Setting the Standards for Code Audits

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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
<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why Do You Need A Code Audit?</td>
<td></td>
</tr>
<tr>
<td>How An Audit Can Streamline Your Focus And Provide Research And Ideas</td>
<td></td>
</tr>
<tr>
<td>How An Audit Can Help You Build Support</td>
<td></td>
</tr>
<tr>
<td>Determine If You Need Help And How To Get It</td>
<td></td>
</tr>
<tr>
<td>The Art and science of Code Audits</td>
<td></td>
</tr>
<tr>
<td>Using The Audit To Update Your Code</td>
<td></td>
</tr>
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</table>
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 and the public of next steps
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

• 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**

### AMENDATION

<table>
<thead>
<tr>
<th>DEGREE OF DIFFICULTY</th>
<th>RESOURCES NEEDED</th>
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<tr>
<td>4</td>
<td>A unified resolve of elected and appointed leaders and staff.</td>
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<td>5</td>
<td>Political and administrative resolve to pursue; good co-writers.</td>
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**AMENDATION**

- All relevant departments and divisions in the planning process as integral holders.
- Help the community planning process so that they remain relevant guides to decision-makers, landowners, citizens, and developers.

**Initiate Organizational Change**

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**Initiate Organizational Change**

- 19\textsuperscript{th} revision process to rebuild trust between the county, citizens, and stakeholders, and between county departments.
- Assess the political, organizational, and social capital needed to transformation.
- Work in cross-department, cross-function, cross-platform, and teams to accomplish plan goals, maximize code effective-change when it occurs.
- Critical Review Committee that meets regularly to discuss: proposals (need to determine these), and between divisions and departments, role in development review or approval should departments such as police, fire and public safety, management, housing and human concerns, invited and invited on an as-needed basis. (or repurpose an existing position in Title 19 and other areas of community planning efforts.)
- Support from the executive branch and staff leadership.
<table>
<thead>
<tr>
<th>TITLE 19 EXISTING TABLE OF CONTENTS</th>
<th>OPD RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.10.060 - Rule making authority.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Chapter 19.11 - SERVICE BUSINESS RESIDENTIAL DISTRICT</strong></td>
<td></td>
</tr>
<tr>
<td>19.11.010 - Purpose and intent.</td>
<td></td>
</tr>
<tr>
<td>19.11.020 - Permitted uses.</td>
<td>Merge with a general table of uses by district category and use specific conditions as needed.</td>
</tr>
<tr>
<td>19.11.030 - Accessory uses and buildings.</td>
<td>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.”</td>
</tr>
<tr>
<td>19.11.040 - Special uses.</td>
<td>TVIs are listed here, decide if you will continue dealing with them separately or consolidated with other short-term rentals.</td>
</tr>
<tr>
<td>19.11.050 - Development standards.</td>
<td>Merge with a general dimensional standards table by district category.</td>
</tr>
<tr>
<td><strong>Chapter 19.12 - APARTMENT DISTRICT</strong></td>
<td></td>
</tr>
<tr>
<td>19.12.010 - Purpose and intent.</td>
<td>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 condominiums of 5 units or more. Duplexes, triplexes, and quadruplexes are generally regulated separately since they can merge nicely in predominately single-family detached neighborhoods.</td>
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<td>19.12.040 - Reserved.</td>
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</tr>
<tr>
<td>ISSUES</td>
<td>COUNTY STAFF</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
</tr>
<tr>
<td></td>
<td>Real Property Tax</td>
</tr>
<tr>
<td>1. Underlying code is old and doesn’t reflect current goals, priorities, or contemporary development practices</td>
<td>X</td>
</tr>
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<td>2. Over-reliance on interpretive policy memos</td>
<td></td>
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<tr>
<td>3. Confusing relationship between code and plans: plans are viewed as regulatory and advisory</td>
<td>X</td>
</tr>
<tr>
<td>4. Extraordinarily large number of plan implementation actions (over 1100) increases management complexity and challenges</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>6. The number (quantity) of plans and planning layers (county, state, federal) is a real challenge; no “vertical integration” between plans</td>
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<td>7. Layering of plans and processes creates inconsistency and the challenge of interpretation</td>
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<tr>
<td>8. Need to allow a project district to be modified concurrent with a community plan</td>
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**PLANNING APPROACH & POLICY**

1. Underlying code is old and doesn’t reflect current goals, priorities, or contemporary development practices
2. Over-reliance on interpretive policy memos
3. Confusing relationship between code and plans: plans are viewed as regulatory and advisory
4. Extraordinarily large number of plan implementation actions (over 1100) increases management complexity and challenges
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
6. The number (quantity) of plans and planning layers (county, state, federal) is a real challenge; no “vertical integration” between plans
7. Layering of plans and processes creates inconsistency and the challenge of interpretation
8. Need to allow a project district to be modified concurrent with a community plan
**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.
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**

<table>
<thead>
<tr>
<th>DEGREE OF DIFFICULTY</th>
<th>RESOURCES NEEDED</th>
<th>PRIORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easy</td>
<td>Support of planning commissions, the community, and Council</td>
<td>2</td>
</tr>
<tr>
<td>Moderate</td>
<td>Political and administrative resolve to pursue</td>
<td>1</td>
</tr>
<tr>
<td>Difficult</td>
<td>Support of planning commissions, the community, and Council</td>
<td>4</td>
</tr>
</tbody>
</table>

1. Thoroughly review Title 19 at least once every five years and make comprehensive amendments as needed to address new community issues.
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.
3. Develop a "User’s Guide" for navigating the zoning code.
4. Establish an embassies or an advocate, or adopt a process to assist developers and the public with the process, connect applicants to appropriate departments, and facilitate a faster, smoother permitting/development review/change process.
5. Create a KBO by merging Title 19 with codes related to subdivision, environmental regulation, mobility, and other land development regulations.

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**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 19.16.050.A:

<table>
<thead>
<tr>
<th>Accessory uses</th>
<th>Criteria or limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling units</td>
<td>One or more, located above or below the first floor of a permitted use</td>
</tr>
<tr>
<td>Energy systems, small-scale</td>
<td>Provided there will be no detrimental or nuisance effect upon neighbors</td>
</tr>
</tbody>
</table>

or the following from 19.16.050:

<table>
<thead>
<tr>
<th>B-1</th>
<th>Notes and exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area (square feet)</td>
<td>6,000</td>
</tr>
<tr>
<td>Minimum lot width (in feet)</td>
<td>50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Maximum building height (in feet)</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Except that vents, fans, chimneys, antennae, and equipment used for small scale energy systems on roofs shall not exceed forty feet.</td>
<td></td>
</tr>
</tbody>
</table>

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.
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**
- Predictability
- 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!
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