

To: House Commerce Committee
From: Nathan Eberline, Executive Director
Date: January 30, 2025
RE: HB 2088 – Fast Track Permitting
Opponent – Verbal Testimony

Thank you to the Chair and the committee for an opportunity to provide this testimony.

The cities of Kansas are concerned that, however well intentioned, HB 2088 will negatively impact the planning process, undermine local control, deter the ability to responsibly manage growth, will hinder public input, and create unintended consequences that cannot be undone.

Most cities in Kansas strive to provide flexibility in the permitting process. This not only assists city staff but benefits developers. For example, most cities allow early submissions of partial project plans so review can begin, and early issues can be detected. This saves the developer time and money as they get further into a project. HB 2088, however, would require developers to submit everything at once, which can result in delays and increased costs.

This timeline creates significant problems when it comes to ensuring adequate infrastructure is in place. If a project needs substantial infrastructure, particularly sewer and water, those projects can take meaningful time due to the complexity. Lead times for materials, development, and working with surrounding properties can be lengthy and complex. Forcing fast-track approval of a development before all infrastructure issues can be worked out can lead to long-term challenges, increased costs for the developers, and safety issues.

HB 2088 creates a scenario that could reduce public input into planning of a project—something cities have worked to ensure is a key piece of the process. Under current Kansas law, residents have opportunities to voice concerns about new developments through public hearings, Planning Commission reviews and at city council meetings. These meetings have set dates and times, often on a monthly basis. Fast-track permitting threatens to strip away these rights, denying residents important opportunities to bring forward questions and concerns they may have about developments in their neighborhoods.

The 15-day re-submittal process outlined in the bill is troublesome. It is common for applications to have errors, and the review process outlined in HB 2088 does not account for the vastly different building situations from city to city, nor does it provide for the great variety in how cities staff the evaluation process—particularly when contrasting rural cities with urban cities.

An additional oversight in this bill is the disregard for time factors that come from the state. There are requirements that relate to (1) stormwater and wastewater permitting, (2) the fire-marshall review, and in some instances (3) historic-building evaluations. Oftentimes, residential builds are easy and straightforward. Yet when complex commercial or industrial builds begin, the process looks far different and does not fit with a cookie-cutter approach as prescribed by HB 2088.

Finally, Constitutional Home Rule provides cities with local control to make determinations as it relates to zoning and permitting. As always, we ask you to remember the importance of this constitutional mandate and that this one-size fits all approach disregards unique community priorities and constraints.

Thank you for your time and consideration of these issues. I am always available to provide additional information and answer any questions you have.

Respectfully,



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