

Housing Affordability Code Task Force — Executive Summary

March 5, 2026

Meeting Focus

Primary focus on reviewing the code amendment tracking spreadsheet and status of recently approved amendments; identifying items advancing to Planning Commission or City Council; discussing the Roaring Fork ditch easement case and potential code codification; advancing recommendations on bicycle parking requirements; and receiving updates from breakout committees working on TEDS and other development standards.

Recently Approved Code Amendments

Several amendments were approved at the most recent Planning Commission meeting and have now moved into the “completed” category in the tracking spreadsheet. These items were approved without significant opposition and are now considered complete.

Approved items include:

- Pedestrian Access / Internal Sidewalks
- Fair Market Value Determination
- Landscaping Along Local Roads
- Landscape Water Demand terminology cleanup

Code Amendments in Progress

Bicycle Parking

Bicycle parking requirements remain under active discussion.

- Current code requires long-term indoor bicycle storage, which can add cost and space requirements to housing projects.
- Developers noted that bike storage areas are often underutilized or converted to other uses by tenants.
- Concerns were raised about:
 - Theft risks in shared bike storage rooms
 - High cost of constructing enclosed storage areas
 - Mandating amenities that tenants may not use

Task Force discussion emphasized:

- Bicycle parking is more appropriately treated as a market-driven amenity, not a regulatory requirement.
- Developers are typically best positioned to determine what storage amenities tenants need (bikes, strollers, kayaks, etc.).

Proposed Direction

Consensus emerged to:

- Eliminate the long-term bicycle parking requirement
- Continue encouraging bicycle infrastructure through incentives rather than mandates

The group also discussed separating bicycle parking reform from the broader vehicle parking minimum removal discussion to avoid delaying progress.



Next Step

- Move the bicycle parking amendment forward to City Council separately.
- Staff will re-schedule the item for Council consideration (anticipated early April).

Parking Reform (Vehicle Minimums)

Planning Commission has expressed interest in eliminating minimum vehicle parking requirements citywide.

However:

- This issue is expected to generate substantial public interest and debate.
- The Task Force recommended not tying bicycle parking changes directly to vehicle parking reform, as doing so could delay adoption.

Staff will continue developing the broader parking reform proposal separately.

Detention Ponds

Minor code revisions are being drafted and will be shared with the HACTF.

Purpose of revisions:

- Remove aesthetic/visual amenity language
- Defer design specifics to upcoming SWMM updates

Target hearing date: late March (tentative).

Revocable Permits

Revocable permit revisions are nearing completion.

Key goals include:

- Streamlining approval processes
- Clarifying permit documentation requirements

Potential Planning Commission hearing: March 24, pending legal review timelines.

Lapse of Approvals

Draft language has been prepared addressing expiration timelines for approvals.

Focus areas include:

- Site plan approvals
- Plat approvals
- Construction timing requirements

Draft will be reviewed by Ron and Keith prior to returning to the Task Force.

Roaring Fork Case Discussion (Ditch Easements)

Legal Background

The group received a briefing on the Roaring Fork Club v. St. Jude's Company (2001) Colorado Supreme Court decision.

Key legal principles from the case:

- Ditch easements cannot be altered or relocated without consent from the easement holders or a court order.
- Courts must evaluate whether relocation causes damage to downstream water users.



- If damage occurs, restoration of the original easement may be required. The ruling remains valid precedent and has not been overturned.

City staff have encountered several recent development projects where:

- Irrigation ditches were relocated without formal consent documentation.
- Easements remained recorded in original locations, creating potential legal conflicts.
- Projects encountered delays late in the platting process due to unresolved easement issues.

Developers often reported being unaware of the legal requirements until late in the process.

Staff proposed codifying the Roaring Fork legal requirement in the Land Development Code to:

- Alert developers earlier in the process
- Reduce project delays at final plat stage
- Ensure easement issues are addressed before recording plats

Task Force members raised several concerns.

Codifying Case Law, members cautioned that:

- Case law evolves over time.
- Codifying court decisions into local code may require ongoing revisions as legal interpretations change.

Development Risk

Concerns were raised that codification could:

- Create additional regulatory burdens
- Allow opponents to weaponize the requirement
- Make development approvals dependent on obtaining consent from large numbers of downstream water users.

Some irrigation systems have dozens or hundreds of water users, making unanimous consent impractical.

Prescriptive Easements

Many irrigation ditches operate under prescriptive easements rather than recorded easements.

If prescriptive easements are moved within the same property:

- Developers argued this should remain a civil matter between private parties, not a city regulatory requirement.

Possible Alternatives Discussed

Instead of codifying the requirement, potential alternatives included:

- Addressing ditch easements earlier during preliminary plan review
- Requiring developers to demonstrate due diligence through title commitments and surveys
- Using review comments rather than code mandates
- Allowing developers to assume legal risk where no recorded easement exists

Staff indicated they will continue evaluating options and will circulate draft language for further discussion.



Significant Trees Amendment

The Task Force reviewed a revised proposal regarding significant tree protections.

The updated proposal:

- Removes redundant language referencing mature trees in another section of the code.
- Uses the new proposal template and evaluation matrix to assess impacts.

The analysis concluded the amendment would:

- Improve regulatory clarity
- Reduce unnecessary survey and review costs
- Avoid unintended incentives for preemptive tree removal.

Staff will provide formal response before the amendment moves forward.

TEDS Reform – Breakout Committee Update

The Transportation Engineering Design Standards (TEDS) committee continues meeting biweekly.

Design Standard References

- Maintain both AASHTO and NACTO references.
- Establish AASHTO as the primary standard when conflicts occur.

Cul-de-sacs

Recommendation:

- Cul-de-sacs serving ≤ 20 homes and ≤ 300 feet in length may omit sidewalks.

One-Side Sidewalk Standards

Currently requires an exception.

Recommendation:

- Add a standard allowing sidewalks on one side of the street when alternative pedestrian connectivity is provided.

Sidewalk Widths

Recent AASHTO updates now recommend 6-foot sidewalks.

Committee will review implications before recommending changes.

Industrial Areas

Further research underway regarding whether sidewalks should be required in industrial areas.

Key Takeaways

- Multiple code amendments have successfully advanced or been completed.
- The Task Force continues prioritizing cost-reducing regulatory reforms.
- Bicycle parking reform will move forward independently from broader parking reform.
- The Roaring Fork case has created complex legal considerations regarding irrigation easements.

- TEDS reforms are progressing through a dedicated breakout committee.
- The proposal template and evaluation matrix are improving clarity in Task Force recommendations.

Action Items Summary

Topic	Action / Assignments	Timing
Bicycle Parking Amendment	Schedule for City Council consideration separately from parking reform	Early April
Roaring Fork Codification	Staff to circulate draft language and continue evaluating alternatives	Upcoming
Detention Pond Revisions	Prepare draft for Planning Commission hearing	Late March
Revocable Permit Update	Finalize ordinance draft and confirm hearing date	March–April
Lapse of Approvals	Ron & Keith review draft language before Task Force discussion	Upcoming
Significant Trees Proposal	Staff review and respond to updated Task Force proposal	Upcoming
TEDS Reform	Continue biweekly committee meetings and draft recommendations	Ongoing