

**Date** 22 June 2022  
**Subject** Cannon Beach Community Development Ordinance (CDO) Audit Project  
**To** Jeffrey Adams, Planning Director; Bruce St. Denis, City Manager  
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# Joint meeting #4 packet

## CODE AUDIT PROJECT UPDATE

### 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				
Oct 2021– Mar 2022	April – June 2022	*	July – August 2022	August – Sept 2022
Task 1 – Code Audit	<b>Task 2 – Preliminary Concepts</b>	Technical Review of Concepts (July 2022)	Task 3 – Refined CDO Concepts	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>	Joint Session #4 <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>

\* Review of concepts by city staff representing code enforcement, building permit, emergency responders, public works, attorney)

### Project overview

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.

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.

### Joint Session #3

The last Joint Session was held on 19 April 2022. Code Audit consultants [presented an update](#) about the Code Audit issues. The four general categories for the audit issues are 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,” will address 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.

### Village character visioning session

As had been requested at Joint Session #2, a portion of the April work session was devoted to a group discussion of those physical (and other) features that contribute to the unique character of Cannon Beach, which is often referred to as “village character.” The discussion focused mostly on residential neighborhoods but also included some discussion of downtown. Members of the CC, PC, and DRB, and public participants in attendance broke into two groups for a facilitated discussion around the following questions:

1. In ten years time, what would you want to make sure remains a part of the village?
2. In ten years time, what currently doesn’t exist that you would like to see in the village?
3. Discuss the [adequacy of the] tools you currently have for architectural controls.

[Notes from the session](#) can be found on the city’s webpage for the Code Audit project.

The village character discussion followed [a survey](#) that had been set up to collect ideas from members of the Joint Commission in advance.

For the consultants, the objective of the discussion and the survey was to hear from the Joint Commission about those characteristics which could be regulated in the zoning code using clear and objective language. Clear and objective zoning code language includes dimensions, geometry, and numerical standards (i.e., feet, area in square feet, angles, or percentages).

### “Clear and objective language for needed housing”

Oregon state law requires that housing may not be subject to a discretionary review, i.e., review by a design review board applying design guidelines, except as an alternative approval path, meaning a path that is alternative to (additional to) a clear and objective approval path. In other words, design review can be an alternative track but may not be the only track for approval. Below is an excerpt from ORS (Oregon Revised Statutes) 197.307:

“...a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

- May include, but are not limited to, one or more provisions regulating the density or height of a development.
- May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

Currently Cannon Beach CDO is not in compliance with 197.307 and one of the goals of this project to propose amendments that will bring it into compliance.

### Short history of ORS 197.307

During the village visioning discussion concerns arose about the challenges of applying clear and objective zoning code language to such a unique environment such as Cannon Beach. There were also questions about the history of ORS 197.307 rule and if it was related to recent legislation for “middle housing” (HB 2001 and SB 458). In the meeting notes these two discussions were recorded as:

- Concern that clear and objective standards are not as effective as design review; that they may be too prescriptive and not allow creative approaches.
- Need more information about the state’s requirement, would like to read the legislation and understand the history.

In 2020 the Oregon legislature adopted HB 2001—also called Middle Housing legislation. It requires cities over 25,000 in population to allow “middle housing” in single dwelling zones. Accompanying legislation SB 458 requires the same cities to allow expedited land division so middle housing can occupy individual lots. The legislation is intended to address the state’s housing crisis. While ORS 197.307 for clear and objective review of housing supports HB 2001 and efforts to address the housing crisis it was passed years earlier, and some portions of ORS 197.307 predate HB 2001 by a couple of decades.

As an evolution of Oregon’s statewide land use system, ORS 197.307 was originally created to make it easier for homebuilders and housing providers to build within designated urban growth areas. Early versions were passed in the 1990’s and applied to “needed housing” which was defined as affordable housing, multifamily housing, farmworker housing, and government assisted housing. Historic resources were and are still exempt from the legislation. In 2017 the state legislature broadened the definition of needed housing to include all housing.

### Form based approaches

When applied to zoning codes a form based approach uses clear and objective criteria to determine what types building uses and shapes are permitted and where. A classic definition of form based codes is:

“A form based code is one that is based primarily on “form”—urban form, including the relationship of buildings to each other, to streets and to open space, rather than based primarily on land use.”

For a complete guide to form based codes see the [Form Based Code Handbook](#) published by SACOG (Sacramento Area Council of Government).

A focus of the Joint Session #4 will be detailing the ways that form based approaches could be used to address the unique issues and characteristics of concern to Cannon Beach. For a preview, see the following resources:

- Addressing the size of residential structures while incentivizing workforce housing, housing choices and affordable housing (FAR) while incentivizing workforce housing – Example from Portland, Oregon.  
<https://www.portland.gov/bds/zoning-land-use/residential-infill-project/residential-floor-area-ratio>
- Addressing local style and character – Example from Beaufort, South Carolina.  
<http://www.cityofbeaufort.org/DocumentCenter/View/976/The-Beaufort-Code?bidId=>

## CANNON BEACH VILLAGE CHARACTER SURVEY – PUBLIC SURVEY SUMMARY

### Introduction

The Cannon Beach Code Audit consultants heard from members of the Code Audit project Joint Commission in April 2022, and to follow up from these efforts the Commission requested the survey be made available to the public. This is a preview of the extensive comments and feedback provided by the community on the topic of “village character” as it relates to identifying components of Cannon Beach’s unique character, particularly in the City’s residential districts.

The Comprehensive Plan currently states “Cannon Beach will continue to be a small town where the characteristics of a village are fostered and promoted.” The inspiration for the survey was to provide an open-ended process where the community’s feedback will be considered alongside other sources.

The public survey is intended to serve as a tool for community engagement and gathering information and perspectives for further research. The survey is almost entirely open-ended. The public survey does not purport to represent a statistical instrument or a scientific survey, nor to be representative of the entire community.

## Survey Response

Between May and June of 2022 321 community members provided 1,078 comments across five open-ended questions about village character in Cannon Beach (Table 1) corresponding to the questions posed to the Joint Commission. If Cannon Beach population is roughly 1,500, then the survey response rate is about 20%.

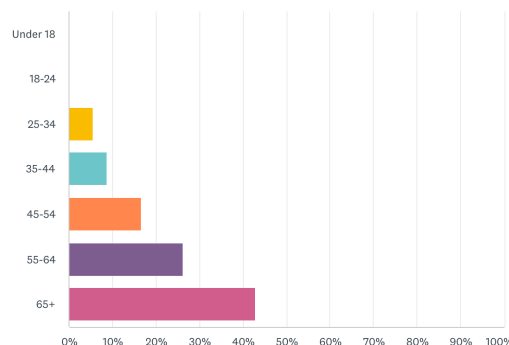
**Table 1: Survey Response by Group**

	Joint Commission Survey & Discussion Questions	Public Survey
Individual respondents	18	321
Total comments	33 (plus discussion)	1,078
Dates collected	April 2022	May & June 2022 (3 weeks)

**Figure 1: Self-reported age of individuals who took the public survey**

(Optional) What is your age?

Answered: 217 Skipped: 14



Out of the individuals who elected to share (optional) demographic information, which was optional, about 70% were over 55 (Figure 1), and about 90% identified themselves as white.

## Survey Questions

The public had the opportunity to answer the same questions presented to the Joint Commission in April through the Village Character survey and the working session at the April meeting (Table 2).

**Table 2: Public Survey Questions**

	Joint Commission	Public
Q2 When defining "village character" for Cannon Beach residential areas, which characteristics are most important to you? (Ranking question)	Survey	Survey
Q3 Are there other defining features of "village character" for Cannon Beach residential areas, which characteristics are most important? (Open ended question)	Survey	Survey
Q4 Would your ranking of these characteristics vary within different neighborhoods? (Open ended question)	Survey	Survey
Q5 In ten years time, what would you want to make sure remains a part of the village? (Open ended question)	Joint Session Working Group	Survey
Q6 In ten years time, what currently doesn't exist that you would like to see in the village? (Open ended question)	Joint Session Working Group	Survey
Q7 In twenty words or less, please define 'village character' (Open ended question)	n/a	Survey

**Next Steps:** The next phase of analysis will be to categorize responses by theme and distill insights for June 29.