

**PLANNING COMMISSION AGENDA ITEM
COVER PAGE**

MEETING DATE: October 13, 2026

TIME REQUIRED:

AGENDA: **PUBLIC HEARINGS**

TITLE:

For possible action. Discussion on Ordinance 2026-1674, a Zoning Text Amendment amending Douglas County Code, Title 20, by revising Chapter 20.440, adding definitions applicable to the Chapter, revising the conditions that apply to density bonus and affordable housing agreements, and modifying the findings required for approval of such agreements.

RECOMMENDED MOTION:

Recommend to the Board of County Commissioners that they approve **Ordinance 2026-1674**, as presented, based on the ability to meet the required findings, as set forth in the staff report, presentations, and Planning Commission discussion.

FINANCIAL IMPACT:

None

BACKGROUND:

This amendment revises Douglas County Code Chapter 20.440, related to density bonus and affordable housing agreements. It does six main things:

First, it adds definitions for terms used in chapter 20.440, making the chapter more understandable for county staff, builders, and residents, and eliminating ambiguity during the application process. The defined terms are then incorporated more accurately throughout the chapter.

Second, it modifies the criteria and rules developers must meet to qualify for a density bonus. Density bonuses allow developers to build more housing units than are normally permitted by standard zoning rules if they agree to construct a set percentage of below-market-rate housing, which is reserved for people making less than 80% of the county's median income. In 2001, the code was amended to allow

for density bonuses for projects that sell houses to household making up to 110% of the county's median income. This provision was only used for one development, and it was not entirely effective at providing affordable housing. That amendment would be removed by passing this ordinance.

Third, it requires all affordable housing agreements to last for a minimum of 30 years. Prior versions allowed projects involving the sale of individual dwelling units to last only 15 years, which was also deemed ineffective at providing affordable housing.

Fourth, it updates wording throughout and removes language that is no longer required by any state law, such as a requirement that affordable housing agreements should only be approved if they provide housing "for persons with special needs." This change was also specifically recommended in the 2020 Master Plan.

Fifth, it requires developers to provide the County with current lease agreements and/or recent purchase agreements, so that the County can better review and enforce the affordable housing agreements.

Sixth, it clarifies that the developer must abide by the terms of the affordable housing agreement and states that the County may pursue any available remedy, including those specified in the affordable housing agreement.

A staff report for this Ordinance is included with Ordinance 2026-1673.

ATTACHMENTS:

[Ordinance 2026-1674 ZTA Amending Chapter 20.440.pdf](#)