



# CITY OF CANNON BEACH

## BEFORE THE DESIGN REVIEW BOARD OF THE CITY OF CANNON BEACH

IN THE MATTER OF A DESIGN REVIEW APPLICATION FOR  
A NEW DETACHED TWO-FAMILY DWELLING AND ACCESSORY  
STRUCTURE ON FOREST LAWN RD., PROPERTY DESCRIPTION:  
MAP 5103DA, TAX LOT 4100, ZONE: R2

FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER DRB 24-03

APPLICANT: Jay Orloff  
Tolovana Design, LLC  
P.O. Box 563  
Cannon Beach, OR 97110

Jay Orloff of Tolovana Design LLC application on behalf of Patrick/Dave LLC for a new detached two-family dwelling and accessory structure on an undeveloped parcel on Forest Lawn Rd. The application was reviewed against the criteria of Municipal Code Chapter 17.44.080 – 17.44.100, Design Review Criteria.

The public hearing on the above-entitled matter was held before the Design Review Board on 1/18/2024 and continued to 2/21/2024, the Design Review Board closed the public hearing at the 2/21/2024 meeting, and a decision was made at that meeting.

THE DESIGN REVIEW BOARD ORDERS that the application for a new detached two-family dwelling and accessory structure is APPROVED WITH CONDITIONS and adopts the findings of fact and conclusions that accompany this decision. The effective date of this Order is 14 days following the signing of the Order.

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 14 days of this date.

### CANNON BEACH DESIGN REVIEW BOARD

DATED: 2/28/2024

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*David Doering*  
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David Doering, Chair



# Cannon Beach Design Review Board

## Findings of Fact and Conclusions of Law

**DRB 24-03**, TOLOVANA DESIGNS LLC, ON BEHALF OF PATRICK/DAVE LLC, APPLICATION FOR A NEW DETACHED TWO FAMILY DWELLING AND ACCESSORY STRUCUTRE. THE PROPERTY, A VACANT PARCEL ON FOREST LAWN RD., TAXLOT 51030DA04100, IS OWNED BY PATRICK/DAVE LLC IN A RESIDENTIAL MEDIUM DENSITY (R2) ZONE. THE APPICATION WILL BE REVIEWED AGAINST THE CRITERIA OF MUNICIPAL CODE CHAPTER 17.44.080 – 17.44.100, DESIGN REVIEW CRITERIA.

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**Agenda Date:** January 18, 2024  
Continued to February 21, 2024

### EXHIBITS

The following Exhibits are attached hereto as referenced.

#### **“A” Exhibits – Application Materials**

- A-1** Design Review application DRB#24-03, submitted and stamped December 21, 2023
- A-2** Architectural schematics, December 21, 2023
- A-3** Materials board, December 21, 2023
- A-4** Lighting information, December 21, 2023
- A-5** Tree replanting plan, January 16, 2024
- A-6** Enlarged site plan, January 19, 2024
- A-7** Boardwalk schematics, January 19, 2024
- A-8** June 2023 tree plan, January 19, 2024
- A-9** Landscape plan, February 14, 2024
- A-10** Tree replacement plan, February 14, 2024
- A-11** North residence elevation, February 14, 2024
- A-12** South residence elevation, February 14, 2024
- A-13** J. Lerma email, February 21, 2024

#### **“C” Exhibits – Cannon Beach Supplements**

- C-1** Completeness determination letter, January 2, 2024
- C-2** Planning Commission Order, Findings, and exhibits for CUP application CU23-04, February 1, 2024

#### **“D” Exhibits – Public Comment**

- D-1** R. Dorsey comment, January 17, 2024
- D-2** M. Bates comment, February 21, 2024

## SUMMARY & BACKGROUND

This proposal is for the construction of a two-family dwelling consisting of two detached dwelling units on a single undeveloped parcel of land on the north end of Forest Lawn Rd. The subject property is zoned (R2) Residential Medium Density and two-family dwellings are a permitted use in that zoning classification. This proposal is brought before the Design Review Board as all new development except for single-family dwellings or manufactured homes and their accessory structures are subject to review [CBMC 17.44.020(A)].

The subject property is an inventoried wetland lot-of-record and an application for a conditional use permit for an elevated pedestrian walkway in a wetland and its buffer area, CU#23-04, was heard by the Planning Commission on January 17<sup>th</sup> and 25<sup>th</sup> where it was approved with conditions.

## FINDINGS

The Design Review Board finds that the subject property is an inventoried wetland lot-of-record and an application for a conditional use permit for an elevated pedestrian walkway in a wetland and its buffer area, CU#23-04, was heard by the Planning Commission on January 17<sup>th</sup> and 25<sup>th</sup> where it was approved with conditions. Conditions of approval 2, 3, and 4 from CU#23-03 apply specifically to temporary access to the site from Hemlock St. for construction, these conditions state:

2. *The owner shall obtain temporary access to/from S. Hemlock St. through the Public Works Department prior to building permit issuance.*
3. *Temporary access to S. Hemlock St. is for construction purposes only and shall not be used as a permanent access for the use of the dwellings. Permanent access to the dwellings shall be from Forest Lawn Rd. only.*
4. *The temporary access will be permanently closed by revegetating and returning to its natural state in consultation with the City's arborist. The owner shall submit plans for the restoration to the Community Development Department and City's arborist specifically detailing how the temporary access to S. Hemlock St. shall be closed. If a temporary certificate of occupancy is requested and granted, the applicant shall permanently close the temporary access 30 days after a temporary occupancy permit has been issued. In no case shall a final certificate of occupancy be granted until the temporary access to S. Hemlock St. is permanently closed.*

The Board finds that the Municipal Code defines a duplex or two-family dwelling as "a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways." This application meets the definition of two dwellings without a common wall or ceiling. In addition to the two dwelling units this application includes a separate detached garage with storage areas that will contribute to the proposal's off-street parking requirements. Condition of approval 5 from CU#23-04 prohibits the conversion of the garage/accessory structure into an accessory dwelling unit, this condition states:

5. *The garage/storage accessory structure shall not be used as an accessory dwelling unit (ADU) or other habitation as per section 17.54.080 of the Cannon Beach Municipal Code.*

It is noted that the property owner intends to condominiumize the duplexes. This is permissible under Oregon state law and does not change the nature of the development from being a duplex. Under Oregon statutory law and the Municipal Code in effect at the time of review no ADU will be permissible in the accessory structure regardless of the subject property's ownership tenure.

The Board finds that the site plan complies with the established setbacks for the R2 zone and that the southern property line between the subject property and 1603 Forest Lawn Rd. is an interior lot line which requires a 5 foot side yard. The site frontages along Forest Lawn Rd. and S. Hemlock St. are considered the front and rear yards respectively and are required to provide 15 foot setbacks from the property line.

The structures will be clad with a combination of cedar shingle siding, cedar shiplap siding, and a Hardi Board board and batten product that will be painted SW 6258 Tricorn Black. The roof and gutters will similarly be painted black. Additionally, the structures will use a basalt stone veneer around the chimneys. The exterior lighting fixtures are dark sky compliant.

The landscape plan will make use of native plantings including Shore pines, Hooker’s willows, Black Honeysuckle, Western sword fern, Deer fern, and Pacific silverweed. The tree removal plan calls for the removal of a total of 5 trees with a requirement that 7 trees are to be planted as part of the landscaping plan.

## **DECISION**

### **Site Plan**

**Motion:** Having considered the evidence in the record and upon a motion by Board member Claussen, seconded by Board member Ramey, the Cannon Beach Design Review Board voted to conditionally approve the site plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd., DRB 24-03, as discussed at this public hearing subject to the following conditions:

1. The north parking area shall be reduced from four to two spaces and be surfaced with permeable materials.

### **Architectural**

**Motion:** Having considered the evidence in the record and upon a motion by Board member Valigura, seconded by Board member Ramey, the Cannon Beach Design Review Board voted to approve the architectural plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd., DRB 24-03, as discussed at this public hearing.

### **Landscape Plans**

**Motion:** Having considered the evidence in the record and upon a motion by Board member Ramey, seconded by Board member Valigura, the Cannon Beach Design Review Board voted to approve the landscape plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd., DRB 24-03, as discussed at this public hearing.

2. Tree removals and replacements shall be carried out as per the T. Prager & Associates report dated January 11, 2024 (Exhibit A-10).