

| Code Amendment Review | | | | |
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| Prepared by: S Bankhead | Date: 02/08/2024 | Land Use | Yes: X | No: |
| Code Title: 11 Subdivision Regulations | Title Chapter: 4 Design Standards | Chapter Section: 8 Fiber System | | |
| Applicant: City Staff | Application Date: | | | |
| Abbreviations & Authority: <ol style="list-style-type: none"> 1. Utah Code Annotated: UCA 2. The UCA references are summarized in this analysis. For a complete details and code requirements, please review the online Utah Code at: https://le.utah.gov/xcode/code.html 3. Providence City Code: PCC 4. The PCC references are summarized in this analysis. For a complete details and code requirements, please review our online city code at: https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface 5. Recommendation: Planning Commission (PCC: 10-4-4:B.1) 6. Legislative body: City Council | | | | |
| Background Information: <ol style="list-style-type: none"> 1. The Applicant is requesting a change to PCC Chapter 11-4 by adding Section 8 Fiber System. 2. The city is nearing completion of the fiber installation project. Once the installation project is complete, the city desires new development install infrastructure in preparation for fiber connection. 3. The proposed amendment lists requirements for public development and private development. | | | | |

FINDINGS OF FACT:

1. UCA 10-3-701. Legislative power exercised by ordinance. Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.
2. UCA 10-3-702. The governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. UCA 10-9a-102 Purposes – General land use authority.
A municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: (a) uses; (b) density; (c) open spaces; (d) structures; (e) buildings; (f) energy efficiency; (g) light and air; (h) air quality; (i) transportation and public or alternative transportation; (j) infrastructure; (k) street and building orientation; (l) width requirements; (m) public facilities; (n) fundamental fairness in land use regulation; and (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
4. UCA 10-9a-201(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
5. UCA 10-9a-302(1) The planning commission shall review and make a recommendation to the legislative body for (b) land use regulations, including: (i) ordinances regarding the subdivision of land within the municipality; and (ii) amendments to existing land use regulations.
6. UCA 10-9a-502(1) The planning commission shall provide notice, hold a public hearing, and review and recommend a proposed land use regulation to the legislative body.

CONCLUSIONS OF LAW:

1. The Providence City Council may enact or amend land use regulations.
2. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
3. The applicant filed a complete application, including reasons for the proposed amendment.

CONDITIONS:

1. Before making a recommendation to a legislative body on an amendment to an existing land use regulation, the planning commission shall hold a public hearing in accordance with UCA 10-9a-404
2. The applicant shall meet all applicable City, state and federal laws, codes, rules.

1 11-4-8: Fiber System:

2 A. Requirements For Public Development:

- 3 1. Unless waived by the city council based on undue burden, or an unfavorable cost-benefit
4 analysis, or the consideration of other relevant factors, the city will install or have installed
5 communications conduit whenever the city undertakes or authorizes the following types of
6 projects:
- 7 a. New street, road, sidewalk, bike path, or other transportation infrastructure
8 construction.
 - 9 b. Maintenance, repaving, or other significant work on the above infrastructure.
 - 10 c. Excavations for the purpose of installing utilities, including, but not limited to,
11 communications, electrical, gas, water, wastewater, storm drainage.
 - 12 d. Other excavations, or work on public property on in the public right of way that provide
13 a similar opportunity to install conduit for future use at a low additional cost.
- 14 2. When determining if a particular specification is feasible or practicable, the public works director
15 or city engineer will consider the added cost, the length of the conduit installed (and therefore
16 its potential future value), the impact on the overall project, and other relevant factors.
- 17 a. In general, the cost of purchasing, installing, and documenting conduit may be included
18 in the cost of the overall project. However, other sources of funds may also be used if
19 available.
- 20 3. Conduit installed by or on behalf of the City, will be owned by the City.
- 21 4. A record of all City-owned conduits will be maintained, and transferred into a geographic
22 information system (GIS) whenever feasible.

23 B. Requirements for Private Development:

- 24 1. A private developer or development entity will install or have installed communications conduit
25 and fiber-optic cable whenever the developer or applicant undertakes the following types of
26 projects that are contiguous with existing communications conduit infrastructure or fiber-optic
27 cable:
- 28 a. New street, road, sidewalk, bike path, or other transportation infrastructure
29 construction.
 - 30 b. Maintenance, repaving, or other significant work on the above infrastructure.
 - 31 c. Excavations for the purpose of installing utilities, including but not limited to
32 communications, electrical, gas, water, wastewater, sewer, or storm drainage.
 - 33 d. Other excavations, or work on public property on in the public right of way that provide
34 a similar opportunity to install conduit and fiber-optic cable for future use at a low
35 additional cost.
- 36 2. Conduit installed by or on behalf of the city, will be owned by the city.
- 37 3. All fiber-optic cable will be installed by the city unless otherwise approved by the city.
- 38 4. A record of all city-owned conduits will be maintained, and transferred into a geographic
39 information system (GIS) whenever feasible.
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