



CITY OF TALENT • COMMUNITY DEVELOPMENT

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NOTICE OF DECISION

DATE MAILED: October 28, 2015

IN THE MATTER OF: **TYPE III QUASI-JUDICIAL LAND USE DECISION (VAR 2015-001);** *to construct a new single family dwelling with reduced setbacks located at 413 Creel Rd., Talent, Oregon and legally described as Township 38 South, Range 1 West, Section 25DC, Tax Lot 105. The property is zoned RS-5 (Single Family – Low Density Residential).*

APPLICANT: Suncrest Homes

OWNER: Suncrest Homes

On October 22, 2015 the Talent Planning Commission **approved** a variance to allow the construction of a new single family dwelling with reduced setbacks from fifteen (15) feet to eight (8) feet nine (9) inches along the eastern property line of the property located at 413 Creel Road. The Planning Commission found that the proposal met the criteria listed in the Talent Zoning Code, Section 8-3L.4.

Materials concerning this decision, including the final order dated October 26, 2015, are available for review during the regular office hours of 8:30 a.m. to 5:00 p.m. Monday through Friday at Talent City Hall located at 110 E. Main Street, Talent, or copies may be purchased at Talent City Hall.

A Planning Commission decision may be appealed to the Hearings Officer within 14 days from the date the final order was signed (**November 9, 2015**). Appeals must be in writing, along with a land use application and fee. The written notice of appeal shall include all matters specifically appealed, including a brief summary of the material presented to the Planning Commission upon which the decision, which is being appealed, was based. Further, specific statutory citations supporting the appeal shall also be included. Failure to raise an issue accompanied by statements or evidence sufficient to afford this Commission and the parties an opportunity to respond to the issues precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

If you would like to appeal this decision to a Hearings Officer, the following standards must be met and steps completed.

- 1) **Who may appeal?** The following people have legal standing to appeal: the applicant; any person who was mailed written notice of the original decision; or any other person who participated in the proceeding by submitting written comments.

- 2) **Notice of Appeal.** Any person with standing to appeal, as provided in Step 1, above, may appeal a Type III decision by filing a Notice of Appeal according to the following requirements:
- 3) **Time for filing.** A Notice of Appeal, in the form of a business letter and stating the reasoning for the appeal based on the applicable criteria, shall be filed with the Community Development Director within 14 calendar days from the date of the Planning Commission's decision was mailed.
- 4) **Content of Notice of Appeal.** The Notice of Appeal shall contain:
 - An identification of the decision being appealed, including the date of the decision;
 - A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - A statement explaining the specific issues raised on appeal;
 - If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
 - A \$250 deposit will be required as a filing fee to cover the cost of staff time to process the request for an appeal.
- 5) **Scope of appeal.** In accordance with Section 8-3M.150 F., only those with standing to appeal may present arguments, but can submit new evidence into the record. An appeal of a Type-III application is to a Hearings Officer, appointed by the City Council, and heard through a *de novo* hearings procedure. The Hearings Officer may place conditions of approval to meet the applicable criteria or deny an application based on applicable criteria not met, but must be supported by findings of fact in the record.

If you need additional information or have questions about the appeals process, please contact Zac Moody at (541) 535-7401 or via e-mail at zmoody@cityoftalent.org.