



**Missoula Building
Industry Association**

1840 South Ave. West
Missoula, MT 59801
Phone: (406) 543-4423
Fax: (406) 721-5076

email: mbia@buildmissoula.com
www.buildmissoula.com

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Missoula City County Planning Board Members
Sent Via Email: BrewerB@ci.missoula.mt.us

RE: Missoula Building Industry Association Government Affairs Committee
Proposed Amendments Related to Townhome Exemption Development (TED)

Dear Planning Board Members:

The Missoula Building Industry Association (MBIA) Government Affairs Committee appreciates the opportunity to provide comments regarding the proposed amendments related to Townhome Exemption Development (TED). The MBIA is a strong proponent of TED projects as they provide an important mechanism for permitting development projects.

The TED review process is a viable alternative to requiring lengthy, cumbersome and expensive subdivision review. The result of the current TED review requirements has been high-quality developments that have been processed and permitted quicker than would be possible for subdivision projects. The MBIA is unaware of any single TED project that has created undesirable living situations and/or unwise growth. Across the board, TED projects have provided an overwhelming net benefit to our community.

Reducing the usability of the current TED rules in an attempt to require subdivision review more frequently is a bad idea for our community. Subdivision projects are rare in Missoula. The main reason that they are seldomly pursued relates to the cost and associated review processes that they trigger. The state statutes that guide subdivision require no less than 30 elemental items be submitted for the smallest of subdivision projects. Requiring significant amounts of partially or wholly irrelevant information amplifies the reviewer's and the applicant's responsibilities and time commitments for completing a subdivision review. This adds undue cost to both the city and the developer. The TED review process allows for a detailed review while limiting resources needed to complete the review because the project review scope can be focused on the important review elements.

TED projects are ideal for locations with sophisticated zoning ordinances in place. The City of Missoula is greatly positioned with its updated Title 20 Zoning Ordinance. Title 20 has been updated on a regular basis which makes it a great compliment to TED review. On the other hand, Missoula's Subdivision regulations have not been updated since 2010. These have not been updated largely due to the lack of subdivision projects. Guiding



additional development projects toward the outdated subdivision review requirements will undoubtedly further delay development projects that are needed for our community.

Planning professionals from across the state have been having ongoing conversations on how to best update and fix the state subdivision rules. It is generally agreed upon that the current subdivision rules do not result in a review process that is suitable for its purpose. It would be unwise to shift Missoula's development projects back towards this outdated process. Missoula should continue to be a leader when it comes to being creative with policy. The MBIA strongly urges the City Council to find new opportunities within the framework of the TED rules that will continue to help our local economy, that will support efforts to expand workforce housing, and that add to our amazing community.

Here is a list of the MBIA's comments specific to the proposed amendments:

- Non-Residential TEDs are not Permitted
 - *State Law permits and encourages commercial and industry TEDs. Missoula should embrace this tool to strengthen local economy by permitting all possible TED project types.*
- Removing Conditional Use Permitting (CUP) Review Process
 - *We support the proposed amendment that will permit administrative review for all TEDs. This will make the review process as expedited and consistent as possible.*
- TED Projects are Limited to 20 Units
 - *Missoula needs large projects to bolster our housing supply. Approving new housing units of all price ranges will help maintain and/or lower current housing prices.*
- TEDs are not Permitted on Properties with Floodplain Designations
 - *Existing floodplain requirements adequately address all applicable floodplain considerations for developments. There is no need to disallow TEDs on properties with areas of floodplains.*
- TEDs are not Permitted on Properties with Instances of 25% Slope
 - *Existing slope requirements adequately address all applicable slope considerations for developments. There is no need to disallow TEDs on properties with areas of 25% slope.*
- TEDs are not Permitted on Existing TED Units
 - *Subsequent TED projects should be permitted on units created through the TED review process. Any new TED project will be subject to the TED rules. There is no need to permanently restrict future TEDs from occurring on projects with existing TED approvals.*

- TED Projects Under 10 Units are not Required to Provide Parkland Dedication
 - *This is a positive amendment. It will reduce project costs, which promotes affordable and workforce housing.*
- Phasing is not Permitted
 - *Phasing should be allowed to provide for the systematic development of the site. Phasing permits a developer to have some flexibility with how they approach the development of their project, while at the same time ensuring that a site is completely developed.*
- ZCP is Valid for Two Years
 - *A 3-4 year approval will better provide adequate time for projects to be constructed completely in accordance with the City's requirements.*
- ZCP can be Extended for One Additional Year
 - *Unlimited extensions should be permitted. At the very least a project should have at minimum of six years to be completed. This could come in the form of a 3-4 year initial ZCP and a 3-4 year extension.*
- New Subdivision Projects must Contemplate TED Projects
 - *This restriction is unnecessary. Most TED projects are occurring on previously subdivided lots. A newly approved subdivision lot will have gone through a far more detailed review process than all other subdivision projects. New subdivision lots should not be penalized.*
- ADUs not Permitted on TED Units
 - *ADUs provide an opportunity for infill housing. Let's find a way to permit ADUs on TED units.*

Thank you for your consideration.

Sincerely,
MBIA Government Affairs Committee



Paul Forsting, Committee Chairman