



NOTICE OF DECISION

Date mailed: **July 12, 2022**

In the matter of: **TYPE II SITE PLAN REVIEW (SPR 2022-004);** *concerning the request to construct a landscape materials retail establishment located on the tax lot legally described as Township 38 South, Range 1 West, Section 25B, Tax Lot 400. The property is zoned Commercial Highway (CH).*

Owner: Juan Carlos Garcia

The Community Development Department has tentatively approved with conditions an application to construct a landscape materials retail establishment. This is a Type-2 (administrative) land use application, which the Community Development Department approves or denies based on the criteria in Talent Municipal Code Title 18, Zoning. Appeals are subject to review by the Planning Commission.

All property owners who responded to the original public notice are receiving this Notice of Decision. Written notice of a Type-2 decision shall be mailed to the applicant and to all participants of record after the Community Development Department's tentative decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

Copies of the staff report are available for review 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, on the City's website at www.cityoftalent.org or copies may be purchased at Talent City Hall.

If you would like to appeal this decision to the Planning Commission, the following standards must be met and steps completed:

Who may appeal? The following people have legal standing to appeal: the applicant; any person who was mailed written notice of the decision; or any other person who participated in the proceeding by submitting written comments; any person who is adversely affected or aggrieved.

Notice of appeal. Any person with standing to appeal, as provided above may appeal a Type-2 decision by filing a Notice of Appeal according to the following procedures:

Time for filing. A Notice of Appeal (in the form of a business letter) shall be filed with the Community Development Director within 14 days of the date the Notice of Decision was mailed;

OVER



APPEAL PROCEDURES

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;
- A \$257 deposit will be required as a filing fee to cover the cost of staff time to process the request for an appeal.

Scope of appeal. The appeal of a Type-2 administrative decision by a person with standing shall be limited to any issue raised during the written comment period, and any other evidence or testimony concerning any other relevant issue during a *de novo* hearing. The appeal shall be a *de novo* hearing and shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals.

If you need additional information or have questions about the appeals process, please contact Kim Trimiew at (541) 535-1566 or via e-mail at ktrimiew@cityoftalent.org.