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Date: Thursday, January 30, 2025
To: Chair Tarwater and the House Committee on Commerce, Labor and Economic Development
From: City of Overland Park
Re: Testimony in Opposition of HB 2088

Thank you for allowing the City of Overland Park to submit testimony in opposition of HB 2088. The bill's stated purpose is to streamline the review process for local building permits. However, the City opposes HB 2088 because its provisions will actually create more hindrances and barriers to this goal than it will to promote it.

Overland Park supports the goal of timely and efficient review of local development, and the City prides itself on providing professional and quality services in a timely manner. The City carefully tracks its time reviewing applications and the related performance measures in order to ensure it is maximizing both efficiency and quality. HB 2088 threatens to negatively impact this process.

For building permit applications and review, Overland Park uses the electronic application Energov for speedy and efficient online communications and interactive mark-ups, which has reduced costs and increased the efficiencies for both developers and staff. The City has also been transitioning to a similar online process for planning applications. The prescriptive requirements of HB 2088 would interfere with this process and actually increase costs and time.

While the 15 and 60-day shotclocks are intended to speed up the process of review, they actually cause more detriment to both developers and cities. (It is noted that 15 days includes weekends, thus staff only have 11 days for review.) While simpler applications can often be handled quickly, the bill does not recognize the complexity of many major commercial, industrial, mix-use or large multi-family developments. The process currently requires multiple review, and resubmittals of plans, allowing applicants to continue and work to address problems. Complexity can be increased if engineering, traffic, stormwater, floodway or other studies are required. The initial review is not always a simple checklist review, but applicants and designer omissions and errors can create a complicated interactive dialogue. Often applicants make major revisions, which often force staff to in essence restart the review process. The unintended consequence of HB 2088 is that cities will have to outright deny projects within the shotclock timeframe that otherwise would have received approval once all issues were addressed. Additionally, Overland Park, like many cities, currently operates to provide flexibility with phased review and approvals for complex projects. HB 2088 would impact and possibly prevent this option, resulting in additional upfront costs and work for developers.

The shotclock timeframe also ignores the statutory protest period and other notices to surrounding properties, which are required by Statute. Additionally, neighborhood meetings and our planning commission's site plan review committee create opportunities for developers to informally meet for feedback, often leading to positive design changes garnering community, planning commission and council support. HB 2088 would prohibit these discussions and force cities to deny applications due to the shotclock that could have otherwise obtained approval. Likewise, at times the planning commission or city council want more information about a project or a modification, or per statute the city council remands a project to the planning commission to address deficiencies. The 60-day shotclock would impact these situations and instead likely lead to outright denials instead of working through the issues with the developer.



The bill and its shotclock further ignore unexpected interruptions and emergencies, such as the recent snow storm or other storm or fire incidents where city staff are pulled from regular duties in order to address these emergencies. In a similar fashion, the bill does not take into account times where approvals are required from agencies outside of cities, such as engineering approval from the Army Corp of Engineers or a Notice of Intent from the Kansas Department of Health and Environment for construction disturbing an acre or more of soil.

Another issue is regarding permit fees. Typically cities base permit fees on construction value. If the project changes in size, complexity or scope, or if it is submitted with incorrect values, cities need the ability to adjust the permit costs. Overland Park also only collects half on submission and the other half when the permit is issued. However, HB 2088 would restrict this flexibility.

Again, Overland Park supports timely and efficient review of development. However, HB 2088 does more to inhibit this goal than it does to promote it.

Thank you for allowing the City to submit testimony in opposition of HB 2088. We respectfully request that the Committee not advance this legislation to the full House.