



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.

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

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 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.

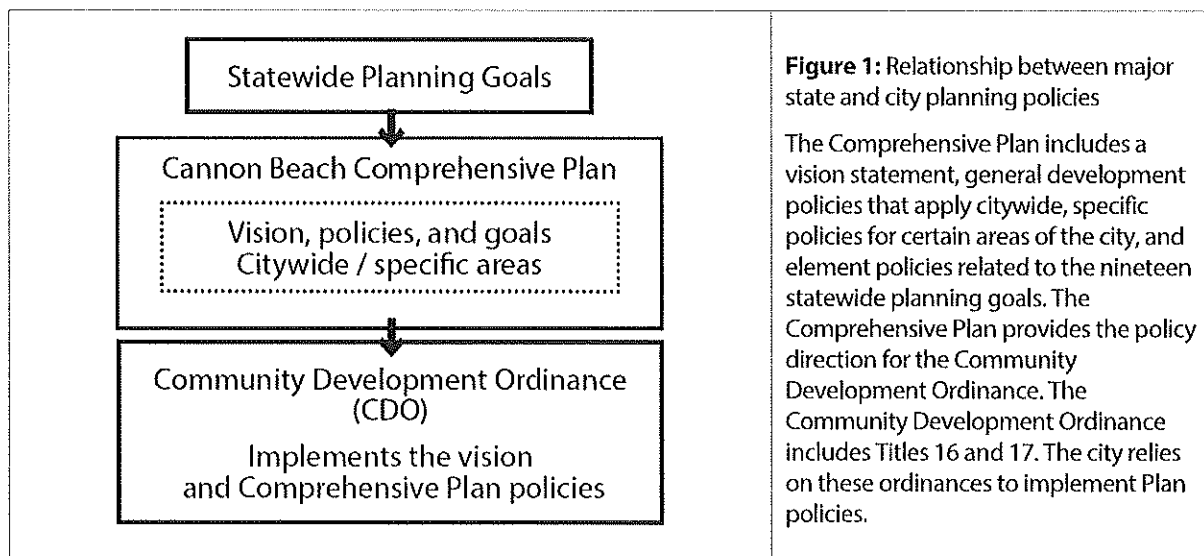


Figure 1: Relationship between major state and city planning policies

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