

To: Mayor Harris and the City Council  
Fr: Ron Chandler  
Dt: May 21, 2013  
Re: Discussion and/or action to consider setting a public hearing for an appeal of the Planning Commission's decision to continue a conditional use permit for Tom's Auto Repair at 3590 North 575 East.

Attached, please find a letter from six residents who are appealing the Planning Commission's decision to allow the continuation of the conditional use permit for Mr. Tom Baguley at 3590 North 575 East.

The appeal process is found in the North Ogden Municipal Code 11-14-3 F through H. A summary is as follows.

1. Appeal – The appeal to the City Council is to be made by the applicant or any person aggrieved by the planning commission's decision within fourteen (14) calendar days of the planning commission's decision. (North Ogden Municipal Code Section 11-14-3F)
2. Public Hearing - The City Council may hold a public hearing or make a decision without a public hearing. If a public hearing is held, it must be advertised at least fourteen (14) days before the public hearing date. (North Ogden Municipal Code 11-14-3H)

The Code does not give criteria for deciding if you will hold a public hearing or proceed without one.

3. Hearing Date – If a public hearing is held, it must be advertised at least fourteen (14) days before the public hearing date. In this case, the public hearing/appeal meeting will be on June 25, 2013. If a public hearing is not held, the appeal meeting will be on June 11, 2013. (North Ogden Municipal Code 11-14-3H)
4. Documents – Prior to the appeal meeting the staff will send you the planning commission's approved minutes for all of the planning commissions meetings and hearings held on the matter, copies of the staff reports, the conditional use permit application and other written material submitted to the planning commission. (North Ogden Municipal Code 11-14-3 F&G)

I will also include communication that I have received since the Planning Commission's decision on May 1, 2013.

5. Decision on appeal – The City Council shall render its decision no later than the next regularly scheduled city council meeting held after the public hearing, unless consent for a delay in the decision is granted by the applicant. If a public hearing is not held, the City Council shall render its decision no later than the next regularly scheduled city council meeting after the city council initially considered the appeal, unless the applicant consents to a delay in the decision. (North Ogden Municipal Code 11-14-3H).

The purpose of the May 28, 2013 meeting is to determine if you will hold a public hearing when considering this appeal. The documentation associated with this appeal will be sent to you prior to the appeal meeting.