

To Whom It May Concern:

Thank you for giving me the opportunity to comment on the proposed TED regulations. I have used the TED regulations to develop several small townhome projects (5 or fewer units) in Missoula.

I understand the need for a traditional subdivision for very large projects, or where there is green field development involved. However, this ordinance is not limited to just green field development, or to large TED projects. It applies to all TED projects, and I am concerned the ordinance will have unintended and unforeseen consequences that will create barriers for small, in-fill TED projects.

For example, a small in-fill parcel that is properly zoned and served by existing public infrastructure could still be prohibited as a TED just because a portion of the property is in the floodway. Development of the floodway is not permitted anyway, and whether or not the project happens to be a TED project does not change this. Nevertheless, under this ordinance, all TED projects will be completely prohibited on any parcel including a river, creek, or floodplain within the City limits. Similarly, if any part of the property has a 25% slope, the TED option is not allowed, regardless of how the plan would affect, or not affect, the slope. Are these "blunt instrument" restrictions really what the City is trying to achieve with this ordinance?

As another example, TED projects would be prohibited on "any land that is already on an existing TED Parcel." It is unclear to me what this is supposed to address, but if the intent is to prohibit any amendments or changes to existing TED approvals, I would question the reason for this. The fact is, plans change, markets change, and developers quite often have varying visions for development. It seems to me very arbitrary to prohibit a TED project simply because there was a previous TED plan that was approved, but never built.

Again, I do not disagree with proposed ordinance as it relates to green field development and large projects. But this ordinance regulates all TED projects of any size or location, and I am concerned the ordinance is a disproportionate response to the problem it is intended to solve. I am concerned that it is jeopardizing the most effective tool that developers have to efficiently create small in-fill housing projects. I have given you a few examples of where this will be the case, but I worry there will be other unintended and unforeseen consequences for small, in-fill TED projects.

I know that the City's planning staff has put a tremendous amount of time and effort into this ordinance and on the whole I think it is probably a good approach to regulating green field development and large projects. However, I respectfully suggest that the new ordinance and all of its restrictions should be limited to TED projects of 10 or more units. Small in-fill projects of fewer than 10 units that are already served by public infrastructure should be exempt from these new restrictions.

Thank you for taking the time to consider my comments.

Reghan Brandt