



CITY MANAGER

Date: January 30, 2025
To: Chairman Tarwater & the House Committee on Commerce, Labor and Economic Development
From: Kiel Mangus, City Manager, City of Derby
Re: Written Testimony in Opposition to HB 2088

Thank you for allowing the City of Derby to submit testimony in opposition to HB 2088. As a thriving community experiencing substantial growth and investment (residential and commercial), Derby understands the complexities involved in permitting and plat reviews. HB 2088 fails to consider these distinctions and the impact they have on promoting a high-quality community and protecting the interests of our residents.

Since 2000, Derby has grown from a community of 18,000 to a thriving city of over 26,000 people. Derby has well-developed application and review processes and works collaboratively with developers to facilitate efficient review of submittals. Submittal deadlines, forms, and calendars are readily available on the City's website, and Derby is committed to ensuring efficiency in its development processes. Derby's current performance targets for issuing building permits are two (2) business days for single-family residences and 15 business days for multi-family and non-residential permits. In 2023 (the last year where complete data is readily available), 85% of single-family permits were issued within two (2) business days and 100% of multi-family and non-residential permits were issued within 15 business days.

Derby is diligent in reviewing applications and in working with applicants to correct deficiencies. No two developments are alike. Each application requires an independent review of infrastructure, location, transportation systems, and zoning. HB 2088 fails to consider these complexities and how development applications are traditionally managed. For example, the suggested process of denying any application because an applicant cannot cure a deficiency does nothing to streamline the process. Rather, the process would be quicker if the applicant were allowed additional time to cure the deficiency or discuss alternatives with City staff rather than being required to start the entire process anew.

Similarly, filing fees are charged for applications to help defray the costs of processing the applications. These costs are incurred again if the application has to be reprocessed, even if the reprocessing is required because the applicant was unable to cure a deficiency in their application within the bill's timeframes requiring denial by a city. The bill provides no ability for a city to collect additional fees on a "resubmittal" even if there have been changes to the application.

Of additional concern is the "other required local governmental approval" language found in the definition of "application" (Section 1(c) of the bill). This language is broad enough to implicate processes such as annexation; development incentives; zoning; platting; site plan review; construction document review for streets, water lines, sanitary sewer lines, and drainage; and construction document review for buildings in the development. Many of these processes have statutorily required deadlines and due process proceedings inconsistent with or not addressed by this bill. Of most concern is the "deemed approved" clause (Section 3(b)) which circumvents the due process rights of nearby property owners and potentially encourages inaction as a mechanism for approval.

Finally, we are unsure how to apply the proposed amendments relating to acceptance or refusal of dedications found in Section 4, have concerns about creating different notice requirements for one category of planning cases as proposed in Section 5, and suggest that the appeal provisions found in Section 5 be moved to Section 3.

HB 2088 creates significant challenges for a growing community like Derby. We are proud to be a community on the rise, and our growth and success demonstrate Derby's commitment to workable and timely review processes. Imposing unwarranted and cookie cutter deadlines in the review process is counterproductive to encouraging the positive growth of a community like Derby. We urge you not to adopt HB 2088.

Thank you again for the opportunity to submit testimony in opposition to HB 2088 and for your consideration.

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