



CITY OF TOPEKA

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To: House Committee on Commerce, Labor, and Economic Development
From: Rhiannon Friedman, City of Topeka
Re: HB 2088 Opposition Testimony
Date: January 30, 2025

Thank you, Chairman Tarwater for the opportunity to speak on behalf of the City of Topeka in opposition to HB 2088.

While the goal of streamlining the permitting process is understandable, the City of Topeka has significant concerns about the potential consequences of this bill. We believe it poses substantial risks to public safety, infrastructure, and long-term community well-being. Cities do not engage in the permitting process simply for the sake of bureaucracy. The goal is to protect the public—by ensuring the safety of structures, safeguarding infrastructure, and preventing unintended consequences, such as increased storm water runoff or traffic congestion.

Rushed Timelines Are Counterproductive

The City's Planning and Development Services Department already works to provide as much flexibility as possible in the permitting process. For example, phased reviews and partial approvals allow us to address more complex projects in manageable steps. Under the current bill, this flexibility would be severely restricted, requiring that full project submissions be made before any review can occur. This would place undue strain on developers, forcing them to prepare full submittals upfront, which can result in unnecessary delays and increased costs.

The 15-day timeline for requesting re-submittals, including weekends, is particularly troubling. It's not uncommon for applications to contain minor omissions or inaccuracies, and the quick turnaround required to address these issues—especially when reviewing critical elements such as traffic impact analyses—could result in hasty decisions and incomplete evaluations. It might be easy to quickly review and determine what is missing in its entirety. It is much more complex to review an application that contains partial submissions. This is compounded by the bill's provision (page 2, lines 33-35) that prohibits additional filing fees when an application is denied for incompleteness. Permit fees in Topeka are based on the construction valuation, and if a project's scope changes after resubmission, we must have the flexibility to adjust fees accordingly to maintain consistency with other developments.

Infrastructure Readiness Is Critical

The bill fails to account for the time required to ensure adequate infrastructure is in place for new developments. The benefit district process, which funds necessary infrastructure improvements, is time-consuming and complex—requiring the developer to petition the governing body to create the district that will pay for the infrastructure through special assessments. Developing plans for

the street, water and sewer improvements is complex and requires KDHE approval for water or sewer extensions. Construction of water line improvements is subject to long lead times of months for essential materials—such as waterline parts, valves, and tapping saddles. Rushing the permit approval process without accounting for these delays risks approving projects that lack the infrastructure support they need. This could lead to long-term challenges, such as inadequate emergency access, drainage issues, or even structural failures. Deliberate planning is essential to ensuring public safety and ensuring that projects are resilient to future needs.

Negative Impact on Plat Approvals and Public Input

The proposed changes to plat approval processes are equally concerning. The bill proposes shortening the timeline for plat approvals from 60 days after the public hearing at the Planning Commission level to 60 days from the application date. This shift would undermine the ability of city staff to work with developers to resolve issues before presenting plats to the Planning Commission. Major plats, which often require complex infrastructure such as new streets, water, and sewer lines, need careful consideration. Moreover, the bill could limit the ability of the Governing Body to send a plat back to the Planning Commission for further review, potentially stifling the democratic process and limiting public input. Public participation is a cornerstone of effective governance, and this bill risks diminishing the opportunity for citizens to voice concerns about developments that could affect their communities.

Local Control Is Essential for Tailored Solutions

Finally, this bill is unnecessary. If a city's development process is inefficient or cumbersome, local developers have direct access to their elected officials and the political channels needed to address concerns and streamline the process. Local governments best understand the unique challenges and needs of their communities. Removing the ability to conduct thoughtful, context-specific reviews weakens the ability of cities to ensure that projects align with long-term public interests. Cities should retain the authority to carefully evaluate developments and make informed decisions that prioritize the health, safety, and welfare of their residents.

Conclusion

In light of these concerns, we respectfully urge you to reconsider HB 2088. Rushing the permitting process, particularly without adequate consideration of infrastructure, public input, and community needs, threatens the quality and safety of future developments. The City of Topeka stands committed to responsible growth and ensuring that development benefits our residents both today and in the future. We ask that you not move forward with this bill.

Thank you for your time and attention.