

ORDINANCE: #12-2024

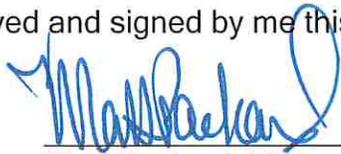
SHORT TITLE: AN ORDINANCE READOPTING THE SPRINGVILLE CITY 2024 POWER CAPITAL FACILITY PLAN, IMPACT FEE FACILITY PLAN, AND THE IMPACT FEE STUDY; AND REENACTING POWER IMPACT FEES.

PASSAGE BY THE SPRINGVILLE CITY COUNCIL  
ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Craig Jensen			✓		
Logan Millsap		✓	✓		
Jake Smith			✓		
Mike Snelson	✓		✓		
Mindi Wright			✓		
	TOTALS		5	—	—

This ordinance was passed by the City Council of Springville, Utah on the 01<sup>st</sup> day of October 2024, on a roll call vote as described above.

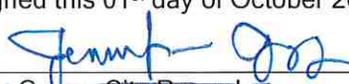
Approved and signed by me this 01<sup>st</sup> day of October 2024

  
\_\_\_\_\_  
Matt Packard, Mayor

CITY RECORDER'S CERTIFICATE AND ATTESTATION

This ordinance was recorded in the office of the Springville City <sup>Deputy</sup> Recorder on the 01<sup>st</sup> day of October 2024, with a summary being posted to the Utah Public Notice Website, and according to UCA 10-3-711. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance #12-2024.



Signed this 01<sup>st</sup> day of October 2024  
  
\_\_\_\_\_  
Kim Crane, City Recorder  
Jennifer Grigg Deputy Recorder

## ORDINANCE #12 -2024

### **AN ORDINANCE READOPTING THE SPRINGVILLE CITY 2024 POWER CAPITAL FACILITY PLAN, IMPACT FEE FACILITY PLAN, AND THE IMPACT FEE STUDY; AND REENACTING POWER IMPACT FEES.**

**WHEREAS**, Springville City has legal authority pursuant to Title 11, Chapter 36a of the Utah Code known as the “Impact Fee Act” (hereinafter the “Act”) to impose development impact fees as a condition of development approval, which impact fees are used to defray capital infrastructure costs attributable to new development activity; and

**WHEREAS**, the City has historically assessed impact fees as a condition of development approval in order to appropriately assign capital infrastructure costs to development in an equitable and proportionate manner; and

**WHEREAS**, on September 24, 2024, the Planning Commission held a properly noticed public hearing to hear public input on and consider the “2024 Update to the Power Capital Facility Plan (CFP) and Master Plan, Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA) as per the Utah State Impact Fee Act” which resulted in a positive recommendation to the City Council to adopt this ordinance and all of the attached documents; and

**WHEREAS**, on May 22, 2024, after the City properly noticed its intent pursuant to the Act to (1) update and approve the “2024 Update to the Power Capital Facility Plan (CFP) and Master Plan, Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA) as per the Utah State Impact Fee Act,” prepared and certified by Active Power Engineering, LLC and LRB Public Finance Advisors, and (2) enact the Power Impact Fees, the City approved the “Springville City Capital Facility Plan, the Impact Fee Facility Plan and the Impact Fee Study” and enacted the Springville City Power Impact Fees; and

**WHEREAS**, the City has determined that its power impact fee assessed to new development has allowed it to complete impact fee facilities as outlined in the City’s Impact Fee Facility Plan; and

**WHEREAS**, on September 17, 2024, pursuant to Section 11-36a-502 of the Act, a full copy of the Springville City Power Capital Facility Plan, Impact Fee Facility Plan and Impact Fee Study and this Impact Fee Enactment Ordinance, along with an executive summary of

the IFFP and the IFA that was designed to be understood by a lay person, were made available to the public at the Springville City Public Library and posted on the City's Website; and

**WHEREAS**, on September 20th, 2024, notice of the date, time, and place of the public hearing to consider the Springville City Power Capital Facility Plan, Impact Fee Facility Plan and Impact Fee Study and this Impact Fee Enactment Ordinance was posted on the Utah Public Notice Website ([www.Utah.gov/pnm](http://www.Utah.gov/pnm)), the Springville City website, and the Springville Civic Center lobby bulletin board.

**WHEREAS**, on October 1, 2024, the Springville City Council held a public hearing regarding the proposed and certified Springville City Power Capital Facility Plan, Impact Fee Facility Plan and Impact Fee Study and this Impact Fee Enactment Ordinance; and

**WHEREAS**, the Springville City Council does now desire to hereby reapprove and readopt the Springville City Power Capital Facility Plan, Impact Fee Facility Plan and Impact Fee Study and the Power Impact Fee pursuant thereto and pursuant to the requirements of Sections 11-36a-401 through 11-36a-403 of the Act.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Springville, Utah:

**SECTION 1: Adoption.**

The "Springville City Power Capital Facility Plan, Impact Fee Facility Plan and Impact Fee Study, updated 2024" (the "Impact Fee Documents") are hereby approved and adopted and incorporated herein and attached as Exhibit "A." The Power Impact Fees set forth in the Impact Fee Study and this Ordinance are hereby approved and enacted. The impact fees adopted by this ordinance will replace all previously adopted power impact fees.

**SECTION 2: Service Area.**

The service area established in the Impact Fee Documents and for which the Power Impact Fees are established and imposed is all of the Springville City Power Departments Service Area, which area includes all of Springville City (the "Service Area") and portions of Hobble Creek Canyon. The Service Area is established based upon sound planning and engineering principles for the City's power system services.

### **SECTION 3: Level of Service.**

The existing level of service provided by the City's power system shall remain the same as it was prior to this Ordinance and is hereby again adopted as the level of service to be provided throughout the City. The existing and proposed level of service is fully defined in Section 3 of the Impact Fee Documents, as follows:

The City plans, designs, and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their base rating;
- The system must be able to adequately serve load under single contingency (N-1 situations, where "N" is power system elements such as a transformer or line);
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders not become unnecessarily complex;
- Distribution circuit loading criteria must remain below 90% of its maximum current rating;
- Primary circuit voltage must remain between 95% and 105% of its nominal value; and,
- Distribution circuit main lines must be able to serve additional load under N-1 contingencies.

### **SECTION 4: Impact Fee Analysis and Impact Fee Calculations.**

As found in the Impact Fee Documents, the Power Impact Fee calculation is based on the following:

1. Elements. In calculating the Power Impact Fee, the City has included those costs allowed, including debt service, if any, that are found under Section 11-36a-305 of the Act.
2. Proportionate Share Analysis. Included within the Impact Fee Documents is a proportionate share analysis as required by Section 11-36a-304 of the Act.
3. Formula. The Power Impact Fee is based upon the Act's required proportionate share analysis in determining the total project costs to maintain the City's current power system level of service for new development activity that will occur during the next six (6) to ten (10) years. The following schedule of Power Impact Fees is found

in the Impact Fee Study and specifies the amount of impact fee to be imposed for each type of development activity and for each type of system improvement. The Impact Fee Documents provide further detail regarding the schedule.

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL kVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (kVA)	POWER FACTOR	ESTIMATED DIVERSIFIED kW	PROPOSED FEE	EXISTING FEE	% CHANGE	
<b>Residential (120/240, 1 Phase)</b>										
100	240	24	12.50%	3.00	95%	2.85	\$1,271	\$1,277	0%	
125	240	30	12.50%	3.75	95%	3.56	\$1,589	\$1,597	0%	
150	240	36	12.50%	4.50	95%	4.28	\$1,906	\$1,916	0%	
200	240	48	12.50%	6.00	95%	5.70	\$2,542	\$2,554	0%	
400	240	96	12.85%	12.34	95%	11.72	\$5,226	\$5,107	2%	
600	240	144	12.85%	18.50	95%	17.58	\$7,839	\$7,665	2%	
800	240	192	12.85%	24.67	95%	23.44	\$10,452	\$10,219	2%	
<b>Commercial (120/240, 1 Phase)</b>										
100	240	24	25.00%	6.00	90%	5.40	\$2,407	\$1,277	89%	
150	240	36	25.00%	9.00	90%	8.10	\$3,612	\$1,916	89%	
200	240	48	25.00%	12.00	90%	10.80	\$4,816	\$2,554	89%	
400	240	96	25.00%	24.00	90%	21.60	\$9,632	\$5,107	89%	
600	240	144	25.00%	36.00	90%	32.40	\$14,448	\$7,661	89%	
800	240	192	25.00%	48.00	90%	43.20	\$19,264	\$10,219	89%	
<b>Commercial (120/208, 3 Phase)</b>										
200	208	72	25.00%	18.01	90%	16.21	\$7,229	\$3,833	89%	
400	208	144	25.00%	36.03	90%	32.42	\$14,459	\$7,666	89%	
600	208	216	25.00%	54.04	90%	48.64	\$21,688	\$11,499	89%	
800	208	288	25.00%	72.05	90%	64.85	\$28,917	\$15,340	89%	
1000	208	360	25.00%	90.06	90%	81.05	\$36,146	\$19,176	89%	
1200	208	432	25.00%	108.08	90%	97.27	\$43,376	\$23,011	89%	
1600	208	576	25.00%	144.11	90%	129.70	\$57,834	\$30,681	89%	
1800	208	648	25.00%	162.12	90%	145.91	\$65,063	\$34,516	89%	
2000	208	721	25.00%	180.13	90%	162.12	\$72,293	\$38,351	89%	
2500	208	901	25.00%	225.17	90%	202.65	\$90,366	\$47,939	89%	
3000	208	1081	25.00%	270.20	90%	243.18	\$108,439	\$57,527	89%	
<b>Commercial (277/480, 3 Phase)</b>										
200	480	166	25.00%	41.57	90%	37.41	\$16,683	\$8,846	89%	
400	480	333	25.00%	83.14	90%	74.82	\$33,366	\$17,691	89%	
600	480	499	25.00%	124.71	90%	112.24	\$50,049	\$26,551	89%	
800	480	665	25.00%	166.28	90%	149.65	\$66,732	\$35,383	89%	
1000	480	831	25.00%	207.85	90%	187.06	\$83,414	\$44,251	89%	
1200	480	998	25.00%	249.42	90%	224.47	\$100,097	\$53,074	89%	
1600	480	1330	25.00%	332.55	90%	299.30	\$133,463	\$70,802	89%	
1800	480	1496	25.00%	374.12	90%	336.71	\$150,146	\$79,652	89%	
2000	480	1663	25.00%	415.69	90%	374.12	\$166,829	\$88,503	89%	
2500	480	2078	25.00%	519.62	90%	467.65	\$208,536	\$110,628	89%	
3000	480	2494	25.00%	623.54	90%	561.18	\$250,243	\$132,754	89%	

4. Non-standard Impact Fees. The City reserves the right under the Act to assess an adjusted impact fee that more closely matches the true impact that the land use will have upon the power system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category.

5. Impact Fee Adjustments.

a. The City Council is authorized to adjust the standard fee at the time the fee is charged to:

i. respond to:

1. unusual circumstances in specific cases; or
2. a request of a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has or will be collected, and

ii. ensure that the impact fees are imposed fairly.

b. The impact fee may be adjusted for a particular development based on studies or data provided by a developer after review by the City's Impact Fee Administrator and approval by the City Council.

6. Credits and Reimbursements.

a. A developer, including a school district or a charter school, shall receive a credit against or proportionate reimbursement of an impact fee from the City if the developer:

- i. dedicates land for a system improvement,
- ii. builds and dedicates some or all of a system improvement, or
- iii. dedicates a public facility that the City and the developer agree will reduce the need for a system improvement.

b. The City shall require a credit against the impact fee for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:

- i. are system improvements, or
- ii. A. are dedicated to the public, and

B. offset the need for an identified system improvement.

**SECTION 5: Assessment.**

The Power Impact Fee shall be charged for all new service connections where no existing power service has been provided by the City or whenever a customer desires to increase the size of an existing power service. In the latter instance, the impact fee shall be based on the difference in service capacity between the new and existing service. The impact fee shall be charged throughout the Service Area for all classes of service.

**SECTION 6: Expenditure of Impact Fees.**

The City may expend impact fees only for a system improvement identified in the Impact Fee Facilities Plan and for the specific public facility type for which the fee was collected. Impact fees will be expended on a first-in-first-out basis. Impact fees collected pursuant to this Ordinance shall be expended or encumbered for a permissible use within six (6) years of their receipt. The City may hold the fees for longer than six (6) years if it identifies, in writing, an extraordinary and compelling reason why the fees should be held longer than six (6) years and an absolute date by which the fees will be expended.

**SECTION 7: Refunds.**

The City shall refund any impact fee paid by a developer, plus interest earned, when:

1. the developer does not proceed with the development activity and has filed a written request for a refund;
2. the fee has not been spent or encumbered; and
3. no impact has resulted.

An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based, in whole or in part, upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

**SECTION 8: Impact Fee Challenges.**

A person or entity that has standing to challenge an impact fee may appeal the impact fee pursuant to Title 14, Chapter 5 of the Springville City Code. The procedures and time

limitations for challenging an impact fee, including procedures for mediation and/or arbitration, shall be as set forth in Sections 11-36a-702 through 705 of the Act. The applicable remedies for an impact fee challenge shall be limited to those set forth in Section 11-36a-701 of the Act.

**SECTION 9: Accounting of Impact Fees.**

The City shall follow all of the accounting and reporting requirements found in Section 11-36a-601 of the Act.

**SECTION 10: Severability.**

If any portion or provision of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance that shall remain in full force and effect. For this purpose, the provisions of this Enactment are declared to be severable.

**SECTION 11: Effective Enactment Date.**

This Ordinance will become effective 90 days after its approval.

**SECTION 12: Publication.**

The City Recorder shall cause this ordinance or a short summary hereof to be published according to law.

ADOPTED by the City Council of Springville, Utah, this 01st day of October 2024.

SPRINGVILLE CITY  
  
MAYOR MATT PACKARD

ATTEST:

  
CITY RECORDER  
Deputy

