



# Community Development Ordinance (CDO) Audit

JOINT WORK SESSION #5 , SEPTEMBER 5, 2022

## Agenda

- › Project update
- › Audit methodology and findings – a preview of issues identified by the Code Audit
- › Code Concepts – a preview of proposed fixes
- › What a code rewrite would look like – Consultants' suggested schedule and recommended methodology for 2023

*Note: The code rewrite is a separate future project*

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# Code Audit Update





# Code Audit Project Update

## Key dates in the project timeline

- › The Code Audit project includes four tasks scheduled to be completed before the end of 2022

Project timeline				
Oct 2021– Mar 2022	April – June 2022	✱  Initiate Technical Review of Concepts (July)	July – August 2022	August – Sept 2022
Task 1 – Code Audit	Task 2 – Preliminary Concepts		<b>Task 3 – Refined CDO Concepts</b>	Task 4 – Final CDO Recommendation
<ul style="list-style-type: none"><li>• Joint Session #2 / #3</li><li>• Introduction to project</li><li>• Status of Track 1 amendments</li><li>• Code audit findings</li></ul>	<div>Joint Session #4</div> <ul style="list-style-type: none"><li>• Review code concepts</li><li>• Form based approaches</li><li>• Clear and objective criteria for village character</li><li>• Village character public survey results</li></ul>		<ul style="list-style-type: none"><li>• Joint Session #5</li><li>• Provide feedback on refined code concepts</li></ul>	<ul style="list-style-type: none"><li>• Joint Session #6</li><li>• Review CDO recommendations report</li></ul>



## Project update

### **Meetings and activities 2021-22**

- › Community and Joint Commission engagement has included (or will include):
- › Six Joint Commission work sessions
- › A Village Character survey for the Joint Commission (this survey was also shared with the community)
- › A Village Character Visioning Work Session with the Joint Commission
- › Meeting(s) with the Code Audit Advisory Committee (CAAC) – city staff representing code enforcement, building permit, emergency responders, public works, attorney
- › Project Management meetings with consultants and staff
- › Site tours
- › Interviews

### **Upcoming, final Joint Work Sessions:**

Joint Work Session #5 (the focus of this packet)

Joint Work Session #6 – October 12th



# Audit methodology

## Questions we asked

- › What’s not working?
- › What are the fixes?

### Code Audit Project – Consultants’ Methodology

Task	Audit	Concepts	Recommendations
Timeline	March to July	July to December	September to December
Objective	What’s not working?	What are the fixes?	An action plan to complete the fixes
Methodology	Code audit issue areas: <ul style="list-style-type: none"><li>• Clerical</li><li>• Structural / organizational</li><li>• Administrative</li><li>• Policy</li></ul>	Types of fixes: <ul style="list-style-type: none"><li>• Re-organize</li><li>• Finetune existing provisions</li><li>• Introduce new provisions</li></ul>	Recommended code amendments (to be provided and presented in October)
Outcome (deliverable)	Audit findings	Audit issues and recommended fixes	Prioritized list and timeline for action
Joint Commission role	Help consultants understand what’s not working	Review consultants’ preliminary conclusions and provide feedback during Joint Commission #5	Review recommended actions during Joint Commission #6 Resolve to move forward



# Audit methodology

Chapter 17.02 GENERAL PROVISIONS	17.02.010 Title	Recommend review by city attorney to determine if any update is needed		1	
	17.02.020 Purpose				
	17.02.030 Interpretation				
	17.02.040 Severability				
Chapter 17.04 DEFINITIONS	General	Consider listing definitions alphabetically without a section number for each term to make future revisions and additions easier.		1	
Chapter 17.04 DEFINITIONS	General	Consider grouping some of the more extensive lists of interrelated definitions together as the sign definitions are now. Examples include dwelling definitions and environmental zone definitions.		1	
Chapter 17.04 DEFINITIONS	General	Review definitions for their relevance. For example, “amusement arcade” is defined and appears as a prohibited use in the C1 and C2 zones. The city should determine if terms like this are still relevant.		3	
Chapter 17.04 DEFINITIONS	General	Check all defined terms to see if they are actually used in Title 17.		1	
Chapter 17.04 DEFINITIONS	General	Consider illustrations and/or diagrams to support and clarify definitions related to measurement.		1	
Chapter 17.04 DEFINITIONS	Residential Uses	Residential uses should be grouped together clearly. All building types should be defined in definitions and not permitted uses. Definitions should not confuse ownership type or who lives in a dwelling with structure type, e.g. condominium, single-family		1	
Chapter 17.04 DEFINITIONS	17.04.008 Accessory dwelling	As defined an accessory dwelling may only be paired with a single-family dwelling as a rental unit.		3	
Chapter 17.04 DEFINITIONS	17.04.025 Alley	Width should clarify if it is the driving surface or the right-of-way/easement width.		3	
Chapter 17.04 DEFINITIONS	17.040.030 Alteration	Confusing definition.		3	
Chapter 17.04 DEFINITIONS	17.04.100 Bulk	This term bulk is not used in Title 17.		3	
Chapter 17.04 DEFINITIONS	17.04.135 Density, net	Clarify how future public street right-of-way and access easements are calculated. Are there any other factors to consider such as unbuildable land (e.g., floodplain, utility easement)?		3	
Chapter 17.04 DEFINITIONS	17.04.190-17.04.210 Dwelling definitions	Create a consistent way of defining the different types of dwelling units. Definitions vary between describing the structure, to family occupancy, to ownership. Consider grouping all housing definitions, including accessory dwelling (17.04.008) and guest house (17.04.285) in one subsection.		3	
Chapter 17.04 DEFINITIONS	17.04.230 Family	Check if 2 or more people	Chapter 17.56 SIGNS	17.56.040 Regulations—Base zone	
Chapter 17.04 DEFINITIONS	17.04.235 Family day care center	Check ORS and with title		17.56.050 Exemptions	
Chapter 17.04 DEFINITIONS	17.04.245 Floor area ratio	Listed by Jeff in Code		17.56.060 Permits	
		Listed by Jeff in Code		17.56.070 Variances	
Chapter 17.04 DEFINITIONS	17.04.283 Gross floor area	definition of ‘gross floor area’ with such definition. I think coverage, rather than floor area, appears overly complicated.	Chapter 17.60 CLUSTER DEVELOPMENT	17.56.080 Nonconforming signs	
				17.56.090 Abandoned signs or signs in disrepair	
				17.56.100 Administration and enforcement	
				Figures 1 through 5, Chapter 17.56	
Chapter 17.04 DEFINITIONS	17.04.284 Group housing	How is group housing defined?	Chapter 17.62 GRADING, EROSION AND SEDIMENTATION CONTROL	17.60.010 Provisions established	
Chapter 17.04 DEFINITIONS	17.04.315 Lot	Check for adequacy and consistency		17.62.030 Grading and erosion control permit.	
Chapter 17.04 DEFINITIONS	17.04.335 Lot coverage	Highlighted by the staff, consider the results of the			
Chapter 17.04 DEFINITIONS	17.04.380 Manufactured dwelling	Check for consistency		Chapter 17.64 SETBACK REDUCTION	17.72.010 Review of construction or development: The planning commission shall review all construction or development within two hundred feet of the following designated historic site to insure that such development is compatible with its historic character: Les Shirley Park — Lewis and Clark Historic Site. (Ord. 86-10 § 8; Ord. 79-4 § 1 (4.605))
Chapter 17.04 DEFINITIONS	17.04.385 Manufactured dwelling park	Check for consistency	Chapter 17.66 BUFFERING AND SCREENING REQUIREMENTS	From Jeff: "This is another portion of the code that doesn’t appear ‘clear and objective’ and would like to see it removed. I might incorporate it into my draft of Track Two changes, as I think there needs some chapter on ‘historic’ preservation." - Email 07 12 22	
Chapter 17.04 DEFINITIONS	17.04.395 Modular housing	Check for consistency	Chapter 17.68 MANUFACTURED DWELLING STANDARDS		
Chapter 17.04 DEFINITIONS	17.04.400 Motel	Jeff highlights “one bedroom, such as 3407 S. Hemlock, with two bath, unit does.”	Chapter 17.70 TREE REMOVAL AND PROTECTION		
Chapter 17.04 DEFINITIONS	17.04.432 Park trailer	Check for consistency	Chapter 17.71 STREAM CORRIDOR PROTECTION		
Chapter 17.04 DEFINITIONS	17.04.447 Private parking lot	Highlighted by the staff, definition: “A private parking lot made available through a permit for the use of off-street parking.” 17.22.050(J)(1).”	Chapter 17.72 HISTORIC SITE PROTECTION		
Chapter 17.04 DEFINITIONS	17.04.455 Recreational vehicle	Check for consistency			
Chapter 17.04 DEFINITIONS	17.04.460 Recreation vehicle park	Check for consistency			
Chapter 17.04 DEFINITIONS	17.04.470 Residential facility	Check for consistency			
Chapter 17.04 DEFINITIONS	17.04.475 Residential home	Check for consistency	Chapter 17.74 BED AND BREAKFAST ESTABLISHMENTS		
Chapter 17.04 DEFINITIONS	17.04.550 Transient merchant	This term not used in code	Chapter 17.75 WIRELESS COMMUNICATION FACILITIES (WCF)		
Chapter 17.04 DEFINITIONS	17.04.552 Transient rental occupancy	This term not used in code			

Chapter 17.77 SHORT-TERM RENTALS	17.77.010 Purpose 17.77.020 Definitions 17.77.030 General provisions 17.77.040 Taxes 17.77.050 Lifetime unlimited and five-year unlimited permits 17.77.060 Fourteen-day permit occupancy requirements 17.77.070 Inspection 17.77.080 Local representative 17.77.090 Occupancy and parking 17.77.100 Violations and penalties 17.77.110 Appeal 17.77.120 Professional management	Jeff highlights Subsection 17.77090(d) “Each off-street parking space must be located entirely on the property, and must be at least 9 feet wide by 18 feet long, and must be accessible from a driveway or public street.” His comment: “Another aspect of off-street parking involves our Short-Term Rental requirements, copied above. The CDD hasn’t been a stickler about requiring each space to be entirely on the property. With the traditional 15-foot front-yard setback requirements, for most properties, they were allowing many 15’ by 9’ or less. We have issued a letter to such properties the past year or two, stating this would be considered in the TSP and Code Audit.”  MM comment: Why are parking requirements related to STR located here and not in the next section, 17.78 – Off-street parking requirements?	4
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## Audit Matrix

› Each chapter listed with commentary



# Audit methodology

## Recommended fixes: a sample of code audit findings

### Re-organize the Community Development Ordinance (CDO)

- › Combine Title 16 (Subdivisions) and 17 (Zoning)
- › Simplify Definitions
- › Display information using more tables and graphics

### Finetune existing provisions

- › Finetune decision-making procedures
- › Residential public benefits provision

### Introduce new provisions

- › Form based code
- › Adopt provisions that manage parking instead of applying parking requirements





## Outline of final report

### **A code audit for City of Cannon Beach that addresses:**

- › Relationship between the state land use program and CDO
- › Relationship between the City's Comprehensive Plan and CDO
- › Address clerical, organization, administration, and policy issues

### **What we learned**

What is important to people and how we collected information (Joint Commission work sessions, survey, visioning, interviews, CAAC)

### **What is not working today**

- › Development standards that govern development shape and size are out of date
- › Outdated practices are working against Comprehensive Plan objectives (e.g., parking requirements; residential zoning that does not allow for housing options or work force housing)
- › Areas that need validation or finetuning: trees, approval procedures
- › Where local decision-making bodies (e.g. Planning Commission) have choices and where state land use systems govern (i.e., clear and objective development standards)





## Outline of final report

### **Define a middle path**

A path that maintains what is important to Cannon Beach and is faithful to the Comprehensive Plan goals

Complies with state law

Can stand for the next twenty years

### **Recommendations**

Code audit findings – Comprehensive listing of issues and fixes

Prioritization and plan of action



# Recommended Methodology for 2023 Code Rewrite





## Code rewrite 2023

Step 1 – Reorganize existing code provisions into a format that's easier to understand and amend. \*

Step 2 – Identify potential list of amendments to code provisions

Step 3 – Prioritize code amendments

Step 4 – Produce code amendments for adoption process (adoption-ready amendments)

\* *No change in existing provisions or requirements during the first step, but duplication would be eliminated (e.g., the application review process repeated multiple times in Titles 16 and 17)*



# Code rewrite 2023

## Schedule

- › Four- to six-month month draft rewrite, followed by
- › Six- to eight-month adoption process

Schedule	Jan-Apr 2023 4 months	May-Jun 2 months	Jul-Aug 2 months	Sep-Oct 2 months	Nov-Dec 2 months
Phase / Task	Code rewrite adoption draft (4 steps, see below)	Adoption			
		Planning Commission		City Council	
		Work Session	Hearing	Work Session	Hearing
Ballpark budget	\$ 45-65,000	\$ 25-40,000		\$ 15-25,000	

Budget range \$85,000 - 130,000





Thank you

