



Community Development Ordinance Audit

JOINT WORK SESSION #6 , OCTOBER 12, 2022

Agenda

- › Project update – Status and schedule (Marcy)
- › Highlights and discussion of the three Code Audit “Digests” (Marcy)
- › Additional detail Public Benefits Proposal (Jeff) – Including additional detail and new and refined definitions for Legacy Tree, Legacy Tree Canopy, and Lot Coverage
- › Recommended methodology for 2023 Code Rewrite (Marcy)
- › Addressing wetlands in the 2023 Code Rewrite

MARCY MCINELLY, AIA, URBSWORKS, AND KEITH LIDEN

Code Audit Update



Status and schedule

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

Status and schedule

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
- › Packets, digests, draft recommendation

This is the final Joint Work Session

Nov / Dec: Consultants prepare final audit report

**Three
Code Audit digests**

**1
CDO
Reorganization**

**2
Decision-Making
Procedures**

**3
Public Benefits
Proposal**

CDO Reorganization

- › Code audit and future code rewrite focus: **Titles 16 (Subdivisions) and 17 (Zoning)**
- › Step #1: **Eliminate repetition**, such as definitions and descriptions of procedures that are repeated across sections
- › Step #2: **Group relevant sections of Title 16 and Title 17 together**
- › Step 2 is a **policy-neutral change** that will economize the number of amendments that will need to be updated and reviewed by the PC and CC

CDO Reorganization

continued

- › 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.
- › Example: Place all **land use zones into a single section** (Article III)
- › Introductory language and tools such as tables and graphics are **shared not duplicated**.
- › Code reorganization is **an important provisional/first step** in the code rewrite project proposed for 2023 that **will save time and effort** for Commissioners, public and staff.

Decision-Making Procedures

Issues

- › Current procedures subject development applications to a review process that is not predictable or intelligible by reading the current code
- › The process lacks precision to match the magnitude of an application with an appropriately sized procedure (for example, setting design review for a 4" extension of eaves on the same plane as a three lot combination)
- › The current code is often imprecise about who is responsible for various code provisions, e.g. "The City" instead of "Community Development Manager" or "Planning Commission"

Result

- › Unnecessary complexity, cost, and uncertainty (especially for simple/inconsequential applications); and
- › Review bodies have their time monopolized with minor planning applications

Decision-Making Procedures

continued

Recommendation –

- › Formally institute a **4-tiered review structure** with a clear description of the **process and approval authority** for each:
 - › *Type I Ministerial*
 - › *Type II Administrative*
 - › *Type III Quasi-Judicial*
 - › *Type IV Legislative*

Next Steps

- › Step 1: Categorize Land Use Applications according to current practice
- › Step 2: Match procedure type with application scale and complexity
- › Step 3: Appropriate approval criteria for each application type

Public Benefits Proposal

- › The Code Audit objectives:
 - › *Identify ways in which the comprehensive plan can better live up to its intent*
 - › *Dial in the development code to better implement the comprehensive plan goals (“Closing the Two Gaps”)* *
- › One original motive for code audit: External **development pressures** and the **increasing average home size of homes** built since the 1990s beyond 2,000 sf.
- › At the same time, the public identified priorities including **workforce housing, historic preservation**, and **environmental preservation including legacy trees**
- › These priorities have been identified by the community **for more than a decade**, but making progress on them has proved incredibly challenging
- › Example: **Workforce housing** – articles from **as far back as 2014** list workforce housing as an urgent community need.
- › Meanwhile, housing affordability is **a regional and national housing crisis**

Public Benefits Proposal

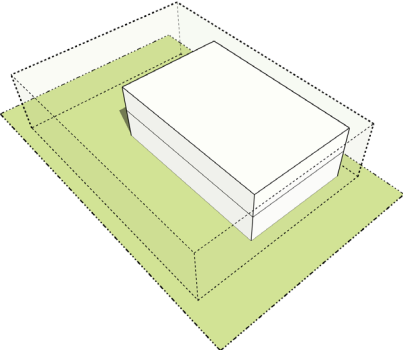
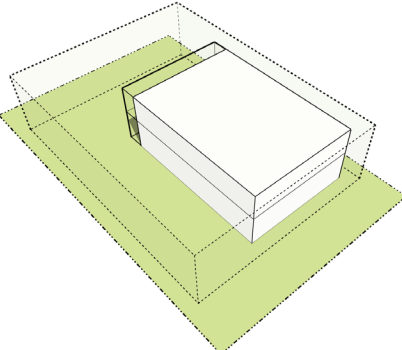
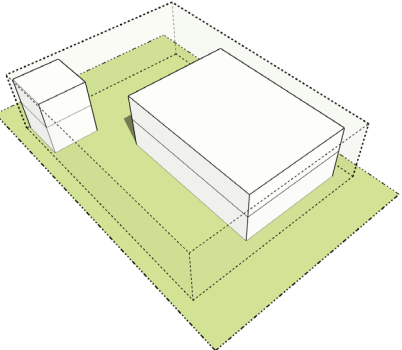
continued

- › There are steps that can be taken locally to come closer to community goals
- › Public Benefits Proposal moves beyond political gridlock to address tradeoffs
- › Addresses the preference among some property owners for larger homes while balancing this desire with public benefits
- › Small increases in home square footage will be offered in exchange for public benefits
- › Allows Cannon Beach to move forward on the stated priorities
- › The public benefits is proposed to be an accelerated fix which could be adopted sooner than the fixes which are the end result of the code rewrite

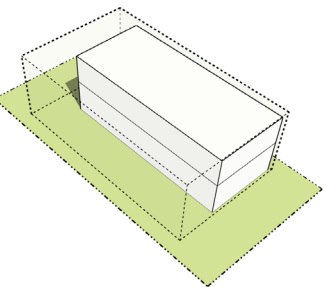
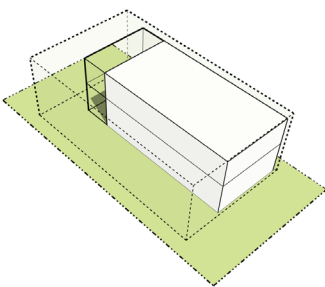
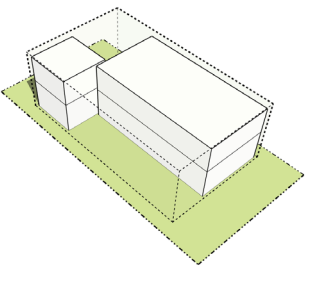


Recommended Public Benefits Proposal – Illustrations

10,000 square foot lot

		
Development allowed today <ul style="list-style-type: none">• Lot size: 10,000 sf (shown in green)• Existing setbacks shown (transparent shape)• Current FAR (white shape): total = 5,000 sf	Proposed FAR Reduction <ul style="list-style-type: none">• Lot size: 10,000 sf (shown in green)• Existing setbacks shown (transparent shape)• Reduced FAR (white shape): total = 3,500 sf <i>Dark line in rear setback indicates reduced FAR</i>	With FAR Bonus in exchange for public benefits <ul style="list-style-type: none">• Lot size: 10,000 sf (shown in green)• Existing setbacks shown (transparent shape)• Reduced FAR (white shape): total = 3,500 sf + 600 sf = 4,100 sf

5,000 square foot lot

		
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Public Benefits provision – additional detail



2023 Code Rewrite Work Program and Schedule



Code rewrite 2023

Step 1 – Policy-neutral re-organization + Policy-neutral classification of all review procedures *

Step 2 – Identify potential list of amendments to code provisions, including policy and form amendments

Step 3 – Prioritize code amendments, including policy and form 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 and procedure types would be clarified

Code rewrite 2023

Schedule

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

Schedule	Jan-Apr 2023 Revisions may extend into adoption process 4 -6 months	May-Jun 2 months	Jul-Aug 2 months	Sep-Oct 2 months	Nov-Dec 2 months
Code Rewrite Project	Consultants prepare Code Rewrite Adoption Draft Four-step process (some steps may be concurrent)	Code Rewrite Adoption process			
		Planning Commission		City Council	
		Work Session	Hearing	Work Session	Hearing

What the Comprehensive Plan says

Versus

Perceptions about what it says

› Example: Village character

Gaps in the system

What the Comprehensive Plan mandates

Versus

What the zoning code implements

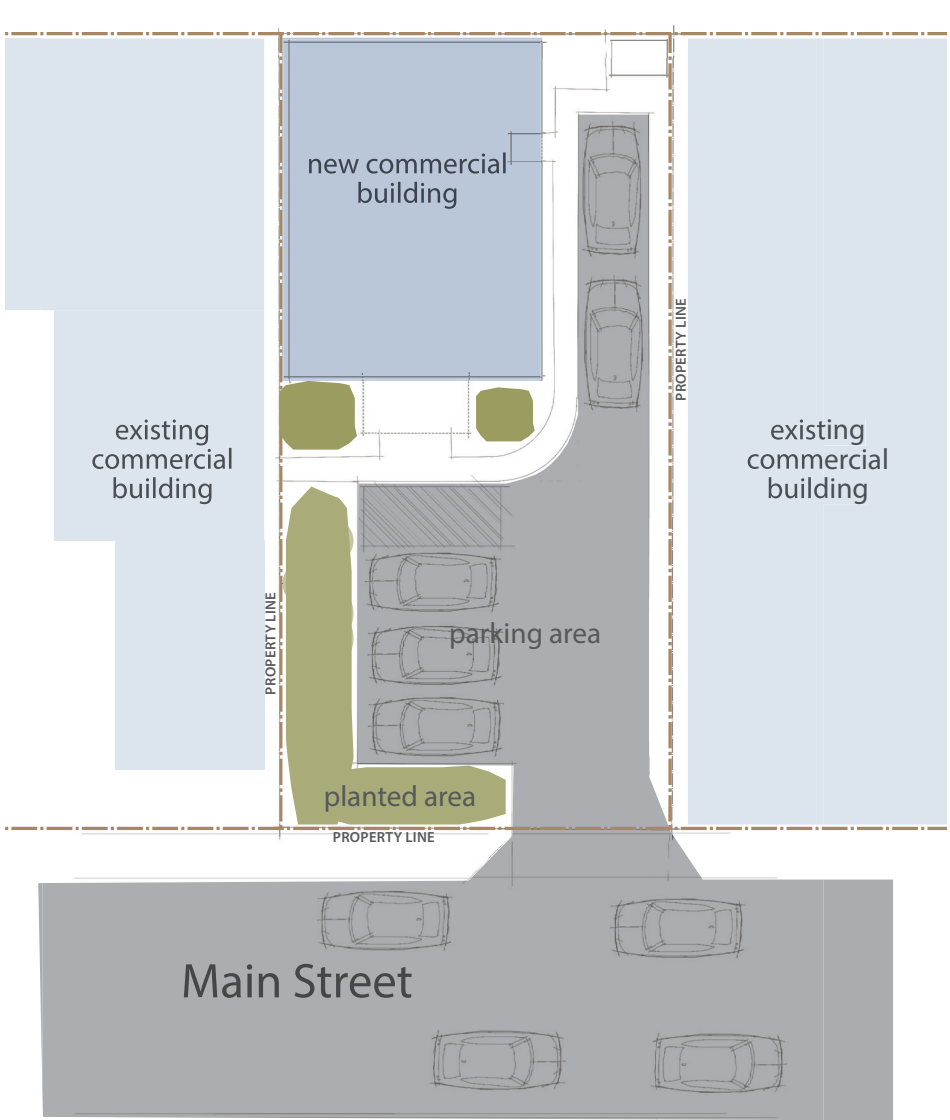
› Example: Downtown parking

Questions?

What the Comprehensive Plan mandates versus what the zoning code implements

Example: Downtown parking

Gaps in the system



Village Character

Example

When a small downtown site must provide parking all of its parking on site, results are not compatible with village character

Gaps in the system

What the Comprehensive Plan says versus perceptions about what it says

Example: Home for households from a variety of incomes and ages?

Neighbor 1: Resident for life

Eileen (73) is a long-time Cannon Beach resident of a modest two-story home that's been in her family for two generations. She's now retired and recently widowed. She wants to live in a smaller space...

No place for workers to live? Whidbey Island town aims to fix that



A Loophole Allowed Me to Flourish

Norman Van Eeden Petersman · October 5, 2022



Neighbor 2: Aspiring Resident

Nate (29) is a sculptor and works in a downtown restaurant. For now, the restaurant is his main income and he works full-time making \$20/hour. To afford his own place in Cannon Beach, if he gets lucky, he would have to work 82 hours a week...

Addressing wetlands

Addressing wetlands in the 2023 Code Rewrite project

- › Including categories of wetlands and classification by state agencies and cities
- › How wetlands within an urban growth boundary are regulated by the state and cities
- › Implications of deeper wetland buffer
- › How this work could be added to the 2023 Code Rewrite project.



Thank you

