



Minutes of the
CANNON BEACH DESIGN REVIEW BOARD
February 21, 2024
6:00 p.m.
Council Chambers

Present: Chair Dave Doering and Board Members Anita Dueber, Michelle Valigura, Harvey Claussen, and Tim Ramey attended in person.

Excused: None

Staff: City Manager Bruce St. Denis, Community Development Director Steven Sokolowski, City Planner Robert St. Clair, and Administrative Assistant Tessa Pfund. Special Counsel Bill Kabeiseman

CALL TO ORDER

Chair Doering called the meeting to order at 6:00 pm.

1) Approval of Agenda

Doering requested to move item 7 to number 4 so the applicant would not have to sit through the entire meeting.

Motion: Dueber moved to approve the agenda as amended, Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed. Ramey was unable to vote due to technical difficulties.

2) Approval of minutes from the January 18, 2024, Design Review Board Meetings

Anita asked that a correction being made to page 4, where it reads Claussen instead of Doering. It was agreed.

Motion: Dueber moved to approve the minutes as amended; Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed. Ramey was unable to vote due to technical difficulties.

Chair Doering complimented the minutes for the January meeting recorded by Jen Barrett.

Chair Doering asked if Tim Ramey was coming tonight. Sokolowski shared that Mr. Ramey was on the way but was delayed by jury duty. Ramey is currently connected to this meeting via Zoom. Sokoloski then introduced Bill Kabeiseman to the board.

PUBLIC COMMENT

No comments

ACTION ITEMS

3) **Public Hearing and Continuation of DRB 23-14**

DRB 23-14, Scott Rochel applicant and property owner, to demolish old garage and rebuild new garage with an Accessory Dwelling Unit (ADU). The property is located at 279 Gulcana Ave (Tax Lot 04501, Map 51031AA) in a Residential Moderate Density (R1) Zone. The application will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Claussen shared that he visited the site to view the raising of a pole on the property per the request of an adjacent neighbor. Mr. Sokolowski shared what occurred on that day and why. Mr. Doering asked if there were additional correspondence on this matter, St. Clair said no.

Chair Doering asked if there was additional correspondence. St. Clair replied no.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for a presentation from the applicant.

Scott Rochel, 1727 37th place Lynwood WA

Spoke via zoom. He thanked the board for their time and shared that he would be present to answer questions for the board.

Chair Doering asked for testimony from proponents. There were none.

Chair Doering asked for testimony from opponents. There were none.

Chair Doering asked for additional staff response. There were none.

Chair Doering asked for additional statements from the applicant or proponents. There were none.

Chair Doering moved the public hearing and for the board to consider the application.

Motion: Dueber moved to approve the application; Valigura seconded the motion.

Doering asked if there was any reason why the ADU could not be built 5' to the side, Claussen said he has the same question. Scott Rochel stated it would cost more for the gas lines, sewer and water hookup which are charged by the foot. It would also impact the lawn size. Claussen said he felt those costs were fairly minor. Doering asked if he would consider alterations. Rochel said he wants to use the plan at hand, and not make adjustments. Dueber shared that she did not see this neighbor's view as being significantly altered. Conversation then followed regarding how the applicant does have the option to build a two-story home at that location without having to go through the DRB for review. Dueber spoke in favor of the project and pointed out that the homeowner has been a considerate of the other neighbors. Board member Valigura added information from recent state bill which supported like developments. Rochel commented that if he moves the home to one side it will impede another neighbor's view. Conversation continued.

Doering reminded the board they had a motion to approve the application.

Vote: Doering, Dueber, Valigura, and Claussen, Ramey voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Doering asked for a motion to approve architectural design.

Motion: Valigura moved to approve the architectural design; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen, Ramey voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Doering asked for a motion to approve landscape design. Dueber commented that she would like to know more about the landscaping. Rochel described the current plant landscape, and what his plans were for those in terms of transplanting them to a new location during construction. She was satisfied with Rochel's mindfulness of the desired landscape and stewardship of the plants.

Motion: Valigura moved to approve the architectural design; Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen, Ramey voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Dave Doering took a moment to introduce Mr. Tim Ramey, the new DRB member who arrived a few moments after the meeting started due to a jury duty delay. Mr. Ramey apologized and explained why he was late. He was listening in via zoom, so he was able to follow all that has transpired.

4) Public Hearing and Continuation of DRB 24-02

DRB 24-02 Glen Miller applicant, on behalf of the Cannon Beach Conference Center, to remove and replace existing siding and install new siding. The property is located at 288 Hemlock St (Tax Lot 02700, Map 51019DD) in a Residential Motel (RM) Zone.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members commented that they walk by the site all the time.

Chair Doering asked for the staff report. St. Clair read the staff report, noting DRB is only reviewing the architectural design criteria.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Glen Miller, Maintenance Manager for Cannon Beach Conference Center, PO Box 943

Glen shared that at the last board meeting they liked the material but had questions about paint color that corresponded with the other buildings. Mr. Miller invited Mr. Lawrie to come forward and share how they've responded to the boards' comments last month.

Jamie Lawrie 288 N Spruce

Jamie Lawrie presented a color and texture board for the DRB to review. Lawrie unpacked the sample colors and texture provided and directed the board to the items in their packet for additional information, and he provided a physical example of the proposed design. Lawrie expressed that they wanted to take the DRB's advice and make some changes but keep the look similar to what they currently have. Lawrie thanked the board for their time and invited questions. Doering posed questions relating to the paint colors. Dueber asked how people felt about the belly band, conversation followed as to the look and color.

Chair Doering asked for testimony from proponents. There were none.

Chair Doering asked for testimony from opponents. There were none.

St. Clair pointed out that O'Neal raised his hand on Zoom. He raised it after the board closed the public testimony to the previous item. Conversation followed as to whether the board allow him to speak to the board. It was suggested that they close this item before the board addresses Mr. O'Neal.

Chair Doering asked for additional staff response. There were none.

Chair Doering asked for additional statements from the applicant or proponents. There were none.

Chair Doering closed the hearing, and then asked if there was a motion to approve the architectural plans.

Motion: Ramey moved to approve the architectural plans; Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, Ramey and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Doering asked about Mr. O'Neal raised hand on Zoom, Sokoloski shared he is allowed to let him speak, but there isn't necessarily anything that can be done to change the motion at this point. The board allowed Mr. O'Neal to speak. Mr. O'Neal shared that there were problems with the Zoom call. Mr. St. Clair addressed a few items relating to the requirements of public comments during a DRB meeting. O'Neal proceeded to share what he would like to see happen with DRB 23-14, and his story of what occurred on Zoom earlier. Sokolowski thanked him for his time and comments, and let him know that the plans were approved, but a notice will be sent out regarding how to appeal.

5) Public Hearing and Continuation of DRB 24-03

DRB 24-03 Jay Orloff of Tolovana Designs LLC applicant, on behalf of Patrick/Dave LLC, to build a new detached multi-family development with detached garages. The property is located at Forest Lawn and Hemlock Streets (Tax Lot 04100, Map 51030DA) in a Residential Medium Density (R2) Zone.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members declared their site visits.

Chair Doering asked for the staff report. Sokolowski shared the recent approval of CU 23-04 by the Planning Commission, which is associated with this development. Sokolowski then shared the conditions of approval applied to CU 23-14 by the Planning Commission.

Chair Doering asked if there was additional correspondence. Sokolowski shared that today comments were received from Mike Bates and Jamie Lerma. Both correspondences were forwarded to the board by email, and printed copies were presented to the board. Conversation followed regarding the content and impact of the correspondence. Sokolowski proceeded to explain the situation at hand, and the layout of the property by utilizing the visual aid shared on page 80 of the DRB packet. Dueber posed questions regarding the sales and restrictions associated with condominiums and duplexes, Mr. Kabeiseman responded. Conversation followed regarding zoning and restrictions for the property at hand. As the property is in an R2 Zone it cannot have more than two dwelling units, and the garage cannot be turned into an ADU.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Jamie Lerma, on behalf of the applicant, PO Box 825

Lerma provided an abbreviated history of the attempted development of this property. The feeling now, with the alterations, is that this has been a joint project with the Planning Commission, as they've been working with their feedback for some time. Jamie addressed Mr. Bates' letter, making note that Commissioner Bates recused himself twice now on this matter. Lerma unpacked the setback requirements for this property and made note of the unusual shape of the lot which adds layers of challenges. He then addressed the Tree Removal Permits in question, and the process as it stands. Lerma continued to address Commissioner Bates' letter. Lerma feels that the letter was asking the DRB to disregard the PC's decision, and Lerma asks that the DRB not do that.

Jay Orloff Tolovana design PO Box 563

Orloff proceeded to address Mr. Bates' letter item by item. Orloff highlighted items that he submitted to the packet for the board to review. Orloff shared that they have plans to plant five Sitka spruces on the property, and used visual adds submitted to the packet to review the proposed landscape plans. Dueber posed questions for Mr. Orloff. Doering asked questions regarding parking and the driveway, Orloff answered.

Chair Doering asked for testimony from proponents. There were none.

Chair Doering asked for testimony from opponents.

Jan Siebert-Wahrmund PO Box 778

She is concerned if more than one house can be allowed to be built on one cannon beach lot of records. How is this following the code? How is a development with three buildings considered the same as the one house our code allows on a wetland lot of record. Why is an asphalt driveway needed here? Where are the bioswale

drawings. Shouldn't they be included in this DRB application after the Planning Commission made it a requirement? Has our city arborist weighed in on the trees? It is essential that our city arborist share his professional and unbiased advice rather than the applicant's. How can this application be complete. She asked that we make absolutely sure that all of the setbacks are appropriate. Jan proceeded to pose questions regarding parking and landscaping. Jan asked that we apply our zoning ordinance as it is written.

Rosey Dorsey, PO Box 524

Her home was constructed in 2011, and she has recently become a full-time resident. Ms. Dorsey had questions concerning the setback and if the plans reflect what needs to happen. Ms. Dorsey expressed concern regarding the removal of trees near her property line that might impact on her property's stability. The study offered is from 2022 says it's based on the perimeter of the property, not within the property. Her home is adjacent and lower, and she wants to make sure her property will be safe.

Dana Caldwell, PO Box 1305

She called this a three-year debacle, and a large issue in this community, especially for those who live on Forest Lawn. She is thankful that we are where we are now, but she wanted it to be clear that this wasn't really a collaboration with the Planning Commission so much as a response from the community/neighbors. She commented that she would like to see Lerma reducing the parking by 2, and that the parking pad not be paved. She also liked the proposal for more landscaping. As for the setback, she's still confused and would like the DRB to make a formal finding, and make it clear where the front, back and side yards are. She closed by thanking the committee for their time.

Chair Doering asked for additional staff response. There was none.

Chair Doering asked if the applicant would like to make additional statements.

Jay Orloff came forward to address questions relating to wetland delineation, the elk, and geological reports. Jay shared that the owner would be open to the gravel parkway as a condition of approval. Doering asked how they would do that, Jay said they would like to have those four spots, but that will be up to the DRB's decision.

Chair Doering closed the public hearing and moved for the board to discuss the application of DRB 24-03.

The board proceeded to discuss the application, specifically highlighting the gravel driveway and number of parking spots. Dueber expressed interest in reducing the parking for the development as it only requires four spots, and the garage will provide two. She would like to preserve Forest Lawn as much as she can and hopes this will be the last development in that neighborhood. Hopefully this will be a compromise for those involved. Kabeiseman was consulted as to how to proceed. He shared that once they have a consensus to make a motion with conditions.

Doering asked to entertain a motion that we approve the plan with the condition that the parking be limited to two spaces on gravel or permeable drive.

Motion: Claussen moved to approve the plans with the condition that parking be reduced to two spaces on a permeable drive; Ramey seconded the motion.

Vote: Doering, Dueber, Valigura, Ramey, and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Motion: Valigura moved to approve the architectural design; Ramey seconded the motion.

Vote: Doering, Dueber, Valigura, Ramey, and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Chair Doering led the board to discuss the landscaping. The board proceeded to discuss the tree removals on the lot. Doering asked clarifying questions of Jay Orloff to ascertain how many trees were to be replanted on the lot. Conversation followed. Jay Orloff, upon answering a question posed by Chair Doering, realized he misspoke when he said they plan to plant 7 Sitka spruces, that he meant to say Shore Pines. Conversation followed relating to the landscaping and decisions made by the Planning Commission.

Motion: Ramey moved to approve the landscape design incorporating the January 11, 2024 report; Valigura seconded the motion.

Vote: Doering, Dueber, Valigura, Ramey, and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

6) DRB 24-04, WRB Construction LLC, on behalf of Tolovana sands condominiums, application for exterior alterations to existing buildings. The property, 160 E. Siuslaw, taxlots 51032CB70001, 70002, 70003, 70102, 70103, 70104, 70105, 70106, and 70201 consists of multiple owners within a homeowner's association and is in a Residential Motel (RM) Zone. The application will be reviewed against the criteria of municipal code chapter 17.44.080 – 17.44.100, design review criteria.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members declared their site visits.

Chair Doering asked for the staff report. St. Claire read the staff report.

Chair Doering asked if there was additional correspondence. There were none.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Brian Mullen, WRB Construction 12705 SW Herman Rd Tualatin, OR 97062

Mr. Mullen spoke as a representative of the HOA for this remodel, and apologized for the black and white plans that were dropped off, he did not realize the board didn't have color copies. Mr. Mullen described the proposed plans and explained that the property has been neglected for some time and has patches of dry rot which require immediate attention. The construction team has done their best to patch up the property, but they need to make additional improvements as soon as possible. They have a goal to make the property uniform and up to date. They are open to hearing comments on the coloring and plans.

Questions were posed to Mr. Mullen regarding the color of grey being used on the buildings, and how it would match with the decks and trim. At this time there are alterations planned for the decks. Sokolowski commented that without knowing what colors the siding will be, he is not comfortable with the plans. Conversation ensued. The use of shake siding was brought into question. Ramey mentioned that the trouble with shingles is the cost. Valigura commented that they are not here to consider cost, but design. Conversation followed. Ramey offered positive reviews of the proposed product, based upon another home in town. Mullen commented that the neighboring homes also use hardie plank, not shingles. Mullen commented that shingles could increase their cost by three times that of their proposed hardie plank material. Conversation ensued. Mullen asked when he could come back to present before the board. Sokolowski answered that the next meeting will be at the end of March. Suggestions for the March presentation were offered.

Chair Doering asked for testimony from proponents.

Burke Snow, 3946 SW Coronado Street, Portland OR 97209

Appeared via Zoom as an owning member of the complex. Mr. Snow shared that the owners are terrified of the cost of this project, and the fact that they are likely to uncover more problems that will run up the cost. They wanted the hardie plank, as it has been proved to last for some time and require less maintenance which is ideal for a small HOA. They did consider the cedar shake, but they could not afford the price tag. They are anxious for the building and their financial standing.

Ramey asked if it was okay for them to proceed with construction without putting on the siding, and to return for the siding review next month. Sokoloski said that no building permit can be considered until the DRB approves the application. Conversation followed.

Heather Hammel 525 August Hills Dr., Crescent Minnesota 55947

Appeared via Zoom as a member of the HOA, and apologized for the last-minute notice. They are mostly all new members to this HOA and are trying their best to get these buildings to look like they belong to Cannon Beach. They are currently in disrepair. Additional comments and history of the property's situation were shared. Ms. Hammel said the property was inspected before their purchase in 2022, but it did not show this level of disrepair.

Mr. Snow returned to Zoom to explain they had been given bad advice and ordered the materials believing they could get started on the project. He reminded the board they are limited financially, and that the property has low visibility to the public.

Conversation followed amongst the board members. Claussen and Ramey expressed sympathy for the situation and would move to approve the roofing and hardie plank for them to proceed. However, they are not ready to approve color as they don't know what the color is.

Motion: Claussen moved to approve the roofing and materials; Ramey seconded the motion.

The motion was paused as questions were posed and conversation ensued. Kabeiseman sorted through the requirements and asked them to amend the motion to reflect the conditions.

Motion: Claussen moved to approve the application with the condition that the applicant must return for approval of colors, design of the gables, and siding materials; Valigura seconded the motion.

Vote: Doering, Dueber, Valigura, Ramey, and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

Mr. Mullen asked for clarification on what the board would like to see in their next meeting from him.

Chair Doering asked for a motion for the chair to sign the appropriate orders. So moved by Ramey; seconded by Claussen.

Vote: Doering, Dueber, Valigura, Ramey, and Claussen voted AYE; the vote was 5:0 in favor and the motion passed unanimously.

DISCUSSION ITEMS

Chair Doering asked if there were items to discuss. Dueber asked if there was an update from the Council regarding the wording for signage. Sokolowski said there was a brief discussion.

7) Good of the Order

8) ADJOURNMENT

Chair Doering adjourned the meeting at 8:58 p.m.

Tessa Pfund, Community Development and Planning
Department Administrator