



# NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the City of Talent Hearings Officer will hold an appeal hearing on **Thursday, August 16, 2018 at 3:30 p.m.** in Town Hall located at 206 East Main Street, Talent, Oregon. The purpose of the appeal hearing is for the:

*Appeal of the City of Talent's Staff decision (SUB 2018-001) denying a request for a 49-Lot Expedited Land Division located at 201 Belmont Road and described as Township 38 South, Range 1 West, Section 36, Tax Lot 1001. Decisions are based on the approval criteria found in the Talent Zoning and Subdivision Codes, Talent Comprehensive Plan and ORS 197.360 (Expedited Land Divisions), File: APL 2018-001.*

**Applicant: Tony and Tory Nieto**  
**Agent: CSA Planning, Ltd.**  
**Appellant: Tony and Tory Nieto**

Oregon Revised Statutes 197.375 states that a person or organization that provided written comments to the City but did not file an appeal may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument. The referee shall provide the City an opportunity to explain its decision but is not limited to reviewing the City's decision and may consider information not presented to the City.

At the appeal hearing, testimonial and demonstrative evidence will be allowed. Rebuttal evidence from Applicant/Appellant will be allowed. All other written evidence or reports should be submitted by the August 10, 2018, deadline provided in this notice.

The referee shall apply the substantive requirements of the City's land use regulations and ORS 197.360. If the referee determines that the application does not qualify as an expedited land division as described in ORS 197.360, the referee shall remand the application for consideration as a land use decision or limited land use decision.

Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision through the Oregon Court of Appeals in the manner provided under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes.

**A SIGN-UP SHEET WILL BE PROVIDED AT THE HEARING AND WHEN YOUR NAME IS CALLED YOU MAY GIVE YOUR ORAL TESTIMONY. ORAL TESTIMONY ON THIS HEARING SHALL BE LIMITED AT THE REFEREE'S DISCRETION.**

**NOTICE TO MORTGAGE, LIENHOLDER, VENDOR, OR SELLER: THE TALENT CITY CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**

A copy of the City's decision to deny SUB 2018-001 and all documents and evidence relied upon for the review of the application are available for inspection at City Hall at no cost and, if requested, copies can be provided at reasonable cost.

To avoid ex-parte contact, the Hearings Officer must not be directly contacted prior to the appeal hearing. Written comments, including legal arguments or documentary evidence, may be filed with the City of Talent Community Development Department in person no later than 4 p.m. on August 10, 2018: City of Talent, Community Development Department

110 East Main Street  
Talent, Oregon 97540

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

*The City of Talent is an Equal Opportunity Provider*