

PROVIDENCE CITY UTAH
Planning Commission Bylaws
Dated: August 2019

ARTICLE I - GENERAL PROVISIONS

1.1 Applicable State Statutes and Local Ordinances and Rules.

The Providence City Planning Commission, hereinafter referred to as the "Commission," shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying generally to public boards, members and officials, including but not limited to: Title 10, Chapter 3, Part 13 of the Utah Code dealing with disclosure requirements and Title 52, Chapter 4 of the Utah Code dealing with open and public meetings.
- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including but not limited to: Title 10, Chapter 9a, Municipal Land Use Development and Management Act.
- c. The Zoning Regulations of Providence City as set forth in Title 10 of the Providence City Code.
- d. The Subdivision Regulations of Providence City as set forth in Title 11 of the Providence City Code.
- e. Boards and Commissions, Planning Commission as set forth in Title 2 Chapter 1 of the Providence City Code.
- f. The bylaws of the Providence City Planning Commission as set forth herein. NOTE: These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Planning Commission waive or suspend (see Section 10.2 herein) or otherwise deviate from these bylaws during the course of a hearing/meeting, such deviation shall not be grounds for invalidating a hearing/meeting held during such hearing/meeting or any decisions made at such hearing/meeting.
- g. If these bylaws conflict with Federal, State, or City codes and/or ordinances, the federal, state, or city codes and/or ordinances shall prevail.

1.2 Requirement of Familiarity with State Statutes and Local Ordinances and Bylaws affecting the Commission.

Upon taking office, all members of the Providence City Planning Commission shall familiarize themselves with the foregoing and, while in office, members shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Planning Commission affairs.

1.3 Bylaws of Planning Commission (Commission) to be Available in the Providence City Office.

An official copy of the bylaws of the Planning Commission, in current form, shall be available in the Providence City office as a public record. Additional copies shall be provided to members of the Commission and made available to the public upon request, but the official copy in the Providence City office shall govern.

1.4 Location of the Providence City Office.

The office of the Providence City Planning Commission shall be located within the Providence City offices, City Hall, 164 N Gateway Dr, Providence, Utah, 84332.

ARTICLE II - MEMBERS

2.1 Number of Members, Appointment, Compensation, Etc.

The membership and appointment of the Planning Commission shall be governed by the provisions of the Utah Code and the provisions of Title 2 Chapter 1 of the Providence City Code.

There will be five voting members on the Commission and two non-voting alternates on the Commission. Alternates will be assigned by the Chair to temporarily fill a seat of a voting member of the Commission who is absent. All Commission members including alternates are expected to be present at all Commission hearings/meetings and participate in the discussions.

The Chair and Vice Chair are voting members on the Planning Commission, voting on all items.

2.2 Causes for Removal from Commission.

Causes for consideration of removal of members from the Providence City Planning Commission by recommendation of the Mayor to the City Council may include malfeasance, misfeasance, or nonfeasance generally, and in particular:

- a. Failure to maintain reasonable familiarity with state statutes and local ordinances and bylaws affecting the Commission, or failure to be governed thereby, as required by Section 1.2, above.
- b. Failure to disclose conflict of interest for purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of the Utah Code.
- c. Providence City Code 2-1-1B. "Members may be removed with or without cause upon recommendation of the Mayor and a majority vote of the City Council."

2.3 Resignations, Generally, and by Absence.

When members propose to resign, if reasonably feasible, they shall give notice of their intent to the Mayor and Director of Administrative Services and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the documented notice to and consent of the Chair and/or Director of Administrative Services, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair may then recommend removal of the member to the Mayor.

2.4 Vacation of Office.

When a member's term of service is complete, dies, resigns, or is removed (including resignation by absence), the Mayor shall promptly indicate to the City Council that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chair shall cause any necessary investigation to be made and shall present the facts to the

Mayor who may declare to the City Council the office vacant and appoint a replacement.

2.5 Expiration of Term.

The terms of office for all members of the Planning Commission shall be three (3) years and until their successors are appointed and qualified except where appointment to a shorter term is necessary to provide for staggered terms among Commission members. Standing members may be appointed to serve an additional term when recommended by the Mayor and voted upon by the City Council and acknowledged by the standing Commission member.

2.6 Orientation and Training.

Newly appointed commission members will commence orientation and training through reading and study of:

- 1) Handbook for Planning Commissions and Land Use Authorities published by the Utah League of Cities and Towns;
- 2) Providence City Code Title 2 Chapter 1 (8/9/16) Planning Commission;
- 3) Bylaws of the Planning Commission;
- 4) Conflict of Interest Statement;
- 5) Meeting schedule for year;
- 6) Map showing City boundaries and zoning;
- 7) Current General Plan; and
- 8) Providence City Zoning Code Title 10 Chapters 1-16.
- 9) All other related City codes, mapping, information and documents.

The orientation will be completed within 60 calendar days and reported to the Commission Chair. The Director of Administrative Services will notify Planning Commission members of training opportunities.

Commissioners are encouraged to:

- 1) study other areas of Providence City government (e.g. subdivision code(s)); and
- 2) other publications on planning and zoning to include attending training(s).

See the Providence City Personnel Policy Section 8. Training and Travel for reimbursement policies.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Planning Commission Duties, Generally

The planning commission shall make recommendation to the legislative body for:

- a. a general plan and amendments to the general plan.
- b. land use regulations.
- c. appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.
- d. appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision to the land use authority.
- e. application processes that:
 - 1) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested.
 - 2) shall protect the right of each:
 - i. application and third party to require formal consideration of any application by a land use authority.
 - ii. applicant adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority.

- iii. participant to be heard in each public hearing on a contested application.

See UCA 10-9a-302

The planning commission is the land use authority for all subdivisions.

See Providence City Code (PPC)2-4-1.

3.2 Until Successors Take Office.

Annually, as the last item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If such regular hearing/meeting is canceled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting. If no quorum can be obtained within 36 days, the election shall be held at a regular or special meeting held as soon thereafter as a quorum can be obtained, provided that if no such election is held within 60 days of the dates when generally required, the Mayor shall notify the City Council, who shall appoint a Chair and Vice Chair to serve until the next regular election in the month of July. The prior Chair and Vice Chair shall remain in office until successors take office at the next regular or special meeting following an election or appointment. A chair may not succeed him or herself as Chair of the Commission.

3.3 Succession of Vice Chair to Office of Chair; Special Elections.

If the Chair or Vice Chair resigns or no longer becomes a member of the Commission, the vacancy shall be filled by vote of the Commission, recommended in a special election held at the next regular meeting of the Commission, to complete the term prior to regular succession of office in July. The Commission's decision will be a recommendation to the Mayor and City Council.

3.4 Duties of Chair and Vice Chair; Appointment of Temporary Chair to Preside at Hearings/Meetings:

- a. If present and able, the Chair shall preside at all hearings/meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting only. In accordance with these bylaws and other applicable rules, the presiding officer shall decide all points of procedure and order, unless otherwise directed by vote of a majority of the Commission members in attendance.
- b. The Chair shall maintain order and decorum. These bylaws and when necessary, in deciding points of order, Roberts Rules of Order, newly revised, may be used by the Chair as a point of reference. The Chair may ask disorderly or disruptive persons to leave the room and City property; however, as needed, removal of disorderly or disruptive person(s) will be in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department.

3.5 Other Responsibilities and Duties of Chair; Delegation to Vice Chair.

The Chair shall have further duties and responsibilities as indicated below. The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during her/his absence or in case of his/her inability to perform necessary Commission functions in a timely manner. The Vice Chair shall perform all duties so delegated. In case of absence or incapacity of the Chair, on approval by a majority of the Commission, the Vice Chair shall perform, temporarily, any or all duties of the Chair whether or not delegated.

3.6 Managerial Responsibilities.

Subject to these rules and further instructions from the Commission, the Chair shall direct the official business of the Commission, interface with the Mayor in the conduct and affairs of the Commission, request needed staff assistance from the Director of Administrative Services or the City Council, and

exercise general management direction of the affairs of the Commission.

3.7 Assignment of Commission Members to make Observations.

The Chair may designate members of the Commission to make specific studies and reports or personal observation, of property and land uses, when necessary for proper consideration of agenda items. No more than two Commission members should gather on any such assignment at the same location and time; otherwise, open meeting rules will apply.

3.8 Director of Administrative Services.

The Director of Administrative Services shall assist the Planning Commission unless otherwise delegated.

3.9 Duties of Directory of Administrative Services.

The Director of Administrative Services, acting under the general direction of the Mayor is responsible for providing staff services to the Commission within the provision of budget authority appropriated by the Providence City Council and within the framework of the provisions of Titles 2, 10, and 11 of the Providence City Code.

3.10 Appointment of Secretary.

The Secretary to the Commission shall be assigned by the Director of Administrative Services from the City's staff.

3.11 Duties of Secretary.

Subject to applicable City Codes and the direction of the Director of Administrative Services, the Secretary shall in general attend to all correspondence of the Commission; attend all hearings/meetings of the Commission (except when excused and with temporary services arranged); and generally, perform or supervise all clerical work of the Commission.

Under the direction of the City Recorder and/or Director of Administrative Services, send out or cause to be published all required notices, agendas, compile all required records; maintain the necessary schedules, minutes, files, and indexes and related tasks.

ARTICLE IV - CONDUCT OF COMMISSION MEMBERS, STAFF

4.1 Representation of Applicants or Petitioners.

No member of the Commission, or of its staff, shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest.

No member of the Commission shall participate in any application in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believe they have any other conflict of interest as defined or regulated under the provisions of the Utah Code. No member of the staff of the Commission or of any agency serving the Commission shall prepare or present arguments or reports, or attempt to influence the decisions of the

Commission, in any application in which he/she has similar interests and which would constitute a violation of the above-referenced Utah State statutes.

4.3 Disqualification on Grounds of Influence Other Than at Public Hearing/Meeting.

Commission members may be disqualified from voting whenever any applicant, or their agent, has sought to influence the vote, of the Commission member, on their application or petition, other than in the public hearing/meeting, through communication directly with a Commission member about issues in the application without the knowledge of the other Commission members.

4.4 Expression of Bias, Prejudice, or Individual Opinion Prior to Meeting and Determination.

Commission members may seek information from:

- 1) other Commission members;
- 2) counseling with the Commission;
- 3) staff serving the Commission; or
- 4) the staff of other departments or agencies advising the Commission.

No member shall express any bias, prejudice, or individual opinion on proper judgment of the application prior to its meeting and determination. Violation of this bylaw shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

4.5 Commission Members Not to Vote Unless Present at Meeting.

No Commission member shall vote on any matter unless such member is present, either in person or by electronic connection, at the meeting when a vote is taken.

The Commission members may be allowed to attend any Planning Commission meeting by electronic connections as allowed by City and State Codes.

- a. At least 3 commission members, forming a quorum, must be present at the scheduled meeting, located at the anchor site, 164 Gateway Dr., Providence, Utah 84332.
- b. No more than (2) members of the Commission may attend by electronic connection.
- c. A commission member desiring to attend by electronic connection must notify the Chair or Directory of Administrative Services at least one business day prior to the meeting, to allow for arrangements to be made for the electronic connection and related set up.

4.6 Inquiry Regarding Conflicts of Interest and Bias.

It shall be the responsibility of the Chair, Vice Chair or presiding officer to inquire regarding potential conflicts of interest, issues of bias, prejudice, or individual opinion on proper judgement, regarding the pending agenda item(s), at the beginning of a public hearing/meeting.

4.7 Decorum.

Commission members shall avoid leaving their seats except during approved recesses of a public hearing/meeting. Members shall avoid random conversation in or outside of the Commission room at the time of the hearing/meeting that is not plainly audible to all present in the hearing/meeting room while

the Commission is in session.

ARTICLE V - MEETINGS, GENERALLY.

It will be the objective of the Planning Commission Chair and Commission Members to conduct a Commission meeting that is orderly and respectful. It is in the best interest of the City to afford those who wish to address the Commission an opportunity to do so as much as reasonably possible. The meeting agenda will generally follow a format as follows:

- Call to Order
- Roll Call of Commission Members
- Pledge
- Minutes of previous meeting
- Public Comment
- Public Hearing (as scheduled)
- Action Items (Commission approval or recommendation to City Council)
- Study Items (specific items preceding formal Commission approval)
- Staff Report (information on City business and projects not otherwise dealt with by the Commission)
- Special meetings for any purpose may be held at the call of the Chair, the Mayor, the City Council, or the Director of Administrative Services. Notice of the date, time and place of any special hearing/meeting shall be given in conformance with the provisions of state statutes and local ordinances.
- Public Hearing(s) may be scheduled during a regular or special meeting. Noticing requirement shall be done in compliance with Utah Code.

5.1 Recess or Continuance.

Any regular, hearing, special or study meeting may be recessed or continued from day to day or to the time of any previously announced regular or special hearing/meeting. Such recess or adjournment to another date, time and place shall not require additional public notice.

5.2 Cancellation.

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting (regular, special or hearing) may be canceled by the Chair or Director of Administrative Services by giving notice to all Commission members and the Mayor, before noon on the day of such meeting.

5.3 Quorum.

A quorum of the Commission shall consist of at least three voting members or alternate members. In all situations where there are only three members present, all members must cast a vote upon any action for an application or petition requiring action, otherwise it will be tabled for incomplete voting. When only three members are present, a positive or negative vote must be determined; otherwise, it will be tabled for lack of a majority vote.

5.4 Agenda, Order of Business.

The Secretary, under direction of the Chair and/or the Director of Administrative Services, shall prepare an agenda for each Commission meeting. Order of the business shall be as specified by the Chair and/or Director of Administrative Services.

5.5 Length of Meetings.

The Commission meeting will begin at 6:00 p.m. and end at 9:00pm, unless scheduled otherwise. At 9:00 pm the Planning Commission will finish the item presently being considered, within 10 minutes; no additional items will be heard after that time unless there is a motion by a member of the Commission and a majority vote to extend the meeting. All items remaining to be heard will be forwarded to the next regular meeting agenda for continued consideration.

ARTICLE VI - PROCEDURES AT MEETINGS (regular, hearing, special, study)

Regular Meeting. Meetings that are pre-set on the calendar covering an entire year, where the Planning Commission meets to discuss and act on both administrative and legislative matters pertaining to the use of land and related issues.

Hearing Meeting. Meeting set aside to receive and hear verbal input on the position of citizens regarding specific topics/applications affecting the City. A hearing may be scheduled during a regular Commission meeting.

Special Meeting. A meeting that is not in the sequence of regular meetings. Typically, called for in order to address issues or actions times that were not completed at a regular meeting or for urgent matters needing attention.

Study Meeting. Time set aside for the Planning Commission, other City officials, staff and citizens to come together to collaborate, offer up ideas, conduct research and/or discuss important issues that need more in-depth study before they are brought forward for finalization and approval. Study may be scheduled during a regular Commission meeting.

The Chair will have the discretion, on any Agenda Item, to carry over the review, to include postponing a vote, to another Commission meeting (regular or special) in order to hear additional information or testimony on an application.

Beyond the time allotted for each segment of the Agenda, the Commission has the latitude to discuss amongst themselves important issues and matters that may reflect on public comment, public hearings, action item applications or any other matter that relates to land use issue or the duties of the planning commission.

Any member of the Commission or staff upon recognition by the Chair, may direct any questions or comments to those speaking at the podium, applicants, witnesses, or any person speaking from the audience, to bring out pertinent facts.

6.1 Representation at Meeting.

The Commission meeting will be open to the public to attend Planning Commission meetings in the Providence City Hall building in the Council room. An overflow room will be made ready as needed and available, for the public attending to view and hear the proceedings of the Planning Commission meeting electronically projected on an overhead screen or TV.

The meeting will follow the Agenda and will be conducted by the Chair of the Planning Commission.

At the meeting any person or applicant may appear before the Commission, following the order and manner set forth by the Commission. Those who desire to speak to the Commission are asked to make it known by filling in the " Sign-In Sheet", for Public Comment and scheduled Public Hearings respectively.

Those who will be speaking may do so impromptu or use a prepared text. A spokesperson is encouraged representing a larger group with a similar disposition. Only those appearing on the sign-in sheets will be called forward to speak. The sign-in sheets limit the number of persons who will be allowed to speak. The sign-in sheets will be closed when the meeting is called-to-order by the Chair. A person may only be listed once on each sign-in sheet.

Those asking for the Commission's action on a specific land use or related matter should have previously filed an application or petition for review and placement on the meeting agenda "Action Items". Further, the application or petition will require the person or applicant to be present in the meeting that represents the application or petition. Should the person or applicant be absent, they may be represented by an authorized substitute (e.g. individual, agent or attorney). As requested by the Commission such substitutes may be required to present competent proof that they are authorized to represent the matter on the agenda.

6.2 Public Comment.

The Chair will open the Public Comment. This time during the meeting, is allotted for citizens (or interested persons), who have not otherwise submitted a specific application or arrived for a hearing, to appear before the Planning Commission to express their views or concerns on issues that may affect the City.

It will be necessary for those persons wanting to address the Commission to fill in the Sign-In Sheet provided and located at the entry to the Council room. The Chair will call forward those persons wanting to speak in order as they appear on the Sign-In Sheet for Public Comment. Upon hearing their name called said person will raise their hand and come forward to the podium. Once at the podium they will have 3 minutes to talk to the Commission. They will be expected to sit down when they have finished or when 3 minutes has lapsed, whichever is sooner. It will be the intent of the Commission to listen to what is being said. Should the person have a question, the Commission may attempt to answer it if reasonably practical and can be responded to if the 3 minutes has not lapsed. The speaker has the option if they feel it is important, to submit their narrative and questions in writing, with contact information, to the Commission Secretary. The narrative and questions will be responded to if necessary, practical and possible within the next 7 business days. Said person may contact the Commission Secretary if necessary and desired, for comment. Said narrative and questions may be copied to the Commission if necessary.

The duration of the public comment segment will be 21 minutes (allowing for 7 speakers), unless there are no more speakers signed-in.

Should there be any time remaining, the Chair will ask the audience if there is anyone who would like speak, keeping their comments to 3 minutes, if so, they will be invited to the podium.

The Chair will close the Public Comment. At the conclusion of the citizen comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the property administrative department(s); or take no action.

6.3 Public Hearing.

A public hearing will be held in this meeting when it has been determined, by application, decision of the City Council or Planning Commission or as dictated by Utah code or Providence Code, that a public hearing be held. The purpose of the public hearing is to allow persons to express their thoughts, concerns and questions about a specific matter, currently being reviewed by the City.

The Chair will open the Public Hearing. The Chair will describe the nature of what the hearing is being held for. This time during the meeting is allotted for citizens (or interested persons), who have arrived for the specific reason to hear and possibly appear before the Planning Commission to express their views or concerns on subject of the hearing. Persons neutral, or in opposition or support of the matter, application or petition under review may provide testimony or comment during the hearing.

It will be necessary for those persons wanting to address the Commission during the hearing to fill in the Public Hearing Sign-In Sheet provided and located at the entry to the Council room. The Chair will call forward those persons wanting to speak in order as they appear on the Sign-In Sheet for the Public Hearing. Upon hearing their name call said person will raise their hand and come forward to the podium. Once at the podium they will have 5 minutes to talk to the Commission. They will be expected to sit down when they have finished or when 5 minutes has lapsed, whichever is sooner. It will be the intent of the Commission to listen to what is being said. Should the person have a question, the Commission may attempt to answer it if reasonably practical and can be responded to if the persons 5 minutes has not lapsed. The speaker has the option if they feel it is important, to submit their narrative and questions in writing, with contact information, to the Commission Secretary. The narrative and questions may be responded to if necessary, practical and possible within the next 7 business days. The speaker may contact the Commission Secretary if necessary and desired for comment. Said narrative and questions may be copied to the Commission if necessary.

The duration of the public hearing will be 50 minutes (or 10 speakers) unless there are no more persons listed. Should there be any time remaining, the Chair will ask the audience if there is anyone who would like to speak, keeping their comments to 5 minutes, if so, they will be invited to the podium.

Chair will close the Public Hearing.

6.4 Action Items.

The Chair will open the segment of the meeting for Action Items which are generally applications (or petitions) for approval of land use or related matters. The Chair will announce each Action item. The Commission will review, discuss and take action on applications received. The Chair will ask the Secretary to the Commission to report on the findings of fact, conclusions of law and conditions, coming from the City's Executive Staff (ESR) review committee, pertaining to each application. Applicants are expected to attend the Commission meeting. When the Agenda item is read the applicant will be called forward. They will raise their hand and come up to the podium. The applicant will have 15 minutes to introduce and make a brief presentation leaving enough time for the Commission or staff to ask questions. The applicant will be expected to sit down when they are finished or when the 15 minutes has lapsed, whichever is sooner. Should there be any time remaining, the Chair will ask the audience if there is anyone who would like speak, keeping their comments to 3 minutes, if so, they will be invited to the podium.

It will be the intent of the Commission to listen, deliberate, ask necessary questions and take action seeking a majority vote to either approve (with added conditions if needed) or deny the application (stating the reason for denial). The Chair will go on to the next Action Item until finished.

The Chair will close the Action Items.

6.5 Meeting Order and Decorum.

It is the desire of the Commission that all persons, in attendance, be given an opportunity in response to the published Agenda, to address the Commission with their comment, concern, statement, testimony or application, as it affects the community of Providence City. It is hoped that all persons conduct

themselves in a responsible, civil and respectable manner that affords the meeting to proceed in an orderly, efficient and effective manner allowing the Commission to perform its duty to serve over the planning and zoning affairs of Providence City. Further, please observe the

- a. During the meeting each person speaking shall proceed without interruption. All presentations, testimony, statements and pleadings shall be addressed to the Commission
- b. Persons attending the meeting will:
 - *Refrain from clapping, heckling, stomping feet, shouting or speaking out of turn.
 - *Refrain from parading or posting signs, inside or outside the meeting room.
 - *Refrain from calling for any 'straw polling' or impromptu-voting during the meeting.

The Chair may ask disorderly or disruptive persons to leave the room and City property; however, as needed, removal of disorderly or disruptive person(s) will be in accordance with UCA 10-3-608 by an officer of the Cache County Sheriff's Department.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions.

After conclusion of the public hearing on any application or petition, the Commission shall examine the evidence before it in relation to findings required.

With due consideration to the length of the agenda, the nature of the application, the complexity of the evidence, and the findings required, the Chair may elect, subject to a vote of the majority of the Commission, one of the following alternatives:

- a. To proceed immediately to a determination and decision at the conclusion of the presentation in a particular application; or
- b. To defer determination and decision until later in the same meeting; or
- c. To defer determination and decision until a specified special or regular meeting of the Commission, within the time limits specified by state statute or local ordinances.

7.2 Findings.

If a majority of the quorum of the Commission members present concurs that the evidence supports favorable findings upon an application before it, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such conditions, safeguards and requirements shall be binding upon the applicant or petitioner and her/his successor and interests.

If a majority of the quorum of the Commission members present concurs that the evidence does not support a favorable action or recommendation by the Commission, then findings shall be specified in the decision outlining those problems or deficiencies in the application or petition which warrant such action.

If the findings of fact and conclusions of law recommended by staff do not accurately reflect the

Commission's decision, the Commission may amend such findings and conclusions at the meeting or may recess the meeting to a date and time certain to allow for preparation of revised findings and conclusions by staff.

7.3 Form and Procedure of Decisions.

All such decisions of the Commission shall be made at a public meeting by motion, made and seconded, and by a voice vote. The motion shall be in the form of findings of fact and shall state the reason for the findings by the Commission and a statement of any conditions or safeguards or requirements to be attached to the action. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the Chair may conduct a roll call vote, for a clear vote of aye/nay.

7.4 Notification.

Notice of the Commission decision shall be given to the applicant or petitioner and to other interested parties who have requested such notice, by the Secretary of the Commission, as soon as reasonably possible after the decision is reached, but within ten (10) days. Such notice shall be given on a "Report of Action" form approved by the Commission and shall include a copy of the complete findings of fact and conclusions of law and conditions adopted by the Commission in reaching its decision.

7.5 Appeals. Appeals by applicant or affected party.

Appeals to administrative decisions and legislative decisions are directed to the Appeal Authority.

Advisory recommendations of the Commission cannot be appealed as they will be heard by the City Council.

ARTICLE VIII - REQUEST TO WITHDRAW OR AMEND APPLICATIONS OR PETITIONS

8.1 Withdrawal.

Upon written request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

8.2 Amendment.

Applicants, petitioners, or their authorized individuals or agents may amend applications or petitions in any lawful manner on written request delivered to the Director of Administrative Services or his/her designee, not less than ten (10) days prior to the scheduled public meeting to assure that the amendment is properly evaluated and addressed in the staff report. Amendments received less than ten (10) days before the public meeting may not be evaluated and made part of the staff report. The staff shall orally report to the Commission at the public meeting the nature of any amendments received less than ten (10) days before the meeting. The Commission shall determine whether the nature of the amendment is such as to require referral for re-examination by Counsel or staff having made reports on the original application or petition. If such referral is found necessary, the Commission may proceed with the meeting or may continue it to a date, time and place specified, but shall not decide the matter until the Commission has received sufficient information and analysis to make a finding that the amendment would not create a substantial difference in the effect of the application or petition.

8.3 Deferrals and Continuances.

On its own motion, or at the request of applicants, petitioners, or their authorized individuals or agents, the Commission may defer the meeting of applications or provide for later continuance of applications on which meetings have begun. Such deferrals or continuances shall be permitted only for good cause, stated in the motion, and, unless time and place are stated, shall require new public notice. An applicant shall be allowed to request one continuance for good cause shown. If additional deferrals or continuances are at their request, new fees shall be paid by applicants or petitioners.

ARTICLE IX - AMENDING OR WAIVING RULES

9.1 Amending Bylaws.

These Bylaws may be amended by a majority vote of the Commission except where such amendment would be contrary to requirements or limitations set by Utah Code or Providence City Code. An amendment may be proposed at any regular meeting of the Commission. Prior to the meeting at which the amendment is to be voted upon, members shall be sent a copy of such proposed changes. All amendments to the bylaws must have City Council approval before taking affect.

9.2 Waiving or Suspending Rules.

A bylaw of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by Utah Code or by the Providence City Code.