The 20% was to give them upfront funding if they didn't have startup money. Then, as they spend the money, they're submitting their receipts and then we are going to start reimbursing those receipts all the way up until they have reached their budgeted amount. I just wanted to note for the award allocations, we had 19 nonprofit groups. 14 of those have received their initial payment as of today. We did receive one additional agreement last week. That payment is in progress right now. Then, we're still working on 4 other agreements that IParametrics is conversing with them. UG department allocations, their budgets are set up for spending. Then, the other allocations, you recall the cities of Bonner Springs and Edwardsville received the remainder of the county funding. We have had initial meetings between IParametrics and both staff from Bonner Springs and Edwardsville to talk about their projects.

Sub-recipient payments

Sub-Receipt Awards	Allocation Amount	Initial 20% Payment
Contract/Agreement Received		
Avenue of Life	1,225,438.22	\$ 245,087.64
Catholic Charities	41,000.00	\$ 8,200.00
Local workforce Investment Area III Inc	1,191,284.50	\$ 238,256.90
El Centro Ice	500,000.00	\$ 100,000.00
Mission Adelante	35,635.00	\$ 7,127.00
Friends of Yates	390,449.50	\$ 78,089.90
Our Spot KC	1,000,000.00	\$ 200,000.00
Mt Carmel Redevelopment	1,000,000.00	\$ 200,000.00
KC Metropolitan Lutheran Ministry	200,000.00	\$ 40,000.00
Cross Lines Community Outreach (Community Market)	250,000.00	\$ 50,000.00
Cross Lines Community Outreach (Housing Stabilization)	387,500.00	\$ 77,500.00
The Toolbox Small Business resource Center	22,360.00	\$ 4,472.00
The family Conservancy	2,000,000.00	\$ 400,000.00
Community Housing of WYCO (CHWC)	400,000.00	\$ 80,000.00
Hillcrest Ministries of MidAmerica (Hillcrest Trans Housing)	645,000.00	\$ 129,000.00
The Village Initiative	325,000.00	\$ 65,000.00
Contract/Agreement NOT Received		
Argentine Betterment Corporation	110,000.00	\$ -
Salvation Army	336,071.00	\$ -
KUMC Project Eagle	1,500,000.00	\$ -
Young Women on the Move	618,900.00	\$ -
Unified Government Allocations		
UG Parks and Recreation-Parkwood Pool	150,000.00	
UG Parks and Recreations - Klammer & Quindaro Parks	160,000.00	
UG Transit - Bus Shelter Improvements	100,000.00	
UG Transit - NE Microtransit Pilot	318,417.00	
UG KCKPD - Real-Time Crime Center	157,333.09	
UG Knowledge Dept - Parks facility public safety	194,114.00	
UG Wyandotte County Sheriff-Air Quality Filtration	40,500.00	
ARPA Coordinator	240,386.59	
ARPA Consultants	725,000.00	
Other Wyandotte County City Allocations		
City of Bonner Springs	Remainder of the	
City of Edwardsville	County Allocation	

This was just the last information. I know that that's kind of hard to read, but it was included in your packet. It just shows all the groups, their allocations, and then the ones that we have made the initial 20% payment on. As I said, there are still four groups, outside groups, that have nonprofit groups that have not turned back in their contract. IParametrics is working with them. I did confirm that they have had contact with each one of them and they're working on their agreements, now Village Initiative is the one that we just received this week. Even though I've got their payment amount in there, they are the one that we're getting—they should be receiving their payment within the next week or so. Then, I've also listed out all the UG allocations as well as the cities of Bonner Springs and Edwardsville. That's where we are in the process. If there is any questions I can answer? **Someone** was inaudible. Ms. Jonscher said yep, this is just information only.

Chairman Markley said I will say for the benefit of the group here, the ARPA committee is not meeting anymore, having completed the allocation. So really, this body is now the sort of recipient of ARPA information as that individual committee is no longer meeting. Any questions from the Commission?

Commissioner Bynum said first of all, thank you for all you've done to keep this moving. We have four that need to sort of complete paperwork, is that right? **Ms. Jonscher** said yes, that's

correct. **Commissioner Bynum** said is there a designated internal staff person that any of these groups can go to, but specifically, these four that are still trying to finish up paperwork?

Ms. Jonscher said well, that would have been Gwen Thomas, however, she's out right now. So, I would say probably I would be the contact if they need to. I think all of them have been in contact with IParametrics. Not only Erica, but also their legal team as well. I think that's Kennedy Shannon and I think she's been in touch with all of them.

Commissioner Bynum said okay, because I did have one ask me just the other day. So, it would be okay to refer someone to you? **Ms. Jonscher** said yes, that would be fine.

Commissioner Bynum said I know you have plenty to do. I just know some of these folks are trying to get things lined up so that they can make their way through this process. Then what, if you know off the top of your head, is the spend by date for all of the ARPA money?

Ms. Jonscher said all of the ARPA money has to be allocated to eligible projects by December 31, 2024. Then, they have until December 31, 2026 to spend the funding. But, with these contracts we're planning to do a review in 2024 to determine that the groups are going to be able to spend it, because after December of 2024, we can't allocate to another project. So, if somebody comes to us in January of 2025 and says, I can't spend my money, we would not be able to allocate it. We would not have the ability to allocate to anyone else. So, we'll be doing that review probably early on in 2024, probably multiple times, we're going to be checking in with them. We're going to know as they're sending in their reimbursements. So, if we don't get reimbursement from someone, we'll probably be checking in on them to find out where they are in their project. That's what IParametrics is helping us with. They're kind of overseeing that process and they're going to make sure that they stay in contact and let us know if they see any issues with any of the funding.

Chairman Markley said any other questions from the Commission? Alright, your update is much appreciated and we'll look forward to another update soon.

Action: For information only.

Item No. 3 – 212393...UPDATE: UNIFIED GOVERNMENT'S PROTEST PETITION PROCESS

Synopsis: Update to the Unified Government's Protest Petition Guidelines, submitted by Patrick Waters, Acting Chief Counsel.

Patrick Waters, Acting Chief Counsel, as you know, over the course of the last year we had several protest petitions that were very close. They came within one or two signatures of being valid. Luckily, the final decisions on these applications, none of them were affected by whether the petition was valid or not because of the overwhelming approval of those applications. But, it did lead us to decide that it was time to look at these guidelines and update them and kind of see what's working and what's not.

Updated Protest Petition Guidelines

AH&S COMMITTEE
APRIL 24, 2023

First, I want to really thank the neighborhood leaders that I spoke with. I spoke with neighborhood leaders from the Russian Hill neighborhood, from Spring Valley, from Cernich, and they provided a lot of good feedback in terms of what changes they'd like to see to the process and what they didn't understand about the process.

State Law on Protest Petitions

K.S.A. 12-757(f) provides as follows:

(f) (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways, and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a ¾ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) of this subsection.

April 24, 2023

First of all, I'm not going to read this whole thing, but this is the actual state law where the protest petition comes from. The main things I've highlighted are that their neighbors have 14 days after the hearing to get it in and it requires signatures from 20% or more of the owners of all the real property within the notice area. So, a lot of people are confused, they think it depends on the number of people who sign it and it's not really. It's the percentage of the acreage of the people who sign it. Then, you can see the orange highlighted, it shows what a dramatic effect this has on an application, it goes from a simple majority to a 3/4. So, it really is a powerful tool for those who can make it work.

State Law on Protest Petitions

K.S.A. 12-741 provides as follows

Planning and zoning in cities and counties; authorization.(a) This act is enabling legislation for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety and welfare, and is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act.

State law also allows us, as you see here, it says that this act is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act. That's how, by ordinance or by regulation guidelines, we can add additional requirements as long as they don't conflict. So, that's what we're trying to do with these guidelines.

Concerns Expressed by Neighbors

- Names of owners on Planning Department's list may not be completely up-to-date.
- Uncertainty about which properties were completely within the 200-foot boundary and which were only partially in.
- Didn't understand why the signatures must match exactly what is on the deed.
- Protest Petition guidelines and signature pages not available in Spanish.

This is not an exhaustive list, but here are some of the main concerns that I heard from the neighbors.

The first one is that the names of the owners on Planning Departments' lists may not be completely up-to-date or may be inaccurate. There's uncertainty about which properties were completely within the 200 foot boundary and which were only partially in it. I'll get to that later why that's so important. Some people didn't understand why the signatures must match exactly what is on the deed and there were complaints about the protest petition guidelines not being available in Spanish.

Changes Made to Guidelines

1. Names of owners on Planning Department's list may not be completely up-to-date.

- Updated Guidelines makes it clear that the Register of Deeds is the holder of the most accurate and up-to-date information regarding home ownership.

The first one, names of owners on the list may not be completely up-to-date. What I've tried to make clear in the updates to the guidelines is that the Register of Deeds office is really the holder of the most accurate and up-to-date information. There are times when ownership can change hands from the time notice goes out to when the protest petition is due and that can be several

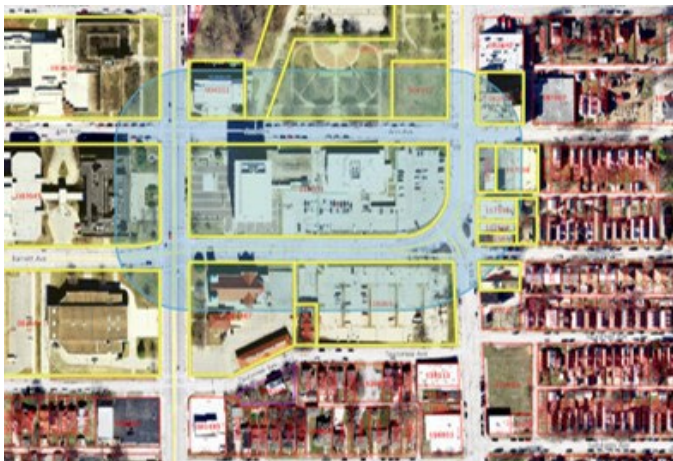
months of a gap. We have seen cases where ownership actually transferred and it made a difference because the owner that was on our current or original notification list was no longer the owner.

There are also issues where we found errors where maybe the database that we were using and putting out through the notice process wasn't completely up-to-date. We just want to stress that the Register of Deeds, ultimately, is the place for people to go.

Changes Made to Guidelines

2. *Uncertainty about which properties were completely within the 200-foot boundary and which were only partially in.*
- Updated Guidelines provide step-by-step instructions on how to use UG Maps to draw a circle that will approximate the 200-foot boundary line.

Some people are talking about the uncertainty of which properties are within the 200 foot boundary. The changes we've made are unique, I believe, in all of Kansas, I've not seen anyone do this. We have actually provided step-by-step instructions that can show people how to draw a boundary line if you want to by using UG Maps. We caution that it is not official, but it does give you a pretty good rough estimate of the search area that you're looking for.



Here's an example of just using City Hall of how that boundary would be created.

No changes planned

3. *Didn't understand why the signatures must match exactly what is on the deed.*

Current Guidelines state: "Signers of the protest petition must sign their full names as they appear of the deed to the property recorded in the office of the Register of Deeds."

Attorney General Opinion 81-101:

Therefore, we have no hesitation in confirming that, in order to identify the owner and property involved, a rezoning protest petition should contain, on its face, **the proper name in which the property is held**, the address of the property, and the name of any person signing on behalf of a corporation, partnership, or other organization." (Emphasis supplied)

There's a lot of frustration that we have rejected signatures that were not shown exactly as they were on the deed in the Register of Deeds office. So, I would point out that our current guidelines require that they be exactly as they appear on the deed. That is not uncommon at all. In fact, I've not seen any municipality that does it any other way.

No changes planned

- Almost all municipalities requires that signatures match exactly as shown on the deed.
- Only way to avoid subjectivity.

Really, I think the main reason is that any other way is just going to lead to subjectivity by the staff members and I don't know where you draw that line. If it's signed John A Smith, is John Smith okay? Is Johnny Smith, okay? Just where at some point, it just becomes arbitrary, what do you accept and what you don't. So, we've always stood by the fact that it should be exactly as it is on the deed that is supported by the Kansas Attorney General opinion. That's the guidance that we've gone by.

Chairman Markley said Patrick, can I interrupt to ask, when they get the list of property owners, do they know then what it says in the deed? Because I don't know what my deed says. Do they know what it has to match?

Mr. Waters said that's a good question. Hopefully, the information that we have in the database should be the name that shows up in the deed. But again, we can't guarantee it's 100% accurate. I would always caution people, if you have a question to go to the Register of Deeds office. I talked with Ms. Burns, if you walk in, they're happy to show you how to search their database and that way you can know for certain.

Commissioner Bynum said I have a question on this one, though, because I've seen lists generated where it's trustee ownership. So, how do you counsel folks to sign when that's the ownership? **Mr. Waters** said to sign as trustee. So, Jane Smith, as trustee. However it is on the deed. **Commissioner Bynum** said however it's listed, sign it, okay.

Commissioner Kane said what happens if you don't own the property, but you rent property? **Mr. Waters** said you do have to find the owner. That's an issue for some people and they've expressed frustration with that. We're limited by what the statute requires. If someone is renting, you need to ask them, do you know where the owner is? Can you track them down? Typically, our tax database should show where the taxes are being sent to. A lot of times, maybe that's in California and you may have to try and write a letter to the owner or find out. So, it's not always easy, but we are stuck with that.

Commissioner Kane said okay, so the owner is the only one who can vote. **Mr. Waters** said but the actual owner, not the renter. **Commissioner Kane** said I never thought about that until just now. **Mr. Waters** said again, every municipality that I've researched requires this. I don't recommend a change on this, just because any other way it's really just going to make the staff have to make subjective decisions about what to accept and what not to.

Changes Made to Guidelines

4. *Protest Petition guidelines and signature pages not available in Spanish.*

- The Guidelines will be translated into Spanish once a final version is approved.

We will update the guidelines in Spanish. I think that's a very good recommendation. I'm glad that was mentioned.

Changes Made to Guidelines

Additional changes

- Confirms that if a developer makes “substantial changes” to their project after it is remanded back to Planning Commission, the neighbors may get a second chance at a protest petition.
- Encourages people to submit petitions prior to the 14th day if possible.
- Reminds people that Protest Petitions are Open Records and that developers have the right to review them and make challenges.

Some additional changes, we've confirmed that if a developer makes substantial changes after a project is remanded back to the Planning Commission that the neighbors may get a second chance at a protest petition. This actually happened fairly recently within the last year where enough changes were made. That's based on case law. So, that's not something that we're pulling out of thin air. There is backing for that. We encourage people to submit petitions well before the 14th day if possible. We know that sometimes it takes a long time to gather the decisions, but what happens a lot of times is we get a protest petition on the 14th day. By the time we see an error or by the time the developer reviews it and sees an error, it's too late to go back. Again, we remind people that petitions are open records and developers have the right to review them. They often

do, they will have their legal counsel look over it. If they find an error, they have rights too as the applicant and so we have to honor that.

Commissioner Bynum said the 14 days is in the state law. **Mr. Waters** said correct. **Commissioner Bynum** said and day 15 is too late? **Mr. Waters** said yes. **Commissioner Bynum** said so, if they can get it done in seven days, then there's seven more days to correct the error? **Mr. Waters** said correct. **Commissioner Bynum** said then, clarity on the changes, confirms that the developer makes substantial changes to their project after it's remanded back to Planning Commission, what does that mean?

Mr. Waters said this actually came up with the 47th and Rainbow project, where it was remanded, anytime there were changes that developer made to try and comply with requests that were made. So, the idea is that a developer should not be able to take one project forward, make changes, and then say, oh, well, too bad, you lost your chance. you can't protest the changes I've made.

Commissioner Bynum said oh, I see. In that example, there was a valid protest petition in front of us that came along with that zoning change. **Mr. Waters** said there was a petition, it wasn't valid, but there was a petition, it got remanded. Then we told the neighbors that they would then get a second chance at another petition because of the changes. **Commissioner Bynum** said but, now we're going to say that, in fact, if it's substantial, you would have another opportunity. **Mr. Waters** said you would, and we did that. We followed that process and during that application as well, but we didn't have that in our guidelines.

Additional changes

- Clarifies that properties entirely within the 200-foot buffer count more than properties only partially within it.



So, we clarify their properties that are entirely within the 200-foot buffer count more than properties only partially within it. This is something I think a lot of people don't think about. This is an example, if you see those parcels on the far right there, yes, they're within the protest petition area, but their signature is going to count for a lot less because, again, it's based on acreage, it's not based on the number of people you get. Only that sliver of area that is within the 200-foot boundary counts. When people are making a plan of what properties do I want to hit first, this is just something to think about. Yeah, it's good to have everyone, but focus on the ones that are entirely within the boundary. That is all I have.

Questions and comments?

Commissioner Kane said that's the first time that somebody's ever explained it. Exactly the way I never even thought about the small parcels and stuff like that. That's really good. **Mr. Waters** said it can really make a difference. **Commissioner Kane** said that clarifies a lot better for me and I love it. I appreciate it.

Commissioner Ramirez said I agree with Commissioner Kane. In my mind I was thinking that 20%, but it's 20% of property owners, not actual land, the acreage of the land. I think that's good for the community to know as well, hearing it, but it's not the people, it's your property, the acreage of your property that will count toward that 20%. I didn't even think of it that way either. Thank you for that. I think it was good that we had this come on the agenda and go through the changes so that we ourselves can have a better understanding of our protest petition process.

Mr. Waters said I do want to thank Director Hand and his staff because this is the kind of stuff they have to do every time. They have to make these calculations and they're using software to calculate what that sliver equals. It's a lot of work for them. That's why we say, don't submit it at the last minute.

Chairman Markley said hypothetically, if there was one landowner that owned all this circle around that property, that one signature is all they would need. I think that was a big point of confusion, was it the 20% of the people or 20% of the acreage? I think Patrick did a great job of clarifying that for everyone. Additional questions or comments? This is for information only. Do we have anyone, Clerk, from the public, online, or person in here that has a comment? **Ms. Sparks** said no comments are received; no hands raised.

Chairman Markley said oh, wait. We have a comment about the short-term rentals. We're doing a jump back.

Commissioner Bynum said so sorry. It occurred to me as I was sitting here that at the 25% per block mechanism on the short-term rentals, like where I live, there might be one house per block, in which case, I myself could have not have one at all. So, I kind of appreciate the change to one per block because in my case, one is greater than 25%. Just something that crossed my mind when we were talking about that. That's all.

Action: For information only.

Public Agenda

No items of business.

Adjourn

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to adjourn. Roll Call was taken and there were five “Ayes,” Kane, Townsend, Ramirez, Bynum, Markley.

The meeting was adjourned at 8:20 p.m.

rm