



Cannon Beach Community Development Ordinance Code Audit Project

Final CDO Recommendations

Task Number 4 | 13 March 2023

Prepared For

City of Cannon Beach, Oregon

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Acronyms used in this document:

CC – City Council

CDO – Community Development Code – Titles 16 & 17

DRB – Design Review Board

OAR – Oregon Administrative Rule

ORS – Oregon Revised Statutes

PC – Planning Commission

TSP – Cannon Beach Transportation System Plan

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What is a Code Audit?

Project objective

The objective of the Cannon Beach Community Development Ordinance Code Audit project, which started in September 2021 and concluded in December 2022, was to review and assess the Community Development Ordinance (CDO) in comparison to the goals of the city's Comprehensive Plan, and determine how well the CDO implemented the Comprehensive Plan in light of such goals.

The Cannon Beach Comprehensive Plan (Plan) was originally adopted in 1979, received major amendments in the 1980s, and has had a series of minor amendments since that time, most recently in 2017. The Community Development Ordinance (CDO) has been amended periodically to address specific issues, but not in a comprehensive fashion. Cannon Beach's Plan was originally designed with a time horizon of 20 years in mind, or through the year 2000.

As development pressure has become more acute in recent years, the community acknowledges there are gaps between what the Plan envisions and what the CDO supports.

Determining the gap between the Comprehensive Plan and the CDO and proposing how to mend the gap in terms of future code amendments was expected to be primary outcome of the project. At the same time, in the manner of zoning code audits, the project was to conduct an overall evaluation of the CDO's performance, present all the issues that needed fixing, describe the possible fixes, and recommend a program and schedule for those fixes, also known as code amendments. It was understood that the project is an audit and the fixes themselves would be a separate effort.

The primary issues evaluated by the audit team were:

- How the Comprehensive Plan and CDO does or does not provide mutual support in furthering the community's vision.
- Which provisions in the CDO work together and which generate internal conflicts or inconsistencies.

- Any practices, definition, or terms that need to be amended to increase consistency with state requirements.

What is a code audit?

A code audit is an opportunity for a community to evaluate its development code and related policies and to conduct a top to bottom assessment that will serve to improve the function of the entire land use and development regulatory system.

In an ideal world, cities would regularly audit their development codes to ensure that they are reliably implementing the community vision established by the Comprehensive Plan and producing predictable and consistent results. Regular auditing would lead to a regular schedule of code amendment fixes. In the real world, however, cities fix their code gaps or loopholes in a patchwork fashion, in response to immediate development or legal pressures. As would be expected from a patchwork approach, these types of code fixes may create other issues, such as internal inconsistencies or issues with code organization.

The type of top-to-bottom evaluation of the development code that Cannon Beach is undertaking in this project is rare. This project is an opportunity to carry out a thorough performance review, recommend coordinated adjustments, and describe a specific set of steps that will achieve a high functioning regulatory system for development regulation, review, administration, and enforcement.

Over the last 15 months the code audit team has reviewed the land use policies comprehensively to see how the entire system is working. It has conducted a chapter-by-chapter review of the CDO (Community Development Code) focusing on Chapters 16 and 17. It met with City staff on a twice-monthly basis, facilitated six meetings with the Code Audit Joint Commission, comprised of the Cannon Beach City Council, Planning Commission and Design Review Board,, held meetings with the Code Audit Advisory Committee, comprised of City Staff, observed development applications in progress, conducted site tours, and reviewed built results. To gain a full understanding of the policies and requirements that guide land use and development in Cannon Beach the team also reviewed, but did not audit, the Cannon Beach Transportation System Plan (TSP), street frontage improvement requirements, wetland delineation, system development charges and SDC updates. See Chapter 2 for more information.

A code audit is a thorough examination of a zoning code or development code to evaluate or improve its appropriateness, efficiency; its compliance with state statutes and federal law; its ability to implement city policies, and the quality of the built environment that results from it.

CODE AUDIT DEFINITION

A general description of the types of code fixes that were identified as necessary includes: Update statements and terminology, improve clarity and completeness of definitions, update regulatory language in line with current state statutes, ensure proper and useful organization, and review procedures to ensure they are appropriate to the scale and potential impact of development. See Chapter 3 for more information. These code amendments will be carried out by the Code Rewrite Project planned for 2023.

From October through November the audit team produced three separate short reports to preview the recommendations, called "Code Audit Digests." The digests covered three of the code fixes that will be undertaken by the Code Rewrite Project:

- Code reorganization
- Establishing greater clarity for review procedures
- Public Benefits – This digest covered some of the issues associated with the mismatch between the city's Comprehensive Plan and the CDO and some types of amendments that will be refined during the Code Rewrite.

The Code Rewrite Project of 2023 is a staged four-step process, which is described in Chapter 4.

State Planning Context – relationship between Comprehensive Plan and CDO

Since the establishment of Oregon's Land Use System in the 1970s jurisdictions have been tasked with the preparation of long-term planning in line with statewide land use planning goals but responsive to local needs and context in the form of a **comprehensive plan**. According to Oregon's land use system the **zoning code** is an implementing regulation tasked with carrying out the public policies articulated in the Comprehensive Plan.

Planning in Oregon must follow the Statewide Planning Goals. These statewide goals define the issues to be addressed by local jurisdictions across the state, and they bear directly on the Cannon Beach Comprehensive Plan and the CDO. The statewide goals set minimum benchmarks, which jurisdictions may go beyond to address local aspirations and issues.

The statewide goals cover the 19 topic areas. several apply to coastal communities: Coastal Shorelands, Beaches and Dunes. Some apply only to inland communities such as the Willamette River Greenway.

The Comprehensive Plan includes a vision statement, general development policies that apply citywide, specific policies for certain areas of the city, and element policies related to the nineteen statewide planning goals. The Comprehensive Plan provides the policy direction for the Community Development Ordinance. The Community Development Ordinance includes Titles 16 and 17. The city relies on these ordinances to implement Plan policies.

See Appendix A for more information.

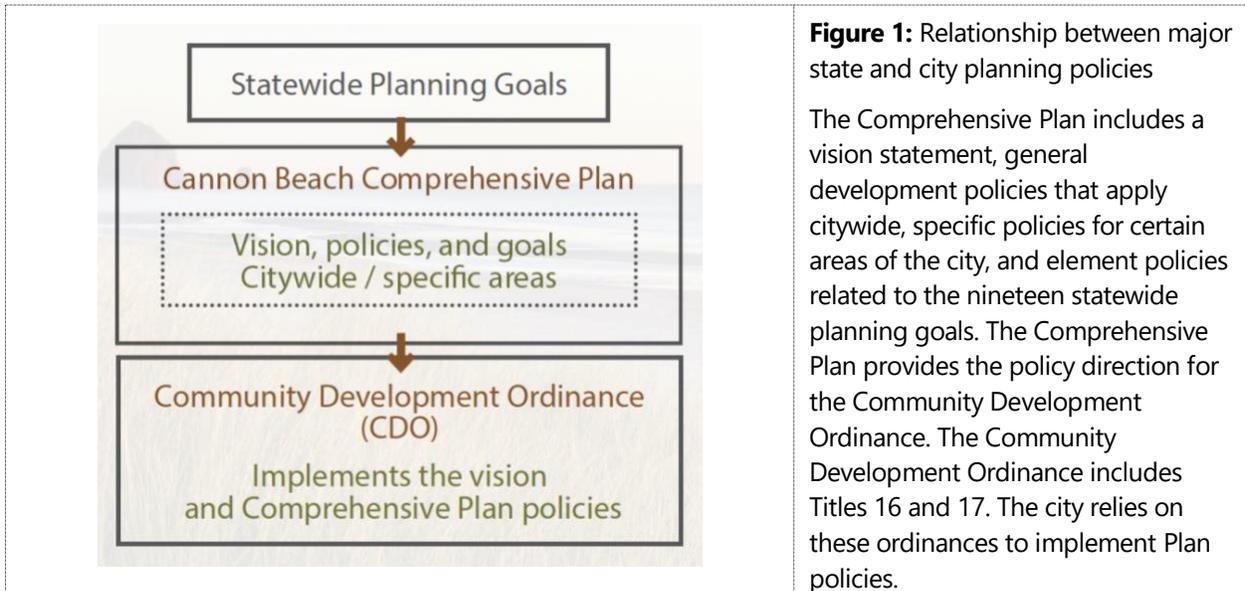


Figure 1: Relationship between major state and city planning policies

The Comprehensive Plan includes a vision statement, general development policies that apply citywide, specific policies for certain areas of the city, and element policies related to the nineteen statewide planning goals. The Comprehensive Plan provides the policy direction for the Community Development Ordinance. The Community Development Ordinance includes Titles 16 and 17. The city relies on these ordinances to implement Plan policies.

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Methodology

The code audit was based on technical analysis of the Comprehensive Plan and Community Development Ordinance (CDO) paired with active engagement around the values, priorities, and needs in Cannon Beach. To gain an understanding of Cannon Beach, the code audit team reviewed the following documents:

- Comprehensive Plan (1979, updated periodically, most recently in 2017)
- Community Development Ordinance Title 16, Title 17, and other provisions as needed
- Comprehensive Plan Background Report (1979, updated 2001)
- Development permits and legal correspondence, e.g., Forest Lawn Creek
- TSP (Ongoing)
- Clatsop County Housing Strategies Report (2019)
- Cannon Beach Transportation System Plan (TSP)
- Street frontage improvement requirements
- Wetland delineation
- System development charges and SDC updates

Scope of Work

The Code Audit project consisted of four tasks, which were completed as shown in Table 2.

Table 1 – 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"> · Clerical · Structural / organizational · Administrative · Policy 	Types of fixes: <ul style="list-style-type: none"> · Re-organize · Finetune existing provisions · Introduce new provisions 	Recommended code amendments

Task	Audit	Concepts	Recommendations
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

Community and Code Audit Joint Commission engagement included:

- 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, arborist and city land use attorney
- Project Management meetings with consultants and staff
- Site tours
- Interviews

The code audit ran from 2021 to the end of 2022. The six Code Audit Joint Commission meetings generally followed the four tasks. Scope deliverables were provided in Joint Commission packet materials and presentations.

Table 2 – Project timeline

Oct 2021– Mar 2022	April – June	July – September		August – December 2022
Task 1 – Code Audit	Task 2 – Preliminary Concepts	Task 3 – Refined CDO Concepts		Task 4 – Final CDO Recommendations
Joint Session #2 / #3 · Introduction to project · Status of Track 1 amendments · Code audit findings	Joint Session #4 · Review code concepts · Form based approaches · Clear and objective criteria for village character	CAAC · Initiate Technical Review of Concepts	Joint Session #5 · Provide feedback on refined code concepts	Joint Session #6 · Review CDO recommendations report

	· Village character public survey results			
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Findings

Introduction

The Code Audit team found that important aspects of the Comprehensive Plan which guide the CDO are sound and supported by the community. This does not mean that a Comprehensive Plan update should not be undertaken at a future point in time, however, for the purpose of the Code Audit, the Comprehensive Plan should continue to serve as the policy which the CDO implements.

What's not working today

As an implementing ordinance for the goals and policies of the Comprehensive Plan, however, the CDO comes up short. The CDO also does not comply with state rule and statutes which have passed since the last CDO update, and there are weaknesses and loopholes in CDO provisions that recent development and legal pressure have revealed.

There are aspects of the CDO where clarity and simplification will enhance its performance.

Policies should be in the Comprehensive Plan, and the companion implementing strategies should be in the CDO, but this is not always the case; policies and implementing strategies are present but they are not always in the correct document.

Lastly, there are perceptions that the code does not perform well enough to protect highly valued community characteristics (e.g., natural resources and trees). It is important to note that some of these are perceived shortcomings, not absolute, and that finetuning of

Land use planners in Oregon have said that one of the more significant features of the Oregon planning system is that zoning and other forms of land use regulations are "subordinate to the comprehensive plan."

Even after early legal challenges courts likened the Comprehensive Plan to a "constitution for land use decision making."¹

OREGON COMPREHENSIVE PLANS

¹ Ed Sullivan, Planning the Oregon Way, 1994, editors Carl Abbott, Deborah Howe, Sy Adler

existing regulations may be more appropriate fixes rather than a complete reinvention of regulations. Below is a sampling of CDO shortcomings:

- Development standards that govern development shape and size are out of date and cannot withstand the pressures and pace of development, nor the ability and willingness of applicants to litigate.
- Outdated practices such as minimum parking requirements threaten many things that the Comprehensive Plan promotes and people are trying to hang on to (e.g., a walkable downtown that supports small-scale buildings, historic buildings, and small businesses); parking management would be a more current and effective approach.
- Residential zoning does not allow for housing options which the Comprehensive Plan promotes, and limits workforce housing options (e.g., affordable to people who work in the city).
- New state laws have been passed clarifying the need to provide a non-discretionary pathway with clear and objective criteria for residential development.
- There is some confusion between the roles of the Comprehensive Plan and the CDO, with several sections of the Plan including regulatory language that is more appropriate in the CDO. Conversely, the Comprehensive Plan includes statements that should determine CDO requirements, but they are not covered (or adequately covered) by the CDO. Therefore recommendation #3 is to generally update the CDO's role as an implementing document of the Comprehensive Plan.

Such a policy/implementation gap is to be expected when the Comprehensive Plan is from 1978 and the CDO is 40 years old. However, a number of local, historic and national trends combine to exacerbate the gap. What has changed so much since the 1970s and 1980s?

Conditions in Cannon Beach have changed in a few significant ways: Cannon Beach has exhausted its buildable land capacity which means new development places pressure on existing lots and structures; property owners are more prepared to litigate. Parallel to national trends, but on a grander scale, the cost of land and housing in Cannon Beach has skyrocketed, shutting out groups including artists and families who used to live in town, and outside investment and ownership patterns are intensified with digital platforms that promote short term rentals and limit housing available to permanent residents.

Community values and priorities

The Joint Committee work sessions proved that aspects of the Comprehensive Plan that provide policy guidance or mandates for the CDO are still valid. Examples of the Comprehensive Plan language that have soundly guided the Code Audit are:

1. Residential character (a community for all ages and incomes)
2. Downtown character is pedestrian friendly and walkable

Likewise, the code audit revealed specific examples of the gaps between these goals and the CDO implementation:

Parking requirements

Highlighting the gap between what the Comprehensive Plan mandates versus what the zoning code implements is found in the zoning code (CDO) parking requirements. The Comprehensive Plan states, *"new development in Downtown shall have a scale that is appropriate to its location"* and describes downtown Cannon Beach as pedestrian oriented. Meanwhile the CDO requires one parking space for every 400 sf of new downtown buildings. On a typical downtown property, the result is development which consists of half parking lot, half building—making it impossible to match the historic buildings on Hemlock Street. This works against village character. The Code Audit recommends that the 2023 Code Rewrite project address these outdated parking requirements. New rules would allow building owners to have a greater say in parking that is needed for their business, customers, and location. New rules would also incorporate current best practices for small, historic downtown parking districts, such as shared parking.

Home for households from a variety of incomes and ages?

Another gap example is the Comprehensive Plan language supporting diversity of housing for a diverse population. The Comprehensive Plan asserts a commitment to affordable housing, housing options for residents from a variety of incomes, and a balance of residential and resort features. The reality is that there are very few housing options in Cannon Beach that could be considered affordable by any standard, nor very little subsidized housing to support the city's workforce. This is a big issue that goes far beyond the CDO, but the CDO plays an important role: clear and objective criteria for approval of housing can help, as can permitting more small lot housing, clustered housing, and housing types such as duplexes, e.g., "middle housing."

What's important for Cannon Beach's character?

Through a community-wide survey with 231 participants and 18 in-depth interviews with planning commissioners, design review board members and city councilors we explored what makes Cannon Beach unique, including the theme of village character and what it means to Cannon Beach. The themes that stood out to the code audit team include:

Building scale/home size: *Extremely important / mixed* –A U-shaped curve describes preferences for house size as the *most and least* important characteristic of village character. We understand this represents a desire for more housing options.

Preserving trees and open spaces: *Very important / positive* –Over 30% of public responses identified green/open space and trees as a key element of Cannon Beach character.

Workforce housing: *very important / positive* –Over 30 public survey responses and a substantial number of PC and CC members expressed concern that employees of local businesses couldn't afford to live in the community.

First Round Findings

During the project the code audit team managed an archive of code concerns using a spreadsheet matrix to sort and analyze. The methodology relies on the expertise of code audit team and familiarity with development codes from similar cities, knowledge of the land use system in Oregon, and familiarity with towns throughout the region.

Code audit issues were classified into four categories:

1. Clerical issues – corrections to minor errors;
2. Structural/Organizational – location of CDO or Plan content
3. Administration – terms and provisions for making land use decisions, and
4. Policy

The fourth category, "Policy," addresses issues that arise when terms such as "village character," "small scale," and "small town character" are used in the CDO or the Comprehensive Plan but are not described and are therefore difficult to regulate in a zoning code. (Further, when used in the CDO as evaluative criteria they are out of compliance with state statute for clear and objective language).

As has been mentioned this method of classifying issues helped the Code Audit team understand the likely code fix (type of code amendment) and the level of complexity required to resolve the issue. Classification also helped prioritize code amendments and establish a schedule for resolution and adoption.

Recommended fixes

The goal of the recommendations is to chart a path that fixes the shortcomings, works to maintain what is important to Cannon Beach citizens and is faithful to the Comprehensive Plan, responds to market and technological trends, is fair to applicants, complies with state

law, and does not place the city in legally untenable situations. The goal is to create a CDO that serves a thriving and resilient Cannon Beach for the next fifty years.

The table below summarizes the Code audit Issues findings.

Table 3 – Code audit issues summary	
Clerical issues	
<p>Clerical issues defined:</p> <ul style="list-style-type: none"> · Minor mistakes and errors · Corrections that can be made with no impact on the other three issue categories 	<p>Examples of these issues in the CDO:</p> <ul style="list-style-type: none"> · Terms are used in the code but not defined, like “bulk and “transient merchant” · Section numbers for each definition (recommend eliminating) · Missing, incorrect, or outdated document references (e.g., references to the CDO or OAR) · Terms defined in multiple locations
Structural / organizational issues	
<p>Structural / organizational issues defined</p> <ul style="list-style-type: none"> · Comprehensive Plan and CDO Organization · Location of content in Comp Plan and CDO · Display of information, e.g., graphics, tables 	<ul style="list-style-type: none"> · Plan organization, e.g., order of citywide and specific policies · CDO organization, e.g., general-- use of articles to group related chapters to specific – grouping related definitions, such as dwelling types, in 17.04 (only done for signs currently) <p><u>CDO Organization</u> is a major focus of the Code Rewrite Recommendations, see Chapter 4.</p>
Administrative issues	
<p>Administrative issues defined</p> <ul style="list-style-type: none"> · Terms and provisions used for making land use decisions · Procedural tracks and standards for land use applications 	<ul style="list-style-type: none"> · Numerous locations where decision-making procedures are found in Titles 16 and 17 makes the code more cumbersome to read and understand · Duplicative narrative regarding review procedures in various locations instead of being consolidated and located in one code section · Conflicting review process and notice requirements

Table 3 – Code audit issues summary	
<ul style="list-style-type: none"> · Matching review process and standards with scope of development (ex. Design Review for most applications other than single-family homes, Clear and objective criteria v. subjective standards) 	<ul style="list-style-type: none"> · The code does not always specifically identify the review process or approval authority · Review procedures are not commensurate with certain applications · Potential inconsistencies between CDO and ORS/OAR provisions <p><u>Decision-making Procedures are a major focus of the Code Rewrite Recommendations, see Chapter 4.</u></p>
Policy issues	
<p>Policy issues defined</p> <ul style="list-style-type: none"> · Overall Comprehensive Plan policy guidance for the CDO to implement · Clear policy enables successful implementation and CDO administration 	<ul style="list-style-type: none"> · Terms including “village character”, “small scale”, and “small town character” are used but not described · Several sections of the Plan include regulatory language that is more appropriate in the CDO · Plan policy statements that determine CDO requirements should be reviewed and updated <p><u>The mismatch between the Comprehensive Plan and the CDO is a major focus of the Code Rewrite Recommendations, see Chapter 4.</u></p>

4

Recommendations

RECOMMENDATION 1 / STEP 1: ADDRESS CDO ORGANIZATION

Reorganizing the development code is an essential first step. It is recommended that this step occur first.

Code 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.

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 17.

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).

Refer to Appendix B for a summary of the new articles.

RECOMMENDATION 2 / STEP 2: ADDRESS DECISION-MAKING PROCEDURES

This is the second recommendation for rewriting the development code and is recommended to occur concurrently with the reorganization or immediately following.

Right-size decision-making procedures

Clarify the two different types of decision-making criteria that apply to Cannon Beach and other Oregon cities:

- Those having to do with technical standards outside of local Titles 16 and 17, such as building code, public works standards, and standards from other agencies (fire district, FEMA, US Corps of Engineers).

- Cannon Beach Community Development Ordinance standards intended to produce development that is consistent with the Comprehensive Plan (provides a variety of housing, serving all income levels, etc.) using building heights and setbacks, density, building types (Single-Family, Multi-Family, duplex, ADU, etc.), and landscaping.

Revisit the four general application and approval categories: 1) ministerial; 2) administrative; 3) quasi-judicial; and 4) legislative.

Discuss the Planning Commission's role with the objective of keeping the Planning Commission involved in "higher level" decisions, such as setting planning policy, handling quasi-judicial and legislative actions. Consider restructuring decision-making so that the Planning Commission can devote more energy to policy matters.

Discuss how other types of applications, such as those with clear and objective criteria, can be handled under staff purview. This could benefit all parties, including the applicant. Planning Commission would still maintain a review role in discretionary matters over things that are important to them.

Clarify that technical standards outside of Titles 16 and 17 (public works, FEMA, fire) should be handled by building officials, city engineers, federal agencies, etc.

Many simple items could be administrative decisions, e.g., certain types of variances. Clear and objective criteria could make some decisions easier, and clear and objective criteria is required to comply with ORS (Oregon Revised Statutes) rules for all housing inside an urban growth boundary.

Review Procedure Structure

Development codes for local governments commonly have four types of land use decisions that each follow different procedures that are generally related to the size, scope, and potential impacts of the development approval sought. The Cannon Beach development ordinances have a system that resembles this four-tier structure, but the process for many application types is not clearly identified and defined. Often reference is made to the "city" as the approval authority without identifying if it is the Planning Director, Design Review Board, Planning Commission, or City Council.

The four recommended land use and development application types are described below.:

Type I Ministerial

Description: These development actions involve permitted uses and/or development regulated by clear and objective criteria, and they do not rely upon discretionary standards.

Approval Authority: Planning Director

Review Process: No preapplication conference; approval or denial by the Planning Director provided to the applicant; and no public notice. Appeals are rare, and only the applicant has the right to appeal.

Typical Examples: Review of single-family residence, minor exterior alteration to and existing nonresidential use, most sign permits and tree removal permits

Type II Administrative

Description: These actions are presumed to be appropriate within their zoning district and location, and they are subject to reasonably objective criteria that require limited discretion. Potential impacts associated with such uses may necessitate imposition of specific conditions of approval to minimize adverse impact and ensure code compliance.

Approval Authority: Planning Director

Review Process: Preapplication conference may be required or requested by the applicant; approval, approval with conditions, or denial by the Planning Director; public notice for comment in advance of the decision and public notice following the decision. Decision may be appealed by the applicant or the public.

Typical Examples: Certain types of sign permits and tree removal permits and Type I home occupation

Type III Quasi-Judicial

Description: These involve development applications that may be approved or denied through an exercise in discretion when applying the applicable development criteria and, in some cases, applicable Comprehensive Plan policies.

Approval Authority: Design Review Board or Planning Commission

Review Process: Preapplication conference is typically required; approval, approval with conditions, or denial by the Design Review Board or Planning Commission; public notice of the public hearing; and public notice following the decision. Decision may be appealed by the applicant or the public.

Typical Examples: Proposals requiring design review, subdivision, and conditional use applications

Type IV Legislative

Description: These involve the creation, broad scale implementation, or revision public policy to the text of the Comprehensive Plan, development code, and large-scale amendments to planning and zoning maps where a significant number of property owners are directly affected.

Approval Authority: City Council

Review Process: Unlike Type I-III review, these actions are normally initiated by the city. Notice of public hearings are provided, and the proposed amendments to the Comprehensive Plan and/or implementing ordinances are review by the Planning Commission, which forwards a recommendation to the City Council for a decision.

Typical Examples: Comprehensive Plan, Title 16, and Title 17 next amendments along with map amendments usually affecting multiple properties that are not at the specific request of the property owners.

Decision-making amendments – Action steps

Step A: Categorize land use applications

The existing code is often not completely clear regarding the applicable review process. For example, reference to “the city” is made for the approval authority. This first recommended step is to review the procedure for each of the current development applications and assign one of the four procedural types according to the best match with the review procedure used today. The four procedure types should be fully described in one code section with the applicable process type clearly assigned to each of the development applications, such as home occupations, tree removal, design review, subdivision, and conditional use. No fundamental change in the way applications are reviewed and approved would result. It would provide a better understanding of how different land use applications are currently reviewed.

Step B: Match procedure type with application scale and complexity

Next, each application and the corresponding review process should be evaluated for being generally commensurate with the scale and complexity of the proposed development along with the potential for adverse impacts to neighboring properties or the community in general. Applications with a modest scale and cost generally should be subject to an expedient and predictable review and approval process. A property line adjustment or minor building setback variance would be examples where a Type I or II process would be more appropriate than Type III. Large-scale proposals such as subdivisions or new commercial development would generally be assigned to a Type II or Type III process.

The advantages of right-sizing the review process to the scope and complexity of different applications is threefold:

1. The applicant is not faced with unnecessary processing time, expense, and uncertainty for a modest proposal with little or no potential impacts, such as a lot line adjustment or minor setback variance as mentioned above.
2. The staff can work more efficiently by administering simple land use cases.
3. The Design Review Board and Planning Commission will have more time to focus on significant land use cases and planning policy issues (e.g., legislative projects resulting in recommendations to City Council).

Step C: Assign the appropriate approval criteria for each application type

For the application review structure to function properly, the approval criteria must coincide with the procedure type as described above. Once the applications are organized by Type I through IV, the applicable criteria should be evaluated and amended to correspond to the application type. Type I criteria must be clear and objective with virtually no interpretation required to review an application. Type II criteria should primarily be the same as Type I, but with the allowance of some limited interpretation. Type III applications may include a combination of objective and subjective criteria; however, the subjective criteria should be as clear and specific as possible to yield consistent results from one application to another. For example, a code criterion that simply refers to compliance with the Comprehensive Plan is not particularly helpful to the applicant or the approval authority because it is wide open to different interpretations. Type IV cases often involve general planning policy issues, and the Comprehensive Plan and statewide planning requirements typically guide these types of decisions.

RECOMMENDATION 3 / STEP 3:

ADDRESS MISMATCH BETWEEN COMPREHENSIVE PLAN AND CDO

As described in Chapter 3, the Comprehensive Plan includes regulatory language that is more appropriately located in the CDO. At the same time, the Comprehensive Plan includes policies that should appear in the CDO as implementation strategies, but it is not clear that the policies are addressed or addressed in the most up-to-date fashion.

Therefore recommendation #3 is to review, clarify, and update the CDO's role as an implementing document of the Comprehensive Plan. As such, Recommendation #3 will encompass a number of code fixes that are characterized as policy-related, many of which will affect the form of development that results from code provisions. Code fixes are likely to use a form based code approach, which emphasizes the shape and size of development and its relationship to streets and natural areas, and de-emphasizes land uses. In general, these recommendations will be focused on closing gaps in the system that have been

identified by the Code Audit project. Some of these gaps have already been identified in Chapter 3:

- Parking requirements
- Home for households from a variety of incomes and ages
- What the Comprehensive Plan says versus perceptions about what it says
- What the Comprehensive Plan mandates versus what the zoning code implements

Action Plan & Methodology for the 2023 Code Rewrite project

The Code Rewrite Project could begin as early as January 2023. We recommend the process follow the following steps and schedule:

- Step 1 – Reorganize existing code provisions into a format that’s easier to understand and amend. (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)
- 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)
- 4–6-month rewrite followed by 6–8-month adoption process

Table 4 – Code Rewrite recommended schedule

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 (multi-step process recommended, see above)	Adoption			
		Planning Commission		City Council	
		Work Session	Hearing	Work Session	Hearing

APPENDIX A: COMPREHENSIVE PLAN AND STATEWIDE LAND USE GOALS

Comprehensive Plan and Statewide Land Use Goals

Planning in Oregon must follow the Statewide Planning Goals. These statewide goals define the issues to be addressed by local jurisdictions across the state, and they bear directly on the Cannon Beach Comprehensive Plan and the CDO. The statewide goals set minimum benchmarks, which jurisdictions may go beyond to address local aspirations and issues. The statewide goals cover the 19 topic areas.

The 19 statewide planning goals are:

- Goal 1: Citizen Involvement – provide opportunity for citizens to be involved in all phases of the planning process.
- Goal 2: Land Use Planning – require plans to be based on factual information and to have suitable implementation ordinances in place.
- Goal 3: Forest Lands – conserve forest lands for forest uses.
- Goal 4: Natural Resources, Scenic and Historic Areas, and Open Spaces – establish a process regarding resource use and protection.
- Goal 6: Air, Water, and Land Resources Quality – maintain consistency with state and federal regulations.
- Goal 7: Areas Subject to Natural Hazards – apply appropriate safeguards related to natural hazards.
- Goal 8: Recreational Needs – plan for and provide recreational opportunities.
- Goal 9: Economic Development – enable diversification and improvement of the economy.
- Goal 10: Housing – plan for and accommodate needed housing types.
- Goal 11: Public Facilities and Services – efficiently plan for and provide public facilities and services.
- Goal 12: Transportation – provide a safe, convenient, and economic transportation system.
- Goal 13: Energy Conservation – ensure that land and uses are managed to conserve all forms of energy.
- Goal 14: Urbanization - plan for future growth and establish an urban growth boundary to separate lands for urbanization land from rural land.
- Goal 15: Willamette River Greenway – not relevant to the Oregon Coast.
- Goal 16: Estuarine Resources – manage major estuaries.
- Goal 17: Coastal Shorelands – properly manage land and resources between the ocean beaches and Highway 101.
- Goal 18: Beaches and Dunes – limit and degradation of beaches and dunes.
- Goal 19: Ocean Resources – conserve the long-term values, benefits, and natural resources of the nearshore ocean and continental shelf.

Cannon Beach Comprehensive Plan Overview

The Comprehensive Plan includes a vision statement, general development policies that apply citywide, specific policies for certain areas of the city, and element policies related to the nineteen statewide planning goals. The Comprehensive Plan provides the policy direction for the Community Development Ordinance. The Community Development Ordinance includes Titles 16 and 17. The city relies on these ordinances to implement Plan policies.

Cannon Beach Comprehensive Plan Overview

The major sections of the Plan are summarized in the following table.

Section/ Sub-Section	Purpose
General	
INTRODUCTION General Plan Philosophy/ Policy Statement History and Organization Purpose	Notes other city planning documents and ordinances that must be consistent with the Plan and interrelationships. Description of the process for developing the plan. Introduces important community characteristics, including a beautiful coastal location, the surrounding natural environment, a diversity of people, and a friendly, small-town atmosphere that make up the guiding principles the plan seeks to maintain.
COMPREHENSIVE PLAN Vision Statement General Development Policies	Describes the community vision for how Cannon Beach will look over the planning time horizon. Notes the importance of maintaining a village character and “buildings that are generally small in scale and appropriate to their settings.” General development policies that apply citywide are called out
Area Policies	
NORTHSIDE DOWNTOWN ECOLA CREEK ESTUARY PLAN MIDTOWN TOLOVANA PARK	Articulates the vision and policy direction for specific areas in the city.
Element Policies, Recommendations, and Guidelines	

Section/ Sub-Section	Purpose
POLICIES PERTAINING TO 32 DIFFERENT POLICY CATEGORIES	Citywide policy direction related to a wide range of issues such as urban growth, protection of resource lands, natural hazards, transportation, housing, economy, energy, recreation, public facilities and services, planning procedures, and citizen involvement.
Maps	
	Informational and planning maps provide background information, spatially locating key areas and classifications to support the Plan narrative. Includes land use and zoning maps, beachfront areas, coastal shoreland boundaries, beach access, water and sewer systems, street classifications, bike routes, geological and flood hazards, ownership, dwellings lacking foundations, developed land areas, and buildability and soil types.

APPENDIX B: PROPOSED CODE REORGANIZATION TABLE

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	<i>Measurement Definitions</i>	<i>17.06 Potentially have a separate section for measurement definitions like setbacks, height, FAR, etc.</i>
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	
17.82	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

APPENDIX C: ADDITIONAL RESOURCES

An archive of code audit materials can be found on the City of Cannon Beach website at: <https://www.ci.cannon-beach.or.us/planning/page/cannon-beach-code-audit>