Setting the Standards for Code Audits

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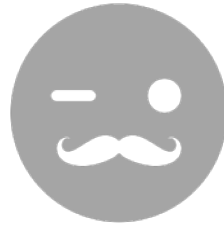
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What is an Audit?

The World's Second Oldest Profession

It's On Planner's Minds

- "Performance and Impact"

  - *Is there a threshold at which a plan can be judged to be effective and who would do the judging (an objective standard)?*

  - ***Should varying plan processes be evaluated for effectiveness of outcomes? How should effectiveness be measured?***

  - *How do investments and policies that support existing concentrations of economic assets yield better outcomes than those that promote job sprawl? How do we define and measure those outcomes (e.g. who benefits?)?*

  - ***What evidence exists to assess the effectiveness and value of a comprehensive plan?***

  - *How should impact be measured? How can effectiveness be judged?*

Process Audits Are Common

Outcome Audits Are Rare

Setting the Standard for Code Audits

Why Do You Need A Code Audit?

How An Audit Can Streamline Your Focus And Provide Research And Ideas

How An Audit Can Help You Build Support

Determine If You Need Help And How To Get It

The Art and science of Code Audits

Using The Audit To Update Your Code

A Few Pointers

- The audit is to be performed by a person or persons having adequate technical training and proficiency as an auditor.

- **In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.**

- Due professional care is to be exercised in the performance of the audit and the preparation of the report.

Why Do You Need A Code Audit?

- Blueprint for Updates
- Building Support
- Streamlining Focus

My friend keeps saying "cheer up man it could be worse, you could be stuck underground in a hole full of water."
I know he means well.

An Audit Helps Build Support For A Code Update

Lays out the rationale for why changes are needed

Shows how user friendly and understandable today's codes should be

Creates a compelling argument for convincing leadership ad the public of next steps

"THE DEFINITION OF INSANITY IS THE MOST OVERUSED CLICHÉ OF ALL TIME" ~ALBERT EINSTEIN .net
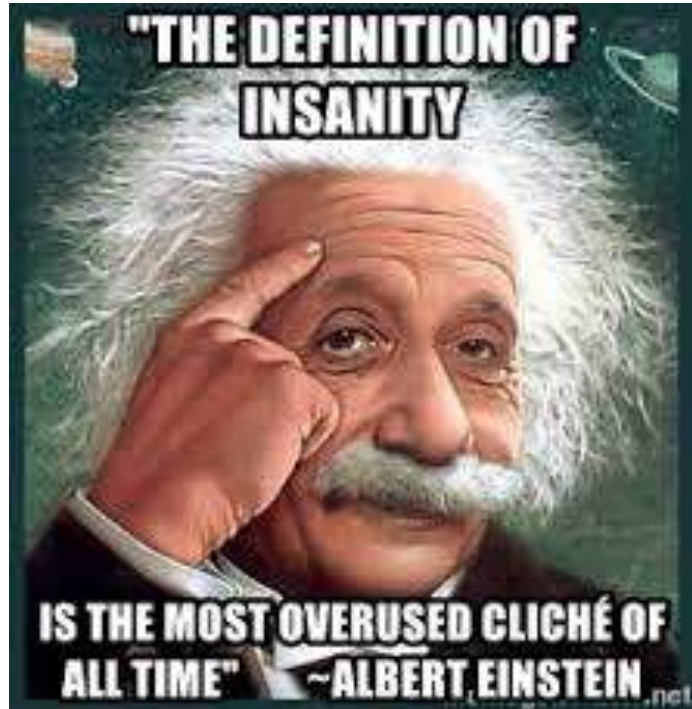
How Do You Succeed In Getting Funding and Time To Do An Audit?

- Have a few key supporters from different sectors surrounding you at key meetings, presentations, etc.

- Repeat quote: *The definition of insanity is doing the same thing over and over and expecting different results.*

- The costs of NOT doing an audit.

How Do You Determine If You Need help?

- Understanding needs and limitations
- What type of audit is appropriate for the situation?
- Refining the scale and scope
- Consider your capacity

Writing the RFP

I was so excited about recieving this RFP, until I started reading it.
your ecards someecards.com

- Be clear!
- Allow room for creativity in approach
- Don't forget the outreach
- Define the budget
- Staff capacity and involvement
- Need for an attorney
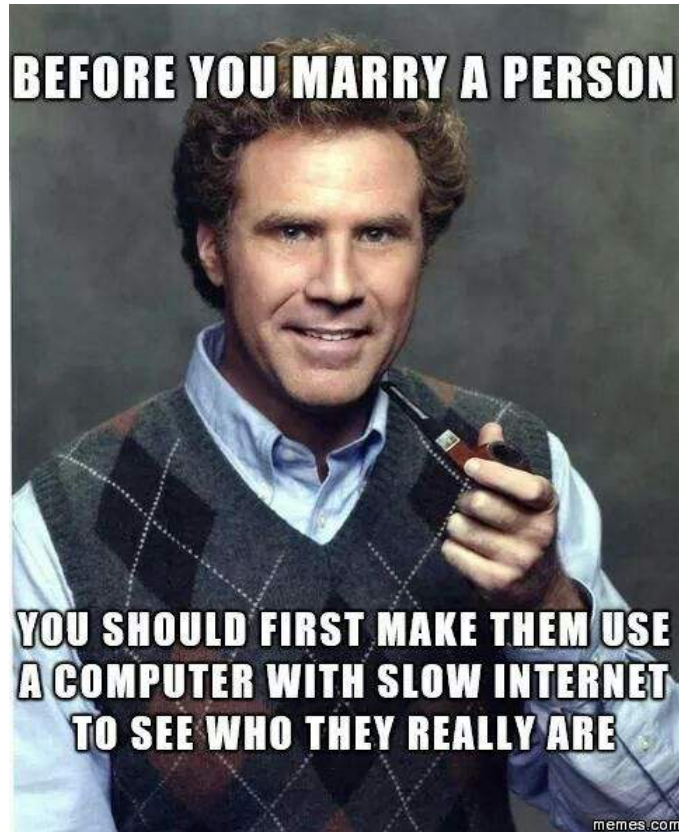
Choosing the Right Partner

- Local knowledge, outside perspective – value in balancing both
- It's not always about 'comparable' experience
- Works as an extension of staff
- Good communication

Understanding the Art and Science of Code Audits

- Schedules and Expectations

- Content and Quality

- Public Participation

- Deliverables and Milestones
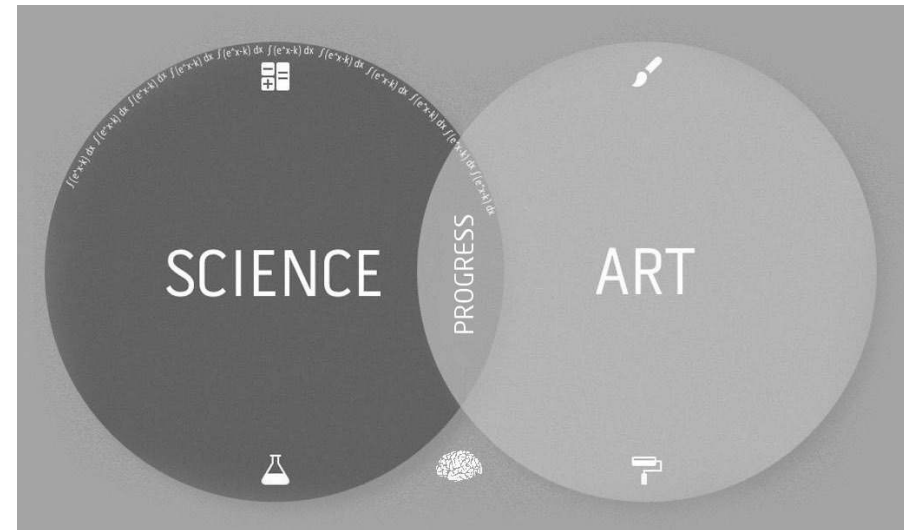
Crafting the Report

- Background—is this important?
- Findings—what are they and how should you report them?
- Conclusions—do you need them and how will you use them?
- Recommendations—
  - Be concise
  - Be strategic
  - Be honest
  - Be constructive
- Effective organization
- Linking results with next steps

...MENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED...
...all relevant departments and divisions in the planning process as integral ...lders.	●○○○○	Political and administrative resolve to pursue; good co... writers.
...p the community planning process so that they remain relevant guides ...ion-makers, landowners, citizens, and developers.	○○○○●	Political and administrative resolve to pursue; good co... writers; support from the ...munity.

...nt Organizational Change

...19 revision process to rebuild trust between the county, citizens, and stakeholders, and between county departments.	○○○●○	A unified resolve of elected and appointed leaders and staff.
...ness the political, organizational, and social capital needed to ...transformation.	○○○●○	A unified resolve of elected and appointed leaders and staff.
...o work in cross-department, cross-function, cross-platform, ...t teams to accomplish plan goals, maximize code effective-...hange when it occurs.	○●○○○	A unified resolve of elected and appointed leaders and staff.
...ical Review Committee that meets regularly to discuss: ...roposals (need to determine these), and ...een divisions and departments, ...role in development review or approval should ...artments such as police, fire and public safe-...anagement, housing and human concerns, ...ed and invited on an as-needed basis.	●○○○○	Support from the executive branch and staff leadership...
...(or repurpose an existing position ...ues in Title 19 and other areas of ... community planning efforts.	○○○●○	Support from the executive branch and Council.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.10.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
Chapter 19.11 - SERVICE BUSINESS RESIDENTIAL DISTRICT	
19.11.010 - Purpose and intent.	
19.11.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.11.030 - Accessory uses and buildings.	Merge this section with general use specific standards for accessory uses. Note: "Pools, hot-tubs and Jacuzzi spas" along with "other landscape features" should have a blanket allowance in the code for all districts and uses; these can be governed as "incidental structures."
19.11.040 - Special uses.	TVRs are listed here; decide if you will continue dealing with them separately or consolidated with other short-term rentals.
19.11.050 - Development standards.	Merge with a general dimensional standards table by district category.
Chapter 19.12 - APARTMENT DISTRICT	Consider eliminating this stacked district and stacking in other districts and in its place creating more multi-residential and multi-use districts, perhaps with use specific conditions. Regulating ownership is something zoning doesn't permit, so the category of multi-family should cover apartments and condos of 5 units or more. Duplexes, triplexes, and quadraplexes are generally regulated separately since they can merge nicely in predominately single-family detached neighborhoods.
19.12.010 - Purpose and intent.	
19.12.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.12.030 - Accessory uses and buildings.	Merge with a general table of uses by district category and use specific conditions.
19.12.040 - Reserved.	
19.12.050 - Development standards.	Merge with a general dimensional standards table by district category.

TRIP 1 ISSUES - SUMMARY MATRIX

ISSUES	Real Property Tax	County DOT	DPW & HDOT	Parks & Recreation	Zoning Admin. & Enf.	Long Range Planning	Environmental Mgmt	Water Supply	Current Planning	Plan Implementation	TRIP TOURS	Travel & Tourism	MPO & HEAL	Planners, engineers, etc.	Dev., Builders, Owners	Economic Dev. Groups	Prop. Owners Assoc.	Environmental Groups	Farm Bureau	AG Working Group
PLANNING APPROACH & POLICY																				
1. Underlying code is old and doesn't reflect current goals, priorities, or contemporary development practices					X	X			X	X			X	X	X	X	X	X		X
2. Over reliance on interpretive policy memos					X	X			X	X				X	X					
3. Confusing relationship between code and plans: plans are viewed as regulatory and advisory			X		X	X	X	X	X	X	X			X	X	X	X	X		
4. Extraordinarily large number of plan implementation actions (over 1100) increases management complexity and challenges					X	X			X	X								X		
5. Code language describes uses in ways that are difficult to translate to zoning definitions, tables OR definitions are not updated to reflect plan language; creates conflicts					X	X		X	X	X			X	X	X	X				
6. The number (quantity) of plans and planning layers (county, state, federal) is a real challenge; no "vertical integration" between plans					X	X		X	X	X				X	X	X				
7. Layering of plans and processes creates inconsistency and the challenge of interpretation					X	X			X	X				X	X	X	X	X		
8. Need to allow a project district to be modified concurrent with a community plan					X	X			X	X				X	X					

SUMMARY LIST OF RECOMMENDATIONS

The following matrix contains a summary list of all recommendations for Title 19. Each recommendation is accompanied by three types of information:

1. The degree of difficulty implementing the recommendation
Easy ————▶ Difficult
○○○○○

2. Resources needed to implement the recommendation stated in general terms--due to the number of variables, cost of implementation is not included

3. Priority where 1=urgent, 2=important, 3=desirable, and 4=should be considered, but could be part of a future update

RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
I. Create a Simplified, Hybrid Code			
A. General Code Items			
1. Thoroughly review Title 19 at least once every five years and make comprehensive amendments as needed to address new community issues.	○○●○○	Support of planning commissions, the community, and Council.	3
2. Improve the predictability of Title 19 by: 1) limiting the use of administrative rules and discretion (by boards/planning director), 2) tightening up regulations, terms, and definitions so that they are more objective, and 3) making as many uses as possible permitted with specific conditions.	●○○○○	Political and administrative resolve to pursue.	1
3. Develop a 'User's Guide' for navigating the zoning code.	○○●○○	Political and administrative resolve to pursue.	3
4. Establish an ombudsman, or applicant advocate, to assist developers and the public with the process, connect applicants to appropriate departments and facilitate a faster, smoother permitting/development review/zone change process.	○○●○○	Political and administrative resolve to pursue.	3
5. Create a UDO by merging Title 19 with codes related to subdivision, environmental regulation, mobility and other land development regulations.	○○○●○	Support of planning commissions, the community, and Council.	4

USE TABLES TO BETTER ORGANIZE INFORMATION

Title 19 has many tables containing use, accessory use, and dimensional standards information. While the best written codes include use and dimensional standards tables, they design them to have greater impact than the tables currently in Title 19.

The typical Title 19 table looks something like the following, an excerpt from 19.16.030.A:

Accessory uses	Criteria or limitations
Dwelling units	One or more, located above or below the first floor of a permitted use
Energy systems, small-scale	Provided there will be no detrimental or nuisance effect upon neighbors

or the following from 19.16.050:

	B-1	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	30	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed forty feet

These tables apply to only one district, so it isn't possible to compare districts easily. Their formatting is not particularly attractive or helpful to the reader who wants to quickly grasp the information.

Many newer codes are using tables that greatly enhance readability. For example, consider the following page showing how zoning district information is communicated in a code we created in 2015.
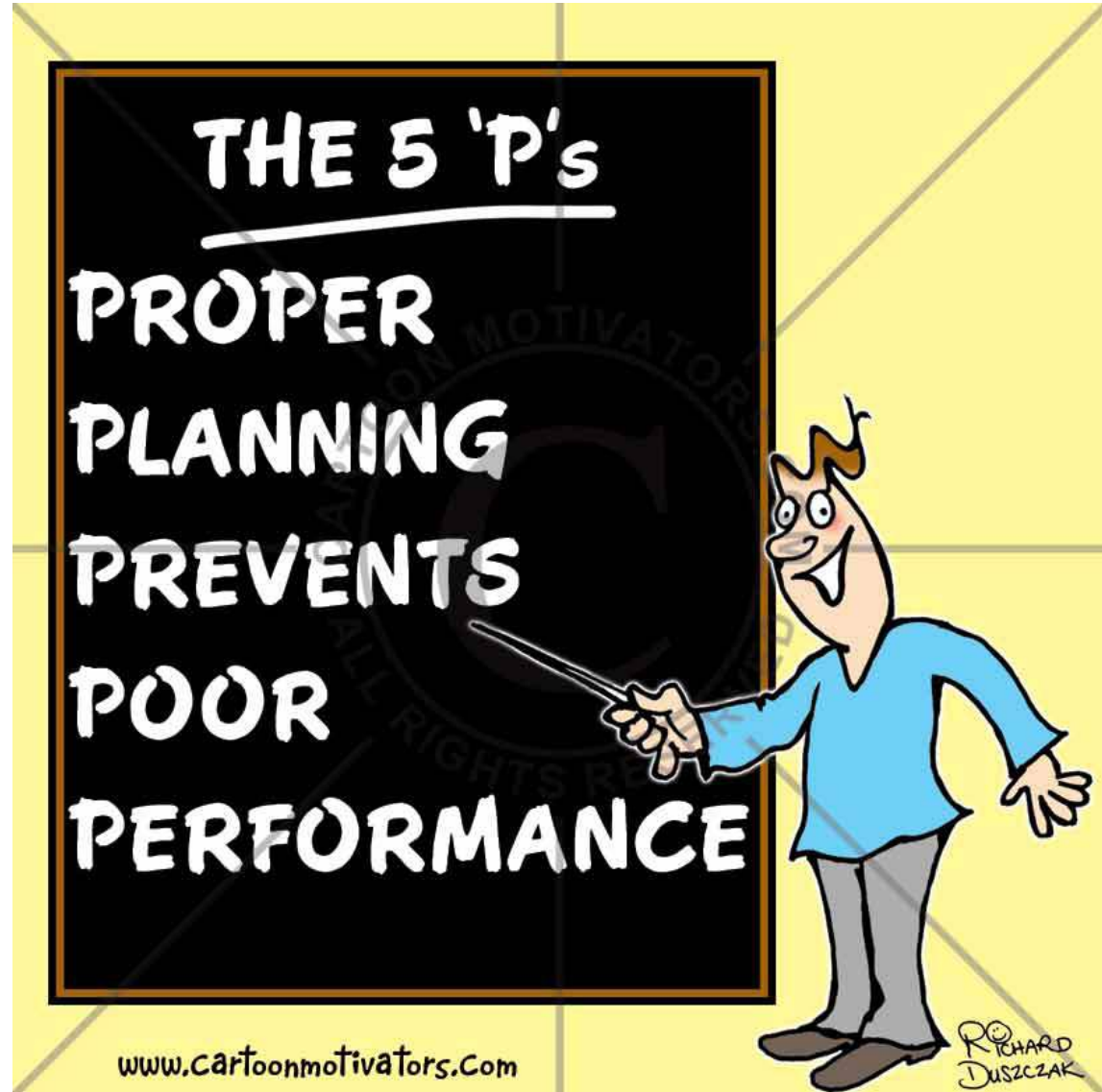
Using the Audit To Update Your Code

- Going from Reflection to Results
- Managing the Update
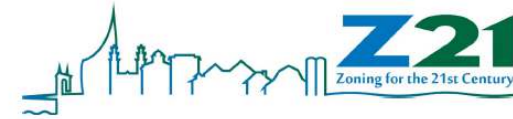
Things to Consider Before Starting

How do you go from reflection and analysis to results?

- Comprehensive or strategic updating?

- What type of Code are you creating?

- What organization should you use?

- What type of public involvement?

- How should you approach drafting?

- Process for review?

Comprehensive or strategic updating?

What type of Code are you creating?

EUCLIDIAN

Building Design
Site Design
Lot Size and Width
Use

FORM

Use
Frontage Form
Building Size & Form
Site Design
Lot Size & Width
Block Length

PERFORMANCE

Predict-ability
Land Use Intensities
Protection of Natural Resources
Performance Standards (Ratios)
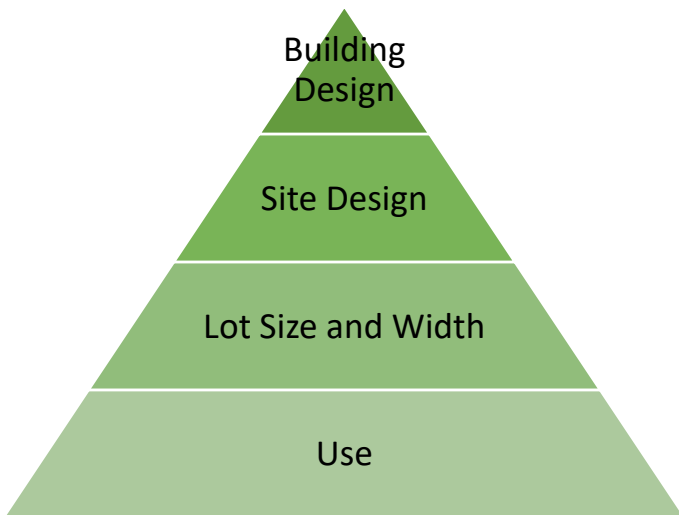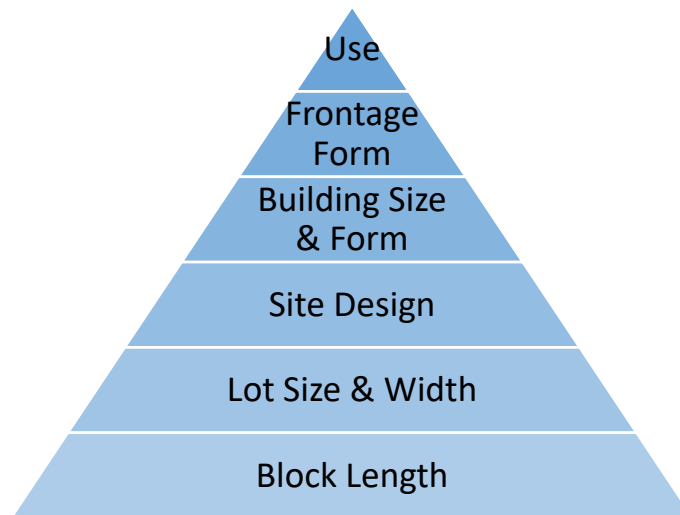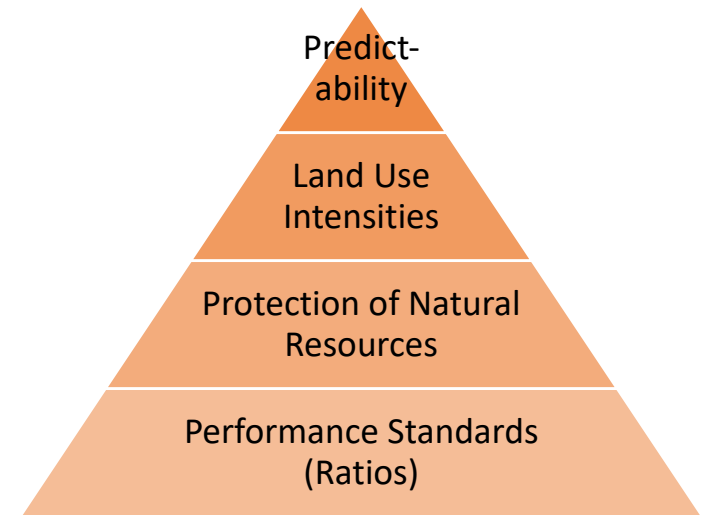
How should you organize your approach?

- File System

- What program will you use?

- Color-coding

Green Text = Options that you should consider and tailor to your community.

Orange Text = Graphics

Blue Text = Definitions

Green Highlight = Links you should check prior to adoption and periodically afterwards to ensure they are not broken.

Pink Highlight = Cross References to other parts of the ordinance or other policies and ordinances.

Yellow Highlight = Questions

What is our approach to public engagement?

How and when do you get input?

- Have a feedback group

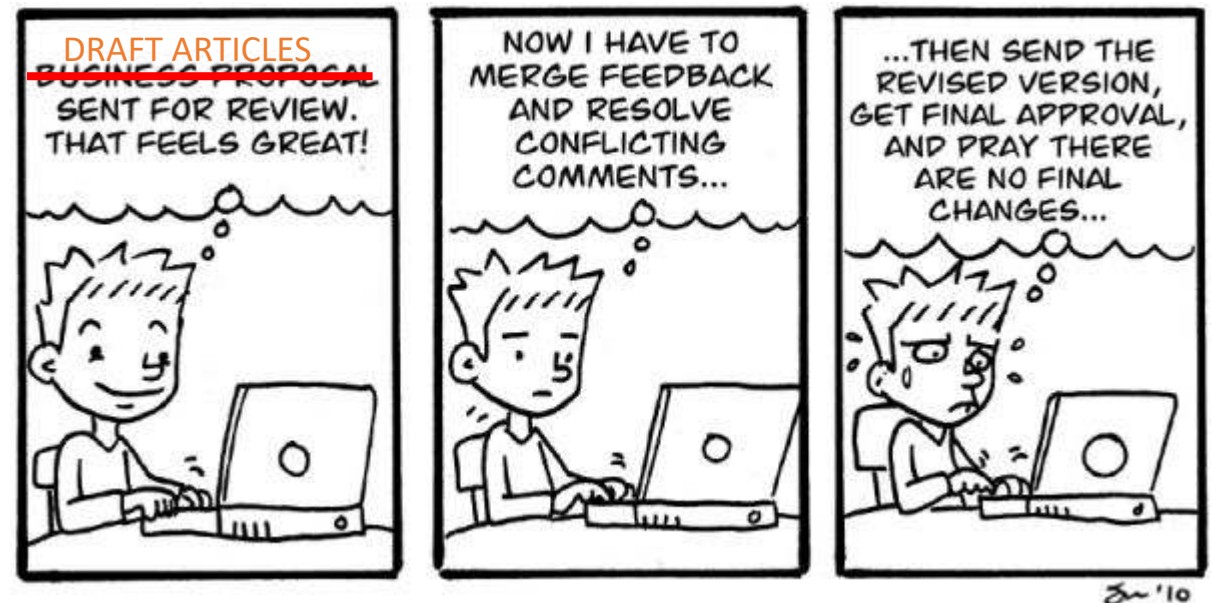- Begin with the end in mind

- Identify tools to use

- Make sure you have the equipment and it works!

Process for Review?

- What is your review process with staff & task force?

- Long-term review considerations

- Testing of new code

- Consistent and timely review; get something in place and go back & change if needed!

DRAFT ARTICLES
~~BUSINESS PROPOSAL~~
SENT FOR REVIEW. THAT FEELS GREAT!

NOW I HAVE TO MERGE FEEDBACK AND RESOLVE CONFLICTING COMMENTS...

...THEN SEND THE REVISED VERSION, GET FINAL APPROVAL, AND PRAY THERE ARE NO FINAL CHANGES...

Dos, Don'ts, and Wish I Hadn'ts!

- Ensure that staff takes the time to review each draft article
- Truly spend time with staff to conduct comprehensive review of full document
- Have staff review current applications and then discuss with consultant
- Make sure to create a reasonable timeframe to write document – it usually takes longer than you think
- Each time you craft a new article read through draft articles to make sure that something doesn't need to be changed
- Do a final review to check position of graphics, cross-references, etc.
- Create a sheet of editing standards to guide the development of each article and quality review
- Interview stakeholders