



Housing Affordability Code Task Force Meeting Summary 8.20.26

Consultant / Code Simplification Project Update

Staff provided an update on the consultant procurement process for the review of the Land Development Code and TEDS Manual. The consultant scope has been refined to focus specifically on identifying opportunities to simplify regulations while maintaining desired outcomes. The review is expected to distinguish among:

- Simplifications that can be made without changing policy outcomes.
- Simplifications that would change an existing outcome and therefore require additional discussion.
- Simplifications that may conflict with broader City policy, requiring policy-level consideration.

The consultant scope also includes approximately four to eight engagement sessions with the Task Force and City staff. The consultant will prepare recommendations and assist in carrying them through the Planning Commission and City Council processes. Staff indicated the goal is to complete the overall effort, including the public hearing process, during the first quarter of 2027, before beginning the Comprehensive Plan update in the second quarter. Revised consultant proposals were due the following day, with a negotiation/interview meeting scheduled for September 1, 2026.

Task Force Deliverable and Process

The Task Force reaffirmed the intended final deliverable:

A succinct document to City Council that clearly describes the problem and provides multiple specific, actionable, locally relevant recommendations for improvement.

The document may reference other studies and reports rather than duplicate them and may acknowledge issues outside the City's direct control while identifying areas where the City can advocate or influence change.

The Task Force is currently working on defining the problem statement and organizing framework. Recommendations will follow, with subsequent drafting, review, refinement, finalization, and presentation to City Council.

Ground Rules

The group reviewed its previously established discussion ground rules, emphasizing:

- Listen to understand, not to respond.
- Allow everyone the opportunity to contribute.
- Keep individuals and personalities out of the conversation, focus on the system.
- Avoid narratives about intentions.
- Avoid getting bogged down in detailed code sections or projects.
- Keep pulling the thread until we get to an underlying element.
- Look ahead, not back
- If you mention the school bus, you owe Kevin a beer.

The intent is to identify systemic opportunities for improvement rather than assign responsibility for past decisions.



Problem Statement Framework

The Task Force organized the affordability discussion into three primary problem areas, with members suggesting they be presented in the following order because it follows the regulatory process from policy creation through implementation:

Code and Policy-Making Process

The Task Force identified concerns about how regulations and policies are developed, evaluated, and ultimately presented for decision-making.

Key issues discussed included:

- Local expertise and experience are not always sufficiently incorporated into policy development.
- Local and locally relevant data should be used whenever practical.
- Where local data are unavailable, assumptions and limitations of the available data should be clearly identified.
- Data should be tested and validated rather than selected to support a predetermined outcome.
- Policy proposals do not consistently include an analysis of their effect on housing affordability.
- Decision-makers often lack information regarding who bears the cost of a regulation versus who receives the benefit.
- Public input and survey results may not always reach decision-makers in a manner that fully reflects the input received.
- Staff and applicant time and administrative costs should be considered when developing new requirements.
- Policies should be periodically evaluated to determine whether they are actually achieving their intended outcomes.
- Regulations should focus more on encouraging desired outcomes rather than attempting to prevent every undesirable scenario.

Members emphasized the importance of asking a basic question when adopting or reviewing regulations: Is the policy actually accomplishing what it was intended to accomplish?

Code and Regulatory Framework

The Task Force discussed whether the overall regulatory framework has become too complicated, rigid, or prescriptive.

Issues identified included:

- Regulations may be overly prescriptive rather than outcome-oriented.
- Complexity creates uncertainty and friction among applicants, staff, consultants, and decision-makers.
- Regulations sometimes address individual problematic circumstances by adding another requirement rather than creating sufficient flexibility to address unusual circumstances.
- Existing processes may not provide enough discretion to consider reasonable alternatives.
- Licensed professionals' expertise and professional liability may not always receive sufficient consideration.
- Regulations sometimes require individual development projects to provide improvements that create broader community benefits.

- Requirements may accumulate over time without evaluating their combined effect on housing costs.
- The regulatory framework should distinguish between risk mitigation and risk elimination.
- Materiality should be considered so relatively minor issues do not unnecessarily delay otherwise approvable projects.

The group also discussed the appropriate focus of development regulations—particularly whether regulations should primarily address health, safety, and mitigation of development impacts, or extend further into prescribing community appearance and design.

Cost and Housing Affordability Analysis

A significant portion of the discussion focused on the need to explicitly recognize cost when developing and administering regulations.

Members emphasized that regulatory cost is broader than the direct price of a required improvement. Potential impacts include:

- Direct construction or compliance costs.
- Professional consulting and design costs.
- Applicant and staff time.
- Financing and carrying costs.
- Delays in project delivery.
- Reduced development yield.
- Additional project risk.
- Higher required returns associated with increased risk.
- Costs that are compounded as land moves from developer to builder and ultimately to the homeowner or renter.

The group discussed expanding the City's existing fiscal impact analysis so that policy and code changes consider not only the financial effect on the City but also the financial impact on the people, businesses, property owners, and development projects affected by the regulation.

The Task Force also discussed explicitly incorporating housing affordability into Comprehensive Plan consistency analyses when considering development regulations and policy changes.

Application and Approval Process

The Task Force identified several recurring issues with the development review process.

Multiple and Overlapping Reviews

Members discussed concerns regarding:

- Multiple review rounds.
- Different departments reviewing overlapping issues.
- Comments arriving late in the process.
- Applicants and planners receiving unexpected comments after earlier reviews.
- Unclear responsibility among Planning, Engineering, Surveying, Legal, Fire, and other reviewers.

Staff acknowledged opportunities to better define which departments are responsible for particular components of an application and reduce unnecessary duplication.



Sequencing / Critical Path

The group identified order of operations as a major issue.

Some documents and expenditures may currently be required earlier than necessary, increasing an applicant's financial exposure before fundamental project questions have been resolved.

Examples discussed included:

- Conveyance documents.
- Covenants.
- Updated title commitments.
- Surveys.
- Geotechnical work.
- Other professional studies and documentation.

The Task Force discussed potentially establishing defined application stages identifying:

1. Information necessary for initial substantive review.
2. Information that may be submitted later.
3. Items that must be completed before final approval, planning clearance, building permit, or certificate of occupancy.

Members acknowledged that applicants would assume responsibility for changes resulting from information they elect to defer.

Applicant Responsibility and Staff Partnership

Members acknowledged that process improvement must address both sides of development review.

The Task Force recognized that incomplete or poor-quality applications create significant staff workload and delays. At the same time, requirements created in response to poorly prepared applications should not necessarily impose additional procedural burdens on every applicant.

The group discussed creating processes that allow staff to distinguish between applications that are sufficiently prepared for meaningful review and those that are not.

Members described the desired relationship as a collaborative process focused on getting an approvable application to "yes," while maintaining appropriate regulatory requirements.

Legal and Survey Review

The Task Force discussed recurring concerns involving legal and survey review, including:

- Legal and survey comments arriving late in the process.
- Uncertainty regarding whether legal comments are advisory or constitute required legal determinations.
- Potential overlap between legal review and planning/code interpretation.
- Disagreements between an applicant's licensed professionals and City reviewers.
- Applicants sometimes accepting requirements they disagree with simply because challenging them would create unacceptable cost or delay.

The Task Force discussed the need for clearer roles, escalation procedures, and methods for resolving professional disagreements without requiring applicants to choose between accepting a disputed requirement or pursuing litigation.

Community-Wide Benefits and Development Obligations

Members discussed whether individual development projects are sometimes required to provide benefits that extend beyond mitigating the project's proportional impacts.

Examples included:

- Right-of-way dedication.
- Trails.
- Open space.
- Landscaping.
- Transportation improvements.
- Construction of improvements.
- Impact fees.

Concern was expressed that, in some cases, the same general impact may effectively be addressed through land dedication, construction obligations, and impact fees, creating cumulative costs.

The Task Force did not reach conclusions on individual requirements but agreed that cumulative impacts and the relationship between project-specific mitigation and broader community benefits should be examined.

Impact Fee Timing

The Task Force discussed whether development impact fees need to be collected at the building permit stage. Members noted that collecting fees before construction requires developers and builders to finance those costs for months—or potentially longer—before the development creates the impacts the fees are intended to address.

Potential alternatives discussed included collecting impact fees closer to:

- Certificate of occupancy;
- Occupancy of an individual unit; or
- Another later milestone that still ensures payment.

Staff noted that the City has changed the timing of certain fees in the past in response to market conditions and agreed the issue could be evaluated.

The Task Force identified this as a potential near-term or "low-hanging fruit" affordability measure.

Specific Examples for Consultant Review

Members were asked to identify individual requirements or recurring problems that illustrate the broader systemic issues. Examples discussed during the meeting included:

- Pre-application requirements.
- Plat expirations.
- Document accessibility requirements.
- Survey and legal review.
- Detention pond standards.
- Parking islands.
- Lighted pathways.
- Bicycle parking.
- Stream connection requirements.

- Certified Irrigation Designer requirements.
- Lot size and width requirements.
- Landscaping requirements.
- Significant trees.
- Undergrounding utilities.
- Open space requirements.
- Impact fees.
- Title commitment update requirements.
- Conveyance and covenant timing.

These examples will help inform both the Task Force's recommendations and the consultant's review.

Recommendations Phase

The Task Force agreed that the next phase should build directly from the three identified problem areas rather than begin with a blank slate. A small working group consisting of Mike, Keith, Kevin, Emily, and any additional interested members will:

- Organize the meeting materials.
- Develop an initial structure for recommendations.
- Pre-populate recommendations based on discussions already held.
- Bring the draft framework back to the full Task Force for review, revision, and refinement.

The group emphasized that the initial draft should be viewed as a starting point and that members should have no ownership or "ego" attached to preliminary language.

Recommendations may ultimately be organized into reactive/immediate improvements and proactive/systemic reforms.

Homework / Member Follow-Up

Task Force members were asked to identify and submit all specific regulatory or process issues they encounter, even relatively minor ones.

Members should review previously developed spreadsheets and materials to avoid overlooking earlier topics. The intent is to develop a comprehensive list that can:

- Validate the Task Force's three problem categories.
- Identify recurring patterns.
- Inform recommendations.
- Provide the consultant with specific areas to investigate.

The group emphasized that individual examples do not necessarily require extensive Task Force discussion; they can instead serve as evidence of broader systemic issues.

Additional Resources

Members referenced several outside resources that may help support the Task Force's work, including:

- A Douglas County "red tape" review/report.
- Research regarding permitting reform and housing affordability.
- Other jurisdictions' experiences with regulatory and permitting reform.

These materials may be incorporated by reference where useful to demonstrate that the issues identified locally are also being examined in other communities.

Housing Strategy / Housing Division Update

The group discussed receiving a future presentation from the City's Housing Division regarding the Housing Strategy/Action Plan and its implementation.

Staff indicated that the updated housing document was scheduled for a City Council workshop on August 31, following revisions based on feedback from an earlier workshop. Following Council direction and further refinement, Housing Division staff could provide an overview to the Task Force.

Action Items / Next Steps

Action Item	Responsibility	Timing
Receive revised consultant proposal	City staff	Following day
Conduct consultant negotiation/interview	City staff/selection committee	September 1
Transcribe and organize Task Force problem statements and examples	Emily/Kimberly	Before next meeting
Develop initial recommendations framework	Mike, Keith, Kevin, Emily + interested members	Before next meeting
Submit additional examples of regulatory/process issues	All Task Force members	Before next meeting
Review previous issue spreadsheet for outstanding items	All Task Force members	Before next meeting
Consider Douglas County and permitting-reform research	Working group/Task Force	Ongoing
City Council workshop on Housing Strategy/Action Plan	City staff/Council	August 31
Next Housing Affordability Code Task Force meeting	Task Force	September 3

Key Meeting Takeaway

The Task Force moved from discussing individual code concerns toward defining a systemic framework for housing affordability reform. The emerging structure focuses on three interconnected areas: how regulations are created, what the regulations require, and how those regulations are administered through the development review process. Cost, timing, proportionality, flexibility, local expertise, and whether regulations actually achieve their intended outcomes emerged as cross-cutting principles that will guide development of the Task Force's recommendations to City Council.