CITY OF CANNON BEACH
NOTICE OF APPEAL OF DESIGN REVIEW BOARD DECISION

Appellant's Name: _____
Mailing Address: _____
_____
Telephone: _____

1. Appeal of Design Review Board decision of _____, regarding:

_____

2. Interest/Involvement in initial proceedings:

_____
_____
_____

3. Specific grounds relied upon for review <u>and</u> criteria addressed at Design Review Board hearing against which review is being requested:

_____
_____
_____

4. Typer of Review/Appeal Requested:

_____On the Record
_____Hearing on Specific Issue or Issues
_____De Novo Hearing

If you are requesting a hearing on a specific issue or issues, or a de novo hearing, please state the reason(s) for requesting such a hearing (refer to page on of General Information Sheet and note a specific reason from Section 17.88.180 of the Municipal Code):

_____
_____
_____

Please attach additional pages, if needed, and any other relevant information.
FEE: $200 - on the record $400 - de novo

Appellant Signature: _____ Date: _____

For Staff Use Only:
Date Appeal Received: _____ By: _____
Appeal Fee Paid On: _____ Receipt No.: _____

APPEALING A DESIGN REVIEW BOARD DECISION
GENERAL INFORMATION

Decisions of the Design Review Board may be appealed to the City Council. The appeal must be submitted on the form provided by the City. The appeal must be received by the City within twenty days of the date that the Design Review Board order was signed.

In order to file an appeal, a person must have:
1. Participated in the Design Review Board hearing, either through oral testimony or by correspondence.
2. Raised the issues on which the appeal is based at the Design Review Board hearing.

An appeal must contain the following information:
1. The Design Review Board decision that is being appealed.
2. A statement that the person making the appeal participated in the Design Review Board hearing.
3. The basis for the appeal, citing which criteria of the Design Review Board findings of fact were in error.
4. A statement that the criteria on which the appeal is based were addressed at the Design Review hearing.

There are three types of appeals to the City Council:

1. On the Record Established by the Design Review Board. In this type of an appeal the City Council reviews the findings of fact adopted by the Design Review Board, as well as the information on which those findings are based. The City Council does not hold a new public hearing. The person making the appeal, as well as others who participated in the Design Review Board hearing, may summarize the arguments they made before the Design Review Board. However, no new evidence may be presented to the City Council.

2. De Novo Hearing. In this type of an appeal the City Council holds a new public hearing. In addition to the testimony received at the public hearing, the City Council also considers the record of the Design Review Board hearing.

3. A New Hearing on Specific Issues. This type of an appeal is similar to a de novo hearing, except that new evidence is considered only on a specific issue or issues. The remainder of the appeal is based on the findings of fact established by the Design Review Board.

Generally, the City Council hears appeals based on the record established by the Design Review Board. In addition to the general information required for an appeal, a request for a de novo appeal, or a new hearing on specific issues appeal must demonstrate that one of the following apply:

1. There is a valid reason why the additional evidence could not be presented at the Design Review Board hearing; or
2. A new hearing is required to properly evaluate a significant issue relevant to the proposal.

The City Council will determine, as a non-public hearing item, whether or not to accept a request for a de novo hearing, or a new hearing on a specific issue. If the City Council does not grant the request, the appeal will be heard on the record established by the Design Review Board.

The fee for an appeal of a Design Review Board decision is $200.00 for an on the record appeal or $400.00 for a de novo appeal.