

Date 14 September 2022
Subject Cannon Beach Community Development Ordinance (CDO) Audit Project
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CDO Organization

Introduction

The two chapters which are the subject of the Code Audit are Titles 17 (Zoning) and Title 16 (Subdivisions). During the Code Audit project, these documents have been referred to as the Community Development code or CDO. Titles 16 and 17 are the two sections of the Municipal Code which implement the Comprehensive Plan land use and development goals. These are also the primary sections of the Municipal Code which implement the statewide land use goals. See [Code Audit Joint Commission Packet #1](#) for more information about the Oregon state planning context and the relationship between major state and city planning policies.

There are other chapters in the Municipal Code that deal with city concerns such as business taxes and licenses; city administration and personnel; animals within the city; health safety and welfare; streets, sidewalks and public spaces; vehicles and traffic, and public peace, morals and welfare. See <https://library.qcode.us/lib/cannon-beach-or/pub/municipal-code>

Current organization of Title 16 and 17

Currently there are 49 chapters in Title 17 (Zoning), and in Title 16 (Subdivisions) there are 42 subchapters. See the final pages of this document for the full listing of each chapter or subchapter along with hyperlinks to the online code.

Summary of proposed re-organization

The Code Audit project (<https://www.ci.cannon-beach.or.us/planning/page/cannon-beach-code-audit>) was initiated in late 2021 and is due to present a complete package of recommendations by the end of 2022. It is the goal of the Code Audit to provide guidance and a schedule for a complete overhaul of the CDO.

One of the recommendations that will be forwarded by the end of the year involves re-organization of all the existing sections of the CDO, undertaken as a first step in the multi-step Code Rewrite project. The purpose of this memo is to summarize the proposed reorganization.

The initial re-organization would not result in any changes to existing provisions or requirements; however, by eliminating duplication, this first step would make the subsequent overhaul of the CDO easier to manage and track. For example, application review processes are duplicated in Titles 16 and 17; therefore reducing the number of citations would reduce the number of amendments that must be reviewed and approved.

The proposed reorganization takes the *91 chapters and subchapters* of the two Titles (16 and 17) and places them into *seven articles* that are grouped according to like topics. For example, placing all land use zones into a single section (Article III) enables introductory language and tools such as tables and graphics to be shared rather than duplicated. Similarly, locating all procedures provisions into a single article would make it easier to

compare the provisions for different land use actions to one another and serve as a user-friendly public resource.

On the next page is a summary of the new articles.

Article I – Introduction and General Provisions – Definitions would remain the first chapter, since everyone involved in development needs to understand the terminology that is used throughout the CDO and how it applies. The proposed re-organization would list measurement definitions separately, e.g., setbacks, floor area ratio (FAR), etc. and would include subdivisions sections such as purpose and definitions.

Article II - Procedures – Procedures takes second place in the new organization since it is such an important aspect of the CDO. Procedures provisions explain what permissions need to be granted to the development applicant, who makes the decision, how long they have to make the decision, and how the public is notified about the development and how they are provided opportunities to review and comment. The new organization would place all chapters regarding procedures together. Currently they are scattered throughout the CDO. The new organization would include procedures that apply to subdivisions into the new single CDO Title.

Article III – Land Use Districts – In the new organization, all provisions regarding mapped land use districts comes third. This section covers what, how, and where land uses are permitted, and the shape and size of development. This is where the majority of new, clear and objective development and design standards would be located.

Article IV – General Development Standards – The new organization would include development standards and other miscellaneous requirements that apply to special uses or structures that may occur in multiple zones and are not covered by the base zone development standards. This chapter would consolidate standards that apply to subdivisions which are currently found in Title 16.

Article V – Environmental Resources and Hazards – New reorganization would group together all regulations which govern the treatment of environmental resources and hazards. Currently these sections are spread all over Title 16.

Article VI – Land Division and Lot Line Adjustment – Reorganization consolidates into Title 17 all regulations having to do with creation of lots, lot division and lot combinations. These regulations currently live in a separate chapter (Title 16, Subdivisions).

Article VII – Improvement Standards – This section would include regulations having to do with provision of services for new lots. This section is currently located in Title 16, Subdivisions).

Proposed CDO re-organization

Below is a listing for each article, showing the re-location of current chapters.

Article I – Introduction and General Provisions		
Current Chapter #	Chapter Title (Current)	Section names (Current)
17.02	General Provisions	17.02.010-040 Title, Purpose, Interpretation, and Severability
17.04	Definitions	17.04 List terms without separate section numbers.

NA	Measurement Definitions	17.06 Potentially have a separate section for measurement definitions like setbacks, height, FAR, etc.
16.04	Subdivisions	16.04.010 Short Title, 16.04.020 Purpose, 16.04.030 Compliance Required, 16.04.050 Definitions

Article II - Procedures		
Current Chapter #	Chapter Title (Current)	Section names (Current)
17.88	Public Deliberations and Hearings	17.88.010-210
17.92	Administrative Provisions	17.92.010-060 Development permits, Enforcement, Building permits, Application information, Consolidated application procedure, and Filing fee
17.94	Enforcement	17.94.010-020
16.04	Subdivisions	16.04.060 Procedure – Generally, 16.04.070-100 Tentative Plan, 16.04.120 Tentative Plan-Public Hearing, 16.04.125 Appeal, 16.04.420 Fees, 16.04.430 Violation—Penalty

Article III – Land Use Districts		
Current Chapter #	Chapter Title (Current)	Section names (Current)
17.06	Zoning Districts Established	
17.08	Residential Very Low Density Zone (RVL)	
17.10	Residential Lower Density Zone (RL)	
17.12	Residential Moderate Density Zone (R1)	
17.14	Residential Medium Density Zone (R2)	
17.16	Residential High Density Zone (3)	
17.18	Residential Alternative/Manufactured Dwelling Zone (RAM)	
17.20	Residential Motel Zone (RM)	
17.22	Limited Commercial Zone (C1)	
17.24	General Commercial Zone (C2)	

17.26	Manufactured Dwelling and Recreational Vehicle Park Zone (MP)	
17.28	Open Space/recreation Zone (OSR)	
17.30	Estuary Zone (E)	Perhaps add to Article V
17.32	Park Management Zone (PK)	
17.34	Open Space Zone (OS)	
17.36	Institutional Zone (IN)	
17.37	Institutional Reserve Zone (IR)	

Article IV – Development Standards		
Current Chapter #	Chapter Title (Current)	Section names (Current)
17.90	General Requirements and Regulations	17.90.010-190
17.56	Signs	
17.64	Setback Reduction	
17.66	Buffering and Screening Requirements	
17.78	Off-Street Parking	
16.04	Subdivisions	16.04.130 Applicable standards
17.44	Design Review Procedures and Criteria	
17.54	Accessory Uses Generally	
17.60	Cluster Development	
17.68	Manufactured Dwelling Standards	
17.72	Historic Site Protection	
17.74	Bed and Breakfast Establishments	
17.75	Wireless Communication Facilities (WCF)	
17.77	Short-Term Rentals	
17.80	Conditional Uses	

18.82	Nonconforming Lots, Uses and Structures – Pre-Existing Uses	
17.84	Variances	
16.04	Variance	16.04.380 Variance-Application Required; 16.04.390 Action of the Planning Commission; 16.04.400 Variance-Cluster Development
17.86	Amendments	

Article V – Environmental Resources and Hazards

Current Chapter #	Chapter Title (Current)	Section names (Current)
17.38	Flood Hazard Overlay Zone (FHO)	
17.42	Oceanfront Management Overlay Zone (OM)	
17.43	Wetlands Overlay Zone (WO)	
17.46	Impact Assessment Procedure	
17.48	Resource Compatibility Determination	
17.50	Development Requirements for Potential Geologic Hazard Areas	
17.52	Dune Construction Standards	
17.70	Tree Removal and Protection	
17.71	Stream Corridor Protection	

Article VI – Land Division and Lot Line Adjustment

Current Chapter #	Chapter Title (Current)	Section names (Current)
16.04	Subdivisions	16.04.140 Tentative Plan-Approval Binding, 16.04.145 Tentative Plan-Time Limit, 16.04.150 Submittal of final plat, 16.04.160 Revision of proposed tentative plan, 16.04.170 Tentative plan-form, 16.04.180 Tentative plan—Map content, 16.04.190 Tentative plans—Other information, 16.04.200 Subdivision, partition, final plat—Procedure for review, 16.04.210 Final

		plat review, 16.04.220 Improvements to be completed, 16.04.230 Subdivision, partition—Final plat, 16.04.250 Design standards—Principles of acceptability, 16.04.260 Construction drawings—Design and data requirements, 16.04.280-340 Design standards, 16.04.350 Improvement standards and approval, 16.04.360 Improvements
16.04	Subdivisions	<i>No separate partition section</i>
16.04	Lot Line Adjustment	16.370 Lot Line Adjustment

Article VII – Improvement Standards		
Current Chapter #	Chapter Title (Current)	Section names (Current)
16.04	Subdivisions	16.04.410 Applicable Standards for Construction on Lots and Parcels
16.04	Subdivisions	16.04.110 Water Rights

Recommended listening

"Growing Oregon" from *OPB Politics Now* (July - August 2022)

Several decades ago the state of Oregon adopted a statewide land use system, which established and still provides the toughest statewide land use controls in the country and could be described as the "hidden operating system of our built environment." This recently-produced podcast series provides easy-listening background about the Oregon Land Use system. We recommended Episode #3 at the previous Joint Session, however, the entire series is worthwhile.

The podcast can be found at <https://www.opb.org/pressroom/opbs-new-growing-oregon-podcast-series-examines-the-history-and-impact-of-oregons-strict-land-use-laws/>

"The Missing Middle" from *99% Invisible* (May 2022)

This episode dives into "missing middle" housing, including the history of these housing types, the role they play in serving people in various life stages, and the reason for their absence or limited availability in many communities. Cannon Beach features beloved examples of historic "middle housing" including cedar shake cottage clusters and brick courtyard buildings that could not be built today.

Find a shorter text version and full podcast here: <https://99percentinvisible.org/episode/the-missing-middle/>

CURRENT CDO ORGANIZATION

Currently there are 49 chapters in Title 17 (Zoning), and 42 subchapters in Title 16 (Subdivisions).

Title 17 Zoning

[Chapter 17.02 GENERAL PROVISIONS](#)

[Chapter 17.04 DEFINITIONS](#)

[Chapter 17.06 ZONING DISTRICTS ESTABLISHED](#)

[Chapter 17.08 RESIDENTIAL VERY LOW DENSITY \(RVL\) ZONE](#)

[Chapter 17.10 RESIDENTIAL LOWER DENSITY \(RL\) ZONE](#)

[Chapter 17.12 RESIDENTIAL MODERATE DENSITY \(R1\) ZONE](#)

[Chapter 17.14 RESIDENTIAL MEDIUM DENSITY \(R2\) ZONE](#)

[Chapter 17.16 RESIDENTIAL HIGH DENSITY \(R3\) ZONE](#)

[Chapter 17.18 RESIDENTIAL ALTERNATIVE/MANUFACTURED DWELLING \(RAM\) ZONE](#)

[Chapter 17.20 RESIDENTIAL MOTEL \(RM\) ZONE](#)

[Chapter 17.22 LIMITED COMMERCIAL \(C1\) ZONE](#)

[Chapter 17.24 GENERAL COMMERCIAL \(C2\) ZONE](#)

[Chapter 17.26 MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARK \(MP\) ZONE](#)

[Chapter 17.28 OPEN SPACE/RECREATION \(OSR\) ZONE](#)

[Chapter 17.30 ESTUARY \(E\) ZONE](#)

[Chapter 17.32 PARK MANAGEMENT \(PK\) ZONE](#)

[Chapter 17.34 OPEN SPACE \(OS\) ZONE](#)

[Chapter 17.36 INSTITUTIONAL \(IN\) ZONE](#)

[Chapter 17.37 INSTITUTIONAL RESERVE \(IR\) ZONE](#)

[Chapter 17.38 FLOOD HAZARD OVERLAY \(FHO\) ZONE](#)

[Chapter 17.42 OCEANFRONT MANAGEMENT OVERLAY \(OM\) ZONE](#)

[Chapter 17.43 WETLANDS OVERLAY \(WO\) ZONE](#)

[Chapter 17.44 DESIGN REVIEW PROCEDURES AND CRITERIA](#)

[Chapter 17.46 IMPACT ASSESSMENT PROCEDURE](#)

[Chapter 17.48 RESOURCE CAPABILITY DETERMINATION](#)

[Chapter 17.50 DEVELOPMENT REQUIREMENTS FOR POTENTIAL GEOLOGIC HAZARD AREAS](#)

[Chapter 17.52 DUNE CONSTRUCTION STANDARDS](#)

[Chapter 17.54 ACCESSORY USES GENERALLY](#)

[Chapter 17.56 SIGNS](#)

[Chapter 17.60 CLUSTER DEVELOPMENT](#)

[Chapter 17.62 GRADING, EROSION AND SEDIMENTATION CONTROL](#)

[Chapter 17.64 SETBACK REDUCTION](#)

[Chapter 17.66 BUFFERING AND SCREENING REQUIREMENTS](#)

[Chapter 17.68 MANUFACTURED DWELLING STANDARDS](#)

[Chapter 17.70 TREE REMOVAL AND PROTECTION](#)

[Chapter 17.71 STREAM CORRIDOR PROTECTION](#)

[Chapter 17.72 HISTORIC SITE PROTECTION](#)

[Chapter 17.74 BED AND BREAKFAST ESTABLISHMENTS](#)

[Chapter 17.75 WIRELESS COMMUNICATION FACILITIES \(WCF\)](#)

[Chapter 17.77 SHORT-TERM RENTALS](#)

[Chapter 17.78 OFF-STREET PARKING](#)

[Chapter 17.80 CONDITIONAL USES](#)

[Chapter 17.82 NONCONFORMING LOTS, USES AND STRUCTURES—PRE-EXISTING USES](#)

[Chapter 17.84 VARIANCES](#)

Chapter 17.86 AMENDMENTS

Chapter 17.88 PUBLIC DELIBERATIONS AND HEARINGS

Chapter 17.90 GENERAL REQUIREMENTS AND REGULATIONS

Chapter 17.92 ADMINISTRATIVE PROVISIONS

Chapter 17.94 ENFORCEMENT

Title 16 (Subdivisions)

16.04.010 Short title.

16.04.020 Purpose.

16.04.030 Compliance required.

16.04.050 Definitions.

16.04.060 Procedure—Generally.

16.04.070 Tentative plan—Conference.

16.04.080 Tentative plan—Application information and procedures.

16.04.090 Tentative plan—Public notice.

16.04.100 Tentative plan—Notice of other agencies.

16.04.110 Water rights.

16.04.120 Tentative plan—Public hearing.

16.04.125 Appeal.

16.04.130 Applicable standards.

16.04.140 Tentative plan—Approval binding.

16.04.145 Tentative plan—Time limit.

16.04.150 Submittal of final plat.

16.04.160 Revision of proposed tentative plan.

16.04.170 Tentative plan—Form.

16.04.180 Tentative plan—Map contents.

16.04.190 Tentative plans—Other information.

16.04.200 Subdivision, partition, final plat—Procedure for review.

16.04.210 Final plat review.

16.04.220 Improvements to be completed.

16.04.230 Subdivision, partition—Final plat.

16.04.250 Design standards—Principles of acceptability.

16.04.260 Construction drawings—Design and data requirements.

16.04.280 Design standards—Streets.

16.04.290 Design standards—Easements.

16.04.300 Design standards—Blocks.

16.04.310 Design standards—Lots.

16.04.320 Design standards—Public sites and open spaces.

16.04.330 Design standards—Trees.

16.04.340 Design standards—Utilities.

16.04.350 Improvement standards and approval.

16.04.360 Improvements.

16.04.370 Lot line adjustment.

16.04.380 Variance—Applications required.

16.04.390 Variance—Action of the planning commission.

16.04.400 Variance—Cluster development.

16.04.410 Applicable standards for construction on lots and parcels.

16.04.420 Fees.

16.04.430 Violation—Penalty.

