

**GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall, 4600 W 51st Street
Monday, December 5, 2022 6:00 PM**

- | | | |
|--|---|--|
| <ul style="list-style-type: none">• Mike Kelly, Mayor• Trisha Brauer, Council Member• Benjamin Dickens, Council Member• Jan Faidley, Council Member• Jennifer Hill, Council Member | <ul style="list-style-type: none">• Michael Poppa, Council Member• Tom Madigan, Council Member• Kate Raglow, Council Member• Michael Rebne, Council Member | <ul style="list-style-type: none">• Keith Moody, City Administrator• Erin Winn, Asst. Admin.• Kelley Nielsen, City Clerk• John Morris, Police Chief• Donnie Scharff, Public Works Director |
|--|---|--|

| Admin | Finance | Safety | Public Works |
|---------|---------|---------|--------------|
| Raglow | Rebne | Poppa | Brauer |
| Dickens | Hill | Madigan | Faidley |

I. APPROVAL OF MINUTES

- A. Governing Body Workshop Meeting Minutes November 21, 2022

II. DISCUSSION ITEMS:

1. Overview of Development Agreement with EPC - 15 min
2. Discuss Vision and Values Development Facilitation Services with KU Public Management Center- 15 min
3. Continue Discussion of Tree Preservation Regulations Policy - 20 min
4. Review Draft Storm Water Utility Policy - 15 min

III. NON-ACTION ITEMS:

IV. ADJOURN

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

The governing body encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules

before the meeting begins.

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**
- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time

requested but not used by another.

- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.
- H. **Agendas and minutes** can be accessed at www.roelandpark.org or by contacting the City Clerk

The governing body welcomes your participation and appreciates your cooperation. If you would like additional information about the Committee of the Whole or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: APPROVAL OF MINUTES- I.-A.
Committee 12/5/2022
Meeting Date:



City of Roeland Park
Action Item Summary

Date:

Submitted By:

Committee/Department:

Title: **Governing Body Workshop Meeting Minutes November 21, 2022**

Item Type:

Recommendation:

Details:

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

| Description | Type |
|---|------------|
|  Governing Body Workshop Meeting Minutes November 21, 2022 | Cover Memo |

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, November 21, 2022, 6:00 P.M.

- Mike Kelly, Mayor
- Trisha Brauer, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member

- Tom Madigan, Council Member
- Michael Poppa, Council Member
- Kate Raglow, Council Member
- Michael Rebne, Council Member

- Keith Moody, City Administrator
- Erin Winn, Asst. Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin
Raglow
Dickens

Finance
Rebne
Hill

Safety
Poppa
Madigan

Public Works
Brauer
Faidley

(Governing Body Workshop Called to Order at 6:33 p.m.)

ROLL CALL

Mayor Kelly called the meeting to order. CMBR Dickens was absent, and all other Governing Body members were present.

I. MINUTES

1. Governing Body Workshop Meeting Minutes October 17, 2022

The minutes were approved as submitted.

II. DISCUSSION ITEMS

1. Review Canterbury Project Plans

Public Works Director Scharff reviewed the upcoming Canterbury project plans as part of the 2023 Neighborhood Street Reconstruction project. He said they held a neighborhood meeting on November 10th to discuss the project with residents. He also added he had hoped more people would attend.

The project will go from 47th to 51st Street and is similar in scope as to that of Reinhardt. There will be full depth repairs, new curbs and gutters, as well as adding a portion of missing sidewalk between 47th and 48th Street, and also 50th to 51st. It is anticipated they will need about 24 temporary construction easements. There is a needed storm sewer replacement at the end of 50th Street and that work will coincide with their ADA improvements. Construction is scheduled to start in the Spring of 2023, beginning at 51st Street to 48th for Phase 1. Phase 2 will begin late in the summer to 47th, and then the final restoration portion of the project, including landscaping.

Public Works Director Scharff reviewed the pros and cons of the sidewalk placement for the west side of the street. He also reviewed the accessibility that homeowners will have during the project noting that they will do special accommodations as best as they can. The project also went through a Complete Streets analysis, and it was determined the street is too narrow to add dedicated bike lanes or sharrows.

Mayor Kelly thanked Mr. Scharff for meeting with the residents and keeping them apprised of the street improvements.

CMBR Faidley said she drove the street to see what trees would be impacted and specifically noted one large one close to the road. She asked if the existing sidewalk on Canterbury is in good condition. Public Works Director Scharff said they will do spot repairs for anything needed on existing sidewalks. CMBR Faidley also noted a little job after the first block where the street does not line up. Public Works Director Scharff said there are no plans to change that, and the traffic engineers said it did not warrant adding a crosswalk, however ADA ramps will be added.

CMBR Faidley asked if they should update their sidewalk priority list. City Administrator Moody said that is something possibly for the Sustainability Committee or the Planning Commission to look at if there is something missing or something that warrants a revisit. Mr. Moody said the Bike & Pedestrian Committee developed the list and did not believe it needed to be looked at again in under ten years as the City does not see a lot of change because of their build-out status.

2. Discuss Construction Method for Renovations to New Public Works Facility

City Administrator Moody said there are two construction management options for the new Public Works Facility, a Construction Manager at Risk (CMAR) or design-build. Staff is recommending they utilize the Construction Manager at Risk methodology.

City Administrator Moody said that a Construction Manager at Risk option means that the architect would be employed by the City, whereas a design-build would be an employee of the contractor. A CMAR would bring to the City their experience and connections and supply lines. The City's architect, SFS, has already been through the building and gone through the analysis with Public Works to determine their needs. The architect/contractor would develop a not-to-exceed price and the Governing Body would make the final decision on whether to approve that amount. They are also hoping to work in a timeline to move to the new facility in anticipation of The Rocks development.

CMBR Madigan inquired about the status of the purchase of the new site. City Administrator Moody said they have executed the contract and are going through their 45-day due diligence period. Phase 1 of that is environmental. They have also on site with Larkin and SFS to get a concept of where the flow into and in the building makes the most sense. There has also been a preliminary review with the Unified Government's committee to confirm the use is permitted, which it is. It is going through an approval process for modifications to the site and the building at a staff level as it doesn't require approval from their planning commission. They do request that outdoor storage be screened, and the City is amenable to that as that is their intent. They have put together a conceptual site plan and floorplan and from the meeting with UG, they do not see any issues. They are currently waiting on a survey from the seller. Also, SFS will handle the mechanical, electrical, and roofing inspections.

There was consensus to move forward with the Construction Manager at Risk option.

3. Discuss Process for Filling Council Seat Vacancy

The Governing Body discussed filling the Council seat that will be created by Mayor Kelly's appointment to the Johnson County Commission and a sitting Councilmember to become the Interim Mayor. The Charter Ordinance states the seat is to be filled with a person recommended by the

mayor, approved by a majority of the Governing Body following an application process. Staff has put together a policy for seeking applicants and for reviewing qualifications for the vacant Council seat as of January 3rd.

City Administrator Moody said he reviewed the policies of other cities and is recommending that Roeland Park begin the process with an interview committee consisting of the interim mayor, the Council president, and the remaining Council person from the ward with the vacancy. Committees with more than five members would require the meetings to be public and therefore the interviews would be public. The recommendation is to solicit applications through their customary channels, Constant Contact, the City website, and social media. With the applications, they would like letters of interest and résumés. The Governing Body will be able to review all of the applications. The interview committee will review the applications and select candidates to interview. They will determine their ability to carry out the duties of a Council person, and the mayor, with consultation of the committee, will present a candidate. A Governing Body majority must vote in favor of the proposed candidate to be confirmed.

CMBR Poppa asked about the length of the application window. City Administrator Moody said he did not set a limit and his experience on a set number of days on a policy or procedure can be a hinderance. CMBR Poppa also asked if the applications shared with the Governing Body are subject to Open Records. City Administrator Moody said if someone applies for a committee or to be on the Council it is an Open Record.

Mayor Kelly suggested instead of setting the application process for a minimum number of days such as, at least 14 days, or at least 10 days.

CMBR Madigan agreed with that suggestion but said the last day should be a business day and to stay that after X-time, applications will not be considered. He also commented that he found it interesting how some cities have no policy while others seem to go overboard. He did like Merriam's process in that everything is public. He said that transparency is key and wants to avoid the appearance of cronyism. He would not mind holding open meetings for the interview process. He would also like the applications to be posted on the *Shawnee Mission Post* and wouldn't mind seeing two candidates brought up for a vote and not just one.

CMBR Faidley expressed concern with the online application process and wanted them to emphasize that a letter of interest and résumé is necessary.

Mayor Kelly said they can provide an open and inviting process with technology that meets the people where they are. He said it would behoove the folks who are interested to provide them with more information than less.

CMBR Raglow noted that in some cities staff was involved in the selection process but noted that was not the case in Roeland Park. City Administrator Moody said since he works for the Governing Body, it would seem inappropriate for the City Administrator to be involved in the process.

CMBR Hill would support a smaller committee versus decision-making by the entire Governing Body as it is sometimes difficult to come to a consensus.

CMBR Poppa agreed that they need to be as open and transparent as possible. He felt that a discussion concerning a specific person and deliberating over them in open is much different than discussing other items that come before the Governing Body, and does not believe the selection process should be handled in that manner. He said the smaller committee can vet the candidates in the hope that they are able to wrap up the process within 45 days.

Mayor Kelly said he believes that through the consultation of the committee and the interim mayor, they can put forward someone and it would be a more streamlined process and precludes putting two people up against each other. That scenario might also preclude someone from serving Roeland Park in another capacity and he does not want to create animosity.

CMBR Madigan said there should be a specific set of questions to ask a prospective councilmember such as how long they have lived in Roeland Park. He personally would not prefer someone who has only lived there six months.

CMBR Faidley said whoever is appointed will have incumbency and they should look for someone they can work with on a long-term basis and not have the position as just a stop-gap measure.

City Administrator Moody asked if the Governing Body, based on their discussions, would want to see a written procedure policy first before they vote. He will put that together with a set minimum number of days to have the application open, probably 15 days, with the last day being on a business day.

CMBR Hill said she disagreed with length of residency being a stipulation to prevent someone being involved.

CMBR Madigan said that is his opinion, but he agreed it should not be a restriction to apply.

City Administrator Moody asked the Governing Body to send him any questions they would like to see asked of potential candidates. This item will be put on New Business at the next Council agenda.

III. NON-ACTION ITEMS:

No items were presented.

IV. ADJOURN

CMBR Madigan called for adjournment of the meeting.

(Roeland Park Governing Body Workshop Adjourned at 7:22 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 12/5/2022
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/17/2022
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Overview of Development Agreement with EPC - 15 min**
Item Type: Agreement

Recommendation:

Staff will review the key sections of the development agreement to ensure the agreement addresses Councils goals and concerns for the project.

Details:

The development agreement spells out the responsibilities of the developer as well as the City for a project that is receiving incentives. In this case it also addresses architectural and design approval and re-purchase provisions unique due to the City being the land-owner.

The business terms reflected in the Memorandum of Understanding (1st step) as well as terms in the Land Purchase Agreement (2nd step) are reiterated in the development agreement. As the plan has matured and details added to the initial concept the order of magnitude elements such as square footage, number of living units, number of parking spaces and total investment have been updated and reflected in the development agreement.

To ensure the mix of use and magnitude for the project constructed meets or exceeds that of the proposed project there are performance provisions included in the development agreement. Performance provisions are also included for Attainable Housing, Sustainable Building Efforts, Timely Progress, and a Restaurant.

The development agreement reflects the use of three incentive tools which in total are limited to 25% of the project costs. The cost of the electric duct bank relocation is not subject to the 25% incentive cap due to it being an unusual development expense and currently has an unknown cost. It may be relocated at the expense of Evergy or it could be a cost shared between Evergy, EPC and TIF 3.

Jeff White and Steve Mauer will review the key elements of the development agreement and discuss elements that have not yet been finalized between the City and EPC.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

| | |
|---|---|
| Amount of Request: Incentives Capped at 25% of Project Cost | |
| Budgeted Item? | Budgeted Amount: \$16.5 mm of TIF incentives, \$1 mm of CID incentives, \$1.5 mm of IRB Sales Tax avoidance incentive |
| Line Item Code/Description: TIF 4 Fund and new CID Fund | |

ATTACHMENTS:

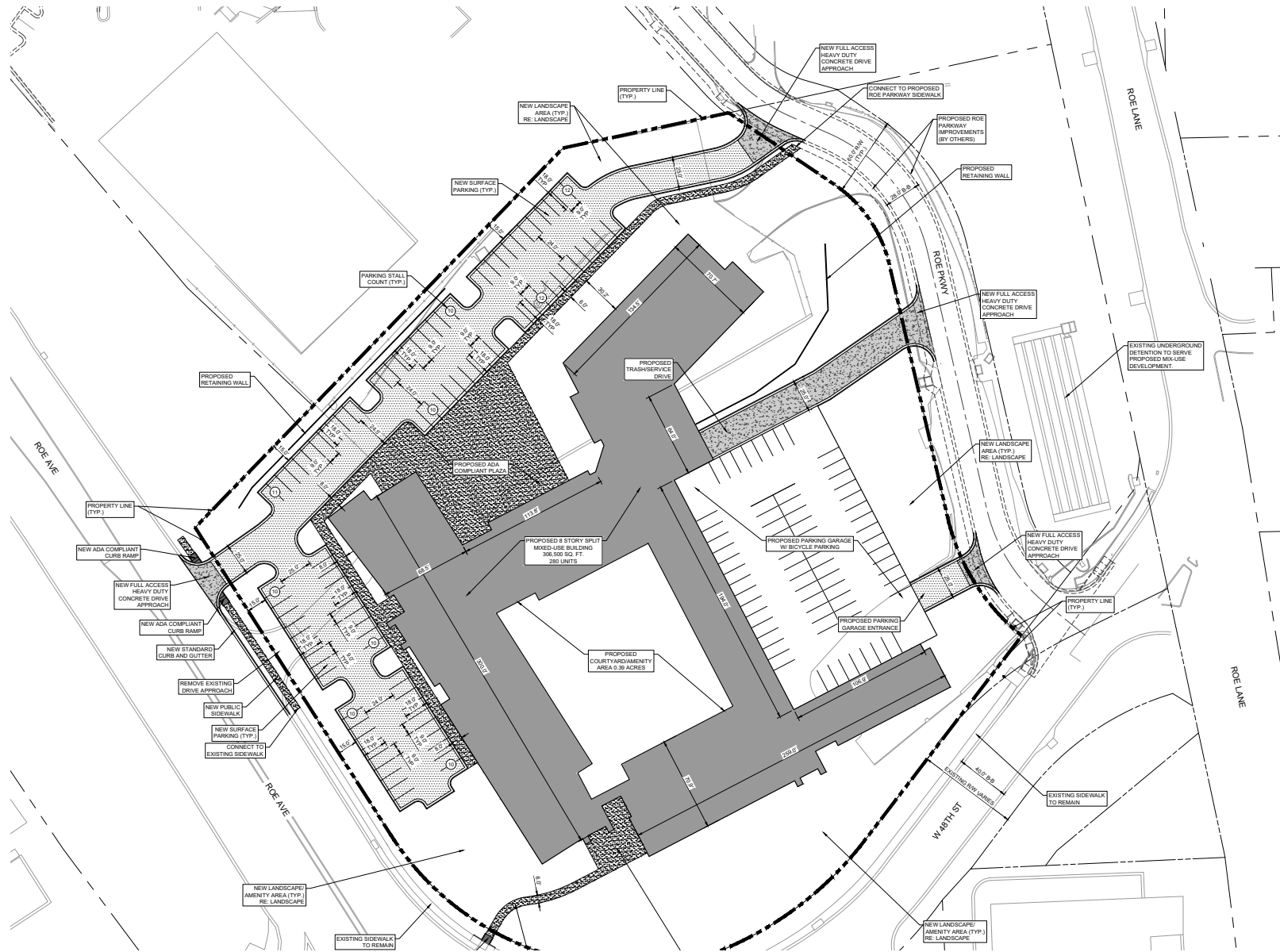
| Description | | Type |
|--------------------------|--|------------|
| <input type="checkbox"/> | Mauer Review of Development Agreement Outline | Cover Memo |
| <input type="checkbox"/> | EPC Preliminary Development Plan Presentation to Planning Commission | Cover Memo |




THE ROCKS | 4800 WEST ROE PARKWAY

ROELAND PARK, KS



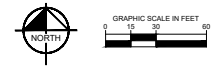




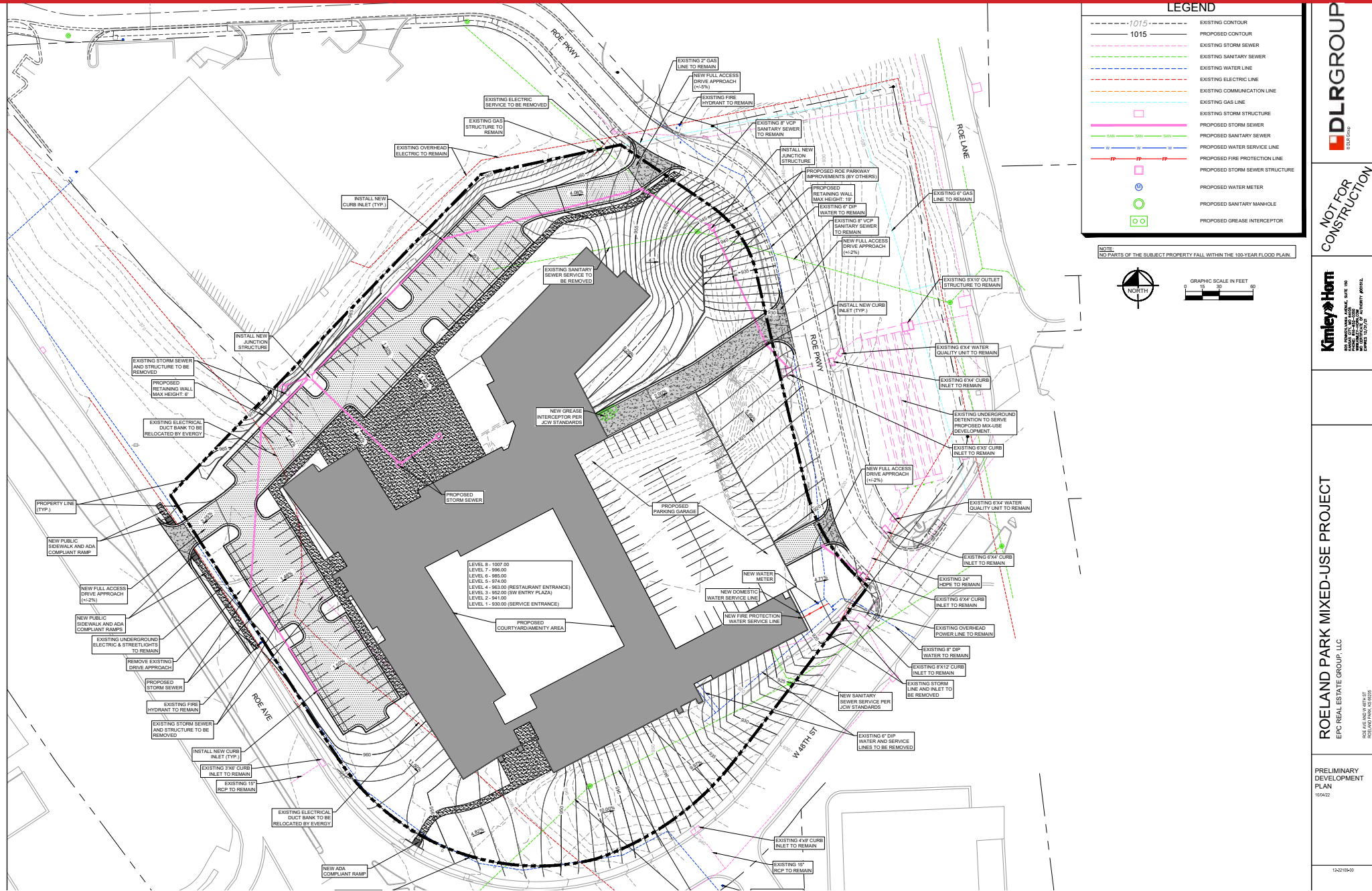
CONCRETE SIDEWALK

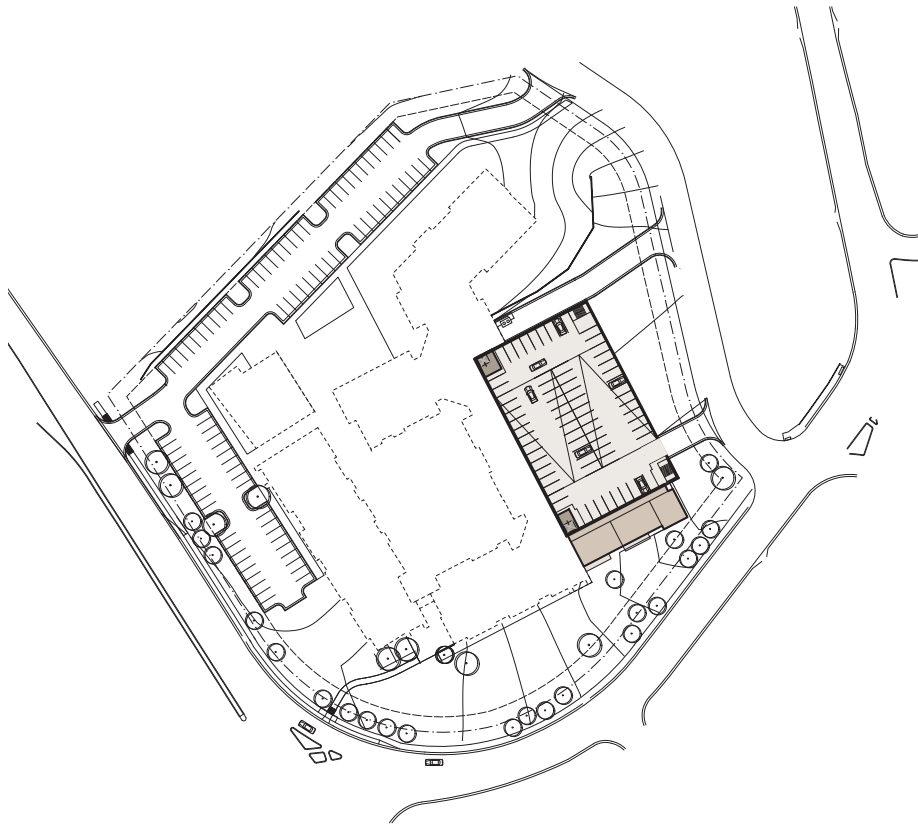
STANDARD CURB & GUTTER

| Development Summary Table | | | |
|---|--|-----------------|-------|
| A | Existing | Zoning | |
| | Proposed | CP-2 MXD | |
| B | Existing | Total Land Area | |
| | Proposed | 5.79 | Acres |
| C | Existing | Right-of-way | |
| | Proposed | 0.00 | Acres |
| D | Existing | Net Land Area | |
| | Proposed | 5.79 | Acres |
| Proposed Uses | | | |
| Mixed-Use (Multi-Family, Restaurant, & Amenity) | | | |
| F | Structure Height & # of floors | | |
| | Number of Floors | 8 | |
| G | Gross Floor Area & # of Units | | |
| | Total Building Count | 1 | |
| | Total Gross Floor Area (SF) | 306,500 | |
| H | Vehicle Parking | | |
| | Parking Stalls Required* | 330 | |
| | Private Garage Stalls Provided | 300 | |
| I | Bike Parking | | |
| | Public Surface Stalls Provided | 395 | |
| | Total Parking Stalls Provided | 395 | |
| J | Stalls Required* | | |
| | Stalls Provided | 33 | |
| K | Timeline | | |
| | Estimated Start Date | 6/1/2023 | |
| | Estimated Completion Date | 12/1/2024 | |
| K | Requested Deviations | | |
| | None | | |
| | *Parking Notes: | | |
| | Multi-Family: 1.0 Stall/ 1 Bed Dwelling Unit | | |
| | 1.5 Stall/ 2 Bed Dwelling Unit | | |
| | Restaurants: 6 Stall/ 1000 SF | | |
| Bike Parking: 1 Stall/ 10 Required Parking Stalls | | | |

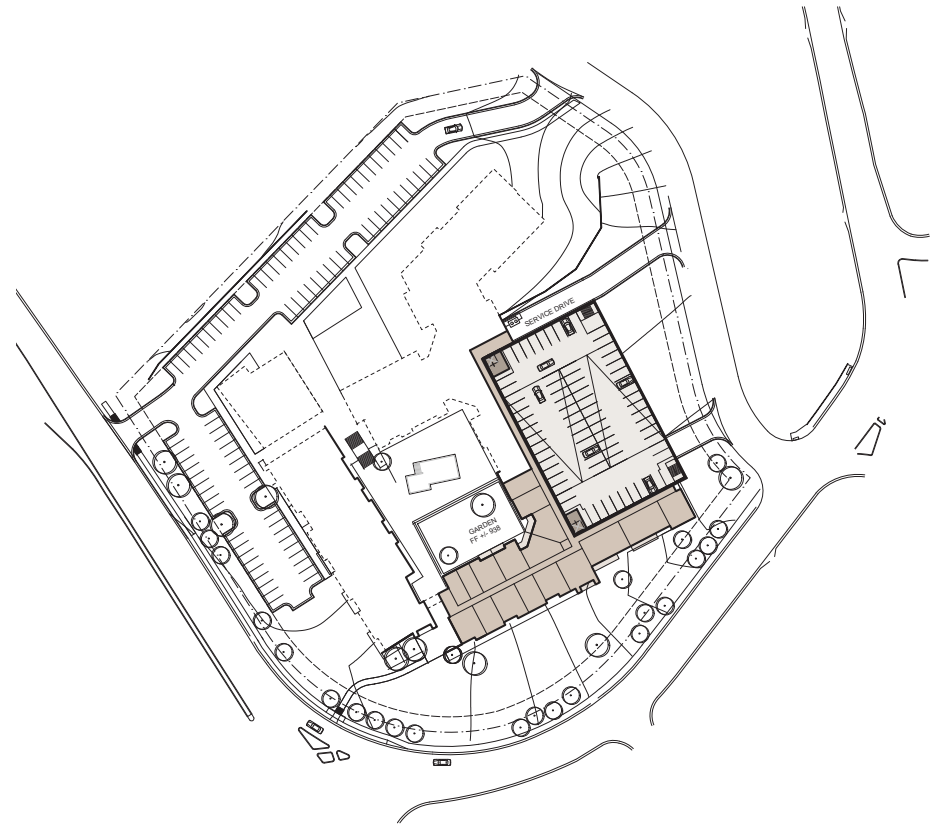


Grading Plan

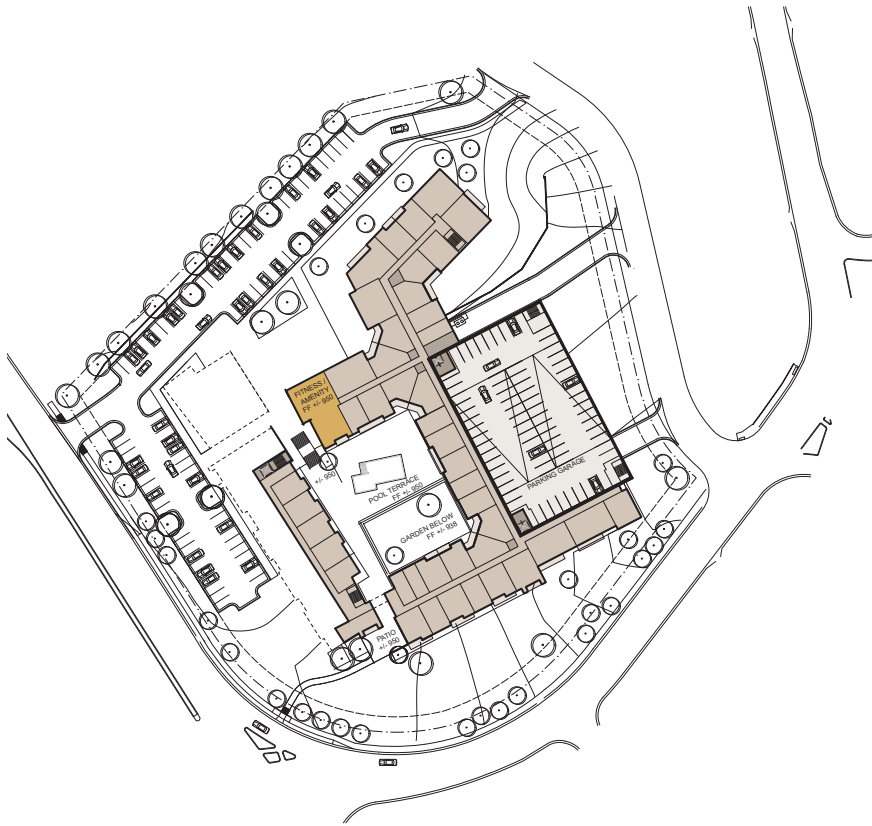




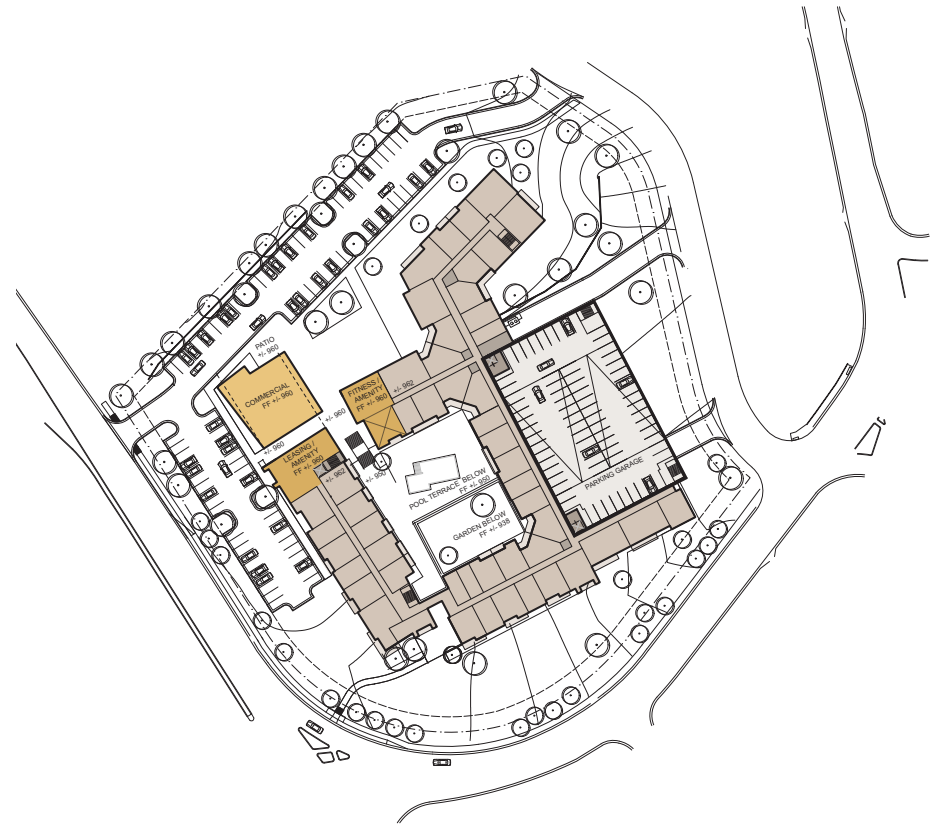
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SCALE: 1" = 50'-0"



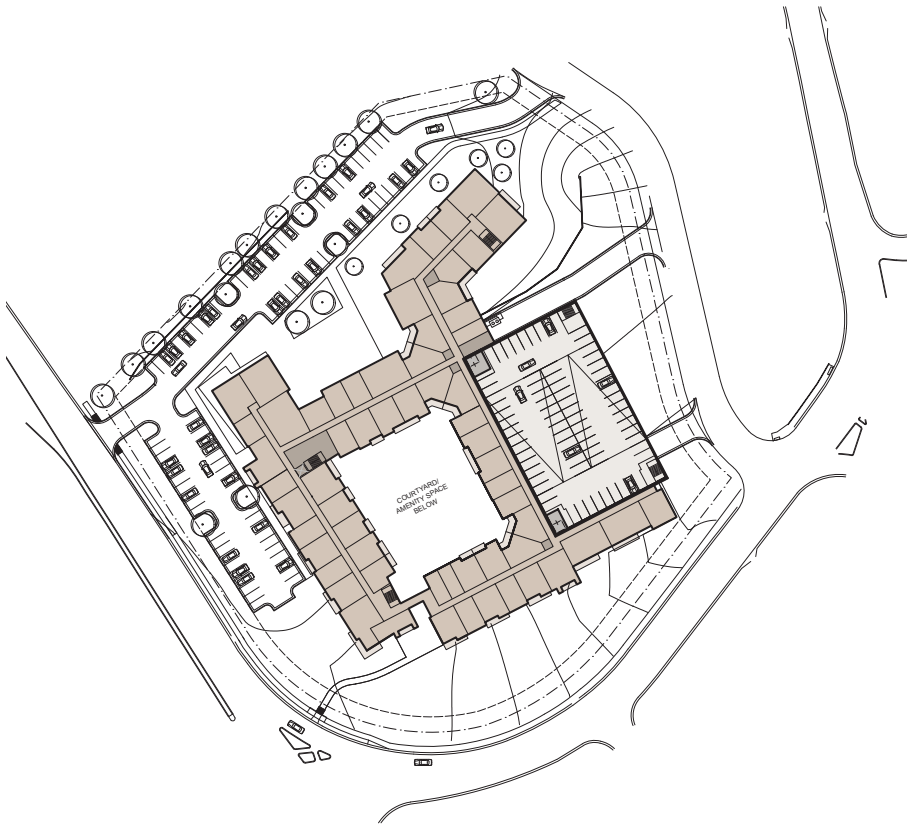
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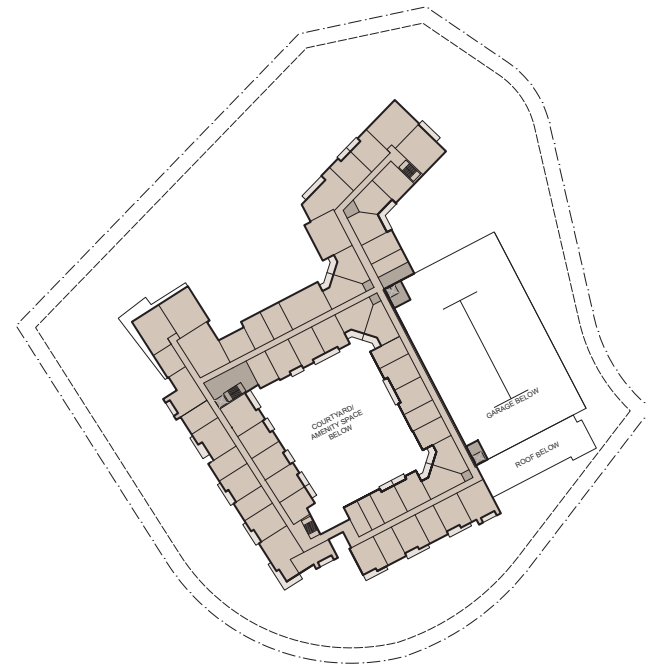
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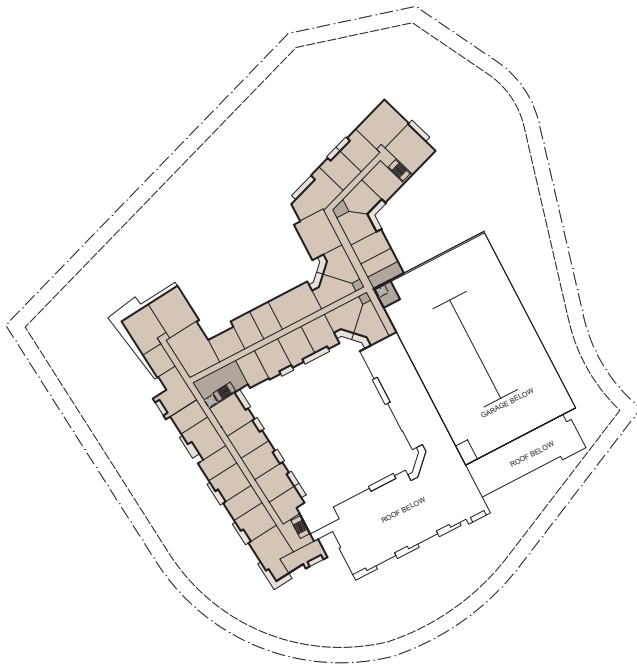
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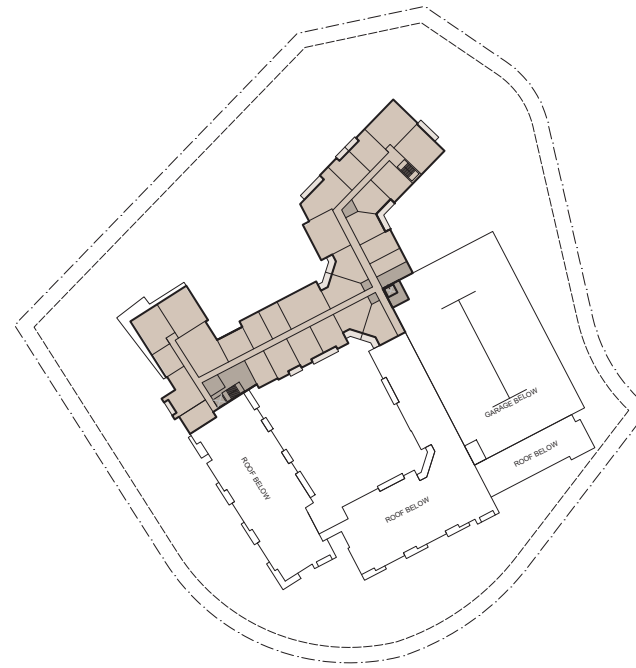
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LEVEL +/- 973
SCALE: 1" = 50'-0"



FLOOR PLAN ①
LEVEL +/- 984
SCALE: 1" = 50'-0"



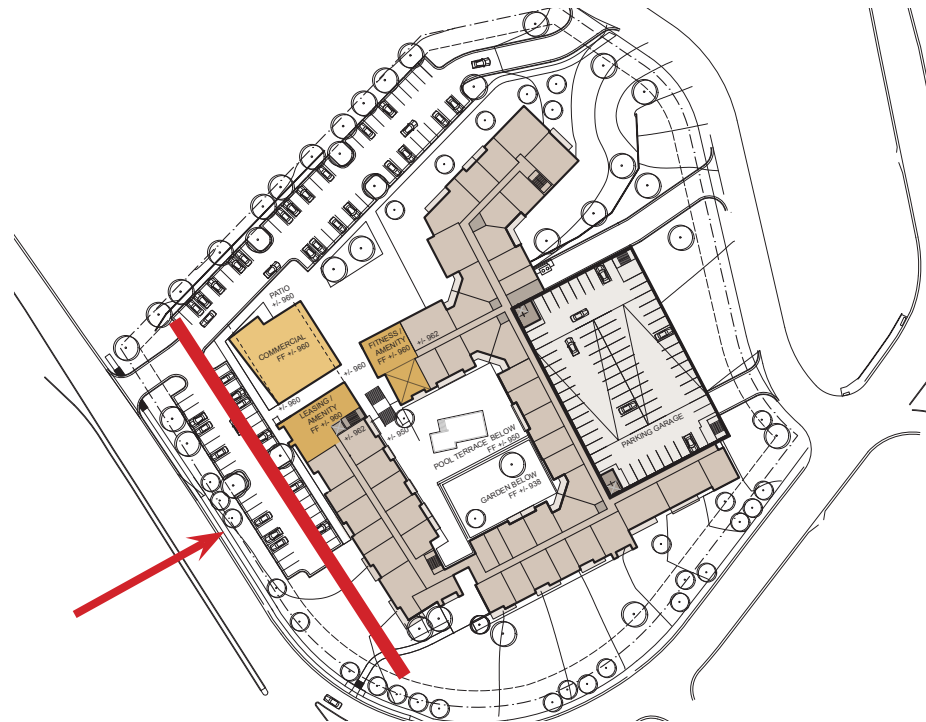
FLOOR PLAN
LEVEL +/- 995
SCALE 1" = 30'-0"



FLOOR PLAN
LEVEL +/- 1006
SCALE 1" = 30'-0"



WEST ELEVATION





SOUTH ELEVATION





VIEW OF COMMERCIAL SPACE FROM NORTHWEST VEHICULAR ACCESS



VIEW OF CORNER FROM ROE BLVD & 48TH STREET

Item Number: DISCUSSION ITEMS- II.-2.
Committee 12/5/2022
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 11/30/2022
Submitted By: Keith Moody
Committee/Department:
Title: **Discuss Vision and Values Development Facilitation Services with KU Public Management Center- 15 min**
Item Type: Discussion

Recommendation:

Staff is looking for direction on a facilitator for developing a Vision and Values Statement.

Details:

One of Council's Development Goals is the development a Vision and Values Statement. This is a service the KU Public Management Center offers. Patty Gentrup and Hannes Zacharius are highly regarded public administrators with experience in the facilitator roll. The attached scope of services is a draft for your consideration. The effort would not be undertaken until the vacant council seat was filled.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

| | |
|---|--|
| Amount of Request: \$7,000 | |
| Budgeted Item? | Budgeted Amount: We can add resources as part of the 2023 budget amendment process |
| Line Item Code/Description: 52209-101 Professional Services | |

ATTACHMENTS:

| | Description | Type |
|---|---|------------|
|  | Vision and Values Facilitator Proposal from KU Public Management Center | Cover Memo |



City of Roeland Park

Governing Body Workshop Facilitation

November 15, 2022



Public service lies at the heart of democracy.



November 15, 2022

Mr. Keith Moody
City Administrator
City of Roeland Park, Kansas

Dear Mr. Moody:

The KU Public Management Center is pleased to provide this proposal to facilitate a process to bring the Roeland Park governing body together around a vision for the community's future and a set of shared values with the leadership team.

I understand that initial conversations regarding this work included developing a mission statement. However, such statements – what we do, for whom we do it, and for what purpose – are generally developed by organizational staff. For that reason, it is not proposed here. On the other hand, setting the vision for the community is absolutely the purview of the governing body and determining how the city approaches its work – its values – should be shared among the elected officials and with the organization.

I would be happy to provide additional information or answer any questions you might have about the PMC and/or our proposal. You may contact me at patty.gentrup@ku.edu or 816.217.9397.

Sincerely,

Patty Gentrup

Patty Gentrup
Consulting Services Program Manager
KU Public Management Center
School of Public Affairs and Administration

Project Introduction

The City of Roeland Park operates under a mayor/council/city administrator form of government, with a mayor and an eight-member City Council.

Key to an effective governing body is developing a common vision for its work together. In so doing, it can align its resources to move the community toward that vision. To further build confidence in its approach to governance, governing bodies establish common values to guide not *what* it is working towards, but *how* it is doing that work.

The Roeland Park governing body is currently in a state of transition as the current mayor was just elected as chair of the Johnson County Board of County Commissioners and will take office in January 2023. It is appropriate that with such a transition, elected officials come together around a common vision and values. To that end, the following approach is recommended.

Project Approach

Task 1: Project Kick Off

To ensure a common understanding of the scope and the process to be used, we will facilitate a discussion with the city administrator and other key staff as appropriate.

Task 2: Setting the Foundation

So that we are familiar with the issues facing the City of Roeland Park, we will first request documents that provide a historical perspective. These could include progress reports regarding current strategic initiatives, budgets, and any other information the City believes would be useful.

We will also conduct one-on-one conversations with each member of the governing body. The purpose of these conversations is to learn what each individual elected official hopes for their community and this process, as well as develop a rapport in advance of the workshops.

Task 3: Workshops

It is our understanding that the vision and values work be conducted in two, separate evening workshops.

Vision Workshop with the Governing Body

A vision statement should be aspirational and written in the present tense, as if it had already been achieved! Because the vision is best articulated by the governing body and should guide all the work and resource allocation within the community, only elected officials will be active participants in the initial workshop.

Each will have an opportunity to share their hopes and dreams for Roeland Park. It is important not only that individuals be given a chance to voice their vision, but also for their colleagues to actually hear directly from each other. That said, the vision must be a statement is supported by all of the members of the governing body. A series of activities will be completed so that the nine-member body will reach consensus on a vision statement.

Values Workshop with the Governing Body and Staff

Values are expectations for behavior and serve as a foundation for decision making. They are often shared statements between the governing body and the organization.

To that end, the governing body and senior staff will participate in a facilitated discussion designed to ascertain the values for which they want to be known as well as how those values are defined within the Roeland Park context.

Task 4: Report Development

A summary report will be drafted for review by the City of Roeland Park. Upon one review, our team will make desired revisions to finalize the report.

About the KU Public Management Center

The University of Kansas Public Management Center (PMC) is the professional development division KU's School of Public Affairs and Administration. We offer development programs and consulting services that enhance skills for leaders, managers, staff, and teams to support organizational development in public organizations. We have worked with thousands of individuals and hundreds of government entities at the local, state, and federal levels as well as with numerous nonprofit organizations.

Our philosophy: Our work is rooted in the belief that public service is at the heart of democracy. As part of KU's School of Public Affairs and Administration, our content is informed by research in the field and best practices in facilitation. Rather than adapt general curriculum or agendas that can be used for any organization, we create processes specifically designed to address the unique opportunities and challenges that are inherent in public service organizations.

Our expertise: Our staff has backgrounds working as government practitioners, in public service organizations and/or serving as public officials. We bring this experience into each engagement, adapting content as appropriate.

Our approach: Our processes are highly interactive. We encourage individuals to bring their experience into the conversation, allowing the entire group to learn from one another's areas of expertise. In this way we model the inclusive, supportive, and collaborative approach to leadership that we see as crucial to confronting today's challenges.

Patty Gentrup, PMC consulting services manager, will be the primary consultant for the engagement. She brings nearly 30 years of experience with direct service to local government as well as a consultant to them. She is a skilled facilitator who is able to craft a process that allows all voices to be heard, whether in governing body strategic planning sessions, management team retreats, or leadership development programs. Patty also is an instructor in the PMC's Certified Public Manager program and the AASHTO Leadership Institute. Patty has a bachelor's degree in journalism and a master's degree in public administration from the University of Kansas. She is a certified associate for Emergenetics®.

Hannes Zacharias, the professor of practice for KU's School of Public Affairs and Administration, will serve as a project advisor. Hannes began his career in public services in 1980 and has served the cities of Lawrence, Kansas; Booneville, Missouri; and Hays, Kansas. He joined Johnson County government in 2001 and left there in 2017 after serving nine years as county manager.

Timeline

It is understood that the City would like this work to be completed by the end of March 2023. The final schedule will be established on mutual agreement between the City of Roeland Park and the KU Public Management Center.

Fee Estimate

The fee for the services described in this proposal is \$7,000.

It assumes that the City of Roeland will provide:

- Adequate space to allow participants to sit comfortably for full participation. Any horseshoe-shaped table should only be used for meetings in which there will be 15 or fewer active participants. If pods or round tables are used, they should be configured so that no participants have their backs to the front of the room. In general terms, that likely means no more than five to a table.
- AV equipment that includes a computer, projector, screen, and audio capabilities;
- Copies of materials for the workshop; and
- Desired refreshments.

Item Number: DISCUSSION ITEMS- II.-3.
Committee 12/5/2022
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 2/15/2022
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Continue Discussion of Tree Preservation Regulations Policy
- 20 min**
Item Type: Discussion

Recommendation:

Staff is looking for direction on which version of the two sample ordinance attached shall be considered at a future council meeting.

Details:

11/28/2022 Update

Staff presented a review of the completed tree inventory at the 9/6/2022 workshop(attached). 3,700 trees were identified in a front yard or in the right way fronting a property with 68% of the trees located on private property and 32% located in the public right of way.

Minutes from the 1/3/22 Council meeting where this topic was last discussed are attached for reference. The direction from that meeting was for further discussion. A preferred ordinance has yet to be identified.

The sample ordinances attached would add section 13-506 to Article 5. Trees Shrubs and Growths in the City Code. The language was initially based upon an existing Fairway policy (see link below). Feedback from the Sustainability Committee, Parks and Trees Committee, Citizen Survey (attached) and discussions with City Council has brought about a number of iterations of the policy. The most recent reflects direction provided by Council at the 11/15/21 workshop. Specific changes incorporated in the policy following that workshop include:

1. A cap to the fee
2. Fee based upon number of replacement trees planted
3. Consideration extended to sites with an abundance of existing mature trees.

4. Clarified that the fee is not applicable to trees removed due to disease or posing a safety concern.
5. Clarified that the tree manager can establish a tree species list.

The difference between the two sample ordinances attached is that one only applies to public trees (trees in the right of way) and the other applies to public trees and private trees (located in a front yard).

Implementation of a new ordinance requires a simple majority of Council approval followed by publication. Significant public education on either ordinance will be necessary.

Both versions provide a penalty for removing regulated trees without approval.

The fee concept was an element that received little support in the citizen survey. Removing the fee element eliminates the motivation for a person to leave mature trees in place. An application process is necessary for staff to track the removal and replacement process, eliminating this element would make administering the policy very difficult. The City has completed an inventory of the trees that would be subject to regulation so that the policy can be effectively administered.

The Parks and Trees Committee reviewed a version of the policy on 7/14/21. The Committee was supportive of a policy applying to trees on public property but most members expressed concerns with a policy that applies to trees on private property. It was suggested that public input be sought out through a community forum or some other such engagement method prior to action on a policy applied to private trees. A member suggested holding removal of invasive species exempt from the policy.

The Sustainability Committee reviewed the draft policies at their 10/4/21 meetings. Their recommendation is to regulate all trees on both public and private property.

The EPC Small Survey results reflect feedback from 100 households, which is a strong response from the 200 households who registered to participate in the Small Survey program when they completed the 2021 Citizen Satisfaction Survey. Please review the attached Small Survey report in detail.

The example which includes front yard trees as those regulated along with trees on public property is similar to the approach taken by Prairie Village recently (see link below). Most of the trees in the community are located on private property (front yard, side yard and back yard) and thus expanding the regulation so that trees on private property are also covered creates significant control by the City over the tree canopy. Such control will have supporters; those who find that trees make Roeland Park unique and enhance quality of life, those who recognize the environmental and ecological benefits of trees, and those who enjoy the appearance of trees. But will also have opponents; those who view the regulation as an infringement on property rights, those who want to expand solar energy generation, and those who view trees as a potential hazard to their safety and property (if they fall). These differing views can create conflict in the administration/enforcement of the policy. It is important to weigh these views as you consider the scope of the policy. The written responses included in the Small Survey report reflect these as well as other concerns.

Chris Brewster with Gould Evans has assisted staff on this effort and made the attached presentation to Council at a prior workshop. Chris was involved with the tree preservation regulations recently adopted by Prairie Village and Gould Evans provides assistance to Prairie

Village in administration of the regulation. His shared insights were valuable as the policy was developed.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

| | |
|-----------------------------|------------------|
| Amount of Request: N/A | |
| Budgeted Item? | Budgeted Amount: |
| Line Item Code/Description: | |

Additional Information

Attached is a cost estimate from Arbormasters to inventory the right of way and front yard trees. They estimate between \$64,000 and \$73,000 to complete an inventory of covered trees (> 20" diameter). They estimate between 7,500 and 8,500 trees at a price per tree of \$8.50. They would use the same GIS mapping program as used to inventory all of the trees on City owned property we recently completed. A third of the trees are estimated to be in the public right of way with 2/3rds estimated to be on private property.

Link to Roeland Park's Current Tree Policies:

https://library.municode.com/ks/roeland_park/codes/code_of_ordinances?nodeId=CHXIIIISTSI_ART5TRSHGR

Link to Fairway Tree Policy:

https://library.municode.com/ks/fairway/codes/code_of_ordinances?nodeId=CH11TR

Link to Prairie Village Tree Policy:

https://library.municode.com/ks/prairie_village/codes/code_of_ordinances?nodeId=CHXIXZORE_CH19.47LAST

ATTACHMENTS:

| Description | Type |
|---|------------|
| <input type="checkbox"/> Sample Tree Preservation Ordinance- Public Trees Only | Cover Memo |
| <input type="checkbox"/> Sample Tree Preservation Ordinance- Front Yard and Public Trees | Cover Memo |
| <input type="checkbox"/> January 3, 2022 Council Minutes Section Regarding Tree Preservation Policy | Cover Memo |
| <input type="checkbox"/> Review of Tree Preservation Sample Ordinances by Gould Evans | Cover Memo |
| <input type="checkbox"/> Tree Preservation Survey Results | Cover Memo |
| <input type="checkbox"/> Economics of Urban Forestry by the Arbor Day Foundation | Cover Memo |
| <input type="checkbox"/> Tree Inventory Presentation | Cover Memo |

ORDINANCE NO. _____

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS AMENDING MUNICIPAL CODE CHAPTER 13, ARTICLE 5 “TREES
SHRUBS AND GROWTH”**

WHEREAS, the City of Roeland Park desires to promote and preserve the general welfare of Roeland Park citizens and visitors by ensuring trees on the City’s property are protected.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF ROELAND PARK, KANSAS AS FOLLOWS:**

Section 1. Chapter 13, Article 5 of the Roeland Park Municipal Code is hereby amended to read as follows:

“Sec. 13-501. Maintenance.

The City shall have the right to plant, maintain, treat and remove trees and shrubbery within the right-of-way abutting streets, alleys, avenues and boulevards within the City. It shall be the duty of the owners of property abutting any sidewalk, street, avenue, alley or parking to cut and trim the branches and limits of any trees or shrubbery as provided in section 8-904 of this Code. It shall also be the duty of the owner or occupant of any property abutting any street, avenue, alley or parking to cut and remove any dead tree, dead branches, dead limbs or dead shrubbery upon their property which extends over any street, avenue or alley.

Sec. 13-502. Traffic Hazard.

If the Chief of Police, Public Works Director, or their designee, determines that any tree or shrubbery located on any private property abutting any sidewalk, street, avenue, alley or parking constitutes a traffic or pedestrian hazard, by dangerously obstructing the view of drivers of vehicles or traffic entering a street from an intersecting street, he or she shall notify the owner of such abutting property to remove the same, and it shall be the duty of the owner to remove the same.

Sec. 13-503. Trimming or Removal by City.

If the Governing Body determines that the owner of property abutting any sidewalk, street, avenue, alley or parking has failed to comply with the requirements of sections 13-501 and 13-502, the City may proceed to order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-504. Diseased or Infected Trees Upon Private Property.

It shall be unlawful to harbor any tree or plant or shrubs infected or infested with disease or insect pest or larvae. It shall also be unlawful to store or otherwise harbor on any property in the City, the material from any diseased or infected trees. Upon failure of the owner to remove such infected, infested and diseased trees, shrubs and other growth, the City may order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-505. Saving Clause.

Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree, shrub or growth which endangers persons or property, and nothing herein contained shall interfere with the suppression of pests or disease, including the Dutch Elm disease.

Sec. 13-506. Public Tree Protection Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in Section 13-506 *et seq.*, except where the context clearly indicates a different meaning:

Tree Manager means the Director of Public Works or his designee.

Covered property means real property located within the incorporated boundaries of the City that is owned, leased, or rented by the City, including all parkland and green space; and all easements and rights-of-way within the incorporated boundaries of the City that are used, in whole or in part, for a public road, highway or sidewalk.

Diameter at breast height (DBH) means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

Drip line means a vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

Owner means the person who has the legal title to the property or lessee, agent or other person acting on behalf of the titleholder with authorization to do so.

Protected tree means any tree that has a DBH of twelve inches (12") or more located on Covered Property. Trees that have received special care provided by the City for the treatment or prevention of disease or infestation may also be considered protected.

Protective/temporary fencing means a snow fence, chain-link fence, orange vinyl construction fence or other similar fencing with a minimum four-foot (4') height.

Replacement tree means a tree from the replacement tree list with a preferred caliper size of two and one-half inches (2.5") but a minimum of two inches (2"), measured twelve inches (12") from the ground and a total height of not less than seven feet (7') when planted.

Tree removal authorization means permission granted by the City to remove a protected tree.

Sec. 13-507. Enforcement and Penalty.

The Public Works Director or their designee shall serve as Tree Manager and have the authority to enforce the terms and conditions of this article. Any person, firm, corporation, agent, or employee thereof who violates any provision of this article shall be assessed an administrative fine of not more than five hundred dollars (\$500.00) for each incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident. In addition, all violations

shall be required to meet the requirements outlined under tree replacement provisions of this Section, or the Roeland Park Tree Fund. If any administrative fine or assessment to the Roeland Park Tree Fund shall remain unpaid thirty (30) days after receipt of notice of the imposition or assessment, the City may use any and all reasonable means available to collect the funds, including, but limited to, imposing a lien on the property for the amount of the fine or assessment.

Sec. 13-508. Appeal Process.

Any person, firm, corporation, agent, or employee thereof may submit a written appeal of a decision of the Tree Manager or designee to the Roeland Park Municipal Judge via the City Administrator's Office within ten (10) days of receipt of notice of the imposition or assessment. The appellant shall appear at a hearing before the Roeland Park Municipal Judge at the next regularly scheduled meeting. Any imposition or assessment affirmed or amended shall be paid to the City within fourteen (14) days to prevent the City from taking any and all reasonable means available to collect the funds, including, but not limited to, stop work orders or imposing a lien on the property for the unpaid portion of the fine or assessment.

Sec. 13-509. Applicability of Section.

The terms and provisions of this Section shall apply to all Covered Property.

Sec. 13-510. Roeland Park Tree Fund.

There is established a Roeland Park Tree Fund, which shall be a special account administered by the City. The Roeland Park Tree Fund shall be used only for purchasing, planting and maintaining of trees on covered property. The amount of payment required shall be calculated based on the following:

1. A property having 3 or more "Covered trees" in the public right of way adjacent to the front yard may remove a "Covered tree" and replace it with a "Replacement tree" without need to contribute to the tree fund.
2. A property having fewer than 3 "Covered trees" in the public right of way adjacent to the front yard may remove a "Covered tree" and replace it with-
 - a. One "Replacement tree" and pay \$500 to the tree fund
 - b. Two "Replacement trees" and pay \$250 into the tree fund
 - c. Three "Replacement trees" and pay no fee

If approved by the Tree Manager, an applicant or owner may make a \$1,000 payment into the Roeland Park Tree Fund in lieu of planting replacement trees, this would be an exception to the norm as the intent of the policy is to encourage the preservation of the tree canopy within the City by adding new trees when mature trees are removed. Any tree that is authorized for removal due to disease and health of the tree, or other public safety reasons, may have the mitigation fee waived provided at least one replacement tree is planted.

Sec. 13-511. Tree Protection.

Prior to demolition or construction, the following procedures shall be followed on all types of construction projects. It is the responsibility of the developer and/or contractor and his or her subcontractors to take appropriate action to preserve all protected trees and feature trees during all phases of construction.

(1) *Protective/temporary fencing.* Protective/temporary fencing shall be required for all protected trees and feature trees to prevent infringement on the root system from any construction-related activities. The protective fencing shall be installed according to tree diameter at breast height (DBH) as follows:

(a) Trees greater than twenty-eight-inch (28") DBH must have a fence to encompass a perimeter twenty feet (20') from center or seventy-five percent (75%) of drip line (whichever is lesser);

(b) Trees between twenty-inch (20") and twenty-eight-inch (28") inch DBH must have a fence to encompass a perimeter fifteen feet (15') from center of tree or seventy-five percent (75%) of drip line (whichever is lesser);

(c) Trees less than twenty-inch (20") DBH must have a fence to encompass a perimeter ten feet (10') from the center of the tree or seventy-five percent (75%) of the drip line (whichever is lesser).

Fencing shall exclude any preexisting structures, foundations, slabs, roadways, highways, and driveways. The fencing is to be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fencing must appear on construction documents and shall be installed prior to any other construction-related activity. The fencing shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.

(2) *Prohibited activities.* Prohibited activities adjacent to trees shall include the following:

(a) *Material storage.* No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any protected tree or feature tree.

(b) *Equipment cleaning/liquid disposal.* No equipment shall be cleaned, or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of a protected tree or a feature tree. This includes, without limitation, paint, old solvents, asphalt, concrete, mortar or similar materials.

(c) *Tree attachments.* No signs, wires or other attachments other than those of a protective nature shall be attached to any protected tree or feature tree.

(d) *Vehicular traffic.* No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.

(e) *Grade changes.* No grade changes in excess of two inches (2") (cut or fill) shall be allowed within the limits of the drip line of any protected tree or feature tree.

(f) *New impervious paving.* No new paving with asphalt, concrete or other impervious materials in a manner which may, in the reasonable discretion of the Tree

Manager, reasonably be expected to severely damage or kill a tree shall be placed within the limits of the drip line of a protected tree or a feature tree.

(g) *Exceptions.* Notwithstanding anything contained in this Section shall not prohibit work that is necessary to install, maintain, repair, replace or remove utility lines or activity that merely disrupts the surface of the ground.

Sec. 13-512. Tree Removal.

Authorization. No person, directly or indirectly, shall cut down, destroy, move or remove, or effectively destroy, any protected tree located on covered property without first obtaining tree removal authorization. Generally, if a tree removal authorization is granted, the applicant shall replace the protected trees being removed with replacement trees. A sufficient number of replacement trees shall be planted so that the total caliper of the replacement trees is equal to the caliper of the tree removed as measured at DBH. If, for whatever reason, planting replacement trees is deemed infeasible, the owner shall make payment to the Roeland Park Tree Fund.

Process. Owners must request tree removal authorization in writing to the Tree Manager. If the removal is in conjunction with a construction project, the written request must be submitted at the same time as the building permit application.

Authority to review; approval. The Tree Manager shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified in this article. Upon receipt of a completed application, the Tree Manager may take one (1) of the following actions:

(1) *Deferral of decision.* The Tree Manager may defer the approval of a tree removal authorization to the Board of Zoning Appeals for any reason. All decisions made by the Board of Zoning Appeals shall be final.

(2) *Approval.* The Tree Manager shall issue tree removal authorization provided the owner has agreed in writing to either meet the tree replacement criteria or make payment to the Roeland Park Tree Fund.

(3) *Replacement Tree List.* The Tree Manager shall determine which species are eligible as replacement trees based on size at maturity, appropriateness for this region, and the context of a specific site. The Tree Manager may maintain a list of required or preferred species based on any reputable or professional tree resources applicable to this region.

Authorization expiration. Tree removal authorization issued in connection with an approved building permit or site plan shall be valid for the period of that building permit's or site plan's validity. A tree removal authorization not issued in connection with an approved building permit or site plan shall become void after one hundred and eighty (180) days after the date of approval.

Authorization for removal of a protected tree with DBH > 30" feature tree. A protected tree with DBH > 30" may only be removed with approval from the City Council provided that one (1) of the following criteria is met. The burden of proof that a criterion has been met falls upon the applicant:

(1) The tree is dead. Commonly an expert such as a licensed arborist would provide confirmation to satisfy these criteria.

(2) The tree is diseased or dying and constitutes a threat to healthy trees, to property, or to public safety. Commonly an expert such as a licensed arborist would provide confirmation to satisfy these criteria.

(3) Removal of the tree is necessary for construction, development, or redevelopment, and:

(a) All reasonable efforts have been made to avoid removing the tree for construction/development and removal cannot be avoided.

(b) The presence of the tree places undue financial burden on the applicant.

(c) No other reasonable accommodations can be made to preserve the tree."

Section 2. This Ordinance shall become effective upon publication in the City's newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 23rd day of August 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS AMENDING MUNICIPAL CODE CHAPTER 13, ARTICLE 5 “TREES
SHRUBS AND GROWTH”**

WHEREAS, the City of Roeland Park desires to promote and preserve the general welfare of Roeland Park citizens and visitors by ensuring trees on the City’s property are protected.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS AS FOLLOWS:

Section 1. Chapter 13, Article 5 of the Roeland Park Municipal Code is hereby amended to read as follows:

“Sec. 13-501. Maintenance.

The City shall have the right to plant, maintain, treat and remove trees and shrubbery within the right-of-way abutting streets, alleys, avenues and boulevards within the City. It shall be the duty of the owners of property abutting any sidewalk, street, avenue, alley or parking to cut and trim the branches and limits of any trees or shrubbery as provided in section 8-904 of this Code. It shall also be the duty of the owner or occupant of any property abutting any street, avenue, alley or parking to cut and remove any dead tree, dead branches, dead limbs or dead shrubbery upon their property which extends over any street, avenue or alley.

Sec. 13-502. Traffic Hazard.

If the Chief of Police, Public Works Director, or their designee, determines that any tree or shrubbery located on any private property abutting any sidewalk, street, avenue, alley or parking constitutes a traffic or pedestrian hazard, by dangerously obstructing the view of drivers of vehicles or traffic entering a street from an intersecting street, he or she shall notify the owner of such abutting property to remove the same, and it shall be the duty of the owner to remove the same.

Sec. 13-503. Trimming or Removal by City.

If the Governing Body determines that the owner of property abutting any sidewalk, street, avenue, alley or parking has failed to comply with the requirements of sections 13-501 and 13-502, the City may proceed to order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-504. Diseased or Infected Trees Upon Private Property.

It shall be unlawful to harbor any tree or plant or shrubs infected or infested with disease or insect pest or larvae. It shall also be unlawful to store or otherwise harbor on any property in the City, the material from any diseased or infected trees. Upon failure of the owner to remove such infected, infested and diseased trees, shrubs and other growth, the City may order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-505. Saving Clause.

Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree, shrub or growth which endangers persons or property and nothing herein contained shall interfere with the suppression of pests or disease, including the Dutch Elm disease.

Sec. 13-506. Public and Private Tree Protection Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in Section 13-506 *et seq.*, except where the context clearly indicates a different meaning:

Tree Manager means the Director of Public Works or his designee.

Covered property means the front yard of privately owned lots or parcels as well as all right of ways, parkland, green space and city owned property within the incorporated boundaries of the City.

Diameter at breast height (DBH) means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

Drip line means a vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

Front Yard means the portion of privately owned land running the full width of a lot or parcel between the public street right of way line and the front elevation of the main building.

Owner means the person who has the legal title to the property or lessee, agent or other person acting on behalf of the titleholder with authorization to do so.

Protected tree means any tree that has a DBH of twelve inches (12") or more located on Covered Property. Trees that have received special care provided by the City for the treatment or prevention of disease or infestation may also be considered protected.

Protective/temporary fencing means a snow fence, chain-link fence, orange vinyl construction fence or other similar fencing with a minimum four-foot (4') height.

Replacement tree means a tree from the replacement tree list with a preferred caliper size of two and one-half inches (2.5") but a minimum of two inches (2"), measured twelve inches (12") from the ground and having a total height of not less than seven feet (7') when planted.

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Sec. 13-508. Appeal Process.

Any person, firm, corporation, agent, or employee thereof may submit a written appeal of a decision of the Tree Manager or designee to the Roeland Park Municipal Judge via the City Administrator's Office within ten (10) days of receipt of notice of the imposition or assessment. The appellant shall appear at a hearing before the Roeland Park Municipal Judge at the next regularly scheduled meeting. Any imposition or assessment affirmed or amended shall be paid to the City within fourteen (14) days to prevent the City from taking any and all reasonable means available to collect the funds, including, but not limited to, stop work orders or imposing a lien on the property for the unpaid portion of the fine or assessment.

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(1) *Protective/temporary fencing.* Protective/temporary fencing shall be required for all protected trees and feature trees to prevent infringement on the root system from any construction-related activities. The protective fencing shall be installed according to tree diameter at breast height (DBH) as follows:

(a) Trees greater than twenty-eight-inch (28") DBH must have a fence to encompass a perimeter twenty feet (20') from center or seventy-five percent (75%) of drip line (whichever is lesser);

(b) Trees between twenty-inch (20") and twenty-eight-inch (28") inch DBH must have a fence to encompass a perimeter fifteen feet (15') from center of tree or seventy-five percent (75%) of drip line (whichever is lesser);

(c) Trees less than twenty-inch (20") DBH must have a fence to encompass a perimeter ten feet (10') from the center of the tree or seventy-five percent (75%) of the drip line (whichever is lesser).

Fencing shall exclude any preexisting structures, foundations, slabs, roadways, highways, and driveways. The fencing is to be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fencing must appear on construction documents and shall be installed prior to any other construction-related activity. The fencing shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.

(2) *Prohibited activities.* Prohibited activities adjacent to trees shall include the following:

(a) *Material storage.* No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any protected tree or feature tree.

(b) *Equipment cleaning/liquid disposal.* No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of a protected tree or a feature tree. This includes, without limitation, paint, old solvents, asphalt, concrete, mortar or similar materials.

(c) *Tree attachments.* No signs, wires or other attachments other than those of a protective nature shall be attached to any protected tree or feature tree.

(d) *Vehicular traffic.* No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.

(e) *Grade changes.* No grade changes in excess of two inches (2") (cut or fill) shall be allowed within the limits of the drip line of any protected tree or feature tree.

(f) *New impervious paving.* No new paving with asphalt, concrete or other impervious materials in a manner which may, in the reasonable discretion of the Tree Manager, reasonably be expected to severely damage or kill a tree shall be placed within the limits of the drip line of a protected tree or a feature tree.

(g) *Exceptions.* Notwithstanding anything contained in this Section shall not prohibit work that is necessary to install, maintain, repair, replace or remove utility lines or activity that merely disrupts the surface of the ground.

Sec. 13-512. Tree Removal.

Authorization. No person, directly or indirectly, shall cut down, destroy, move or remove, or effectively destroy, any protected tree located on covered property without first obtaining tree removal authorization. Generally, if a tree removal authorization is granted, the applicant shall replace the protected trees being removed with replacement trees. A sufficient number of replacement trees shall be planted so that the total caliper of the replacement trees is equal to the caliper of the tree removed as measured at DBH. If, for whatever reason, planting replacement trees is deemed infeasible, the owner shall make payment to the Roeland Park Tree Fund.

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Authority to review; approval. The Tree Manager shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified in this article. Upon receipt of a completed application, the Tree Manager may take one (1) of the following actions:

(1) *Deferral of decision.* The Tree Manager may defer the approval of a tree removal authorization to the Board of Zoning Appeals for any reason. All decisions made by the Board of Zoning Appeals shall be final.

(2) *Approval.* The Tree Manager shall issue tree removal authorization provided the owner has agreed in writing to either meet the tree replacement criteria or make payment to the Roeland Park Tree Fund.

(3) *Replacement Tree List.* The Tree Manager shall determine which species are eligible as replacement trees based on size at maturity, appropriateness for this region, and the context of a specific site. The Tree Manager may maintain a list of required or preferred species based on any reputable or professional tree resources applicable to this region.

Authorization expiration. Tree removal authorization issued in connection with an approved building permit or site plan shall be valid for the period of that building permit's or site plan's validity. A tree removal authorization not issued in connection with an approved building

permit or site plan shall become void after one hundred and eighty (180) days after the date of approval.

Authorization for removal of a protected tree with DBH > 30". A protected tree with a DBH > 30" may only be removed with approval from the City Council provided that at least one (1) of the following criteria is met. The burden of proof that a criteria has been met falls upon the applicant:

(1) The tree is dead. Commonly an expert such as a licensed arborist would provide confirmation to satisfy these criteria.

(2) The tree is diseased or dying and constitutes a threat to healthy trees, to property, or to public safety. Commonly an expert such as a licensed arborist would provide confirmation to satisfy these criteria.

(3) Removal of the tree is necessary for construction, development, or redevelopment, and:

(a) All reasonable efforts have been made to avoid removing the tree for construction/development and removal cannot be avoided.

(b) The presence of the tree places undue financial burden on the applicant.

(c) No other reasonable accommodations can be made to preserve the tree."

Section 2. This Ordinance shall become effective upon publication in the City's newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 23rd day of August 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney

III. Business from the Floor - Proclamations/Applications/Presentation

A. Continue Discussion of Tree Preservation Policy

Chris Brewster from Gould Evans updated the proposed tree preservation policy since the last meeting and went over some of the highlights. Included updates are a cap on the fee with no excessive penalties or fees on very large trees. Options for mitigation have been added. Lots with significant front trees can be individually evaluated. There is a clarification that a protected tree can be removed for disease or safety issues and a fee will not be charged. Also, a replacement of one to one for a tree has been added. The City Administrator's office will maintain a species list for what is appropriate to plant as a replacement.

City Administrator Moody said the policy is based on Fairway's program and with input from their own Sustainability Committee. He said their preference is for education over regulation. A decision will need to be made whether the policy will pertain to public right-of-way trees or those trees in addition to private frontage trees. Mr. Moody said that most trees of concern are on private property with one-third in the right-of-way and two-thirds on private property.

Mr. Brewster said the possible areas to protect along with the frontage and public right-of-way trees are also perimeter trees or all trees in the City. Trees that are older and more established have a greater impact than less established and they need to decide how to protect them if removed, removed with mitigation, or removed with payment. He suggested having a base of taking one out and planting three in its place. If the homeowner does not want to replace, they can pay a fee of \$1,000 maximum unless the tree is diseased or is creating a safety hazard. Mr. Brewster said the policy will help them target unnecessary tree removals.

Mayor Kelly said he appreciated the diligent work on this. He added that when they speak about a fee being waived for disease or public safety reasons that public safety can also be a nuisance such as tree roots growing into a water line, for example. Mr. Brewster said the ordinance is flexible in that regard and that a tree manager can make that decision. He also added that tree roots generally grow in search of water and do not break pipes to look for it. If there are tree roots in the pipes, then there was a problem not caused by the trees.

CMBR Hill said on page 5, regulating front yard trees, she would like the potential caliper size versus the actual size. City Administrator Moody said the approach wasn't anticipating that the ultimate girth would be replaced. Tree replacement would be to provide for a variety and provide guidance to get the right tree in the right place.

CMBR Faidley asked about the tree survey. Mr. Brewster said it will be good to know the number of frontage trees and right-of-way trees, as well as who the tree belongs to as some might assume a right-of-way tree is on their property. He added that MARC has

been doing research on the tree canopy and studying the urban tree forest over the last ten years. CMBR Faidley said as a Tree City that is good to know.

CMBR Raglow asked about trees that are damaged by weather related incidents and the unsightly utility tree trimmings. Mr. Brewster said a tree expert can tell whether tree is diseased and dying. As for the utility companies, he said they are not concerned about the tree at all. They have a broad view of what they want to do and that their trimmings can expose the trees to disease.

CMBR Brauer said she is in support of protecting their trees, but she does have reservations about people on their property not being able to remove them or have an ability to add solar panels or a garden. She also asked about people looking to expand their home. She notes that homes in Roeland Park are smaller, and they are wanting to keep their residents in the City. She said it gives her pause fining people for cutting down a tree.

CMBR Rebne said he was raised and taught to honor private property and their right to say what happens with it. He noted that there is a significant degree of tension and noted that the ordinance does include education. He asked what commitment they are willing to make to help a homeowner maintain his trees.

Mr. Brewster said a lot of the fee cap was based on the private/public tension. He also noted that trees are often underappreciated in what they do for a property. Not only do they raise the property value of the lot they are, but they also add value to the properties around them.

CMBR Rebne asked if property owners will know up front which trees are protected. Mr. Brewster said as part of the public education piece of this will be explaining the benefits and what is protected. He also added that many times a tree canopy provides more benefits than solar, but people will be able to explore the cost and benefits of different options.

City Administrator Moody said the tree inventory would be available for public review and incorporated into their City website as well as the educational information. He said there needs to be an effort on behalf of the City to try to raise awareness. In creating these standards, they are also creating consistency among their neighborhoods and consistency of use. He added that a property owner has the right to use their land, but it is common for a city to develop regulations to guide the development and use of the land.

CMBR Madigan said he is having a hard time understanding why they are discussing this when two-thirds of the people are not supportive of City authorization or the preservation fund. He said that NextDoor has been very active on this topic, and he has reviewed the comments and people do not support interference on their property. He

said that people were surprised to find the fund went to help the City plant trees and not to help the residents plant trees.

CMBR Faidley asked what the rationale was to not include the perimeter trees. City Administrator Moody said it was a compromise.

CMBR Hill said the reason this all came about is when trees were cut down on Reinhart to allow for a sidewalk because they couldn't get an easement. She said there is a want and a need to continue this conversation.

There was majority consensus to continue the conversation at a future date.

Mayor Kelly said he sees the value of doing both types of trees, and also the need for education. He added that this would need to become a budget objective. His recommendation would be to begin with the public trees and look to include private front yard trees in the future.

CMBR Faidley said she agreed with the Mayor and that they need to do for both public and private trees. She agrees it is a big price tag, but first they need to do the education component.



Roeland Park Sustainability Committee

Tree Protection Policy & Ordinance

City Council Work Session
December 20, 2021

gouldevans

Why Do This?

Economic benefits

- Increase property values
- Promote more active civic and commercial spaces
- Civic / neighborhood pride and aesthetics

Transportation benefits

- Slower, safer streets
- More comfortable and inviting walk / bike

Public health benefits

- Less heat-related illness
- Improved air quality and less respiratory illness
- Increased active living

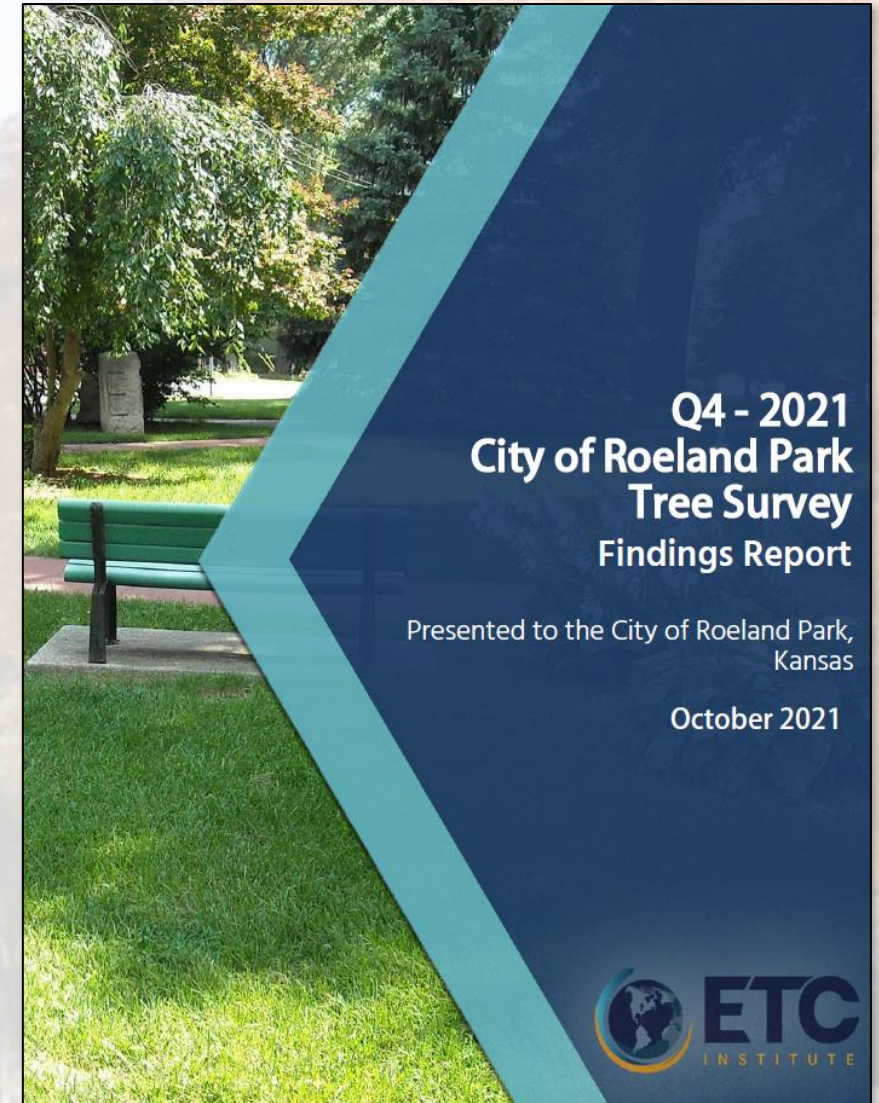
Climate adaptation & ecosystem services

- Protect against flooding
- Reduce heat island effects
- Reduce greenhouse gas and absorb pollutants in runoff

All trees produce these benefits, but **older and larger trees produce them at far higher levels.** Therefore, it is important to protect older and more established trees

Survey Results:

- Less support for required authorization to remove
- More support for requiring replacement vs. fees
- <https://www.goulddevans.com/studio/pi/treedist/> Concern over cost implications
- Preference for education over regulation
- Distinction between public and private trees



3 Key Questions:

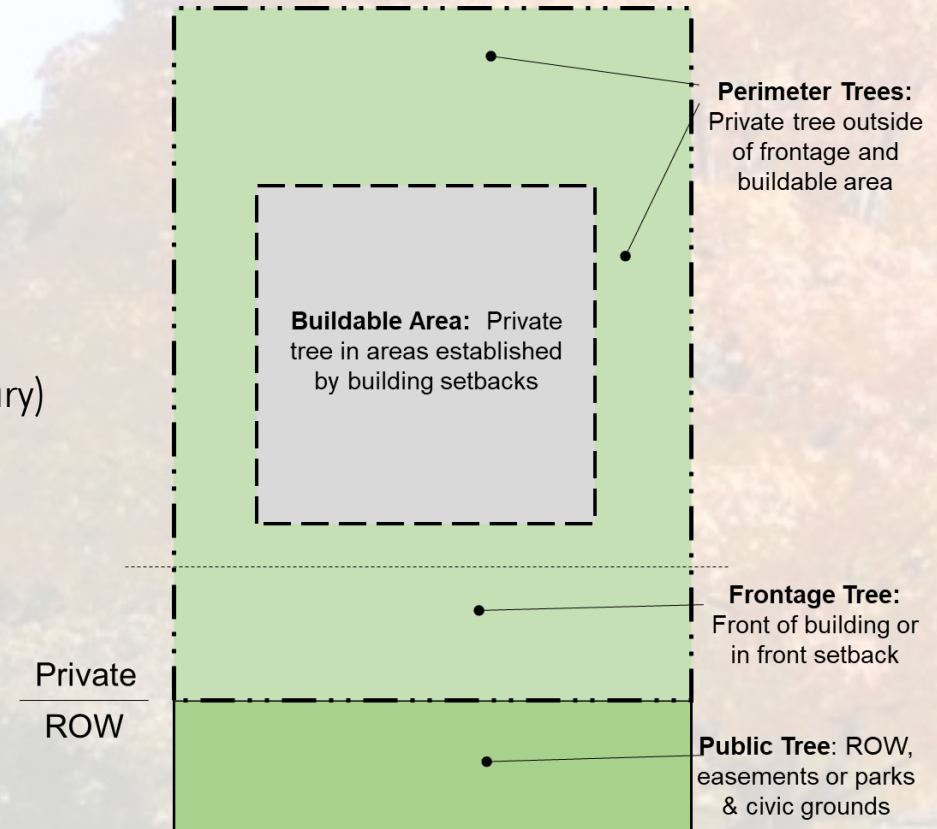
What areas to protect?

What is protected (size)?

How is protected (removal / mitigation requirements)?

What areas to protect:

- ☐ Public trees only? (*right-of-way, easements, parks, civic grounds*)
- ☐ Frontage trees? (*front of building or in front setback*)
- ☐ Perimeter trees? (*side and rear setbacks or w/in 10' of property boundary*)
- ☐ All trees? (*including potentially buildable areas of private lots*)

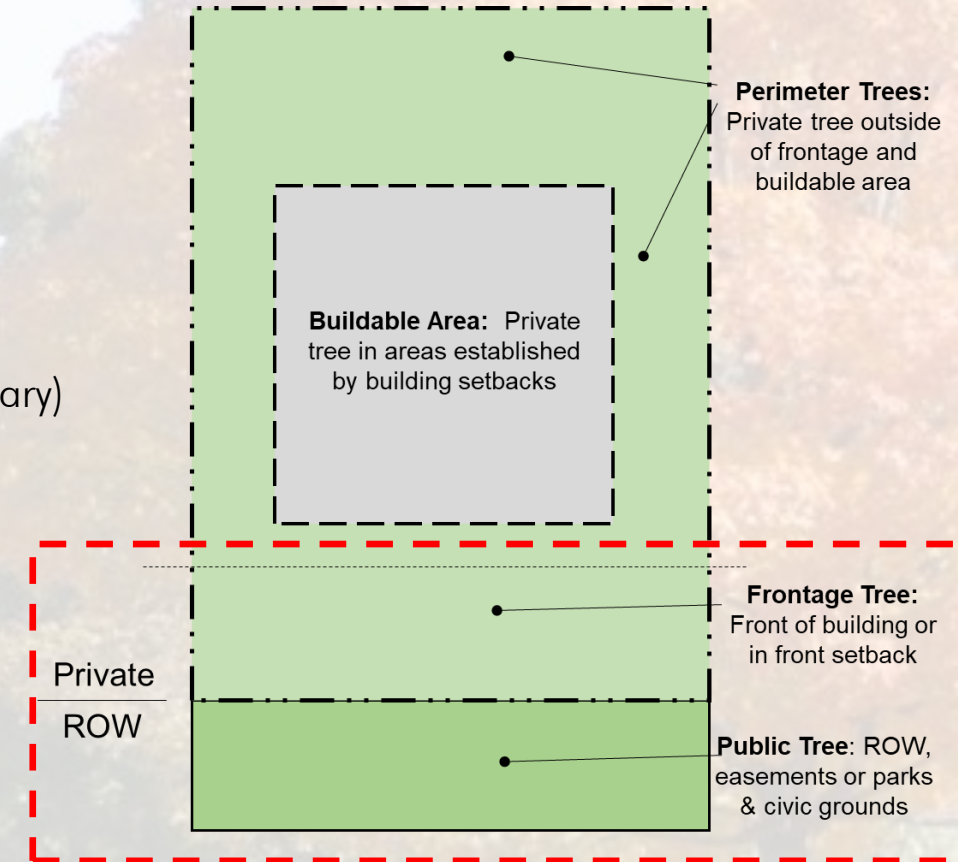


What areas to protect:

- ☒ **Public trees only?** (*right-of-way, easements, parks, civic grounds*)
- ☒ **Frontage trees?** (*front of building or in front setback*)
- ☐ **Perimeter trees?** (*side and rear setbacks or w/in 10' of property boundary*)
- ☐ **All trees?** (*including potentially buildable areas of private lots*)

Staff Draft:

- Option 1 - Public & Frontage Trees
- Option 2 – Public Trees Only



What size is protected:

- ☐ Only very large trees? (30" dbh) 90 yr 200 yr+
- ☐ Large trees? (18" - 24" dbh) 50 yr 150 yr+
- ☐ Medium trees? (12" dbh) 20 yr 85 yr+
- ☐ Established trees? (6" -8" dbh) 5 yr 50 yr+
- ☐ All trees? (any dbh) 0 yr 10 yr+

** Most trees are 5 to 10+ years at planting*

Approximate sizes based on range of growth factors; size is highly dependent on species and whether it is a fast or slow growth species

What size is protected:

| | | |
|--|-------|---------------------|
| <input checked="" type="checkbox"/> Only very large trees? (30" dbh) | | 90 yr 200 yr+ |
| <input checked="" type="checkbox"/> Large trees? (18" - 24" dbh) | | 50 yr 150 yr+ |
| <input checked="" type="checkbox"/> Medium trees? (12" dbh) | | 20 yr 85 yr+ |
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| <input type="checkbox"/> All trees? (any dbh) | | 0 yr 10 yr+ |

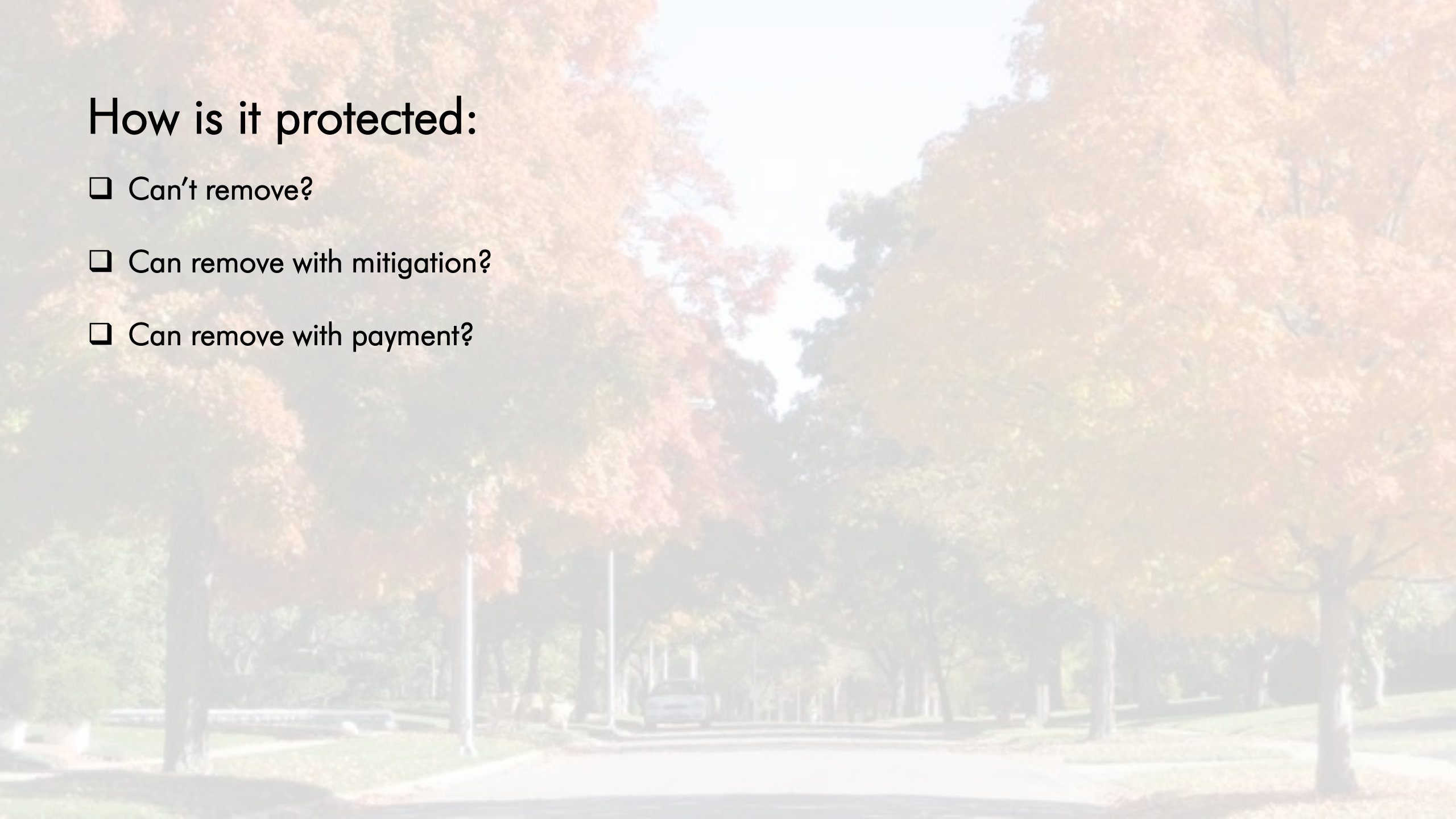
** Most trees are 5 to 10+ years at planting*

Approximate sizes based on range of growth factors; size is highly dependent on species and whether it is a fast or slow growth species

Staff Draft

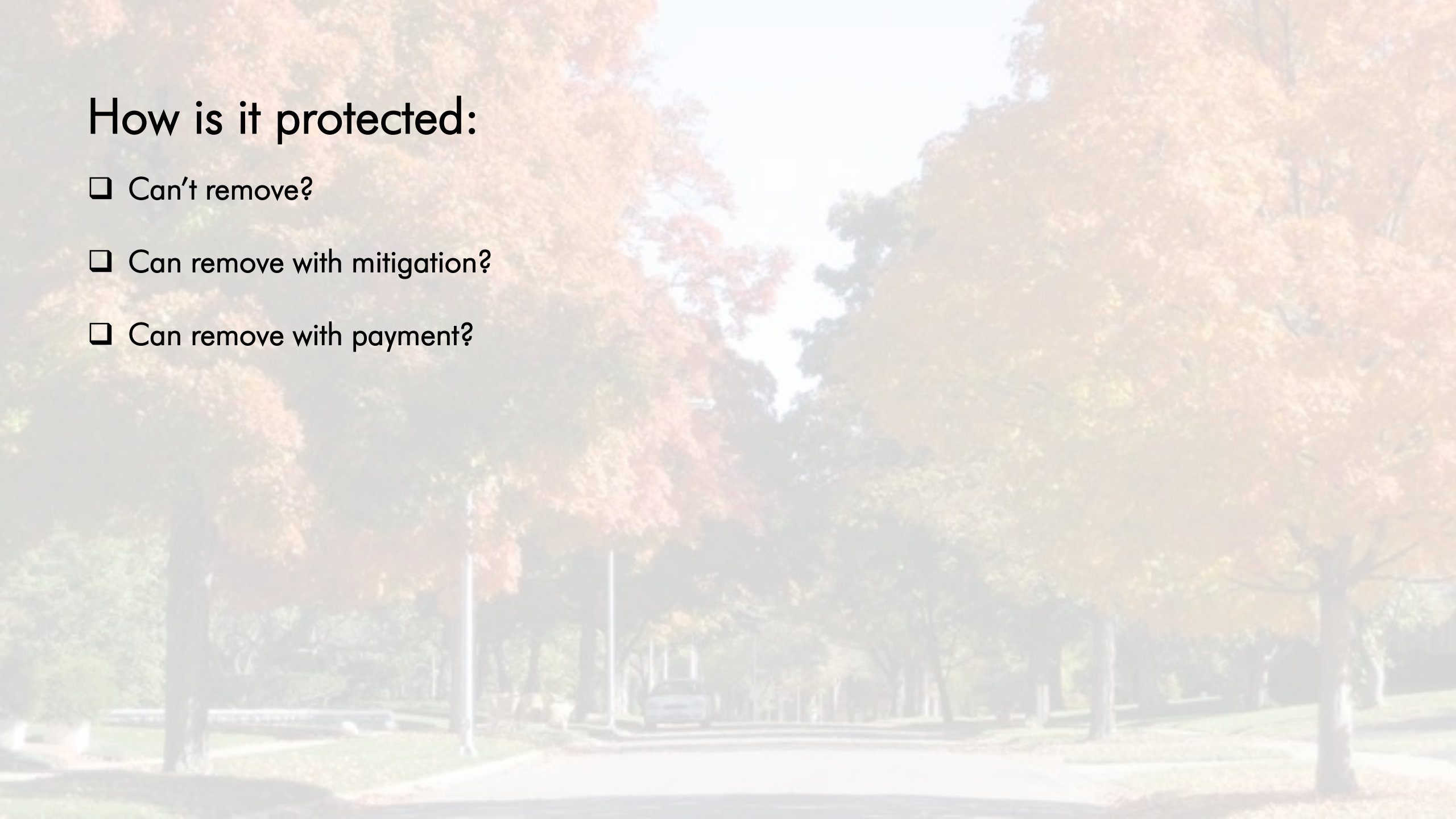
How is it protected:

- ☐ Can't remove?
- ☐ Can remove with mitigation?
- ☐ Can remove with payment?



How is it protected:

- ☐ Can't remove?
- ☐ Can remove with mitigation?
- ☐ Can remove with payment?



How is it protected:

☑ Can't remove?

•----- For any tree 30" dbh+ ; City Council approval

☑ Can remove with mitigation?

☑ Can remove with payment?



Revised Mitigation Approach:

- Replace with 1 tree = \$500 fee
- Replace with 2 trees = \$250 fee
- Replace with 3 trees = No fee
- No mitigation if more than 3 covered trees remain
- Option for no replacement = \$ 1,000 fee.
- Fee waived if tree replaced due to diseases or public safety reasons.

Staff Draft

Rationale:

- *Based on “replacement value,” not the value of the loss of older trees:*
 - *Encourages planting more trees for long-term health of canopy.*
 - *Fees based on value of new trees, not the loss of older growth trees.*
 - *Fees / mitigation capped at 3 per lot frontage.*
 - *Should corresponded with public education component – proactive tree planting and/or public street tree program.*
- *Fee only applies if trees unnecessarily removed. No fee if:*
 - *Tree removed for disease or public safety reasons; OR*
 - *Tree removed and lot frontage retains sufficient “covered trees” (3 or more trees); OR*
 - *3 trees planted back (mitigating entirely with re-planting).*
- *Owner option for no trees, with removal fee:*
 - *\$1,000 reflects loss of public / neighborhood benefit and replacement value at other locations.*

An aerial photograph of a river network, likely a delta or estuary, with a semi-transparent green overlay. A white rectangular box is drawn over the central part of the image, highlighting a specific area. The word "Discussion" is written in white text within this box.

Discussion

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Degrees of protection / options....

What is protected? (combinations of the following...)

- Public vs. Private (and private can be further refined – frontage, lot, buildable area)
- Distinctions in sizes as to if they are protected. (and based on area, different sizes can be protected._
- Only at some critical mass of development activity vs. all time (or a variation of ranges / activities / trigger events)

How is it protected?

- Can't remove (without permission... public private distinction...)
- If you remove you mitigate
 - Replace with equal inches
 - Replace with at least one and pay a fee for the rest
 - Replace with at least one, but up to ## additional trees based on size.
 - Pay a fee and not have a tree... (who would decide if this is an option since you are losing the objective)...

How is protection measured...

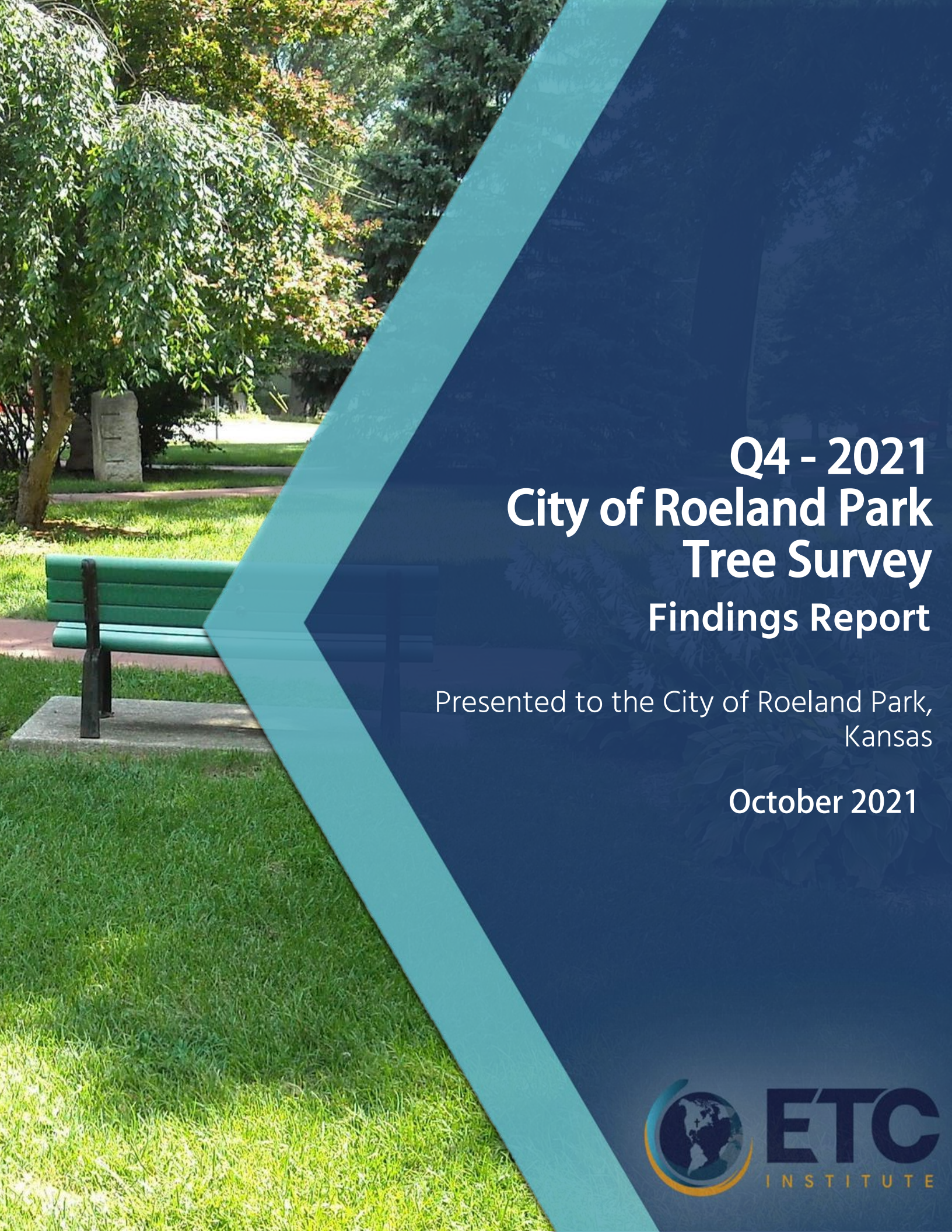
- Against removing an existing tree.
- Against removing so that property is deficient... but deficient to what standard (i.e. need a street tree or property landscape standard to measure against.)
- How is on-going enforcement addressed – formal obligation to keep in place or replant if removed, diseased, or dying.

Cost issues... comes up in 3 places;

- Cost to do the work (remove / plant / etc.) (mitigation)
- Cost for mitigation (fee for not putting it in OR fee for making up the difference for what went out vs. what went in) (mitigation / deterrent)
- Penalty – either for violating the ordinance OR for choosing to remove larger and/or priority trees. (deterrent)
- Exceptions: can the fees / mitigation be waived for reasonable removals or lessor priority trees? (could get complex)
- Exceptions: can the fees / mitigation be capped above some certain point for any removal... (could undermine purpose / deterren)

1

Charts and Graphs:



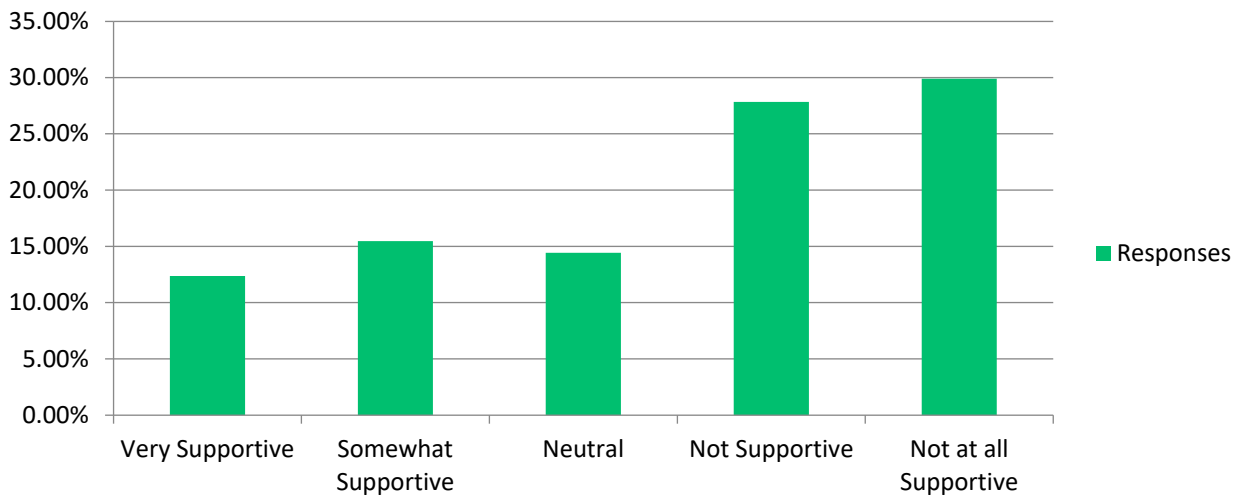
Q4 - 2021 City of Roeland Park Tree Survey Findings Report

Presented to the City of Roeland Park,
Kansas

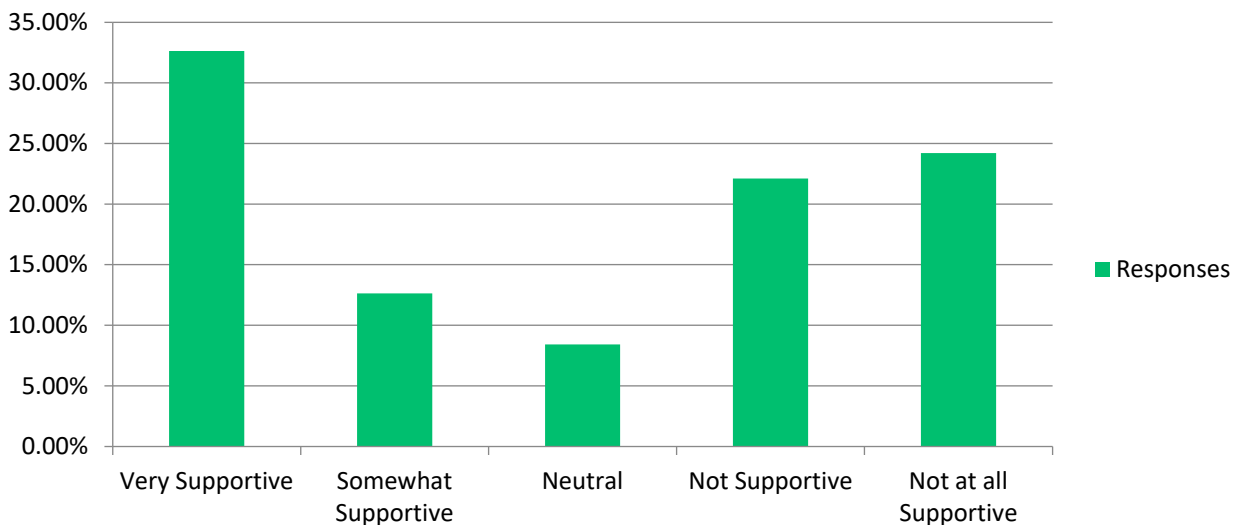
October 2021



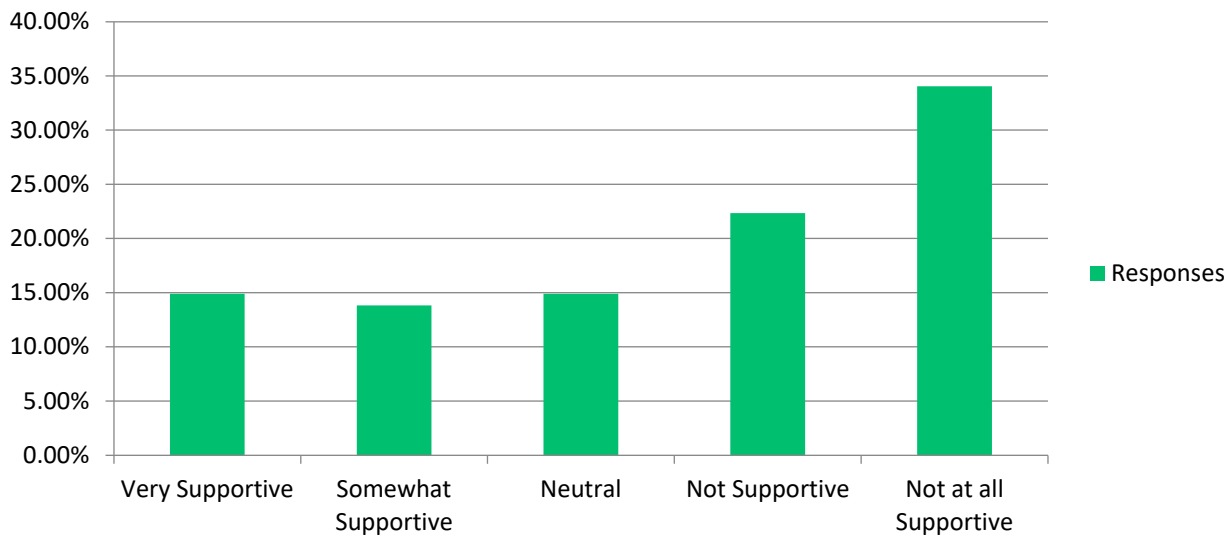
Q1. How supportive would you be of the City of Roeland Park implementing regulations requiring a property owner to secure City authorization to remove a tree from their property or the right of way adjacent to their property?



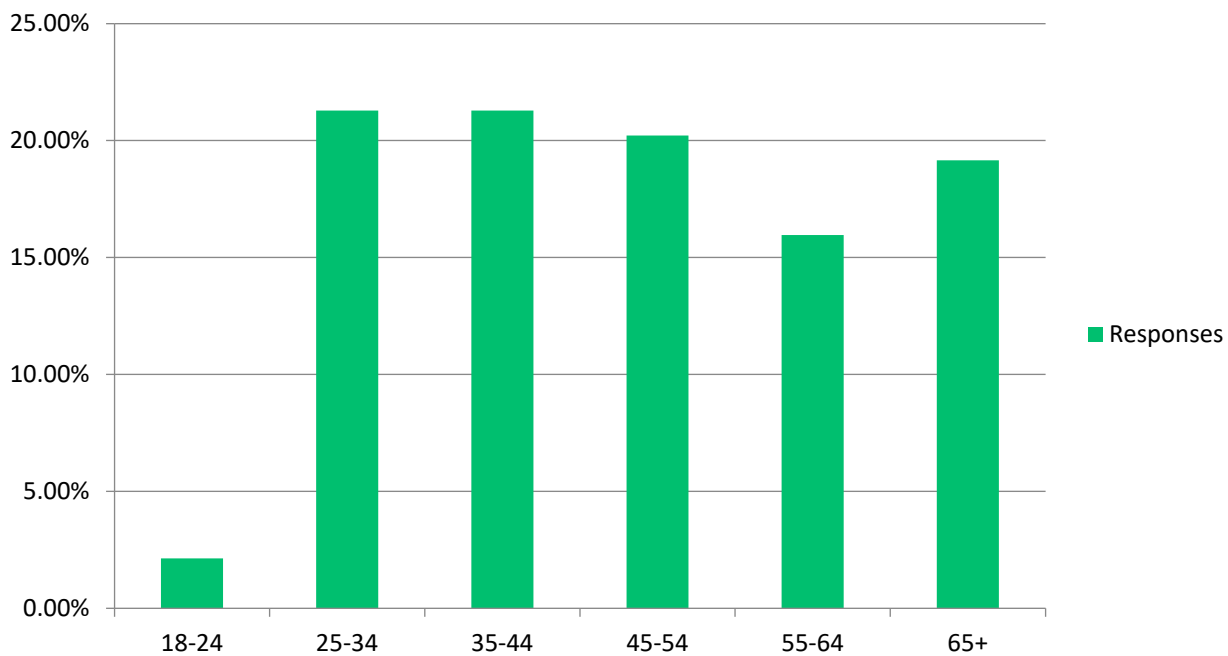
Q3. How supportive would you be of the City requiring residents who remove a mature tree on their property to replace that tree by planting new trees on their property?



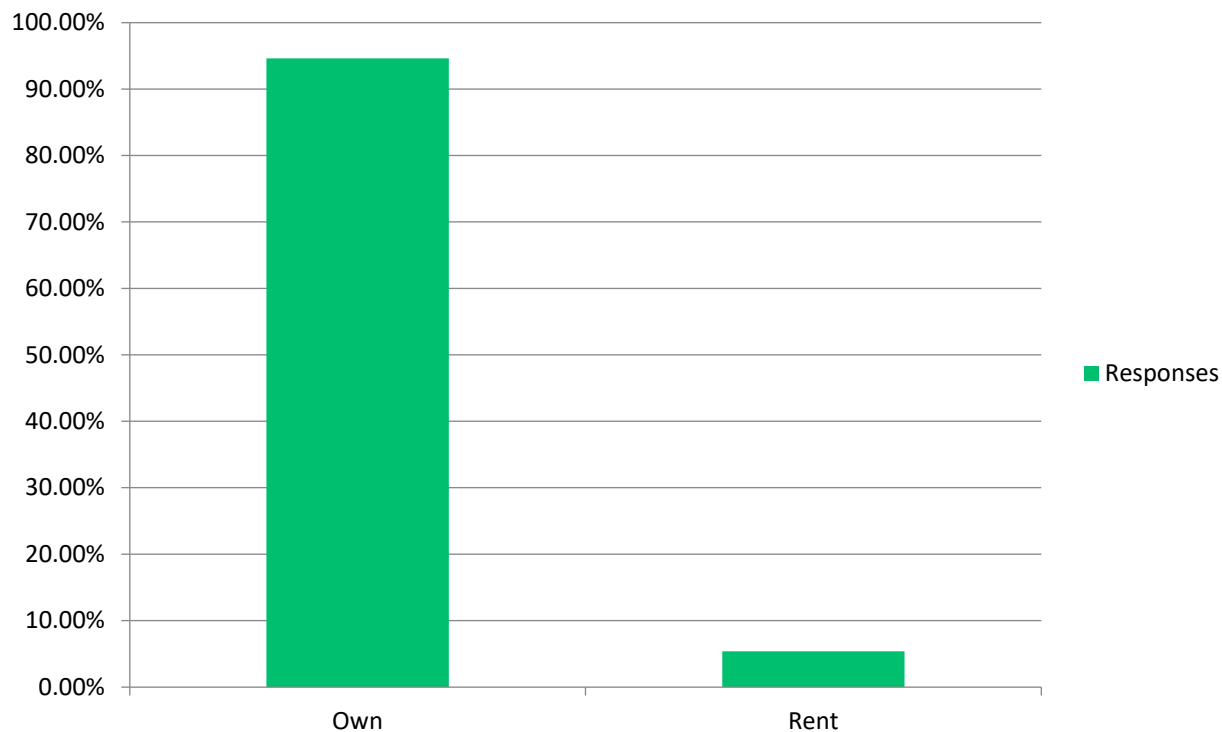
Q5. How supportive would you be of the City requiring residents who remove a mature tree on their property to pay into a tree preservation fund? The tree preservation fund would be used by the City of Roeland Park to maintain trees on public property and could



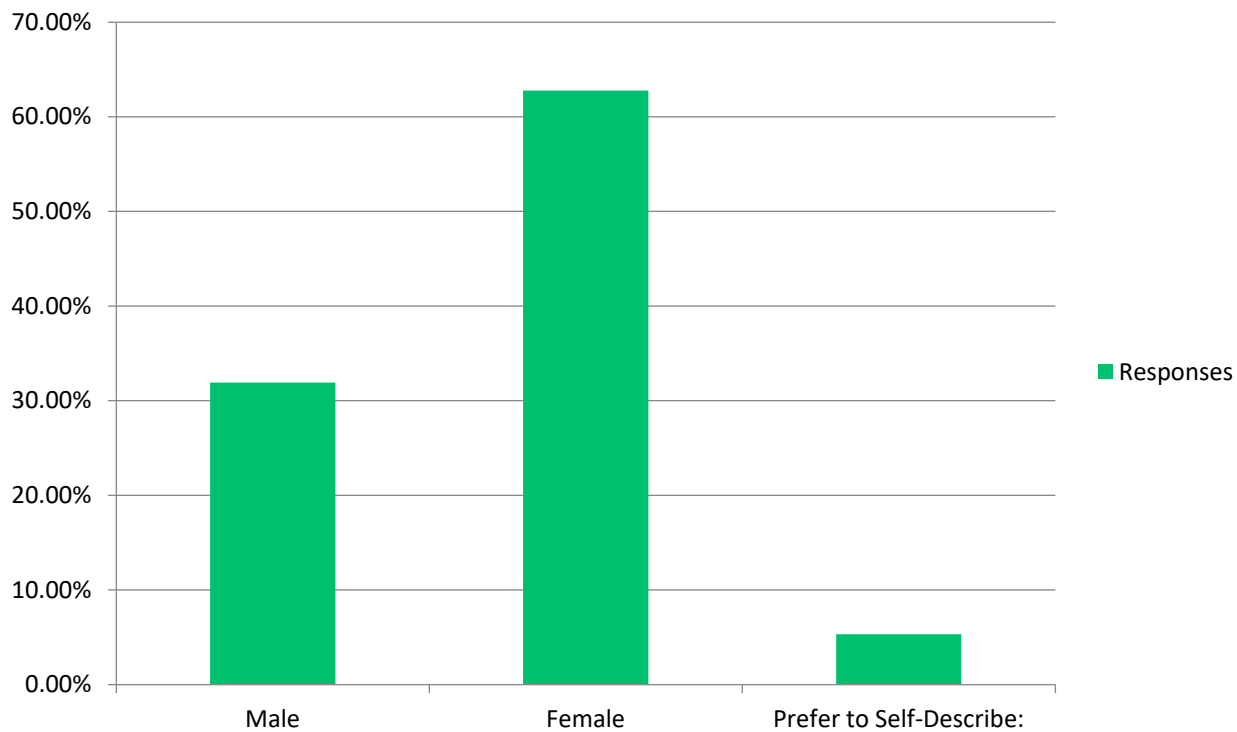
Q7. Your age:



Q8. Do you own or rent your home?



Q9. Your gender:



2

Tabular Data

Roeland Park Tree Survey Results

(N=98, margin of error +/-9.9% at the 95% level of confidence)

Q1. How supportive would you be of the City of Roeland Park implementing regulations requiring a property owner to secure City authorization to remove a tree from their property or the right of way adjacent to their property?

| Answer Choices | Percentage % |
|-----------------------|----------------|
| Very Supportive | 12.37% |
| Somewhat Supportive | 15.46% |
| Neutral | 14.43% |
| Not Supportive | 27.84% |
| Not at all Supportive | 29.90% |
| GRAND TOTAL | 100.00% |

Q3. How supportive would you be of the City requiring residents who remove a mature tree on their property to replace that tree by planting new trees on their property?

| Answer Choices | Percentage % |
|-----------------------|----------------|
| Very Supportive | 32.63% |
| Somewhat Supportive | 12.63% |
| Neutral | 8.42% |
| Not Supportive | 22.11% |
| Not at all Supportive | 24.21% |
| GRAND TOTAL | 100.00% |

Q5. How supportive would you be of the City requiring residents who remove a mature tree on their property to pay into a tree preservation fund? The tree preservation fund would be used by the City of Roeland Park to maintain trees on public property and could be used to fund planting trees on private property when the owner meets certain low-income criteria.

| Answer Choices | Percentage % |
|-----------------------|----------------|
| Very Supportive | 14.89% |
| Somewhat Supportive | 13.83% |
| Neutral | 14.89% |
| Not Supportive | 22.34% |
| Not at all Supportive | 34.04% |
| GRAND TOTAL | 100.00% |

DEMOGRAPHICS

| Q7. Your age: | |
|-----------------------|---------------------|
| Answer Choices | Percentage % |
| 18-24 | 2.13% |
| 25-34 | 21.28% |
| 35-44 | 21.28% |
| 45-54 | 20.21% |
| 55-64 | 15.96% |
| 65+ | 19.15% |
| GRAND TOTAL | 100.00% |

| Q8. Do you own or rent your home? | |
|--|---------------------|
| Answer Choices | Percentage % |
| Own | 94.62% |
| Rent | 5.38% |
| GRAND TOTAL | 100.00% |

| Q9. Your gender: | |
|-------------------------|---------------------|
| Answer Choices | Percentage % |
| Male | 31.91% |
| Female | 62.77% |
| Prefer to self-describe | 5.32% |
| GRAND TOTAL | 100.00% |



Open Ended Responses

Roeland Park Tree Survey Results

Open-Ended Responses

Q2. If you gave a “not supportive” or “not at all supportive” response to Q1, please tell us why.

What right do you have to tell a property owner what they can and cannot do? Are you a bunch of Communists?

If a tree needs to come down, it's the property owners decision. Should not have to go through bureaucracy to do what must be fine. A tree dropping limbs every other week needs to come down.

1) Worry that it will become a more costly & bureaucratic effort (cost of specialized arborist, time spent convincing city council, and more money). “Most” folks who cut down trees have valid reasons (tree is dying or diseased, or tree is damaging house via its roots or limbs).

2) If the city agrees to pay for any damages done to property for said tree that is forced to stay then maybe I would concede.

3) Open to reasonable idea of requiring another tree of similar type to be replanted (but knowing that it will take years to become a “big” tree). Not open to expecting someone to replant the same “immediate sized tree” to fill the space.

4) RoPa has beautiful trees, yes! But I really feel the city should try to first manage/enforce some of its less costly ordinances (parking, grass on sidewalks/curbs cracks, trash bins that don't stay in the open all week, noise after 10 pm, etc). These cost the city tax payer less and would also beautify the city.

5) Trimming a tree is costly enough (\$1000s). I honestly don't believe folks are cutting down trees just for the fun of it.

6) Incentive planting more trees, but don't make it a huge ordeal (financial & time) for a family who needs to maintain their property & home. They are not spending \$1000 because they want to. Trust me.

It's my property, my right to decide. Will the city pay when a branch comes down and damages someone's property?

It's owned by the home owner not the city or other residents

Trees are just so expensive to remove. If this is gonna happen. It would be helpful if there is a grant or City money to help with this.

We pay significant property taxes to own our homes and land. To go through yet another bureaucratic headache to do something with our property would be less than ideal

I don't see a need to add a layer of 'red tape' to remove a tree from property that I own. When a tree needs to come down b/c of pest damage, weather, etc and time is a concern, why further burden the homeowner?

Although I understand wanting to preserve aging trees, I feel the owner has the right to decide what is appropriate for their property

As a property owner, you make your own decisions. At some point, trees become hazardous. Why should my life be put at risk because you might disagree with me on what the level of risk is?

I don't want to allow the city a say over my personal residence.

If the city is going to demand it REMOVED then the city should REMOVE IT

It would make it difficult/a headache if a tree needs to be cut down.

Too much red tape

Because permission might not be given for homeowner to remove a tree

Q2. If you gave a “not supportive” or “not at all supportive” response to Q1, please tell us why.

| |
|--|
| I believe it's the owners decision on their personal property to determine what can cut down. We've removed two trees on our property and if RP would need to be on board, that's seems a bit over reaching. There needs to be more done about run down homes and the city not enforcing those codes, before enacting more. |
| Property owners should have the right to decide what plantings and landscaping is appropriate for their property. Requiring city approval infringes on the current rights of property owners. |
| The city makes me get permission to do a lot. I don't know that they should need me to get permission to cut down a tree. That seems excessive. |
| Home owners should retain control over everything on their private property, not the City. |
| That should be the property owners decision-with the exception of a clearly dead or dying/dangerous tree |
| It is my property. The city did not give us choices when you cut my trees when you expanded Elledge |
| I think roeland park needs to worry about there own problems. I had a mess in front of my house for 5 months. |
| My property, my decision, my rights |
| Concerns of the turnaround time for approval to remove |
| Its my private property and my business. |
| The notion is ridiculous so the way through the survey. This is no different than how an HOA acts when they're a power struggle. Someone there thinks making a change, even for the sake of changing, is a good idea. You fine already for dead trees, overgrown vegetation, grass clippings in yard if you deem them an eyesore. Yet, you'd like to charge someone for cleaning up their own property, not the city council's land The level of manipulation and deception portrayed by the mere proposal of this, and while still obfuscating the truth as to why(someone wants to pad their resume and say "my proposal brought in \$XX"), and then saying it is for the low-income household. Unbelievable. |
| The property owner owns the land |
| Homeowners should be able to decide what they would like or would not like in there yards. |
| It's my tree and if it needs to come out that's my decision. I know what's best for my property, not the city. |
| Not your business. It's your property you can do what you want. This is a complete overstep by the city government |
| That tree is on the owner's property and is there's to deal with. Unless it is a safety issue |
| I think the property owner should be free to make decisions on the use of their property. |
| It's my land |
| I am a conservationist and environmentalist. I plant a tree every six months. I support education and help for homeowners to plant native trees and care for their trees. But to require government permission to remove a tree on your property seems unAmerican to me. People should have the right to determine what plants grow on their property. Roeland Park is a small city. It shouldn't be too hard to educate people about the importance of maintaining mature trees. |
| I love trees. I hope new-build homes preserve as many trees on their lots as possible. But above all else, I prefer small government. I want the people to have the right to make their own decision-making, not seek approval from the government. |

Q2. If you gave a “not supportive” or “not at all supportive” response to Q1, please tell us why. (Continued)

I'm not sure why I have to explain my answer. But I don't think we should have any regulations that inhibit a property owner from deciding whether to remove a tree or not. That's not governments job. I'm all for tree preservation but that seems like a complete waste of time and substantial government overreach.

The tree is part of my property and if I need to remove it because of disease or other reason, I should not need city approval to remove it.

That decision should remain the sole right of the property owner. I'm curious as to why would anyone think otherwise?

I think tree removal is a decision to be made by the property owner

This city is out of control!

I think this is the property owners decision

I ask the council and mayor to please explain how another regulatory requirement on trees on private property promotes the safety & protects the well-being of the citizens.

Provided growth does not interfere with city infrastructure, we reserve the right to our private property.

Without knowing what the city's authorization process would be, I can't support this policy. Homeowners own the property, including landscape, on their real estate and I believe know when it's appropriate to remove such property, to include trees, shrubs, flower beds, etc.

We had no say so when you took our trees out to widen Elledge. I don't want to give up our rights

It's an infringement of my rights and a taking of value from me.

1-why should a homeowner and landowner be required to get permission from the city to remove a piece of their own property.

2. All these recent proposals are lending credence to the premise that RP elected officials are power hungry or want to make changes for the sake of making changes to pad the ole resumes.

3. Very concerning that a City wants to operate as HOA.

Given that no reasoning/justification for such a proposal has been provided, I do not support a requirement for yet another City approval/permit. I would be willing to reconsider my position if the Council were to provide a reasonable justification for such a change.

It's a tree!

MY PROPERTY MY CHOICE

just because

Q4. If you gave a “not supportive” or “not at all supportive” response to Q3, please tell us why.

I don't have any extra money because of Covid 19.

Not supportive because this is a democracy in case you don't know it.

It has to be a reasonable expectation. If I cut down an 80 year old maple, I will not be able to replace its “space” immediately. You'll have to accept a new / young maple or something similar that will “eventually” grow to cover the same space.

Again should not have to get permission to do what's needed.

My property my right.

It's the home/land owner to make these decisions

Again. It all comes down to cost.

Same answer as previous

Q4. If you gave a “not supportive” or “not at all supportive” response to Q3, please tell us why. (Continued)

You should incentivize new trees, not require it. It's not anyone's place to require a homeowner have a certain amount of trees. Trees & shade can have an impact in how people are able to use their own property.

I, live everyday, with total life long memories on every three on my property.

If I own a property the city doesn't have the right to tell me what I have to plant. Some properties wouldn't have enough room to plant a new tree for years. It would take time for root decay to allow for healthy planting.

As a property owner, it is my choice what to do with my property. Maybe I'm removing a tree because it's too crowded and that many trees shouldn't have been planted so close together to begin with? Most people make educated decisions after weighing the options.

Removing an old sick tree is already very expensive. Planting a new one would be another \$500 at least.

It's not our decision

Trees may or may not be appropriate for the particular landscaping being chosen by the property owner.

Again that's over reach. I've cut down trees that I had no intention of replacing. Sometimes you just don't need a tree replaced.

It has been my experience, that every homeowner that had to remove a tree replied in a tree.. I don't think the city has any business dictating the planting of trees on private property .

The key here is our property. I pay the taxes, I own my private property and you have no rights to dictate otherwise. If you can't tell residents to keep their yards cleaned up how could you dictate what I plant or if I plant

No

It should be the property owners choice

My property, my rights

Not to mention that took away a FREE service, again, and now say that the city is working on a contract for the exact service.

I'm talking about ripple glass. Don't tell me there are 500 people whom want to recycle glass but cannot get to the container. There's a thing call Nextdoor and anyone can ask someone to pick up bottles because they are not ambulatory. If that person can get the bottles to the curb with recycling, they can obviously get it to the curb for someone else to pick up. Unconscionable

Its my property and my business. Mature trees can be dangerous and fall during bad storms. Does the city want that liability?

I personally do not want to be forced to plant a tree in my yard if one is removed and/or dies and needs to be removed

The tree may need to come out and some people may not be able to afford new ones

While I love the idea of keeping a lot of trees in Roeland park, I do not agree with any rules forcing anyone to do anything with their own property . Home owners should be the ones to choose that . Additionally, it is very expensive to have a tree cut down. And with that rule , home owners would be faced with an additional expense on top of that . If Roeland park would create a rule that makes people plant a new tree, then Roeland park would need to pay for that tree in my opinion.

Again this is their property not someone else's. They have their reasons for taking the tree down. If they want to put one back up they will. Again not governments business.

Q4. If you gave a “not supportive” or “not at all supportive” response to Q3, please tell us why. (Continued)

Same as previous answer. Those of us who want to plant trees will do so. We should focus on helping everyone plant trees, not penalizing someone who removes one.

I think the property owner should be able to make decisions on their own landscaping

Trees cost money and require maintenance. I don't think it's right to require that of anyone. I can't imagine my elderly neighbors being financially or physically capable of meeting such a requirement. Basic lawn care is enough to ask of them.

Sane answer. Stay out of my personal property. The City should not operate like an overbearing HOA.

I think whether a mature needs to be replaced is somewhat determined by the reason for its removal. For example - if it impairs street view, does damage to underground utilities, or will inhibit other green choices made by the owner (vegetable or butterfly garden, for example) the city should not require a tree replacement.

Replacing a tree with another one should be my decision and not a city rule. I as the property owner need or leeway to manage my property to increase its overall value.

While I LOVE all of our mature trees in Roeland Park, I believe a home/property owner may have reason to cut down a tree and they should not be required to plant a new tree in its place.

Again, decision made by property owner

Again it is NONE of the city's business.

property owners decision

There are multiple concerns which weigh into decisions a property owner formulates; be it trees, or other challenges. Additional regulation(s) take time from citizens schedule, and add another condition to fulfill. How does this proposal fit into the strategic plan for our community, Mr Mayor and Council?

You are taking away our rights to make decisions on our own property

I did not buy property in "Tree City" I bought property in Roeland Park, Kansas. I bought the trees in my yard, they are mine to do with as I please. "Requiring" me to keep them, replace them, ask pretty please can I do something with my property is a taking.

Leave the responsibility to the homeowner. But do not misunderstand what I am saying. This is an appearance issue do not twist into an ecological or environmental issue because it is not.

I think RP has enough tree stock to afford residents to decide for themselves to have trees in their yard, or not. I do not sense that residents removing trees on their property is a common enough occurrence to justify a replacement requirement.

Property owners have the right to choose what is planted on their property.

MY PROPERTY MY CHOICE

the price of trees is sky high

Q6. If you gave a “not supportive” or “not at all supportive” response to Q5, please tell us why.

I don't have any money due to Covid 19, I can't pay more in taxes.

I am sick and tired of using taxpayer money to give to the "poor" of Roeland Park. If the person owns a house in RP, they aren't poor.

We live in RP for the ambience and tree s. We do not need to be told what to do.

My property

That's ridiculous

I would rather have them plant a new tree

Q6. If you gave a “not supportive” or “not at all supportive” response to Q5, please tell us why. (Continued)

People that buy a home in Roeland Park, by and large, Are doing it because they like and respect the area. Large trees are a part of that environment that they chose. To make the assumption that people want to move in and just wantonly remove the large trees would be erroneous and incorrect, in my opinion.

Our tax rate is so high. I think Roeland park has amazing trees! I think residences would have to take a lot of trees down for tree removal to be a problem.

This is ridiculous

I like planting trees over money is a good idea.

Are you kidding me? My taxes are already through the roof.

The fund payment would have to be very small, otherwise it would make the tree removal even more expensive than it already is.

It's NOT the city's decision what the home owners want

I think if a resident were being asked to pay this, it would be either pay this or plant a replacement tree. That being said, I don't think I support that all existing trees in the community have to be replaced if removed. There are a lot of very old, very large trees in the community; many of which would already be very expensive to remove.

I feel that this should not be required as it is punitive to property owners who are already undertaking significant expense to remove a mature tree.

The city should have no control over trees on private property.

I am not going to pay so someone else can get more FREE things. If I choose to help someone that is my business not the city

I think this is too punitive especially if the tree is dead

I think the goal should be to maintain mature trees wherever possible and if they are going to be removed say for a remodel or addition or new build that there should be a process in place to review that prior to cutting down the trees to encourage some thought. If they are removed having to replace them with a new tree on site or in the right-of-way would be great. Maybe in cases where that can't be done due to the site there could be some other solution but if it is simply paying into a fund then that is telling people who can afford it that they can just cut all the trees down. At table rock lake there was a penalty for cutting down trees and people would just cut them down and pay it so in the end it wasn't that effective.

If it is a private owner they already incur the cost of the removal and it should be their choice to replace.

I would support the measure for rentals since landlords choices are based on cost, not the best interest..and since Roeland Park is 50% landlords this can be a problem.

My property, my rights

Going through this really makes me want to get into politics to actually help my citizens. Not look at a demographical map and say "there are 4000 households. What can we do to squeeze out another 1.5 or 2% from them and make it seem like it's something they wanted or needed. Only problem is I haven't found a way to trade out my morals, values, and soul for a underhanded, disrespectful, ugly disposition. Ridiculous

The city should pay for tress out of its existing budget. I already pay property and sales taxes to the city now.

Q6. If you gave a “not supportive” or “not at all supportive” response to Q5, please tell us why. (Continued)

I think it is unfair to fine someone for decisions they make on their personal property.

Unnecessary

If you want to have a fund, figure out how to do it with the taxes you already receive.

City should not require any payment for a homeowner to remove a tree on there own property

Most citizens of Roeland Park do not have a ton of spare income to afford this proposed plan on top of rapidly rising property taxes

This is a complete overstep. Not their property. We do not live in a communist country so drop this

Same. Let's have that fund, but not make only certain people contribute under certain circumstances. I would contribute to the fund voluntarily.

This is just another money grab for the government. You can't budget effectively, so you have to come up with new “programs” or “initiatives” to take more from the people. Reduce your size and involvement.

If I want to remove tree for any reason, I should not be punished. I would however, be happy to support special fundraising projects for a Tree Preservation Fund. I would also be willing to apply for state and federal grants for such a project.

I love our trees in Roeland Park but I could imagine scenarios where a mature tree must be removed which is an expensive process. To also be required to donate to a tree preservation fund could be a barrier for some, on top of the expense of tree removal.

Our taxes are ridiculously high. And the city wastes so much resources are politically driven agendas. I would love from RP if it weren't for my neighbors and friends.

I may have to remove mature trees because of disease, storm damage, or other reason. City tree preservation should come out of other taxes (sales, property,)

Taxes are already too high

Because you can't trust the city to do the right thing with money. Just look at all the money they spent on trees for the median on Roe and look how many are DEAD. The city needs to mind their own business and take care of their own business first.

property owners decision; use taxes for needs for the city

There are multiple avenues to assist people in the category mentioned regarding purchase & planting trees. How about a dunk tank event fundraiser which goes to a tree fund, in which the mayor and council participate?

If a mature tree has to be removed for safety and or property management, the property owner should not have to pay into a fund because of its removal. If it's stated you have to pay into a fund when you remove a mature tree for aesthetics, that would be a different story.

First off, if the real estate is filled with trees, it may be in the best interest of the other landscape, the house, etc. to remove a tree. I'm not sure why a homeowner would need to replace the tree in such circumstances or be required to contribute to a fund for tree planting throughout the city. That type of tree planting program should come from city taxes or citizen donations.

I love our trees in RP BUT. We need to bury our electric lines so we don't loose power so often due to trees. Sorry

Q6. If you gave a “not supportive” or “not at all supportive” response to Q5, please tell us why. (Continued)

I already pay property taxes. I choose how I direct my charity. You are diminishing the value of my property when you prevent me from doing as I please with it. If you want a preservation fund for public lands or you want to "gift" low-income people with trees then find the funds in the current budget or persuade the residents to raise taxes on themselves through normal channels. My trees are not Roeland Park's trees.

See answer for first question, should be numbered 2.

Trying to spin this idea: a homeowner has to pay the city money for removing a tree from their own yard, potential a downed tree from a storm; as altruistic by the city, because the word "low-income" is in there really shows whom the politicians believe the voters will be.

The notion that a City council is wanting to increase revenue isn't new but this approach is lower than a snake's asshole. Almost as bad as the last tax increase ballot issue was written.

What if one of those "low-income" household has to remove a mature tree? Do they get a 'free' consolation prize tree?

Anyone in Johnson county has access to free trees through the county already.

Removal of a tree can is usually done for purposes of safety and property protection. I do not think it is a good idea to erect an administrative and financial barrier to tree removal which could cause unsafe (diseased, damaged or dead) to not be removed.

Adding an additional expense to an already expensive tree removal service would be an even more costly service. Would the city help pay for the cost of tree removal?

Property owners should choose what to do on their own property.

THE PROPERTY TAXES ARE RAISE AT A VERY HIGH RATE AT THIS TIME .. WE DON'T NEED ANYMORE TAX INCREASE



**TREE CITY USA®
BULLETIN**

The Economics of Urban Forestry

November/December 2021 • Editor: Dr. James R. Fazio



***T**he benefits of urban trees have been quantified in numerous ways in recent years. Now a new study provides important information about yet another contribution that tree planting and care provides for America.*

We all know intuitively that trees in our communities are economically important. But just important? To answer this question, the Arbor Day Foundation, in cooperation with the USDA Forest Service, contracted with the College of Business at the University of Nebraska–Lincoln to conduct a formal, nationwide study of this aspect of urban and community forestry.

The 2021 study was conducted by researchers Drs. Eric Thompson, Mitch Herian, and David Rosenbaum. All 50 states and the District of Columbia are included and the goal is to help determine what economists call the economic footprint of both the private and public sectors involved in urban forestry. For purposes of this project, urban forestry is defined as “growing, planting, maintaining, removing, disposing,

and studying trees that are usually located in cities, towns, and other human settlements and that are used primarily to meet needs and enable activities of people.” Data used in the study are from the 2017 Economic Census conducted by the U.S. Department of Commerce, the most recent data available for analysis, and information compiled by the Arbor Day Foundation from participants in the Tree City USA®, Tree Campus® Higher Education and Tree Line USA® programs. These data are supplemented with surveys of non-participating cities, campuses, and companies. Consistent, industry-accepted methodology provides the advantage of enabling replication by future researchers to track the growth of urban forestry and its impacts.

The study also includes a section called Quality-of-Life Benefits. This will be of special interest to homeowners because it highlights how landscape trees affect property values. All in all, this new package of information will be a useful addition in the arsenal of tree board members and others who often must defend the importance of landscape trees.



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The National Perspective

The economic footprint of urban forestry is like the concentric rings in a pond. Not only is there the direct value of business sales or agency spending, but there is also a multiplier effect that widely spreads the economic benefits. Here is a summary of findings for the various industries that are part of urban forestry.



THE PRIVATE SECTOR

For the purposes of this study, there are six relevant industry segments, as identified in the federal government's North American Industry Classification System. Some 322,931 people are employed in these industries with the total economic footprint being an impressive \$61.9 billion. Only activities related to growing, distributing, planting, and maintaining of urban trees were included in the data collection. For example, in the landscape services industry, lawn maintenance was excluded.

The direct economic footprint in the following table is based on

Services to maintain the landscape lead all other categories in providing economic benefits.

annual sales and \$15.1 billion in employee wages, salaries, and benefits. IMPLAN, an economic impact assessment software system, calculated the multiplier for each industry segment.

| INDUSTRY | DIRECT ECONOMIC FOOTPRINT OUTPUT* | MULTIPLIER* | TOTAL ECONOMIC FOOTPRINT OUTPUT* |
|---|-----------------------------------|-------------------|----------------------------------|
| Nursery and Tree Products | \$2,617.0 | \$2,105.6 | \$4,722.6 |
| Support Activities for Forestry | \$354.8 | \$295.5 | \$650.3 |
| Nursery and Florist Wholesale | \$2,426.6 | \$1,846.3 | \$4,273.0 |
| Lawn and Garden Equipment and Supply Stores | \$1,693.0 | \$1,472.8 | \$3,165.9 |
| Landscape Architecture Services | \$2,093.7 | \$2,388.6 | \$4,482.3 |
| Landscaping Services | \$25,074.5 | \$19,510.2 | \$44,584.7 |
| TOTALS | \$34,259.6 | \$27,619.1 | \$61,878.7 |

*\$ in millions

LOCAL GOVERNMENTS AND UTILITIES

This table shows the economic contributions from public entities, such as cities, counties, and some universities, as well as private utilities and colleges. The Arbor Day Foundation provided data for entities participating in its recognition programs, while researchers sampled non-participating entities by questionnaire. Together, these institutions contributed nearly \$2.1 billion in 2017.

| ENTITIES | DIRECT ECONOMIC FOOTPRINT OUTPUT* | MULTIPLIER* | TOTAL ECONOMIC FOOTPRINT OUTPUT* |
|--|-----------------------------------|----------------|----------------------------------|
| Tree City USA Communities | \$688.2 | \$520.4 | \$1,208.5 |
| Other Cities | \$117.8 | \$92.4 | \$210.2 |
| County Governments | \$52.1 | \$40.4 | \$92.5 |
| Tree Campus USA Higher Education Schools | \$33.7 | \$25.5 | \$59.3 |
| Tree Line USA Utilities | \$294.3 | \$216.8 | \$511.1 |
| TOTALS | \$1,186.1 | \$895.5 | \$2,081.5 |

*\$ in millions

EMPLOYMENT

The growing and care of urban forests provides jobs for a large number of employees. The multipliers in this case are the number of people not directly employed in the industries listed, but those workers who benefit and receive part of

their support from individuals who are in fields related to urban forestry. Total direct compensation amounts to nearly \$16 billion, and \$25 billion when considering a multiplier.

| INDUSTRY | EMPLOYEE COMPENSATION FOOTPRINT* | | | NUMBER OF JOBS | | |
|---|----------------------------------|------------------|-------------------|----------------|----------------|----------------|
| | Direct | Multiplier | Total | Direct | Multiplier | Total |
| Nursery and Tree Products | \$1,315.8 | \$977.6 | \$2,293.4 | 35,585 | 23,503 | 59,087 |
| Support Activities for Forestry | \$322.0 | \$97.4 | \$419.4 | 4,745 | 1,173 | 5,918 |
| Nursery and Florist Wholesale | \$1,135.3 | \$883.1 | \$2,018.4 | 20,272 | 24,283 | 44,555 |
| Lawn and Garden Equipment and Supply Stores | \$748.7 | \$565.2 | \$1,313.9 | 19,440 | 12,035 | 31,474 |
| Landscape Architecture Services | \$1,089.7 | \$843.3 | \$1,933.0 | 13,421 | 17,866 | 31,287 |
| Landscaping Services | \$10,568.8 | \$5,328.2 | \$15,897.0 | 229,469 | 72,760 | 302,229 |
| TOTALS | \$15,180.4 | \$8,694.8 | \$23,875.2 | 322,931 | 151,619 | 474,550 |

| ENTITY | EMPLOYEE COMPENSATION FOOTPRINT* | | | NUMBER OF JOBS | | |
|--------------------------------------|----------------------------------|----------------|------------------|----------------|---------------|---------------|
| | Direct | Multiplier | Total | Direct | Multiplier | Total |
| Tree City USA Communities | \$492.1 | \$205.5 | \$697.6 | 8,773 | 3,436 | 12,209 |
| Other Cities | \$84.9 | \$42.2 | \$127.1 | 1,833 | 684 | 2,517 |
| County Governments | \$30.5 | \$15.4 | \$45.8 | 660 | 246 | 906 |
| Tree Campus Higher Education Schools | \$25.8 | \$11.5 | \$37.3 | 573 | 184 | 757 |
| Tree Line USA Utilities | \$115.4 | \$171.9 | \$287.3 | 2,473 | 8,222 | 10,693 |
| TOTALS | \$748.8 | \$446.4 | \$1,195.2 | 14,313 | 12,769 | 27,082 |

*\$ in millions



QUALITY-OF-LIFE BENEFITS

Landscape trees impact property values, but they also provide external benefits to society, such as improved air and water quality. In this study, the benefit to homeowners was based on a count of urban homes in each state, average tree coverage on private property, and a review of literature quantifying the relationship between tree cover and property values. External benefits were calculated using the i-Tree Landscape program developed by the USDA Forest Service. Results show that tree cover in the U.S. increased the value of private homes by more than \$604 billion in 2017, based on the present value of annual services provided — the aesthetics, shading, and related energy cost savings over a 50-year lifespan for mature trees. On an annual basis, \$31.5 billion worth of services are provided to homeowners, and an additional \$73 billion in benefits are delivered to society in the form of air pollution and stormwater runoff mitigation.

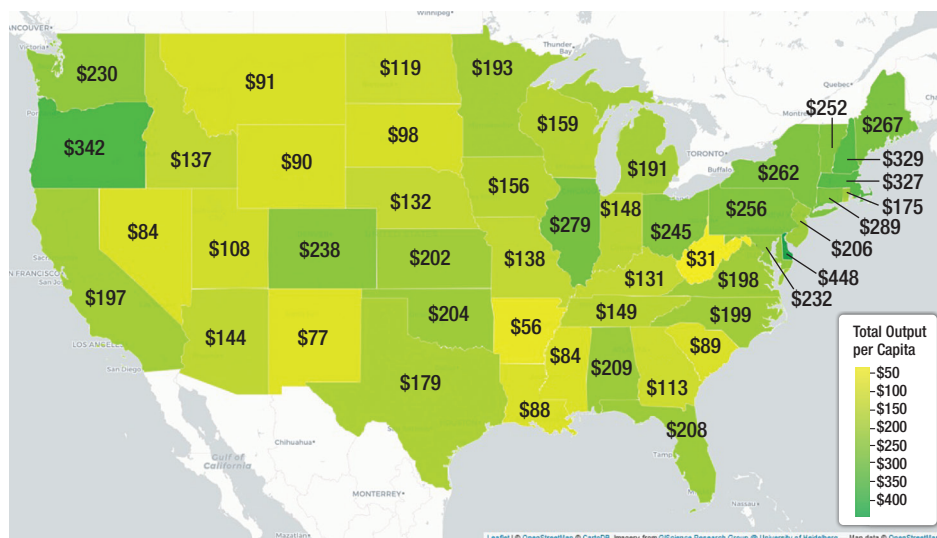
| ECONOMIC BENEFITS (MEASURED IN 2017) | VALUE |
|--|----------------------------|
| Property Value Impact | \$604,167.4 million |
| Annual Value of Services by Trees to Property Owners | \$31,518.4 million |
| Annual Value of Pollution and Runoff Mitigation | \$73,436.5 million |
| TOTAL ANNUAL VALUE | \$104,954.9 million |

Economic Benefits State by State

In the University of Nebraska study, basically the same methodology was applied on a state and regional basis. A summary is shown here with the economic values displayed per capita.

URBAN FORESTRY OUTPUTS PER RESIDENT IN 2017

The map at right shows total economic output, per capita, for each state. This includes both direct and indirect economic impact of the various industries associated with urban forestry, and the multiplier effect for each. As you can see on the map, the largest total economic footprints are found in the Northeast, coastal Northwest, and industrial Midwest of the country. The strong influence of the nursery industry accounts for much of the impact in Oregon and New Jersey. In the government sectors, cities that participate in the Tree City USA program account for the largest share of the economic footprint.



QUALITY OF LIFE BENEFITS

In economic terms, trees and urban forestry play a large role in the lives of urban residents. In the full study report, urban and rural counties are reported separately. In the table on page 5, however, the data is aggregated. The first column reports the contribution of tree cover to property values in each state. The other columns are the quantified values of some of the ecoservices trees provide.

| STATEWIDE IMPACT OF TREE COVER ON PROPERTY VALUES AND ENVIRONMENTAL AMENITIES | | | | | |
|---|------------------|--------------------|----------------|----------------|-----------------|
| | | Value* from i-Tree | | | |
| State | Property Value * | Carbon | Pollution | Hydrology | Total |
| Alabama | \$17,995 | \$3,367 | \$193 | \$114 | \$3,675 |
| Alaska | \$29 | \$0 | \$0 | \$0 | \$0 |
| Arizona | \$877 | \$181 | \$3 | \$1 | \$184 |
| Arkansas | \$9,984 | \$2,439 | \$71 | \$84 | \$2,594 |
| California | \$17,570 | \$3,023 | \$136 | \$62 | \$3,221 |
| Colorado | \$6,989 | \$577 | \$16 | \$10 | \$603 |
| Connecticut | \$10,285 | \$285 | \$122 | \$64 | \$472 |
| Delaware | \$2,110 | \$73 | \$13 | \$6 | \$93 |
| District of Columbia | \$805 | \$2 | \$6 | \$1 | \$9 |
| Florida | \$38,657 | \$3,889 | \$303 | \$240 | \$4,432 |
| Georgia | \$33,688 | \$4,141 | \$344 | \$254 | \$4,739 |
| Hawaii | \$15 | \$0 | \$0 | \$0 | \$0 |
| Idaho | \$1,564 | \$740 | \$22 | \$15 | \$777 |
| Illinois | \$10,725 | \$500 | \$111 | \$66 | \$676 |
| Indiana | \$7,092 | \$576 | \$47 | \$29 | \$652 |
| Iowa | \$1,624 | \$295 | \$7 | \$11 | \$314 |
| Kansas | \$1,991 | \$328 | \$12 | \$12 | \$351 |
| Kentucky | \$12,123 | \$1,235 | \$83 | \$71 | \$1,388 |
| Louisiana | \$12,387 | \$2,981 | \$110 | \$130 | \$3,222 |
| Maine | \$6,701 | \$1,474 | \$55 | \$54 | \$1,583 |
| Maryland | \$15,417 | \$407 | \$114 | \$46 | \$567 |
| Massachusetts | \$21,426 | \$390 | \$249 | \$160 | \$799 |
| Michigan | \$20,380 | \$1,799 | \$123 | \$125 | \$2,047 |
| Minnesota | \$5,301 | \$760 | \$26 | \$26 | \$812 |
| Mississippi | \$11,356 | \$3,983 | \$110 | \$84 | \$4,176 |
| Missouri | \$10,370 | \$935 | \$91 | \$67 | \$1,094 |
| Montana | \$1,628 | \$874 | \$28 | \$25 | \$927 |
| Nebraska | \$472 | \$114 | \$3 | \$3 | \$121 |
| Nevada | \$549 | \$254 | \$9 | \$2 | \$265 |
| New Hampshire | \$6,833 | \$388 | \$36 | \$35 | \$458 |
| New Jersey | \$20,267 | \$298 | \$173 | \$71 | \$543 |
| New Mexico | \$1,508 | \$592 | \$11 | \$3 | \$606 |
| New York | \$33,723 | \$1,484 | \$302 | \$135 | \$1,922 |
| North Carolina | \$36,577 | \$3,921 | \$248 | \$157 | \$4,326 |
| North Dakota | \$108 | \$60 | \$2 | \$1 | \$62 |
| Ohio | \$21,698 | \$954 | \$202 | \$118 | \$1,274 |
| Oklahoma | \$5,823 | \$1,106 | \$62 | \$33 | \$1,201 |
| Oregon | \$11,579 | \$1,785 | \$115 | \$101 | \$2,001 |
| Pennsylvania | \$37,746 | \$1,780 | \$313 | \$125 | \$2,218 |
| Rhode Island | \$3,667 | \$56 | \$45 | \$26 | \$127 |
| South Carolina | \$20,470 | \$2,498 | \$114 | \$85 | \$2,698 |
| South Dakota | \$509 | \$58 | \$4 | \$2 | \$63 |
| Tennessee | \$20,513 | \$1,467 | \$154 | \$107 | \$1,727 |
| Texas | \$30,786 | \$5,624 | \$297 | \$231 | \$6,153 |
| Utah | \$3,238 | \$390 | \$21 | \$13 | \$423 |
| Vermont | \$2,923 | \$363 | \$15 | \$23 | \$400 |
| Virginia | \$27,033 | \$2,208 | \$151 | \$110 | \$2,469 |
| Washington | \$21,099 | \$1,588 | \$83 | \$119 | \$1,790 |
| West Virginia | \$9,036 | \$1,264 | \$48 | \$42 | \$1,354 |
| Wisconsin | \$8,738 | \$1,295 | \$49 | \$41 | \$1,386 |
| Wyoming | \$184 | \$433 | \$4 | \$3 | \$440 |
| TOTALS | \$604,167 | \$65,234 | \$4,857 | \$3,345 | \$73,437 |

*\$ in millions

More on Economic Benefits

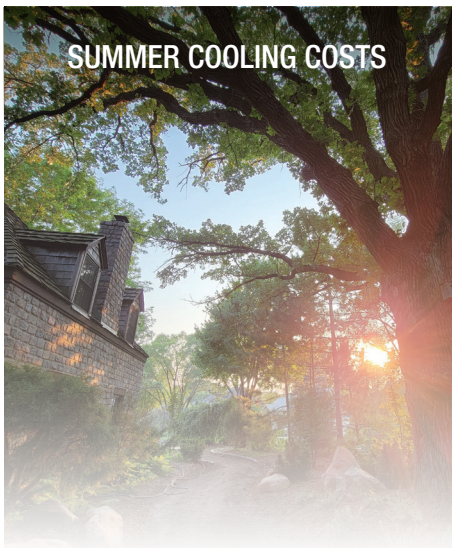
There are many more findings from a variety of research studies about the positive economic impact of trees. Even when weighed against the costs of planting and maintenance, trees make good sense as investments — both for individuals and communities.

TREES AT HOME AND IN THE COMMUNITY

While values will vary depending on climate and local conditions, the contribution of trees will still be significant. Here are some examples.



SUMMER COOLING COSTS



FOUR STRATEGICALLY PLACED TREES at a home in Sacramento, California save up to 30% on energy costs each year after the trees gain some size.

If 1 million more trees were planted in Sacramento, \$10 million would be saved annually.

ONE WELL-PLACED TREE can reduce air conditioning costs alone up to 50%.

Reduced energy demand means reduced need for power plants, which can result in less air pollution.

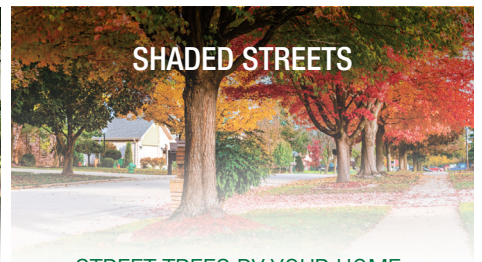
PROPERTY VALUES



YARD TREES IN GOOD CONDITION may add 10% to 20% to the resale value of your home.

In Portland, Oregon, street trees in front of or near a home added an average of \$8,870 to sale prices — and reduced time on the market.

SHADED STREETS



STREET TREES BY YOUR HOME beautify the neighborhood, provide safety from traffic, and add summer comfort — as well as contribute to resale value.

Shade protects asphalt surfaces, with the potential of reducing repaving costs by as much as 58% over a 30-year period.

WINTER SAVINGS



TREES USED AS WINDBREAKS can save 20% to 50% in energy used for heating.

Windbreaks can also control blowing snow, saving on plowing costs.

CLIMATE CHANGE



GLOBALLY, TREES HELP by removing fossil fuel emissions.

A USDA Forest Service study found that trees removed about one-third of fossil fuel emissions each year from 1990 to 2007.



TREES ARE GOOD FOR BUSINESS. TREES IN A SHOPPING DISTRICT:

- \$ Attract customers
- \$ Lower utility costs
- \$ Cool parking spaces
- \$ Increase resale value
- \$ Stimulate economic development
- \$ Increase tourism
- \$ Ease stress

TREES IN THE BUSINESS DISTRICT

Considerable research on trees in business districts has been done by Dr. Kathleen Wolf at the University of Washington. She concludes, “Trees are a positive atmospheric for business districts. They create a retail mood that appeals to shoppers and visitors. Trees greet shoppers with a message of welcome even before entering a merchant’s door.” Her studies have found that when trees are present:

- Customers perceive merchants in a much more positive light. Trees send a message of care and service commitment.
- Customers tend to stay longer and visit more frequently.
- Shoppers say they are willing to pay higher prices — as much as 12% more.
- Visitors rate pedestrian-oriented pocket parks highly and prefer trees that are large with enclosing canopies.

PARKS AND OPEN SPACE

Americans value their parks and open spaces, most of which are enhanced with trees and other vegetation. Studies have shown that homebuyers prefer to be near such spaces and are often willing to pay 8% to 20% more for the privilege.

OTHER VALUES

In addition to cash values and major external (societal) benefits quantified in the University of Nebraska study, there are many others. For example, numerous studies have shown how trees reduce human stress and contribute to better health and even longevity. Then there are the famous studies by Dr. Kuo at the University of Illinois at Urbana-Champaign that link trees to improved child development and the reduction of domestic violence. These and others go beyond dollars when viewed in terms of human happiness.



Beneficiaries — The Bottom Line

The ultimate benefits of urban forestry are the contributions trees make to the comfort, health, and happiness of people. The Arbor Day Foundation has collected examples from every state, and you can see all of them at arborday.org/faces.



WHEN ALMA GAUL turns off Bettendorf, Iowa's, four-lane thoroughfare and enters her neighborhood, the world around her changes. The noise, lights, and bustle of the city are left behind. "It's like driving into a park," Alma says. "It's calm and quiet — very surreal."

Alma and her neighbors are the beneficiaries of forward-thinking city officials and developers of long ago. When the area was transformed from cornfields into houses, they planted oaks, maples, river birches, and a diverse mixture of other species along the streets of the development. Alma appreciates the results. "Trees make my neighborhood," she says.

Carrying on the tradition is Trees Are Us, a dedicated group of volunteers who work under the direction of Bettendorf's Parks and Recreation Department. In cooperation with the city's tree board and supported with funds from the local utility, corporations, and gaming authorities, more than 2,000 trees have been added to Bettendorf's streets.

Neighbors of Alma Gaul, newspaper feature writer in Bettendorf, Iowa, add more trees to the streets of their city.



FOR MORE INFORMATION

For links to the entire report of the Economics of Urban Forestry and other information related to this issue, please visit arborday.org/treereport.



AS AN INVESTOR who renovates neglected homes, Evelyn Ware-Jackson looks at blighted areas a little differently than most people. Where others see despair, Evelyn sees opportunity. She also realizes restoring one home alone is not enough. You must redevelop the whole neighborhood. Nowhere has she been more successful than in Melrose East, a once thriving neighborhood in Baton Rouge, Louisiana, that has suffered years of disinvestment, neglect, crime, and disillusionment.

This turned around when Evelyn accepted an offer from Baton Rouge Green for 300 trees funded by a USDA Forest Service grant through the Louisiana Office of Forestry. The trees enabled Evelyn and residents of the neighborhood to complete a community reforestation program. The residents and other volunteers worked together to plant the trees.

The trees not only added shade and beauty, but the planting project served as a catalyst for other neighborhood improvements and provided a way for citizens to get involved with their neighborhood's turnaround.



THE UNIVERSITY OF IDAHO is located in Moscow, Idaho, a small city surrounded by some of the nation's most productive acreages of winter wheat. As early as 1909, university officials recognized the importance of trees as part of campus education, and a 36-acre arboretum was planted. The site became so popular for community recreation that an additional 63 acres of farm land adjoining the university was acquired to plant a variety of trees and shrubs from all over the world.

In cooperation with community leaders, foresters, and private donors, the farmland has become a diverse and nationally accredited arboretum. And despite economic hard times at the state university, state funds have consistently been allocated to the arboretum's maintenance and improvement. The expanded arboretum has become a place where on any day of the year, community residents of all ages can be found walking, watching birdlife, meditating, and enjoying the benefits of a bit of wooded area between the wheat fields and the city.

The site so affected Jim and Cindy Fisher that when it came time to buy a house, they sought one within an easy walk to the arboretum. "We became enamored with that part of town," they said, and like so many others, this oasis of trees is now an important part of their daily lives.



2022 PUBLIC ROW/Front YARD TREE INVENTORY ROELAND PARK, KS

AUGUST, 2022

Scope of Work

Wiregrass Ecological was the selected contractor to perform the inventory for all Public ROW Trees within 11' from back of curb as well as Front Yard Trees from 11' to the front face of residential homes, full width of the lot. The inventory included all trees that measured a diameter of 12" or larger.

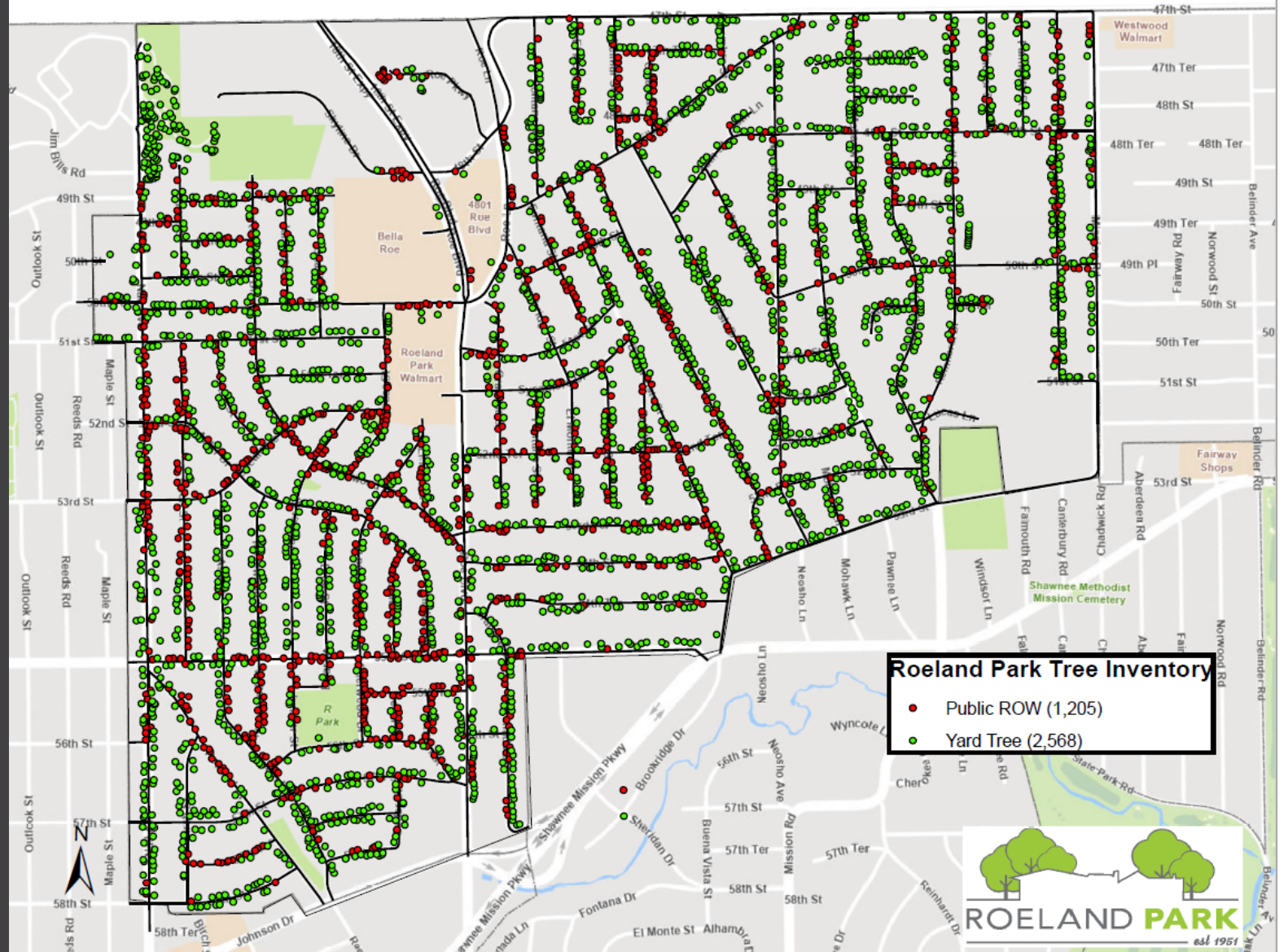
The inventory took place in June and was completed in 10 days. Total cost of inventory was \$27,000

The data fields collected for each tree included:

- Location (point file with latitude/longitude recorded automatically with sub-meter precision through use of the ESRI Field Maps mobile application paired with a BadElf™ GPS Bluetooth receiver)
- The tree species (common and scientific name)
- Diameter at breast height (DBH) in inches
- Estimated height (in 5 foot increments)
- Tree spread (in 5 foot increments)
- The overall condition of the tree (Excellent, Good, Fair, Poor, or Removal)
- Photographs of each tree inventoried to record a visual inspection of the tree for posterity,
- The impact of insect or disease on the tree, and a general notes field to record observations not covered within the other fields or any ancillary observations.

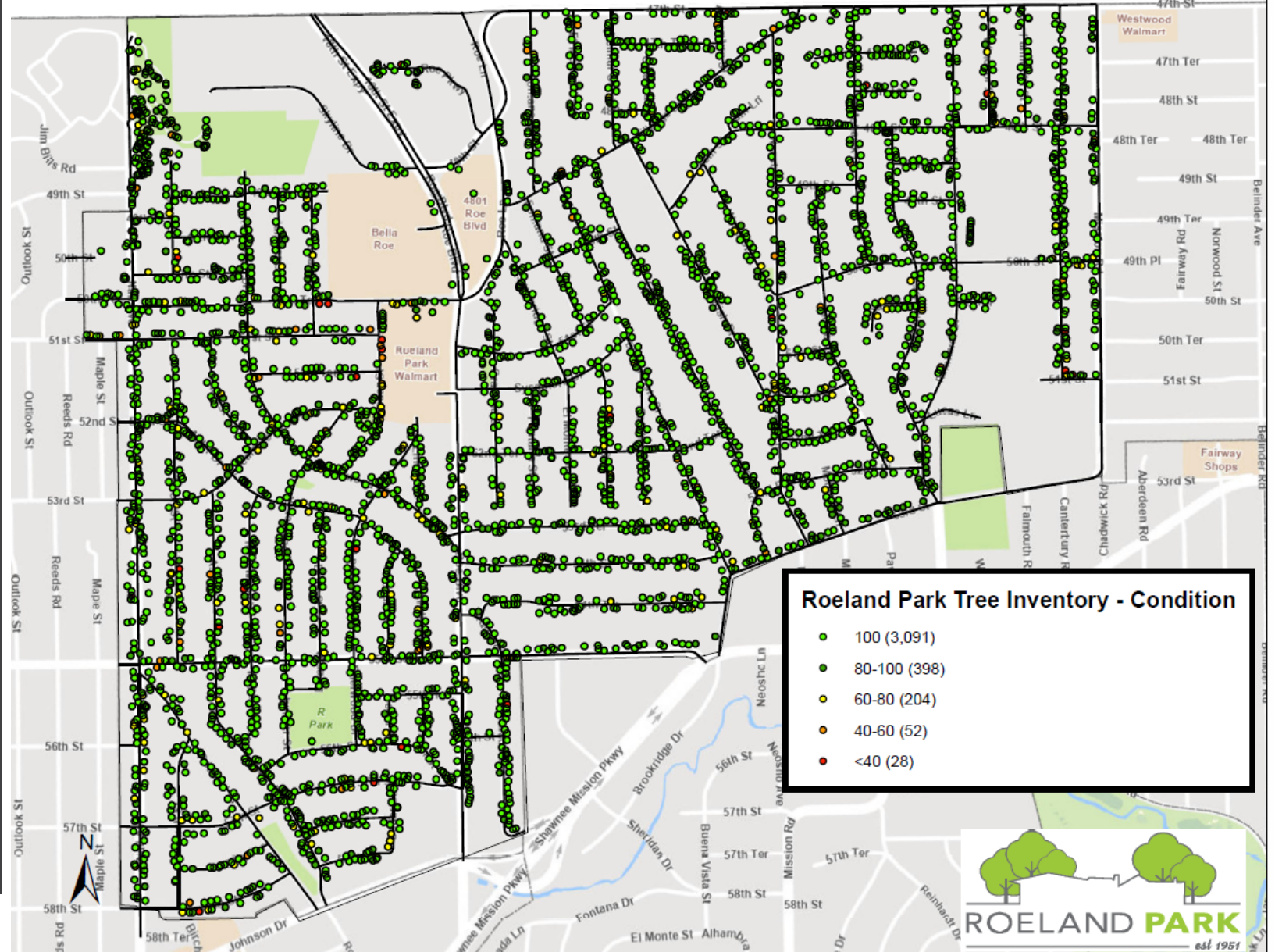
ROELAND PARK TREE INVENTORY LOCATIONS

- 32% of the trees inventoried are located within the **Public ROW**
- 68% of tree inventoried are in the **Front Yards**



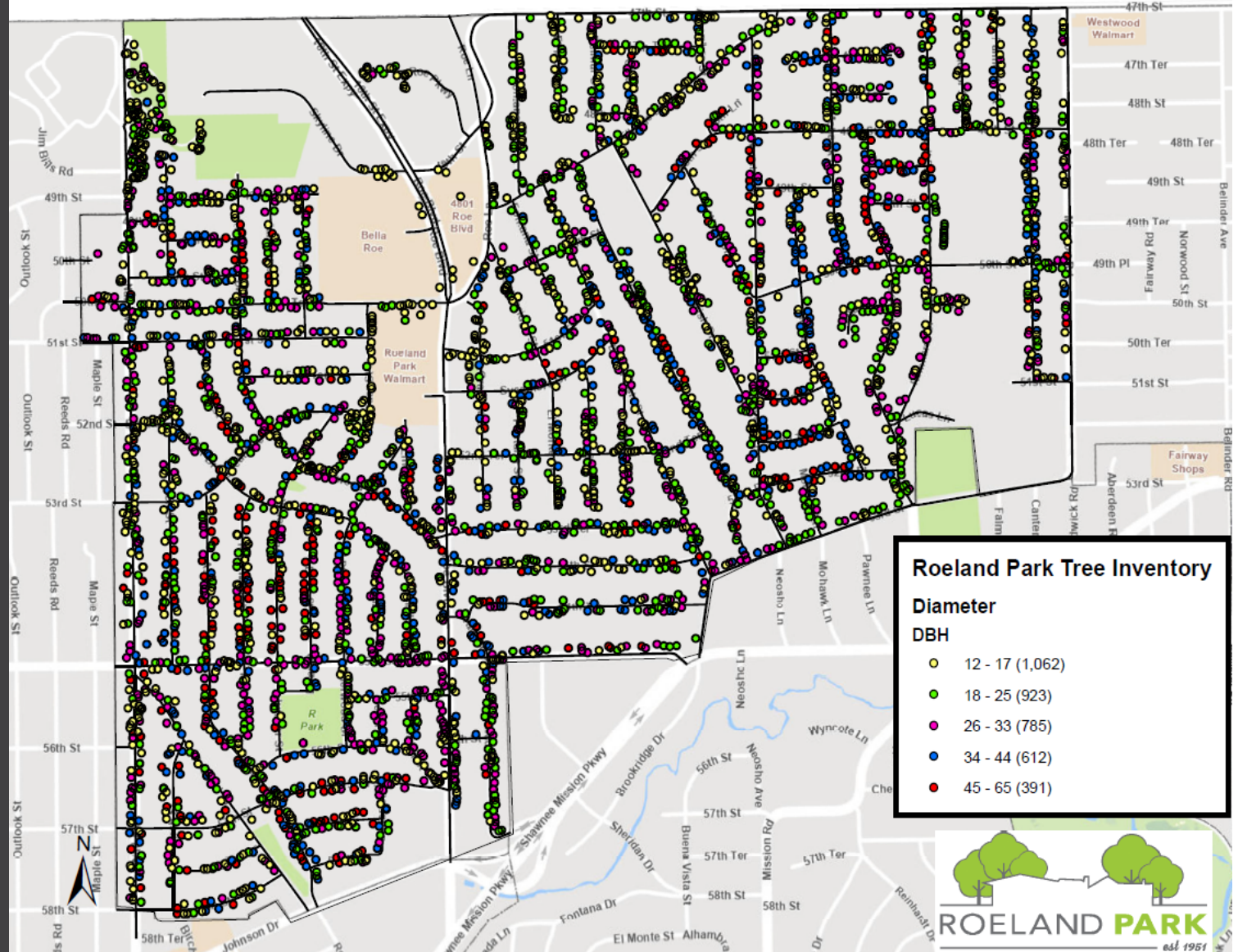
ROELAND PARK TREE INVENTORY - CONDITION

- 82% of the trees inventoried are shown to be in **Excellent** shape
- 10% of the trees inventoried are shown to be in **Good** shape
- 6% of the trees inventoried are shown to be in **Fair** shape
- 1% of the trees inventoried are shown to be in **Poor** shape
- .07% of the trees inventoried are shown to be **Removed**



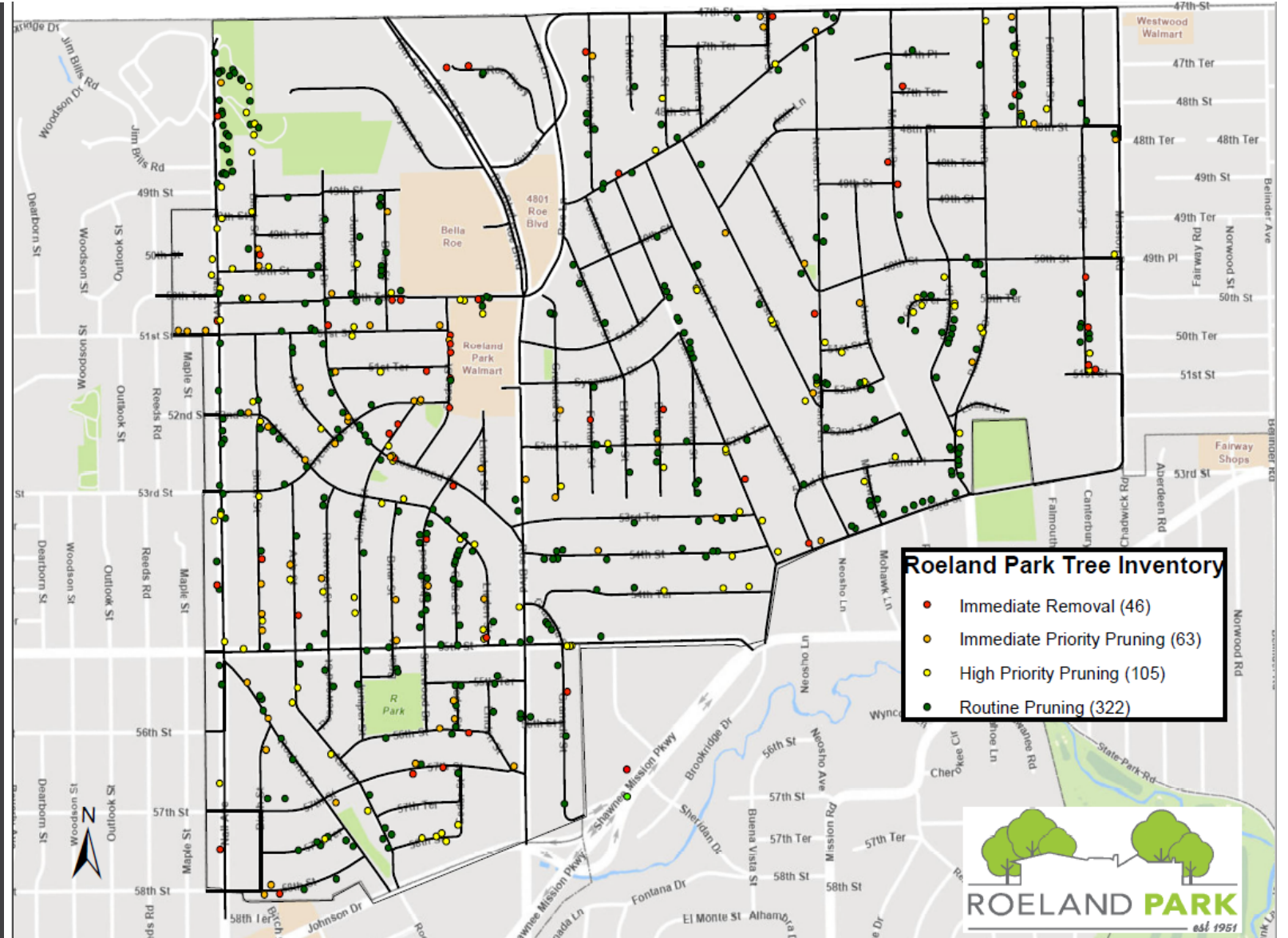
ROELAND PARK TREE INVENTORY – DBH(DIAMETER AT BREAST HEIGHT)

- 28% of the trees have a DBH between 12-17
- 24.5% of the trees have a DBH between 18-25
- 21% of the trees have a DBH between 26-33
- 16% of the trees have a DBH between 34-44
- 10% of the trees have a DBH between 45-65



ROELAND PARK TREE INVENTORY – MAINTENANCE MAP

- 1% of the tree's shown need Immediate Removal(22 trees in public ROW & 24 private front yard trees)
- 1.5% of the trees shown need Immediate Priority Pruning(46 private yard trees & 17 public ROW trees)
- 2.75% of the trees shown need High Priority Pruning
- 8.5% of the trees shown need Routine Pruning



ROELAND PARK TREE INVENTORY

- Each tree that was inventoried has a picture associated with the data point on the map
- Data can be edited or updated if a tree has been removed and/or maintenance was completed
- Provides specific notes and details about each tree

Identify

Identify from: <Top-most layer>

Location: 2,267,334.914 273,982.497 Feet

Attachments (1)

| Field | Value |
|--------------|----------------------------|
| Condition | 80-100 |
| CreationDate | 6/12/2022 4:36:38 PM |
| Creator | sbourgoin_sfc |
| Damage_Des | Normal dead upper branches |
| Damage_Yes | Yes |
| Date_Creat | <null> |
| Date_Last_ | <null> |
| DBH | 20 |
| EditDate | 6/22/2022 8:55:37 PM |
| Editor | <null> |
| Editor | sbourgoin_sfc |
| GlobalID | <null> |
| GlobalID_2 | {9C858271-0AEF-484C-A2C0 |
| Height | 45 |
| Last_Edit | <null> |
| Latitude | -94.637142 |
| Longitude | 39.036949 |
| Notes | Normal dead upper branches |

Identified 1 feature



CONCLUSIONS

- 92% of the trees inventoried are in great shape
- 3,773 trees inventoried; we have the information needed to discuss next steps
- Maintaining tree canopy is vital to the reduction of greenhouse gases & promotes clean oxygen

ANY
QUESTIONS?



Item Number: DISCUSSION ITEMS- II.-4.
Committee 12/5/2022
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 12/1/2022
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Review Draft Storm Water Utility Policy - 15 min**
Item Type: Discussion

Recommendation:

Staff is looking for direction from Council on the draft stormwater utility policy.

Details:

Council discussed and provided direction on a 2022 Objective concerning implementing a storm water utility. Those discussions occurred as the Council was also working on the 2023 budget. Ultimately the Council's direction was to plan for implementing a stormwater utility with the 2024 budget/calendar year. Council also provided direction that a robust education campaign be implemented early to ensure ample time for property owners to plan for the new fee. The education program has begun.

Developing the policy which will govern the Storm Water Utility is the next step. The assumptions used during council discussions of the topic in 2022 have been incorporated into the attached draft code section. The City Attorney and City Engineer has developed the policy based upon the policies in place with other Johnson County cities.

Council also provided direction that all properties will be subject to the storm water utility fee. That includes government owned property, schools, churches and utilities. A storm water rate of \$.0289/sf of impervious surface was used during Council's initial discussion, this equated to a \$70 annual storm water utility fee for a single-family lot. The stormwater fee per property list attached is based upon the \$.0289/sf assumed rate. As part of the education efforts staff intends to provide each property owner with an estimate of the storm water fee that would be included on their property tax bill. Before providing that information, staff would like Council to confirm the rate will be \$.0289/sf of impervious area. Confirming the rate and establishing the stormwater utility code section are actions that should be coordinated to ensure accuracy. If the Council wants to achieve a larger reduction in the property tax mill they may elect a higher storm water utility rate. If Council prefers a lower storm water utility rate, then the mill levy reduction will be correspondingly

smaller. A reminder that the implementation of a storm water fee as discussed will provide for an equal offsetting reduction in property tax revenue through a planned series of mill levy reductions. Council's direction is to begin implementing the storm water utility in 2024 however properties subject to an existing storm drainage improvement assessment would not be subject to the storm water utility fee until their improvement assessment expires. It will take 3 years to fully implement the storm water utility fee on all properties.

The impervious area data has been updated and reviewed for accuracy by Larkin and staff. Based upon this information staff estimates a 2-mill reduction in the property tax rate would be possible for 2024 if the \$.0289/sf storm water rate is employed. 2025 is estimated to see a .10 mill reduction and 2026 would see an estimated .20 mill reduction as the storm water utility fee is implemented (for a total mill reduction of 2.30 at full implementation). Staff estimates that a 2.30 mill reduction in 2026 will result in \$65,000 less in property taxes from Commercial and Multifamily properties that are subject to property tax with the storm water fees from those properties totaling \$85,000. This results in a net increase of expense to these properties of \$20,000. Properties not subject to property tax (governmental, churches, schools, utilities) would see an increase in expense of \$30,000. Residential Properties should see a reduction in property tax of \$250,000 and an increase of storm water fee of \$200,000 for a net decrease of expense to residential properties of \$50,000.

Please review the list of estimated storm water utility fees attached for commercial, multifamily, governmental, schools, and churches, it is important that Council understand the amount to be paid by these entities.

The assumed method of applying the storm water fee is based upon impervious area (the primary element contributing to storm water run-off) which is consistent with the approach employed by the other JOCO cities with a storm water fee. For single family homes and duplexes a standard fee is calculated based on an average size lot with an average amount of impervious area. This simplifies the administrative process and addresses the limited impervious area information available for single family and two family lots via the AIMS mapping system. Maps reflecting the impervious area on commercial, multifamily, governmental, schools and churches will be sent along with the notice of estimated fee to those properties.

A storm water utility fee can be used to maintain, replace and operate the components of the storm water collection and conveyance system including, curbs, inlets, piping, open drainage ways along with staff, supplies and contractual services dedicated to storm sewer services. Street sweeping, catch basin cleaning, and brush/debris removal from drainage ways are examples of routine maintenance items that would also be eligible for funding through the storm water fee.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

| | |
|------------------------|--|
| Amount of Request: N/A | |
| | |

| | |
|-----------------------------|--|
| Budgeted Item? | Budgeted Amount: Not until 2024 Budget |
| Line Item Code/Description: | |

Additional Information

Council discussed this topic at their 1/3/22 workshop and indicated that they would like some time to consider and then continue the discussion. No additional information was requested by Council on 1/3/22. Council discussed the topic again on 3/21/22 where council requested a summary indicating how other communities with a storm water utility fee apply the fee to schools, churches, not for profits or other government agencies. Attached is that comparison; only a couple of cities provide exemption opportunities. Also attached are the documents from the 1/3/22 initial workshop discussion item.

ATTACHMENTS:

| Description | Type |
|---|------------|
| <input type="checkbox"/> Draft Storm Water Utility Code Section | Cover Memo |
| <input type="checkbox"/> Estimated Storm Water Utility Fee Per Property | Cover Memo |
| <input type="checkbox"/> Storm Water Utility Options Presentation | Cover Memo |
| <input type="checkbox"/> Comparison of Exemptions Allowed | Cover Memo |

CHAPTER XV, ARTICLE 6. STORMWATER UTILITY

15-601. PURPOSE AND FINDINGS.

- (a) Pursuant to K.S.A. 12-3101, et seq., as modified by city Charter Ordinance No. __, the City does hereby create a stormwater management program and does hereby establish a stormwater utility and declares its intention to operate the same.
- (b) A stormwater management program will provide both general and specific benefits to all property within the city and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the stormwater system and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on stormwater and appropriate balancing between development and preservation of the natural environment.
- (c) The stormwater management program will also initiate innovative and proactive approaches to stormwater management within the city to address problems in areas of the city that currently are prone to frequent major flooding, protect property in the city from stream bank erosion and the attendant loss of natural resources and the reduction of property values, conserve natural stream assets within the city, enhance water quality, and assist in complying with the mandates of the National Pollutant Discharge Elimination System as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.
- (d) Both standard and innovative stormwater management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the city.
- (e) Implementation of the stormwater management program will require the expenditure of significant amounts of public money.
- (f) All developed property in the city will benefit from the stormwater management program.
- (g) The city desires to distribute fairly costs of the stormwater management program implementation among all developed property.
- (h) The city has determined that the establishment of a stormwater utility is an appropriate method of funding the costs of implementing the stormwater management program.
- (i) The city has adopted Charter Ordinance No. __, which grants to the city the authority to adopt, by ordinance, rules and regulations providing for the management and operation of a stormwater utility, fixing a stormwater service fee, requiring security for the payment thereof, providing methods and rules relating to the calculation and collection of the fees and for credits against the fees, and providing for the disposition of the revenues derived therefrom.
- (j) The stormwater service fee imposed by this article, is calculated by calculating the impervious area on the property multiplied by square footage rate, and such fee is neither a tax nor a special assessment, but a charge (in the nature of tolls, fees or rents) for services rendered or available.

- (k) The city has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the stormwater service fee should be included on City of Roeland Park ad valorem real property tax bills issued by Johnson County, in accordance with an agreement to be negotiated with the County, which will be placed on file in the office of the city clerk.

15-602. DEFINITIONS.

- (a) In addition to the words, terms and phrases elsewhere defined in this Code, the following words, terms and phrases, as used in this article, shall have the following meanings:
- a. *Bonds* means obligations of the city, for which the principal of and the interest on is paid in whole or in part from special assessments, service fees, sales tax, general ad valorem taxes, or any available city or stormwater utility fund revenues heretofore or hereafter issued to finance the costs of capital improvements.
 - b. *Building permit* means a permit issued by the building official of the City of Roeland Park that permits structure construction.
 - c. *Certificate of occupancy* means a certificate issued by the building official of the City of Roeland Park that permits a newly constructed or a new addition to real property to be occupied.
 - d. *City* means the City of Roeland Park, Kansas.
 - e. *Costs of capital improvements* means costs incurred by the stormwater utility in providing capital improvements as part of the stormwater management program, including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the stormwater system, professional services and studies connected therewith; principal and interest on bonds heretofore or hereafter issued, including payment of any delinquencies; studies related to the operation of the system; costs related to water quality enhancements, costs related to complying with federal, state or local regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise; and for the costs associated with purchasing equipment, computers, furniture and all other items necessary or convenient for the operations of the stormwater utility.
 - f. *Debt service means* an amount equal to the sum of all issuance costs, any interest payable on bonds during any fiscal year or years, and any principal installments payable on the bonds during such fiscal year or years.
 - g. *Developed property* means real property, other than undeveloped land.
 - h. *Director* means the director of public works department of the City of Roeland Park or the director's designee.
 - i. *Extension and replacement* means cost of extensions, additions and capital improvements in, or the renewal and replacement of capital units of, or purchasing and installing of equipment for, the stormwater management program, or land acquisition for the stormwater management program and any related costs thereto, or paying

- extraordinary maintenance and repairs, including the costs of capital improvements or any other expense that is not costs of operation and maintenance or debt service.
- j. *Fiscal year* means a twelve-month period commencing on the first day of January of any year.
 - k. *Governing body* means the governing body of the City of Roeland Park, Kansas.
 - l. *Impervious area* means the total number of square feet of hard surface on a given property that either prevents or retards the entry of water into the soil matrix, and/or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under conditions similar to those on undeveloped land. Impervious area includes but is not limited to, roofs, roof extensions, driveways, pavement, swimming pools, sidewalks, porches, decks, patios and athletic courts.
 - m. *Non-single family residential property* means all property that is not classified as single family residential property by the Johnson County, Kansas Appraiser's Office.
 - n. *Operating budget* means the annual budget established for the stormwater utility for the succeeding fiscal year.
 - o. *Operations and maintenance* means, without limitation, the current expenses, paid or secured, of operation, maintenance and repair and replacement of the stormwater management program or for implementing the stormwater management program as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.
 - p. *Person* shall mean any person, firm, corporation, association, partnership, political unit, or organization.
 - q. *Revenues* means all rates, fees, assessments, rentals, or other charges or other income received by the stormwater utility in connection with the management and operation of the stormwater management program, including amounts received from investment or deposit of monies in any fund or account, as calculated in accordance with sound accounting practices.
 - r. *Service fee rate* means the fee rate per square foot of impervious area as established in the Fee Resolution adopted and periodically updated by the governing body.
 - s. *Sewer, sewer system* shall mean surface water and storm sewers that exist at the time this Charter Ordinance is adopted or that are hereafter established and all appurtenances necessary in the maintenance, operation, regulation, and improvements of the same, including, but not limited to, pumping stations; enclosed sewer systems; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; other Stormwater conveyances; detentions and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

- t. *Single family residential property* means property used primarily for one-family intended for occupancy as separate living quarters for one family, with a kitchen plus sleeping and sanitary facilities in single family detached residential unit or a two family attached residential unit located thereon within the city limits, as established by the governing body of the city.
- u. *Stormwater management program* means all aspects of work necessary to perform and provide storm and surface water services in the city, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvements, plus such non-operating expenses as reserves and bond debt service coverage as are associated with provision of the stormwater management program.
- v. *Stormwater service fee* means a fee authorized by Charter Ordinance No. ____ and this article, charged to owners of property served and benefited by the stormwater utility and shall be the product of multiplying the impervious area by the service fee rate.
- w. *Stormwater system* means surface water and storm sewers and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention of facilities; and other flood control facilities and works for the collection, conveyance, pumping, infiltration, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.
- x. *Stormwater utility* means the utility created by this article for the purpose of implementing and funding the stormwater management program.
- y. *Undeveloped land* means land that has not been built upon or altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

15-603. ADMINISTRATION.

- (a) The public works director shall manage the stormwater utility. Public works director shall be responsible for developing and implementing stormwater management plans and solely managing facilities, stormwater systems and storm sewers. This utility shall charge a stormwater service fee based on individual contribution of runoff to the system, benefits enjoyed and service received. The stormwater utility shall be administered by Director under the direction and supervision of the City Administrator and shall have the power to undertake the following activities to implement the stormwater management program:
 - a. Advise the governing body on matters relating to the stormwater management program and to make recommendations to the governing body concerning the adoption of ordinances, resolutions, policies, guidelines and regulations in furtherance of the objectives of the stormwater management program.
 - b. Undertake studies, acquire data, prepare master plans, analyze policies or undertake such other planning and analyses as may be needed to address concerns related to stormwater

with the city and to further the objectives of the stormwater management program, and to undertake activities designed to communicate, educate and involve the public and citizens in addressing these issues or in understanding and abiding by the elements of the stormwater management program.

- c. Acquire, design, construct, operate, maintain, expand, or replace any element or elements of the stormwater system, including funding the acquisition of easements by eminent domain, and obtaining title or easements (or real property) other than by eminent domain, over any real or personal property that is part of, will become part of or will protect the stormwater system, or is necessary or convenient for the implementation of the stormwater management program.
- d. Regulate, establish standards, review, and inspect the design, construction or operation and maintenance of any stormwater system that is under the control of private owners, whether or not such systems are required or intended for dedication to the public storm sewer system, when such systems have the potential to impact, enhance, damage, obstruct or affect the operation and maintenance of the stormwater system or the implementation of the stormwater management program.
- e. Regulate, establish standards, review and inspect land use or property owner activities when such activities have the potential to affect the quantity, timing, velocity, erosive forces, quality, environmental value or other characteristics of stormwater which would flow into the stormwater system or in any way effect the implementation of the stormwater management program.
- f. Undertake any activities related to stormwater management when such activities are recommended by applicable federal, state or local agencies or when such activities are required by any permit, regulation, ordinance, or statute governing stormwater or water quality concerns.
- g. Analyze the cost of services and benefits provided by the stormwater utility and the structure of fees, service charges, credits, and other revenues on an annual basis and make recommendations to the governing body regarding the same.
- h. Undertake expenditures as required to implement these activities, including all costs of capital improvements, operations and maintenance, debt service, and other costs as required.

15-604. BUDGET.

The city shall, as part of its annual budget process, adopt capital and operating budget for the stormwater utility. The operating budget shall conform to state law, city policy and generally accepted accounting practices. The initial operating budget will commence January 1, 2024.

15-605. STORMWATER SERVICE FEE.

- (a) Subject to the provisions of this article, a stormwater service fee is imposed on all real property located within the city. City owned property and city maintained property that is constructed and/or located on public right-of-way, public trails, public streets, public alleys, and public sidewalks will be exempt from the imposition of the stormwater utility fee. The governing body, upon recommendation of the director, shall, from time to time, by resolution establish the service fee rate for each square foot of impervious area consistent with the benefits to be provided.
- (b) The stormwater service fee for single family residential property shall be the product of the service fee rate multiplied by an assumed average single family lot size of 7,700 square feet with an assumed average impervious area of 30% or 2,310 square feet. The stormwater service fee for a duplex to be 150% of the single-family fee.
- (c) Stormwater service fee for non-single family residential property shall be the product of the service fee rate multiplied by the number of impervious square feet calculated by the sum of the building roofs, roof extensions, driveways, parking lots, swimming pools, athletic courts and other impervious area(s).
- (d) In the event of a newly constructed unit, the charge for the stormwater service fee attributable to that unit shall commence upon the issuance of the building permit for that unit, or additional development to property that is already developed, or if construction is at least 50 percent complete and is halted for period of three months, then that unit shall be deemed complete and the stormwater service fee shall commence at the end of the three month period.
- (e) Any increase or decrease in the impervious square feet associated with new or remodeling construction shall commence upon the issuance of the certificate of occupancy. The stormwater service fee shall be based on the status of the property on May 31 of each year.
- (f) In performing this calculation, the numerical factor for the impervious square feet shall be rounded to the nearest hundred square feet.
- (g) For common property, the director shall calculate and allocate the stormwater service fee pro-rata among the owners of record of the common property.
- (h) The director shall make initial calculations in accordance with the methods established in this section to determine the number of impervious square feet is located on all property and may from time to time change this calculation from the information and data deemed pertinent. With respect to new construction, the director may require that the applicant for development approval submit square footage impervious area calculations.
- (i) A property subject to an existing storm drainage improvement assessment will not be subject to the stormwater utility fee until the storm drainage improvement assessment has expired.
- (j) If the owner of property, for which a stormwater service fee has been imposed, disagrees with the calculation of the stormwater service fee imposed upon such owner's property, the owner may request a recalculation of the fee to the director.
- (k) The fee for single and two family residential properties and the rate per square foot of impervious surface shall be established in the Fee Resolution adopted by Council.

15-606. APPEAL PROCEDURE.

- (a) Owners of property other than single and two family homes, for which a stormwater service fee has been imposed, who disagree with the calculation of the stormwater service fee may appeal the calculation or finding to the city administrator or his or her designee.
- (b) The appellant, who must be the property owner, must file a written notice of appeal, including the basis of the appeal, with the city clerk within 30 days following distribution of Johnson County ad valorem tax bills. The appellant shall provide information including a land survey prepared by a surveyor registered in the State of Kansas showing total property square foot area, type of surface material, and impervious square foot area. Based on the information provided, the city administrator shall make a determination as to whether the stormwater service fee should be adjusted or eliminated for the subject property. The city administrator shall notify the appellant in writing of the decision.
- (c) A person shall have the right to appeal the decision of the city administrator to the Public Works Committee. Such appeal shall be made within ten days of the date of the city administrator's written decision and shall be presented in the same manner as the original appeal. The Public Works Committee shall consider the appeal and issue a written decision on the appeal within 30 days of the receipt of the presented appeal.
- (d) The burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the stormwater service fee is erroneous.
- (e) The filing on a notice of appeal shall not stay the imposition, calculation or duty to pay the fee. The appellant shall pay the stormwater service fee to Johnson County as stated in the billing. If either the city administrator or the Public Works Committee determines that the appellant should pay a fee, pay a fee amount less than the amount appealed, or receive a credit, the city shall issue a check to the appealing party in the appropriate amount within ten days of the date of the applicable written decision.
- (f) The decision of the Public Works Committee shall be final, and any further appeal of this decision shall be to the Tenth Judicial Court of the State of Kansas by way of the K.S.A. 60-201 et seq.

15-607. STORMWATER SERVICE FEE COLLECTION.

- (a) The stormwater service fee shall be billed by the Johnson County Clerk and collected by the Johnson County Treasurer. The stormwater service fee shall be shown as a separate item on the county's annual ad valorem real property tax statement, in accordance with the procedures established in an agreement, pursuant to K.S.A. 12-2908, between the city and the county, as hereby authorized. The payment of stormwater service fee bills for any given property shall be the responsibility of the owner of the property.
- (b) To the extent permitted by applicable law, a stormwater service fee shall be subject to interest for late payment at a rate that is the same as the rate prescribed in K.S.A. 79-2004, as amended and K.S.A. 79-2968, as amended, shall constitute a lien on the applicable property, and shall be collected in the same manner as ad valorem real property taxes collected by the county,

regardless of whether the stormwater service fee was incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

15-608. STORMWATER UTILITY FUND.

Stormwater service fees, dedicated ad valorem taxes and other available revenues shall be paid into a fund that is hereby created and shall be known as the Stormwater Utility Fund. This fund shall be used for the purpose of paying the costs of capital improvements, extension and replacement, operations and maintenance, debt service and any other costs associated with the implementation and operation of the stormwater management program.

15-609. FLOODING LIABILITY.

Floods from stormwater runoff may occur which exceed the capacity of the storm drainage facilities constructed, operated, or maintained by funds made available under this chapter. This chapter shall not be construed or interpreted to mean that property subject to the fees and charges established herein will always (or at any time) be free from stormwater flooding or flood damage, or the stormwater systems capable of handling all storm events can be cost-effectively constructed, operated, or maintained. Nor shall this chapter create any liability on the part of, or cause of action against, the city, or any official or employee thereof, for any flood damage that may result from such storms or stormwater runoff. Nor does this chapter purport to reduce the need of the necessity for obtaining flood insurance by individual property owners.

15-610. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Stormwater Utility Fee Data Used & Methodology

Data:

- Parcel Data from JoCoAIMS – dated 10.11.2022
- 2022 Aerial Imaging from JoCoAims was used to draw in the impervious areas
- Impervious Area Data – Buildings, Recreation and Pavement Data from JoCoAIMS acquired 9-29-2022. This data was modified to capture all impervious surfaces within all Non-Residential Lots.

Methodology Notes:

- Non-Residential Lots – Lots that are not classified as Single Family, Duplex or Multifamily and public right-of-way.
- Residential Lots – Single Family, Duplex, Multifamily (regardless if structure used for renting or owning).
- Impervious Areas Updated using Construction Plans – R Park Phase 3, Community Center, Sunflower Development
- Sidewalks were not added towards the impervious area on commercial parcels with a dedicated sidewalk easement / dedicated ROW.
- Playgrounds, football fields, packed gravel driveways are considered impervious as they are designed to not grow vegetation and contribute to runoff into the storm sewer system.
- No credit provided for sites with detention basins as the collected runoff continues to use the City stormwater system to drain.

Round 2 Modifications – November 2022:

- City comments for impervious areas and non-residential lots were addressed.
- Impervious Areas were rechecked, and some modifications were made to a handful of lots due to cleaning up lines, removing islands, adding sidewalk.
- As a QC, the impervious areas were merged to ensure no overlapping sub areas existed. The Summarize Within tool was used in ArcPro to calculate the impervious areas within each non-residential lot. The merged areas were back checked against the areas calculated using the tool Summarize within to ensure accuracy.

ROELAND PARK'S STORMWATER UTILITY FEE SUMMARY

| | # of Lots -or- Sq Ft | Rate | 2024 | 2025 | 2026 |
|--|-------------------------|-----------------|----------------------|------------------|------------------|
| <u>Lots Outside of Benefit District</u> | | | | | |
| Residential Lots Outside of the Benefit Districts (2892 SFR Lots minus RC-12 lots) | 1,804 | \$70 /Lot | \$126,280 | \$126,280 | \$126,280 |
| Non-Residential Impervious Square Footage | 4,020,143 | \$0.0289 /sq ft | \$116,182 | \$116,182 | \$116,182 |
| City of Roeland Park Impervious Square Footage | 457,011 | \$0.0289 /sq ft | \$13,208 | \$13,208 | \$13,208 |
| <u>Benefit District (RC-12) Lots</u> | | | | | |
| RC-12-012 Breakdown (# of Lots = 427) (Expires 12/31/2024) | | | | | |
| Residential Lots (425 Lots) | 425 | \$70 /Lot | | \$29,750 | \$29,750 |
| Non-Residential Impervious Square Footage in RC-12-012 (2 Lots) | 28,519 | \$0.0289 /sq ft | | \$824 | \$824 |
| RC-12-014 Breakdown (# of Lots = 664) (Expires 12/31/2025) | | | | | |
| Residential Lots (663 Lots) | 663 | \$70 /Lot | | | \$46,410 |
| Non-Residential Impervious Square Footage in RC-12-014 (1 Lot) | 24,403 | \$0.0289 /sq ft | | | \$705 |
| | | | RESIDENTIAL FEES | \$126,280 | \$156,030 |
| | | | NON-RESIDENTIAL FEES | \$129,390 | \$130,919 |
| GRAND TOTAL STORMWATER UTILITY FEES | | | \$255,670 | \$286,244 | \$333,359 |

Notes:

Residential Assumption Used: 70'x110' with 30% impervious area, rounded up.



ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

| | Situs Address (No Address for Lots without a Building Footprint) | | | | | | # of Lots -or- Sq Ft | Rate | 2024 | 2025 | 2026 |
|--------------------------------------|--|---------------------|-----------------------------------|--------------------------------|---|-------------------------|-------------------------|-----------------|-----------|-----------|-----------|
| | Tax Property ID | | Owner Name | Mailing Name | Address | City State Zip | | | | | |
| LOTS OUTSIDE OF THE BENEFIT DISTRICT | Residential Lots | | | | | | | | | | |
| | City of Roeland Park Impervious Square Footage | | | | | | | | | | |
| | RESIDENTIAL TOTAL | | | | | | 1,804 | \$70 /Lot | \$126,280 | \$126,280 | \$126,280 |
| | PP59000000 0002 | 5150 GRANADA ST | CITY OF ROELAND PARK | | | | 10,833 | \$0.0289 /sq ft | \$313 | \$313 | \$313 |
| | PF251204-3014 | 4800 ROE PKWY | CITY OF ROELAND PARK | | | | 68,517 | \$0.0289 /sq ft | \$1,980 | \$1,980 | \$1,980 |
| | PF251209-1001 | 5535 JUNIPER ST | CITY OF ROELAND PARK | | | | 81,852 | \$0.0289 /sq ft | \$2,366 | \$2,366 | \$2,366 |
| | PF251209-1003 | 0 NS NT | CITY OF ROELAND PARK | | | | 1,306 | \$0.0289 /sq ft | \$38 | \$38 | \$38 |
| | PP50000000 0001 | 4801 NALL AVE | CITY OF ROELAND PARK | | | | 40,904 | \$0.0289 /sq ft | \$1,182 | \$1,182 | \$1,182 |
| | PP50000000 0002 | 4850 ROSEWOOD DR | CITY OF ROELAND PARK | | | | 199,331 | \$0.0289 /sq ft | \$5,761 | \$5,761 | \$5,761 |
| | PP63000017 0030A | 0 NS NT | CITY OF ROELAND PARK | | | | 763 | \$0.0289 /sq ft | \$22 | \$22 | \$22 |
| | PP63000017 0031 | 4812 JOHNSON DR | CITY OF ROELAND PARK | | | | 8,219 | \$0.0289 /sq ft | \$238 | \$238 | \$238 |
| | PP63000017 0032 | 4800 JOHNSON DR | CITY OF ROELAND PARK | | | | 9,195 | \$0.0289 /sq ft | \$266 | \$266 | \$266 |
| | PP66000022 0009 | 0 NS NT | CITY OF ROELAND PARK | | | | 4,614 | \$0.0289 /sq ft | \$133 | \$133 | \$133 |
| | PP67010000 0U01 | 0 NS NT | CITY OF ROELAND PARK | | | | 26,129 | \$0.0289 /sq ft | \$755 | \$755 | \$755 |
| | PP67010000 0U03 | 0 NS NT | CITY OF ROELAND PARK | | | | 5,349 | \$0.0289 /sq ft | \$155 | \$155 | \$155 |
| | CITY TOTAL | | | | | | 457,011 | \$0.0289 /sq ft | \$13,208 | \$13,208 | \$13,208 |
| | Non-Residential Impervious Square Footage | | | | | | | | | | |
| | PP63000017 0024 | 5000 JOHNSON DR | 5000 JOHNSON DRIVE PROPERTIES LLC | | 13613 S HWY 71 | GRANDVIEW, MO 64030 | 13,793 | \$0.0289 /sq ft | \$399 | \$399 | \$399 |
| | PP67250000 0002 | 4960 ROE BLVD | AGREE LIMITED PARTNERSHIP | | RYAN LLC PO BOX 460389 | HOUSTON, TX 77056 | 322,024 | \$0.0289 /sq ft | \$9,306 | \$9,306 | \$9,306 |
| | PP67250000 0002A | 0 NS NT | AGREE LIMITED PARTNERSHIP | | RYAN LLC PO BOX 460389 | HOUSTON, TX 77056 | 103,774 | \$0.0289 /sq ft | \$2,999 | \$2,999 | \$2,999 |
| | PP62000000 0004 | 0 NS NT | ALDI INC. | | RYAN TAX COMPLIANCE SERVICES, LLC P HOUSTON, TX 77056 | | 26,621 | \$0.0289 /sq ft | \$769 | \$769 | \$769 |
| | PP62000000 0005 | 4801 ROE BLVD | ALDI INC. | STORE #59 | RYAN TAX COMPLIANCE SERVICES, LLC P HOUSTON, TX 77056 | | 49,505 | \$0.0289 /sq ft | \$1,431 | \$1,431 | \$1,431 |
| | PP78000000 0003 | 4710 MISSION RD | ALH ENTERPRISES, LLC | | 4710 MISSION RD | ROELAND PARK, KS 66205 | 8,833 | \$0.0289 /sq ft | \$255 | \$255 | \$255 |
| | PF251204-1020 | 4700 ROE PKWY | ALLIED CONSTRUCTION, INC. | | PO BOX 937 | DES MOINES, IA 50304 | 66,834 | \$0.0289 /sq ft | \$1,932 | \$1,932 | \$1,932 |
| | PP63000017 0025 | 4926 JOHNSON DR | AMOS FAMILY, INC. | | 10901 JOHNSON DR | SHAWNEE, KS 66203 | 8,650 | \$0.0289 /sq ft | \$250 | \$250 | \$250 |
| | PP63000017 0029 | 4900 JOHNSON DR | ASSET COMBINER, LLC | | 4900 JOHNSON DR | ROELAND PARK, KS 66205 | 9,488 | \$0.0289 /sq ft | \$274 | \$274 | \$274 |
| | PP67250000 0001 | 4950 ROE BLVD | BELLA ROE LOTS 1 AND 4 07 A, LLC, | | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 209,001 | \$0.0289 /sq ft | \$6,040 | \$6,040 | \$6,040 |
| | PP67250000 0004 | 4980 ROE BLVD | BELLA ROE LOTS 1 AND 4 07 A, LLC, | | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 36,518 | \$0.0289 /sq ft | \$1,055 | \$1,055 | \$1,055 |
| | PP67250000 0004A | 0 NS NT | BELLA ROE LOTS 1 AND 4 07 A, LLC, | | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 2,224 | \$0.0289 /sq ft | \$64 | \$64 | \$64 |
| | PP67250000 0003 | 4990 ROE BLVD | BELLA ROE LOTS 2 3 AND 6 07 A LLC | ACF PROPERTY MANAGEMENT | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 28,278 | \$0.0289 /sq ft | \$817 | \$817 | \$817 |
| | PP67250000 0T0A | 0 NS NT | BELLA ROE LOTS 2 3 AND 6 07 A LLC | ACF PROPERTY MANAGEMENT | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 41,282 | \$0.0289 /sq ft | \$1,193 | \$1,193 | \$1,193 |
| | PP67250000 0T0A2 | 0 NS NT | BELLA ROE LOTS 2 3 AND 6 07 A LLC | ACF PROPERTY MANAGEMENT | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 1,525 | \$0.0289 /sq ft | \$44 | \$44 | \$44 |
| | PP67250000 0T0A1 | 0 NS NT | BELLA ROE LOTS 2 3 AND 6 07 A LLC | ACF PROPERTY MANAGEMENT | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 7,632 | \$0.0289 /sq ft | \$221 | \$221 | \$221 |
| | PP67250000 0003A | 0 NS NT | BELLA ROE LOTS 2 3 AND 6 19 B LLC | | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 14,360 | \$0.0289 /sq ft | \$415 | \$415 | \$415 |
| | PP67250000 0003B | 0 NS NT | BELLA ROE LOTS 2 3 AND 6 19 B LLC | | 12411 VENTURA BLVD | STUDIO CITY, CA 91604 | 1,854 | \$0.0289 /sq ft | \$54 | \$54 | \$54 |
| | PF251204-1019 | 4710 ROE PKWY | B-H ACQUISITION, LLC | SHROPSHIRE, D. GARRETT | 4710 ROE PKWY | ROELAND PARK, KS 66205 | 49,679 | \$0.0289 /sq ft | \$1,436 | \$1,436 | \$1,436 |
| | PP81000019 0018A | 5201 ROE BLVD | BINK'M COMPANY LLC | | 2540 KIPLING ST | LAKEWOOD, CO 80215 | 7,690 | \$0.0289 /sq ft | \$222 | \$222 | \$222 |
| | PP64000000 0000 | 4800 SKYLINE DR | BOULEVARD APARTMENTS, LLC | NOLAN REAL ESTATE SERVICES INC | 2020 W 89TH ST # 320 | LEAWOOD, KS 66206 | 582,699 | \$0.0289 /sq ft | \$16,840 | \$16,840 | \$16,840 |
| | PF251204-1005 | 4717 ROE PKWY | CITY OF FAIRWAY | | FAIRWAY CITY HALL 5240 BELINDER RD | FAIRWAY, KS 66205 | 43,267 | \$0.0289 /sq ft | \$1,250 | \$1,250 | \$1,250 |
| | PP09150000 0002 | 4700 JOHNSON DR | COMMERCE BANK | | 8000 FORSYTH BLVD APT 1300 | ST. LOUIS, MO 63105 | 25,056 | \$0.0289 /sq ft | \$724 | \$724 | \$724 |
| | PP63000017 0030 | 4818 JOHNSON DR | D & G BUILDING PARTNERSHIP | | 4818 JOHNSON DR | ROELAND PARK, KS 66205 | 7,898 | \$0.0289 /sq ft | \$228 | \$228 | \$228 |
| | PP06000000 0009 | 4101 W 54TH TER | G & A RENTAL PROPERTIES LLC | | 5420 PAWNEE LN | FAIRWAY, KS 66205 | 19,342 | \$0.0289 /sq ft | \$559 | \$559 | \$559 |
| | PP66000009 0006A | 0 NS NT | HAINEN PARTNERS LLC | | 13501 ABERDEEN PKWY | LEAWOOD, KS 66224 | 483 | \$0.0289 /sq ft | \$14 | \$14 | \$14 |
| | PP06000000 0010A | 5500 BUENA VISTA ST | HOEDL PROPERTIES LLC | | PO BOX 7016 | KANSAS CITY, MO 64113 | 4,632 | \$0.0289 /sq ft | \$134 | \$134 | \$134 |
| | PP66000027 0027 | 5204 ROE BLVD | IMAGINE ENTERPRISES LLC | | 5204 ROE BLVD | ROELAND PARK, KS 66205 | 3,291 | \$0.0289 /sq ft | \$95 | \$95 | \$95 |
| | PP81500000 0001 | 5015 BUENA VISTA ST | INDIAN HILLS DEVELOPMENT LLC | | 6436 ENSLEY LN | MISSION HILLS, KS 66208 | 25,119 | \$0.0289 /sq ft | \$726 | \$726 | \$726 |
| | PP62000000 0003 | 4811 ROE BLVD | JL GROUP HOLDINGS I, LLC | | 3000 EXECUTIVE PKWY APT 515 | SAN RAMON, CA 94583 | 35,313 | \$0.0289 /sq ft | \$1,021 | \$1,021 | \$1,021 |



ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

| | Situs Address (No Address for Lots without a Building | | | | | | # of Lots -or- Sq Ft | Rate | 2024 | 2025 | 2026 |
|--|--|--------------------------|---|--------------------------------------|--|----------------------------|-------------------------|------------------------|------------------|------------------|------------------|
| | Tax Property ID | Footprint) | Owner Name | Mailing Name | Address | City State Zip | | | | | |
| | PF251204-4001 | 4050 SHAWNEE MISSION PKW | JWH PROPERTIES, LLC | | 2651 N 231ST ST W | ANDALE, KS 67001 | 13,521 | \$0.0289 /sq ft | \$391 | \$391 | \$391 |
| | PF251204-1001 | 4702 ROE PKWY | K C POWER & LIGHT CO. | SHANNON L. GREEN JR. TAX DEPARTMEN | PO BOX 418679 | KANSAS CITY, MO 64141 | 123,100 | \$0.0289 /sq ft | \$3,558 | \$3,558 | \$3,558 |
| | PP03000000 0001B | 4700 FONTANA ST | K C POWER & LIGHT CO. | SHANNON L. GREEN JR. TAX DEPARTMEN | PO BOX 418679 | KANSAS CITY, MO 64141 | 21,728 | \$0.0289 /sq ft | \$628 | \$628 | \$628 |
| | PP66000009 0014 | 5812 ROELAND DR | KELLERMAN, RYAN | | 5812 ROELAND DR | ROELAND PARK, KS 66205 | 8,554 | \$0.0289 /sq ft | \$247 | \$247 | \$247 |
| | PP66000009 0015 | 5100 JOHNSON DR | KHETANI, INC. | | 211 E FLAMING RD | OLATHE, KS 66061 | 13,763 | \$0.0289 /sq ft | \$398 | \$398 | \$398 |
| | PP63000017 0026 | 4920 JOHNSON DR | LIEMEN, MILDRED N. TRUSTEE | | 4107 HOMESTEAD DR | PRAIRIE VILLAGE, KS 66208 | 8,336 | \$0.0289 /sq ft | \$241 | \$241 | \$241 |
| | PP63000017 0027 | 4914 JOHNSON DR | LIEMEN, MILDRED N. TRUSTEE | | 4107 HOMESTEAD DR | PRAIRIE VILLAGE, KS 66208 | 8,675 | \$0.0289 /sq ft | \$251 | \$251 | \$251 |
| | PP81000009 0015 | 5023 GRANADA ST | LILLY PAD DAYCARE LLC | | 5023 GRANADA ST | ROELAND PARK, KS 66205 | 10,934 | \$0.0289 /sq ft | \$316 | \$316 | \$316 |
| | PP83000000 0001 | 5675 ROE BLVD | LIPT ROE BOULEVARD LLC | | 333 W WACKER DR FL 23 | CHICAGO, IL 60606 | 59,635 | \$0.0289 /sq ft | \$1,723 | \$1,723 | \$1,723 |
| | PP83000000 001A | 0 NS NT | LIPT ROE BOULEVARD LLC | | 333 W WACKER DR FL 23 | CHICAGO, IL 60606 | 16,799 | \$0.0289 /sq ft | \$485 | \$485 | \$485 |
| | PP59000000 0001 | 5103 ROE BLVD | MCDONALDS CORPORATION | | 16332 MONROVIA ST | OVERLAND PARK, KS 66221 | 31,370 | \$0.0289 /sq ft | \$907 | \$907 | \$907 |
| | PP62000000 0002 | 4815 ROE BLVD | MINIT MART LLC | | 165 FLANDERS RD | WESTBOROUGH, MA 01581 | 35,046 | \$0.0289 /sq ft | \$1,013 | \$1,013 | \$1,013 |
| | PP63500000 0001 | 5115 ROE BLVD | MISSION BANK (THE) | | 5201 JOHNSON DR | MISSION, KS 66205 | 48,382 | \$0.0289 /sq ft | \$1,398 | \$1,398 | \$1,398 |
| | PP09150000 0001 | 4720 JOHNSON DR | MPT OF ST LUKE'S ROELAND PARK LLC | | 1000 URBAN CENTER DR STE 501 | BIRMINGHAM, AL 35242 | 44,166 | \$0.0289 /sq ft | \$1,276 | \$1,276 | \$1,276 |
| | PF251204-1021 | 4715 ROE PKWY | NEW CASTLE ENTERPRISE LLC | | 9739 SUNSET CIR | LENEXA, KS 66220 | 40,772 | \$0.0289 /sq ft | \$1,178 | \$1,178 | \$1,178 |
| | PP63350000 0002 | 4707 ROE PKWY | PI REAL ESTATE LLC | | PO BOX 6821 | LEAWOOD, KS 66206 | 10,778 | \$0.0289 /sq ft | \$311 | \$311 | \$311 |
| | PP58000001 0TOI | 0 NS NT | QUIKTRIP CORPORATION | | 4705 S 129TH AVE E | TULSA, OK 74134 | 17,137 | \$0.0289 /sq ft | \$495 | \$495 | \$495 |
| | PP58000001 0TOII | 5055 ROE BLVD | QUIKTRIP CORPORATION | | 4705 S 129TH AVE E | TULSA, OK 74134 | 12,933 | \$0.0289 /sq ft | \$374 | \$374 | \$374 |
| | PP58000001 0TOIII | 0 NS NT | QUIKTRIP CORPORATION | | 4705 S 129TH AVE E | TULSA, OK 74134 | 20,924 | \$0.0289 /sq ft | \$605 | \$605 | \$605 |
| | PP81000010 0001 | 5031 ROE BLVD | QUIKTRIP CORPORATION | | PO BOX 3475 | TULSA, OK 74101 | 7,009 | \$0.0289 /sq ft | \$203 | \$203 | \$203 |
| | PP63500000 0002 | 5125 ROE BLVD | ROE MARKETPLACE, LLC | | 11228 DELMAR ST | LEAWOOD, KS 66211 | 36,190 | \$0.0289 /sq ft | \$1,046 | \$1,046 | \$1,046 |
| | PP78000000 0001 | 4702 MISSION RD | ROELAND PARK SERIES I LLC | | 3002 W 47TH AVE | KANSAS CITY, KS 66103 | 2,072 | \$0.0289 /sq ft | \$60 | \$60 | \$60 |
| | PP78000000 0002 | 4706 MISSION RD | ROELAND PARK SERIES I LLC | | 3002 W 47TH AVE | KANSAS CITY, KS 66103 | 184 | \$0.0289 /sq ft | \$5 | \$5 | \$5 |
| | PP66000014 000A1 | 5110 CEDAR ST | ROELAND PARK UNITED METHODIST CHURCH | | 5110 CEDAR ST | ROELAND PARK, KS 66205 | 15,410 | \$0.0289 /sq ft | \$445 | \$445 | \$445 |
| | PP66000014 0029 | 4910 W 51ST TER | ROELAND PARK UNITED METHODIST CHURCH | | 5110 CEDAR ST | ROELAND PARK, KS 66205 | 4,526 | \$0.0289 /sq ft | \$131 | \$131 | \$131 |
| | PP66000014 000A1 | 5110 CEDAR ST | ROELAND PARK UNITED METHODIST CHURCH | | 5110 CEDAR ST | ROELAND PARK, KS 66205 | 3,342 | \$0.0289 /sq ft | \$97 | \$97 | \$97 |
| | PP82000000 0001 | 5041 REINHARDT DR | ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS | | 12615 PARALLEL PKWY | KANSAS CITY, KS 66109 | 730,670 | \$0.0289 /sq ft | \$21,116 | \$21,116 | \$21,116 |
| | PP82000000 0002 | 3224 W 53RD ST | ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS | | 12615 PARALLEL PKWY | KANSAS CITY, KS 66109 | 1,354 | \$0.0289 /sq ft | \$39 | \$39 | \$39 |
| | PP82000000 0003 | 0 NS NT | ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS | | 12615 PARALLEL PKWY | KANSAS CITY, KS 66109 | 21,265 | \$0.0289 /sq ft | \$615 | \$615 | \$615 |
| | PP82000000 0004 | 4901 REINHARDT DR | ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS | | 12615 PARALLEL PKWY | KANSAS CITY, KS 66109-3748 | 93,614 | \$0.0289 /sq ft | \$2,705 | \$2,705 | \$2,705 |
| | PF251204-3001 | 4900 PARISH DR | ROSELAND SCHOOL DISTRICT 92 | UNIFIED SCHOOL DIST #512, ROESLAND E | 4900 PARISH DR | ROELAND PARK, KS 66205 | 152,285 | \$0.0289 /sq ft | \$4,401 | \$4,401 | \$4,401 |
| | PP81000013 0022 | 4301 W 51ST ST | SWEENEY, ELLEN F. TRUSTEE | | 10123 PAWNEE LN | LEAWOOD, KS 66206 | 4,745 | \$0.0289 /sq ft | \$137 | \$137 | \$137 |
| | PP74000000 0001 | 5150 ROE BLVD | TMM ROELAND PARK CENTER, LLC | KESSINGER/HUNTER & COMPANY, LC | 2600 GRAND BLVD APT 700 | KANSAS CITY, MO 64108 | 402,804 | \$0.0289 /sq ft | \$11,641 | \$11,641 | \$11,641 |
| | PP74000000 0001A | 0 NS NT | TMM ROELAND PARK CENTER, LLC | KESSINGER/HUNTER & COMPANY, LC | 2600 GRAND BLVD APT 700 | KANSAS CITY, MO 64108 | 11,932 | \$0.0289 /sq ft | \$345 | \$345 | \$345 |
| | PP74000000 0002 | 4701 SYCAMORE DR | TMM ROELAND PARK CENTER, LLC | KESSINGER/HUNTER & COMPANY, LC | 2600 GRAND BLVD APT 700 | KANSAS CITY, MO 64108 | 50,943 | \$0.0289 /sq ft | \$1,472 | \$1,472 | \$1,472 |
| | PP74000000 0003 | 5000 ROE BLVD | TMM ROELAND PARK CENTER, LLC | KESSINGER/HUNTER & COMPANY, LC | 2600 GRAND BLVD APT 700 | KANSAS CITY, MO 64108 | 25,153 | \$0.0289 /sq ft | \$727 | \$727 | \$727 |
| | PP74000000 0004 | 5010 ROE BLVD | TMM ROELAND PARK CENTER, LLC | KESSINGER/HUNTER & COMPANY, LC | 2600 GRAND BLVD APT 700 | KANSAS CITY, MO 64108 | 25,196 | \$0.0289 /sq ft | \$728 | \$728 | \$728 |
| | PP63000017 0028 | 4908 JOHNSON DR | TOLLIE INVESTMENTS LLC | | 4908 JOHNSON DR | ROELAND PARK, KS 66205 | 8,760 | \$0.0289 /sq ft | \$253 | \$253 | \$253 |
| | PP67250000 0005 | 4970 ROE BLVD | U S BANK NATIONAL ASSOCIATION | U S BANK CORP REAL ESTATE TAX DEPAR | RYAN PTS DEPT 908 PO BOX 460169 | HOUSTON, TX 77056 | 16,547 | \$0.0289 /sq ft | \$478 | \$478 | \$478 |
| | PP67250000 0005A | 0 NS NT | U S BANK NATIONAL ASSOCIATION | CRE TAX DEPARTMENT | RYAN PTS DEPT 908 PO BOX 460169 | HOUSTON, TX 77056 | 1,160 | \$0.0289 /sq ft | \$34 | \$34 | \$34 |
| | PP62000000 0001 | 4951 ROE BLVD | WG DST 1 | | PO BOX 1159 | DEERFIELD, IL 60015 | 91,664 | \$0.0289 /sq ft | \$2,649 | \$2,649 | \$2,649 |
| | PP63350000 0001 | 4705 ROE PKWY | XTIERRA PROPERTIES LLC | | 4705 ROE PKWY | ROELAND PARK, KS 66205 | 10,103 | \$0.0289 /sq ft | \$292 | \$292 | \$292 |
| | | | | | NON-RESIDENTIAL TOTAL | | 4,020,143 | \$0.0289 /sq ft | \$116,182 | \$116,182 | \$116,182 |
| | | | | | TOTAL FEE FOR ALL LOTS OUTSIDE OF BENEFIT DISTRICT AREA | | | | \$255,670 | \$255,670 | \$255,670 |



ROELAND PARK'S STORMWATER UTILITY FEE BREAKDOWN

| | Tax Property ID | Situs Address (No Address for Lots without a Building Footprint) | Owner Name | Mailing Name | Address | City State Zip | # of Lots -or- Sq Ft | Rate | 2024 | 2025 | 2026 |
|---|--|--|------------------------------|------------------|-------------------|----------------------------|-------------------------|-----------------|-----------|-----------|-----------|
| RC-12-012 Breakdown (Expires 12/31/2024) Residential Lots (425 Lots) Non-Residential Impervious Square Footage (2 Lots,29,918) | RESIDENTIAL TOTAL | | | | | | 425 | \$70 /Lot | | \$29,750 | \$29,750 |
| | PP45000000 0068A | 4740 MOHAWK DR | OAK GROVE ASSEMBLY | | 4740 MOHAWK DR | ROELAND PARK, KS 66205 | 26,816 | \$0.0289 /sq ft | | \$775 | \$775 |
| | PP33000000 0009B | 4104 W 48TH ST | WATER DISTRICT #1 OF JOHNSON | ATTN: ACCOUNTING | 10747 RENNER BLVD | LENEXA, KS 66219 | 1,702 | \$0.0289 /sq ft | | \$49 | \$49 |
| | BENEFIT DISTRICT RC-12-012 NON-RESIDENTIAL TOTAL | | | | | | 28,519 | \$0.0289 /sq ft | | \$824 | \$824 |
| | | | | | | | | | | | |
| RC-12-014 Breakdown (Expires 12/31/2025) Residential Lots (663 Lots) Non-Residential Impervious Square Footage (1 Lots, 24,373 sf) | RESIDENTIAL TOTAL | | | | | | 663 | \$70 /Lot | | | \$46,410 |
| | PP66000015 000A | 5120 CEDAR ST | BD DIR JO CO LIBRARY | | PO BOX 2933 | SHAWNEE MISSION, KS 66201- | 24,403 | \$0.0289 /sq ft | | | \$705 |
| | BENEFIT DISTRICT RC-12-014 NON-RESIDENTIAL TOTAL | | | | | | 24,403 | \$0.0289 /sq ft | | | \$705 |
| | TOTAL FEE FOR ALL LOTS INSIDE OF BENEFIT DISTRICT AREA | | | | | | | | | \$30,574 | \$77,689 |
| | | | | | | | | | | | |
| TOTAL RESIDENTIAL FEES | | | | | | | | | \$126,280 | \$156,030 | \$202,440 |
| TOTAL NON-RESIDENTIAL FEES | | | | | | | | | \$129,390 | \$130,214 | \$130,919 |
| GRAND TOTAL OF ROELAND PARK'S STORMWATER UTILITY FEE FOR EACH YEAR | | | | | | | | | \$255,670 | \$286,244 | \$333,359 |



STORM WATER UTILITY DISCUSSION

1/5/22

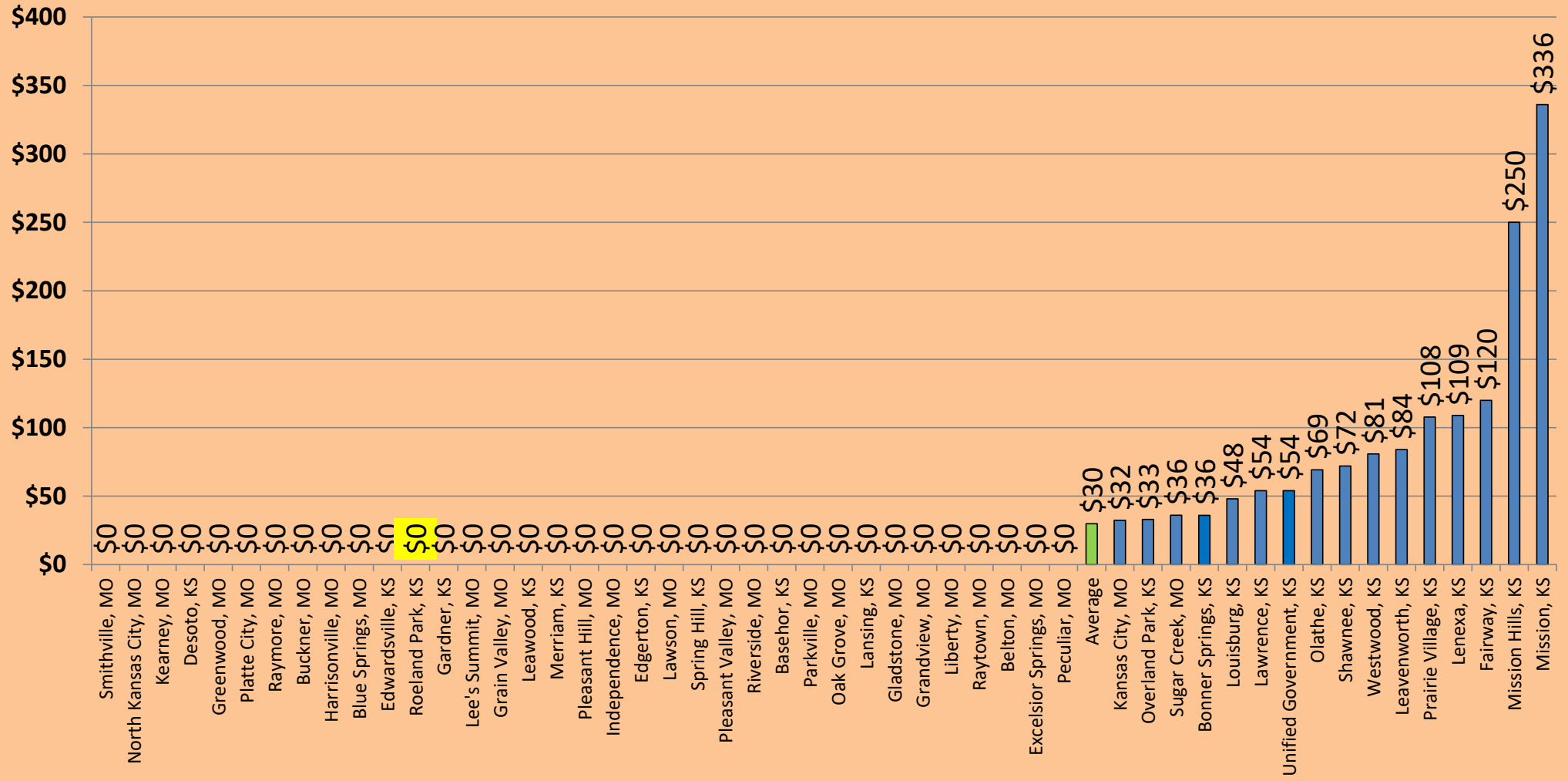
STORM WATER UTILITY ASSUMPTIONS & OVERVIEW

- Presumed fee of \$.0289/ impervious square foot.
- Presumed average \$70/yr. fee per single family lot.
- Utility fee would not be applied to lots currently subject to storm water improvement assessment. (Average Assessment for RC12= \$224, RC13= \$245, RC14= \$150; assessment lasts for 10 years, 1,339 lots currently pay an assessment, roughly half of the single family lots)
- Fee applied to all types of uses. The total fees by type of land use:
 - Single Family Lots= \$199,500
 - Multifamily/Commercial/Office/Industrial Sites= \$72,600
 - Churches and Schools= \$21,000
 - City Owned Facilities= \$12,500
- Total Estimated Annual Utility Fee Revenues Based Upon these Assumptions= \$305,600

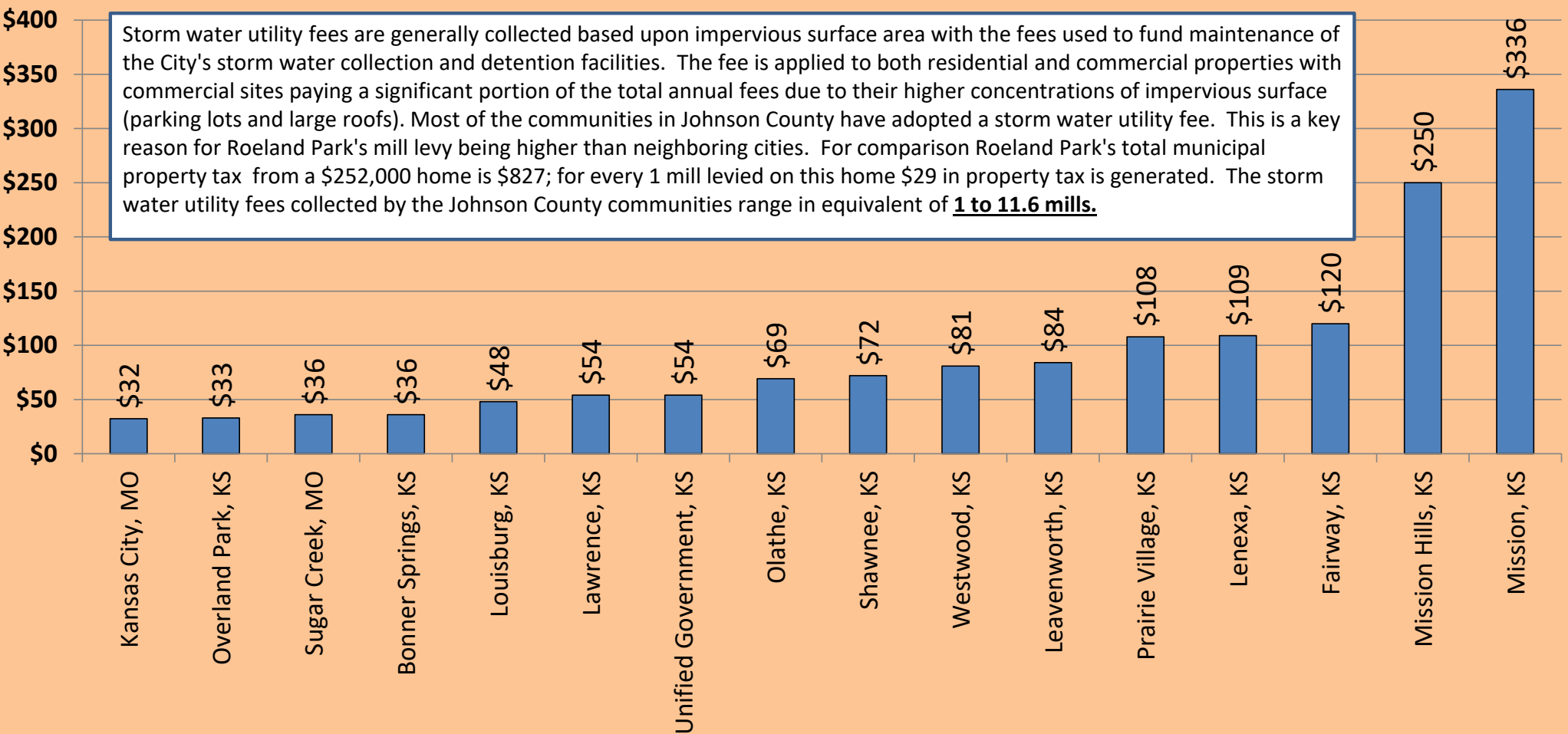
PROPERTY TAX AND STORM WATER ASSESSMENT INFORMATION

- 18% of property tax revenues come from commercial and 82% comes from residential properties.
- Each 1 mill equals \$103,000 in tax revenue, \$18.5k from commercial property and \$84.5k from residential property.
- Cities with a storm water utility in JOCO have fees that range from \$33 to \$336 per single-family lot, the average is \$131/yr./lot.
- The assumed \$70/yr./lot fee is less than half of the lowest current storm water improvement assessment in Roeland Park and 53% of the average storm water utility fee collected in JOCO per single family lot.

Storm Water Utility Cost for a Single Family- 2020



Storm Water Utility Cost for a Single Family- 2020



INITIAL IMPLEMENTATION

- Schools, churches, the City, and the Library do not pay property taxes but would generally be subject to a storm water utility fee imposed by a City.
- RC12 has 427 lots (equal to \$30k in utility fees), RC13 has 248 (equal to \$17k in utility fees) and RC 14 has 664 (equal to \$46k in utility fees) for a total of 1,339 lots currently subject to a storm water improvement assessment which would reduce the utility revenue by \$93k from the \$305,600 estimate; roughly 1/3 of the total.
- The initial implementation could generate around \$200k in storm water fees.
- Initial implementation could entail around a 2-mill reduction in the tax levy netting the budget impact to zero.

FULL IMPLEMENTATION

- Once all of the single family lots are paying the utility fee (2027) the mill could be reduced by 3 (from the current levy) and the net impact would be around a \$12 savings to an average home based upon the 2022 average home value of \$236,800.
- A 3-mill reduction would reduce property taxes paid by commercial property \$55.5k and reduce residential property taxes paid by \$253.5k.
- Commercial Property would see a net increase in taxes/fees paid of \$17,100 (\$72,600 in new storm sewer fees - \$55,500 in fewer property taxes).
- Residential Property would see a net decrease in taxes/fees paid of \$54,000 (\$199,500 in new storm sewer fees - \$253.,500 in fewer property taxes).
- Schools, Government Entities and Churches would see an increase in fees paid of \$33,500
- Net change in taxes and fees to the City of -\$3,400.

STEP IMPLEMENTATION ALTERNATIVES

- 6-year Implementation- If implementation occurred in 2022 initially excluding the lots subject to the storm improvement assessment but adding the utility fee to them as those assessments retire a six-year implementation could be planned where the mill is reduced by .5 each year from 2022 through 2027 with a total mill reduction of 3 over this period.
- 3-year Implementation- If implementation occurred in 2025 where the fee is applied to all lots and the storm improvement assessments would not be collected and instead most of the utility fees collected would be used to make the remaining three years of related debt service payments. This scenario could include a 1 mill reduction in 2025, 2026 and 2027 for a total reduction of 3 mill.
- If schools, churches and other tax-exempt entities were exempted, either the mill reduction would need to be smaller or the storm water fee larger.

ADDITIONAL CONSIDERATIONS

- If the storm water utility fee is not increased annually by the amount that property taxes would have increased on the presumed 3 mill reduction, the net decline in taxes and fees will grow from the initial -\$3,400. Future Councils will need to act on an annual basis to manage this delta.
- The Storm water utility revenue is restricted for use on maintenance and operation of the storm water system including street sweeping, curbs, inlets, piping, detention facilities, and drainage courses. For comparison, property taxes are not restricted to a specific use.
- If property taxes are reduced in an amount equal to storm water utility fees there is no change in service level provided.
- It can be argued that the cost of storm water services are accounted for with greater transparency through implementation of a storm water fee.

TAX VS FEE BURDEN COMPARISON

- Commercial properties have a higher property tax burden than residential properties. 25% of each \$1 of taxable commercial property is subject to the property tax mill, where only 11.5% of each \$1 of taxable residential property is subject to property tax. Commercial property pays 2.17 times the tax that residential property does on the same \$1 of property value.
- Land uses other than single family lots average 42% of impervious area per lot compared to single family lots which average 25% of impervious area. Based upon the averages per land use category the commercial properties would pay on average 1.68 times more storm water utility fees per square foot than single family properties.
- Based upon this comparison a property tax is a greater burden to commercial properties than a storm water fee.

PROS OF A STORM WATER FEE

- Pro- Implementing a storm water fee and reducing the mill rate will bring Roeland Park's mill rate down.
- Pro- A storm water fee would make Roeland Park comparable to other JOCO cities.
- Pro- A storm water fee diversifies the city's revenue sources.
- Pro- A storm water fee can stabilize revenues compared to property taxes (although property taxes are historically stable).
- Pro- A storm water fee arguably creates improved accuracy in accounting for the cost of the storm water system.

CONS OF A STORM WATER FEE

- Con- A storm water fee does not represent as great of a fee burden to commercial properties as the property tax it would be replacing (it is more of a burden to commercial than residential, just not as much of a burden as property tax).
- Con- If future councils choose not to increase the storm water fee to keep pace with increases in taxable value, this will result in less revenue. Consequently, the tax/fee burden will shift from commercial to residential properties.
- Con- Implementation could take years, potentially up to six years. This long runway poses a challenge because residents, newly elected officials and new staff will lack history and potentially question/debate/challenge full implementation.
- Con- A storm water fee has restrictive uses compared to property taxes.
- Con- Applying the storm water fee to uses that are currently exempt from property tax could bring objection from schools, churches, and other tax-exempt entities.

QUESTIONS AND DIRECTION

- Questions?
- Is implementing a storm water utility fee something Council would like to consider further?
- If so, would you like to consider initial implementation with only those properties currently not subject to a storm water improvement assessment?
- If so, would you want to employ an approach that results in a neutral impact upon revenues?



Stormwater Fee Program Comparisons Schools, Churches, and Other Governmental Agencies

| Kansas & Missouri Communities | SWU Fee? | Exemption Policy? | Comments |
|-------------------------------|---------------------|-------------------|---|
| Bonner Springs, KS | YES | NO | Bonner Springs currently collects \$3 for all residential property and \$5.50 for non-residential property, <u>including schools, churches, governments, and non-profits</u> . However, these fees and procedures will be reviewed during the 2022 budget session. |
| Fairway, KS | YES | NO | Fairway <u>collects SWUF from their only church in town</u> . In addition, they also collect SWUF for two buildings owned by the KS Board of Regents (KU research facilities). |
| Kansas City, MO | YES | YES | Nearly every property within the City limits is charged a Stormwater fee, which is based upon the amount of impervious surface area on the property. Stormwater fees are not applied to properties that do not have impervious surfaces. In order to receive an exemption from the fee, a customer must complete our Stormwater Utility Impervious Surface Fee Exemption form and provide a copy of the State of Missouri tax exemption letter/documentation and <u>include the use of the exemption, i.e. church school, etc.</u> The Missouri State tax exemption is one of the criteria used to determine if a customer can be exempt from paying Stormwater fees. The other criteria are- ownership of the property, use of the property for tax exemption purpose and if the customer was paying Stormwater fees. There are no taxes associated with Stormwater accounts (the Stormwater fee has been called taxes). |
| Lawrence, KS | YES | NO | The City of Lawrence charges SWU Fee on their utility bill, therefore anyone who has a water account pays the fee. <u>There are no exemptions for non-profits or governments</u> . The City of Lawrence pays the fee as well on the City's properties in order to help support stormwater control. |
| Leavenworth, KS | YES | YES | Leavenworth charges schools, churches and non-profits. They also charge county facilities; however, <u>they do not charge state or federal properties</u> . |
| Lenexa, KS | YES | NO | |
| Louisburg, KS | YES | NO | Louisburg charges every utility account a flat \$4 fee on each bill. Utility customers include their gas, water, and sewer customers. Regardless of whether the customer is served gas, water or sewer, or any combination of the three, the \$4 fee applies. <u>There are no variances or exceptions to for any organizational/property type</u> . |
| Mission Hills, KS | YES | NO | |

Stormwater Fee Program Comparisons
Schools, Churches, and Other Governmental Agencies



| Kansas & Missouri Communities | SWU Fee? | Exemption Policy? | Comments |
|-------------------------------|---------------------|-------------------|--|
| Mission, KS | YES | NO | Revenue consists of an annual fee collected from each property in the City as an assessment on the property tax bill. The fee is set as a dollar amount per equivalent residential unit (ERU), which equals 2,600 sq. ft., the amount of impervious surface that an average single-family residential parcel is estimated to have. For FY 2022, the annual fee remains at \$28 per ERU/per month. A single-family parcel of property pays a storm water utility fee of \$336 per year. A larger parcel of property will pay a higher amount, determined by taking the total impervious surface for the parcel and dividing by 2,600 sq. ft. to determine the appropriate ERU multiplier. <u>The City collects the fee on all property – residential, commercial, non-profit, and government (including city owned property).</u> |
| Olathe, KS** | YES | YES | <u>Charitable, nonprofit organizations located in Olathe may qualify for a monthly discount on City non-residential stormwater service charges.</u> Any nonprofit organization located in Olathe and exempt from taxation under § 501(c)(3) of the Internal Revenue Code (IRS) are encouraged to apply. Upon receipt of needed information and approval of the discount, future monthly bills will be based on the nonprofit rate as stated in the most current Comprehensive Listing of Fees and Charges. |
| Overland Park, KS | YES | NO | Overland Park has a hybrid revenue structure in their Stormwater Utility Fund to address this issue. They use both a property tax component of about one mill, which tax-exempt properties are not subject to. They also have <u>a user fee component, which tax-exempt properties are subject to.</u> |
| Prairie Village, KS | YES | NO | Prairie Village uses a 0.100% stormwater utility fee, and <u>all properties are subject to it, including schools, churches, nonprofits, and other government organizations.</u> For residential properties, the City counts roof area and driveway area for the calculations. On commercial properties, (anything non-residential) the City counts all impervious surfaces. |
| Shawnee, KS | YES | YES | Shawnee charges all organizations, including internal departments, for their impervious area. <u>At times, the City has issued refunds (very few), only if the owner removes significant impervious area since the last calculation.</u> |
| Unified Government, KS | YES | NO | Currently, all property owners, from single -family units to schools and nonprofits, pays a flat \$6.00 monthly fee. However, the Unified Government is looking to revise their procedures. Two proposals are listed on their website . |
| Westwood, KS | YES | NO | |

**Information obtained from City website