

**Date** 01 March 2022  
**Subject** Cannon Beach Community Development Ordinance (CDO) Audit Project  
**To** Jeffrey Adams, Planning Director; Bruce St. Denis, City Manager  
**From** Marcy McInelly AIA, Urbsworks, Inc., Keith Liden, AICP

# Joint Meeting #2 packet

## CODE AUDIT PROJECT UPDATE

### About this project

The objective of the Community Development Ordinance Code Audit project is to review and assess the CDO in comparison to the goals of the city's Comprehensive Plan. 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. 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. Through this project, a consultant team will conduct a comprehensive review of both the Plan and the CDO to determine:

- How the Plan and CDO do or do 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 definitions or terms that need to be amended to increase consistency with state requirements.

As an outcome of this analysis, the team will identify potential approaches to resolve the identified issues to improve the cohesiveness and clarity of the Plan and CDO. These code concepts will outline clear choices for different organizational and regulatory options. Concepts will allow for flexible development, consider form based approaches and/or context sensitive provisions, and be consistent with the community vision and goals. Concepts may include overall code re-organization or reformatting to increase legibility, new terms or definitions, and proposed new or modified development. Code concepts will clarify policy choices but not result in specific code language.

### Key dates/project timeline

The Code Audit project includes four tasks and a schedule to be completed before the end of 2022.

Project timeline and Joint Session role			
October 2021 – March 2022	April – June 2022	June – July 2022	August - September 2022
<b>Task 1 – Code Audit</b> (this phase) <ul style="list-style-type: none"> <li>• Joint Session #2 / #3</li> <li>• Introduction to project</li> <li>• Learn about status of Track 1 amendments</li> <li>• Review code audit findings and provide feedback.</li> </ul>	<b>Task 2 – Preliminary CDO Concepts</b> <ul style="list-style-type: none"> <li>• Joint Session #4</li> <li>• Review code concepts and provide feedback</li> </ul>	<b>Task 3 – Refined CDO Concepts</b> <ul style="list-style-type: none"> <li>• Joint Session #5</li> <li>• Provide feedback on refined code concepts</li> </ul>	<b>Task 4 – Final CDO Recommendation</b> <ul style="list-style-type: none"> <li>• Joint Session #6</li> <li>• Review CDO recommendations report</li> </ul>



## Oregon state planning context

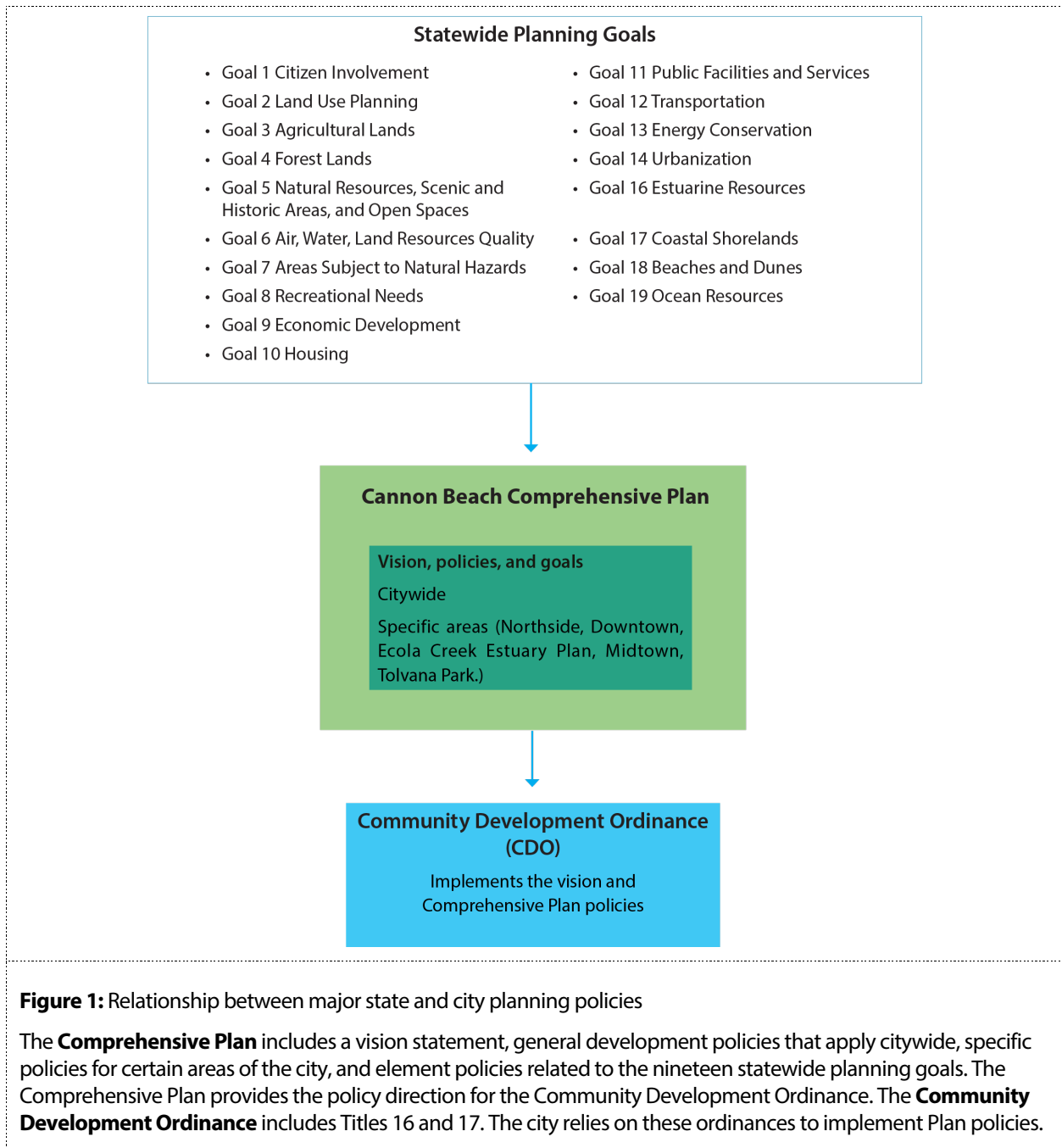
Planning in Oregon must follow the Statewide Planning Goals. These statewide goals define the issues to be addressed by local jurisdictions across the state, and they bear directly on the Cannon Beach Comprehensive Plan and the CDO. The statewide goals set minimum benchmarks, which jurisdictions may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

- 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 urbanizable 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.

## What's being audited?

The first major project task is to conduct an audit of the primary documents that have a bearing on land use and development in Cannon Beach, including:

- Cannon Beach Comprehensive Plan
- Cannon Beach Municipal Code, Title 16 – Subdivisions
- Cannon Beach Municipal Code, Title 17 - Zoning



In addition to these audit documents, the project will also include the review, but not an audit, of the following planning and policy documents to provide a full understanding of the policies and requirements that guide land use and development in Cannon Beach:

- Cannon Beach Transportation System Plan
- Street frontage improvement requirements
- Wetland delineation
- System development charges/updates

Other documents may be added to this list.  
**Cannon Beach Comprehensive Plan Overview**

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

Section/ Sub-Section	Purpose
<b>General</b>	
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
<b>Area Policies</b>	
NORTHSIDE DOWNTOWN ECOLA CREEK ESTUARY PLAN MIDTOWN TOLOVANA PARK	Articulates the vision and policy direction for specific areas in the city.
<b>Element Policies, Recommendations, and Guidelines</b>	
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.
<b>Maps</b>	
	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.

## Cannon Beach Community Development Ordinance Overview

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

Chapter	Purpose
<b>Title 16 - Subdivisions</b>	
16.04 – 16.430 STANDARDS AND PROCEDURES	This title contains the technical and procedural requirements for subdividing land, adjusting lot lines, and providing appropriate public facilities.
<b>Title 17 - Zoning</b>	
17.02 GENERAL PROVISIONS	Provides guidance regarding the purpose of this title and how it should be interpreted.
17.04 DEFINITIONS	Defines key words as they are used in the ordinance.
17.06 – 17.37 ZONING DISTRICTS	Establishes the base zoning districts regulating land use (residential, commercial, institutional, open space, and resource land).
17.38 – 17.43 OVERLAY ZONES	Establishes the overlay zones to supplement base zone requirements that pertain to planned development, oceanfront management, and wetlands.
17.44 – 17.48, 17.80 - 17.88, 17.92 & 17.94 PROCEDURES	Review procedures for impact assessments, resource capability determinations, conditional use, variance, amendments, public hearings, administration, and enforcement.
17.50 – 17.78 & 17.90 DEVELOPMENT REQUIREMENTS	Development requirements regarding geologic hazards, dune construction, accessory uses, signs, cluster development, grading/erosion control, setback reduction, buffering and screening, manufactured dwellings, tree removal and protection, stream corridor protection, historic site protection, bed & breakfast, wireless communication facilities, short-term rentals, off-street parking, and general requirements.

### What types of problems will the Code Audit address?

A preliminary review reveals six general issue categories that are being addressed as part of the audit. Some categories of findings relate to the interrelationship between the Plan and CDO while others pertain only to the CDO. Categories are described below with examples.

- Update statements and terminology. Both documents contain provisions that are out of date.
  - Plan reference to the planning horizon as 2000. This will need to be updated to a new planning horizon.
  - The Vision Statement from 1993 calls for “a modest level of growth over the next two decades.” This portion of the Vision Statement should be updated to describe the city’s current view of the future.
  - Downtown Policy 1 referring to Downtown as the primary commercial center with Midtown, Tolovana Park, and Elkland Village as “developing commercial areas.” If these areas have matured or need to be characterized differently, these policies should be updated.

- Dwelling definitions are being reviewed to ensure they cover the different housing situations in the city, including vacation rentals and accessory dwelling units.
- Improve clarity and completeness of definitions. Plan policies by their nature can be open to interpretations, but terms and statements need to be made as clear as possible to enable consistent and defensible interpretation of the Plan. CDO definitions are being evaluated for completeness and clarity.
  - Plan Vision Statement referring to maintaining the “village character” of the city. Later, in Economy Policy 1, “small town character” is used. Assuming “village character” or “small town character” continue to resonate with the community identifying the major attributes of this character could be helpful in forming Plan policies and corresponding CDO standards and review procedures.
  - The building types in 17.04 Definitions are being reviewed to ensure all terms used are defined. For example, a “limited triplex” is referenced in one or more base zones but is not defined.
- Regulatory language in the Plan. The Plan occasionally makes specific regulatory statements, which should only be in the CDO. The Plan should provide guiding policy – not development standards.
  - General Development Plan Policy 7 states that motel development shall be one unit per 1,000 square feet of site area, except as it may be modified through the design review process.
  - Ecola Creek Estuary Plan Policies section has many specific provisions relating to permits, permitted and conditional use list, and specific conditions for development, which would be more appropriate in the CDO.
- Title 17 re-organization. Title 17 Zoning content is similar to other zoning ordinances with overall procedural provisions, definitions, base zones, overlay zones, development standards, and review procedures. However, the Title 17 chapter are not grouped, and this makes using this portion of the CDO more difficult.
  - Lack of chapters grouping sections by topic. There is a new chapter for each base and overlay zone instead of one chapter for land use zones with subsections for each zone.
  - Development standards and review procedures are intermingled between Sections 17.44 and 17.94.
- Subjective v. clear and objective criteria in the CDO. Subjective criteria are typically most appropriate for land uses that may have variable impacts depending upon specific circumstances. Conditional uses would be an example where subjective criteria are commonly used. However, clear and objective criteria are often the most appropriate for more common land uses where the potential impacts are predictable. The current use of these two types of criteria should be evaluated for their effectiveness.
  - CDO Chapter 17.44 Design Review applies to most development, and it relies on subjective criteria.
- CDO review procedures appropriate to the scale and potential impact of development. Linked to the CDO criteria issue is the review process for different types of development. The level of review should be commensurate with the potential impact of the development. The following sections are being reviewed for clarity and to ensure the level of review does not serve as a disincentive.
  - CDO 17.54.080 accessory dwellings subject to design review
  - CDO 17.44.020 design review for minor site and building alterations
  - CDO 17.92.010 types of development permits

## Concepts

Following the Task 1 CDO Audit, the team will develop Preliminary CDO Concepts in Task 2. Code Concepts will describe ways to resolve issues identified in the Code Audit. Concepts will articulate policy choices and provide guidance on how the city will need to develop future amendments. They will range from simple to complex solutions and approaches. A simple concept will identify a code clean up or consistency issue to be resolved through a minor amendment. More complex concepts will address interrelated aspects of the Plan and CDO such as how existing policies are interpreted today while identifying additional tools to clarify the original intent of a policy. As part of this

exploration the team will also present design studies and frame alternative paths to achieve desired outcomes. This will include exploring potential new form based development standards.

Based upon the outcome of the preliminary CDO Concepts review, Urbsworks will develop Refined CDO Concepts in Task 3 for further review and discussion. The refined concepts will then be further amended to become the Final CDO Recommendation in Task 4. This final recommendation will be designed to provide a solid foundation for the city to prioritize and proceed with Plan and CDO amendments after this project is completed.

## TRACK ONE AMENDMENTS AND A FORM BASED APPROACH

### Track One amendments for further study

City Council has voiced its concern over the rising threat of residential development that is resulting in larger and larger homes that are not in keeping with the village aesthetic. With the Code Audit process projected to take months or years to get to approvable and adoptable language, the Council asked for the Planning Commission to consider a two-track approach, so that certain amendments could be studied and adopted on a 2022 timeline.

Two of the four priorities identified for Track One were adopted on January 4<sup>th</sup> 2022. The other two priorities were held aside for further study and will be brought forward in future Joint Sessions along with the Code Audit project; they are:

- Limit the floor area ratio and lot coverage of houses
- Restrict gross floor areas of houses in all zones

### What shapes and limits development in Cannon Beach today?

In preparation for future Joint Session discussions of the Track One amendments, it's helpful to have a shared understanding of the zoning tools cities generally use to shape residential development, and of those tools, which ones Cannon Beach uses.

Today Cannon Beach applies development standards consisting of setbacks, building height, minimum lot size, and lot width and lot depth, along with maximum lot coverage. These are described more fully below.

With the adoption of Ordinance 21-08 on January 4<sup>th</sup>, Cannon Beach enacted additional controls on the ultimate size of lots by prohibiting the combination and recombination of lots, which has the effect of limiting home sizes. The same ordinance removed the Planned Development Overlay (PD) zone. As mentioned above, two additional amendments were considered but not adopted and will be studied in future Joint Sessions.

### Development standards explained

Most cities limit the shape and size of a house using these zoning tools:

- **Setbacks** limit how close to the edge of the neighboring property line a house can be built, and apply to the front, sides, and rear of the lot.
- **Building height** limits the maximum height of a structure to the highest point of the roof. This limits the number of floors in a house. A 24-foot height limit typically allows about two stories, for example.
- **Minimum lot size** sets a threshold for the minimum size that a property must be for it to accommodate a dwelling or dwellings.
- **Lot width and lot depth** are often specified in addition to lot size square footage and set a minimum width and depth (length) for each lot; these dimensions are expressed in feet and vary in each zoning district. Note that this development standard establishes the minimum size of a lot but does not control how large a lot may be.

The list above represents the most basic set. In addition, some cities apply these tools:

- **Maximum lot coverage** limits how much of the lot can be covered by a house or other structures and is usually represented as a percentage of the property.

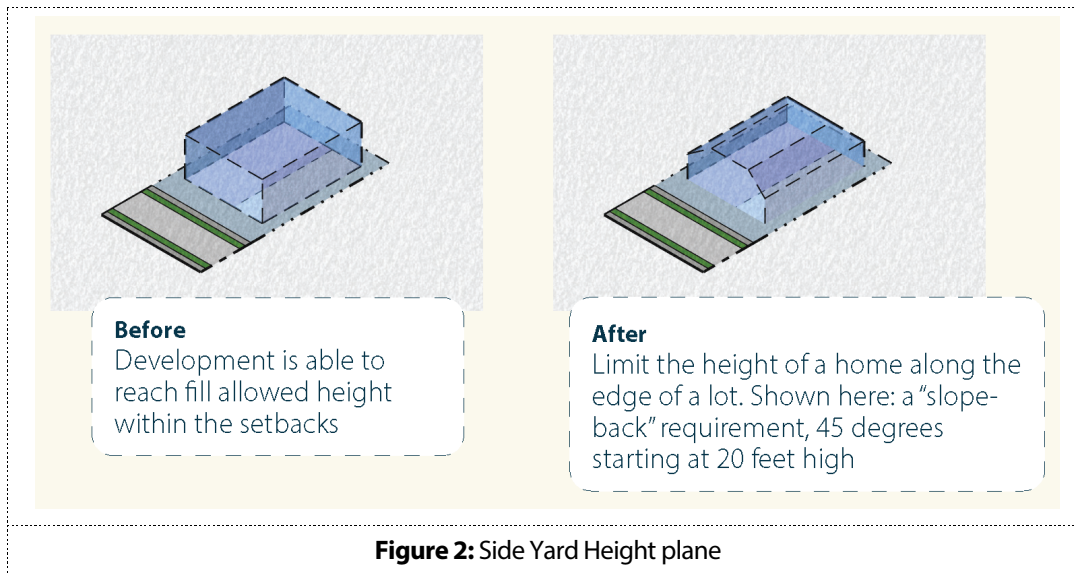


- **Floor Area Ratio (FAR)** sets the maximum floor area of a structure in relationship to the lot size (lot square footage); it is usually expressed as a ratio and is commonly referred to by its acronym, FAR.
- **Gross floor area** restricts the maximum amount of floor area permitted on a lot and, unlike FAR, is an absolute maximum number as opposed to a ratio; it is usually expressed in square feet.

### Additional tools to consider

Additional zoning controls should be considered; below is a preliminary list:

- **Side yard height plane** which reduces the height of a building, requiring the building to slope back or step back when it is closest to the side yard (figure below).
- **Floor Area Ratio (FAR) “give-back”** which increases the FAR allowance for additional smaller-sized dwelling units and/or housing that meets city goals. The development capacity increase is granted in exchange for the creation of more small-scale housing, which can help provide additional housing choices and more affordable or attainable housing.
- **Lot coverage “give-back”** which is similar to the FAR give-back above but provides additional lot coverage in exchange for additional housing that meets city goals.
- **Easier land division** for smaller-lot homes (expedited land division).
- **Transfer of Development Rights** which would allow historic cottages to transfer their development rights to mixed-use areas or areas identified for higher densities.



### Form based approach for Cannon Beach

A form based code approach focuses on the form of development (not the use) and emphasizes the shape and design of buildings. It focuses on the relationship of buildings to open spaces including streets, and on the relationship of buildings to each other. It approaches individual buildings as an ensemble rather than as isolated forms.

A form based approach looks different on the printed page of the zoning code, as it uses illustrations to support the text of the regulation which makes the code easier to understand. It focuses on what the community wants and prioritizes and can make the built results of the code more predictable.

Given what we have learned so far about Cannon Beach, we recommend a form based approach lead the code audit process. It will allow the consultant team to bring forward code concepts that:

- Enhance and further the Cannon Beach ethic-aesthetic of “village character.”



- Consider the shape and form of development in relationship to open spaces, streets, the landscape, the oceanfront, and other iconic locations.
- Propose ways to articulate Cannon Beach vision and unique characteristics in code language.
- Consider approaches that are context sensitive and tailored for different areas of the city.