

ORDINANCE NO. 08-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORESENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	ABSENT	

I MOVE this ordinance be adopted: Councilmember Barber

I SECOND the foregoing motion: Councilmember Sorensen

ORDINANCE 08-04

ELECTRIC INFRASTRUCTURE IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City continues to experience extremely rapid growth; and,

WHEREAS, new facilities are necessary to accommodate the growth; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the cost thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for facilities made necessary by rapid growth; and

WHEREAS, Spanish Fork City has prepared a capital facilities plan as part of its comprehensive general plan; and

WHEREAS, the capital facilities plan is regularly updated in order to remain current with the growth and needs of the city; and

WHEREAS, an analysis has been prepared whereby the needs, costs, and equitable allocation of those costs has been determined and fairly apportioned; and

WHEREAS, the electrical system needs continual upgrades, including the addition of new substations, in order to accommodate the growth; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy-in cost of existing infrastructure, taking into account those factors identified in Utah Code Ann. § 11-36-201; and

WHEREAS, all sources of revenue have been analyzed and considered by the City; and

WHEREAS, the City has previously adopted impact fees, which bases and analyses should be reviewed on a regular basis; and

WHEREAS, a written analysis dated March 22, 2004 has been prepared and updated as of May 26, 2004 as it relates to electrical power; and

WHEREAS, the written analysis has been available for public inspection for at least 14 days; and

WHEREAS, the updated analysis identifies the impact on improvements needed to the electric power system required by the development activities; and

WHEREAS, the analysis demonstrates how those impacts on the improvements are related to the development activities; and

WHEREAS, the analysis makes a conservative estimate of the proportionate share of the cost of impacts on the system improvements that are reasonably related to the development activity; and

WHEREAS, the analysis identifies the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has identified and analyzed, through the impact fee analysis, those criteria set forth in Utah Code Ann. § 11-36-201(5)(b); and

WHEREAS, the impact fee proposed by this impact fee enactment does not exceed the highest

fee justified by the impact fee analysis; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 6th day of April 2004, whereat public comment was received, not only from concerned citizens, but from developers involved in the current development within the City; and

WHEREAS, a second public hearing was held, taking into account the earlier comments, on the 1st day of June, 2004, whereat additional public comment was received; and

WHEREAS, the impact fee enactment has been available for public inspection for at least 14 days preceding the public hearing; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is necessary to impose an impact fee on new development to pay for the improvements made necessary to the electric system facilities by that new development;

NOW THEREFORE, be it enacted and ordained by the Spanish Fork City Council as follows:

SECTION I.

1. The electric power impact fee is hereby amended for each building in the City based upon the size of service.

2. The amount of the impact fee shall be as follows:

Single Phase Service Size (KVA)

24 (100A 120/240V)	\$ 769.00
30 (125A 120/240V)	\$ 942.00
36 (150A 120/240V)	\$ 1,115.00
48 (200A 120/240V)	\$ 1,461.00
54 (225A 120/240V)	\$ 1,634.00
96 (400A 120/240V)	\$ 2,845.00

Three Phase Service Size (KVA)

45.0	\$ 1,374.00
75.0	\$ 2,239.00
112.5	\$ 3,321.00

150.0	\$ 4,402.00
225.0	\$ 6,565.00
300.0	\$ 8,727.00
500.0	\$14,494.00
750.0	\$21,703.00
1000.0	\$28,912.00
1500.0	\$43,330.00

3. The electric power impact fees are due and payable when the building permit is obtained and shall be a condition precedent to the issuance of the building permit.

4. All impact fees are in addition to any other fees.

5. The impact fee shall be deposited into an interest bearing ledger account and may be only used for capital improvements to the capital facility system for which the fee was collected. These improvements may include analysis costs, the construction contract price, the cost of acquiring land, improvements, materials, and fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements, the debt service charges incurred if the improvements are financed by bonds, notes, or other obligations carrying debt service charges, and for the cost of issuance of any such bonds, notes or other obligations.

SECTION II.

This ordinance shall not be part of the Municipal Code.

SECTION III.

This ordinance shall become effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of June, 2004.



 DALE R. BARNEY, Mayor

ATTEST:



 KENT R. CLARK, City Recorder



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Proof of Publication

I **Steve Hardman** being first duly sworn according to law, disposes and says that he is the General Manager of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

1500.0 \$43,330.00

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Passed and ordered published by the city council of Spanish Fork, Utah this 1st day of June, 2004.

Published in the Spanish Fork Press June 17, 2004.

for consecutive 1 weeks,

the first publication on the 17 day

of JUNE 2004

And the last on the 17 day

of JUNE 2004

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Subscribed and

of June 2004

Debbie L Chandler

Notary Public

