

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH
APPROVING MODIFICATION OF THE POWER IMPACT FEE RECOVERY RATE**

WHEREAS the City of Council of Hurricane, Utah has by ordinance previously imposed impact fees in order to provide funding for public utilities and services needed to serve property and residents within the City of Hurricane; and

WHEREAS the City has undertaken a study for the purpose of preparing a Capital Facility Plan and Impact Fee Facility Plan for Power in accordance with the Utah Impact Fee Act contained in Utah law which identifies the demands placed upon existing facilities and services by new development activity and the proposed means by which the City will meet those demands; and

WHEREAS said City Council finds and determines that said Impact Fee Facility Plan establishes a need to impose impact fees on development activity in order to achieve an equitable allocation to the costs borne in the past and to be borne in the future; and

WHEREAS the City desires to assess and impose impact fees based upon said Power Impact Fee Facility Plan and the analysis contained therein; and

WHEREAS a public hearing, after public notice as required by law, has been held by the Hurricane City Council on the 17th day of November, 2022 to take comments on modifications to the power impact fee recovery rate from Said Capital Facility Plan and Impact Fee Facility Plan for Power that was first approved on December 20, 2018, a copy of which has been available at the Hurricane City Office and the Hurricane Branch of the Washington County Library for a period of 10 days prior to such public hearing;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah as follows:

1.. Based upon the analysis set forth in the Plan approved above, the City hereby adopts the Power Impact Fees shown on the attached Exhibit A at the 100% recovery level.

2. In order to ensure that impact fees are imposed fairly and in order to respond to unusual circumstances in specific cases, the City may adjust the standard impact fee at the time the fee is charged. Such adjustment shall be made only upon specific written request to the City by persons subject to payment of such fees and after consideration of the matter by the City at a regular meeting of the Hurricane City Council.

3. The City may adjust the amount of impact fees to be paid on any specific development based upon studies and data submitted by the developer evidencing that the impact fee imposed is unfair or not reasonably related to the impacts caused by such new development. The application to adjust fees, together with any supporting data and studies, shall be submitted to the City staff for review and recommendation to the City Council. Within 30 days, the City

Council shall consider all pertinent information and make any adjustments deemed appropriate at a regular meeting of the City Council.

4. The City may grant to a developer who constructs facilities included in the Impact Fee Facilities Plan impact fee credits in accordance with Title 9, Chapter 6 of the Hurricane City Code.

5. The City will respond to a request by a state entity, school district, or charter school for an individualized review of the fees charged to their facilities. Said response shall be completed within 30 days of the request.

6. All fees received by the City pursuant to this Ordinance shall be used, accounted for, and, as appropriate, refunded, in compliance with Utah Code Title 11, Chapter 36, Impact Fees Act, Part 6, Impact Fee proceeds.

7. The City may exempt low income housing development from the imposition of an impact fee based on analysis of the broad public purpose being served by the development.

BE IT FURTHER ORDAINED that this ordinance shall take effect 90 days from the date of adoption, as required by law.

PASSED AND APPROVED THIS 17th DAY OF NOVEMBER 2022.



Nanette Billings
Nanette Billings, Mayor

ATTEST:

Cindy Beteag
Cindy Beteag, Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 17th day of November 2022. Whereupon a motion to adopt and approve said Resolution was made by Joseph Prete and seconded by Kevin Thomas. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	<u>X</u>	—	—	—
David Sanders	<u>X</u>	—	—	—
David Hirschi	<u>X</u>	—	—	—

Kevin Thomas
Doug Heideman

X
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Cindy Beteag

Cindy Beteag, Recorder

“EXHIBIT A”

**Hurricane City
2018 Impact Fee Analysis**

**Summary of Charges For Residential & Commercial Customers
Current and Proposed Impact Fees**

Description / Panel Rating	Current Impact Fee	Proposed Impact Fee at 100% Recovery Level
Base Impact Fee (\$ per kW)	\$ 450.52	\$ 600.69
Assumed Panel Utilization		
Residential	0.1	10.0%
Commercial / Industrial	0.2	20.0%
Assumed Power Factor		
Residential	0.9	90%
Commercial / Industrial	0.85	85%
Impact Fee Charge for Applicable Panel Size		
<u>Residential (120/240, 1 phase)</u>		
125 Amp	1,216	1,622
200 Amp	1,946	2,595
300 Amp	2,919	3,892
400 Amp	3,892	5,190
500 Amp	4,865	6,487
600 Amp	5,839	7,785
700 Amp	N/A	N/A
800 Amp	N/A	N/A
900 Amp	N/A	N/A
1000 Amp	N/A	N/A
1100 Amp	N/A	N/A
1200 Amp	N/A	N/A
1300 Amp	N/A	N/A
1400 Amp	N/A	N/A
1500 Amp	N/A	N/A
1600 Amp	N/A	N/A
1700 Amp	N/A	N/A
1800 Amp	N/A	N/A
1900 Amp	N/A	N/A
2000 Amp	N/A	N/A
2500 Amp	N/A	N/A
3000 Amp	N/A	N/A

Commercial (120/240, 1 phase)

200 Amp	3,676	4,902
300 Amp	5,514	7,352
400 Amp	7,352	9,803
500 Amp	9,190	12,254
600 Amp	11,029	14,705
700 Amp	12,866	17,156
800 Amp	14,074	19,607
900 Amp	16,542	22,057
1000 Amp	18,830	24,508
1100 Amp	20,218	26,959
1200 Amp	22,056	29,410
1300 Amp	23,894	31,861
1400 Amp	25,732	34,311
1500 Amp	27,570	36,762
1600 Amp	29,408	39,213
1700 Amp	31,246	41,664
1800 Amp	33,084	44,115
1900 Amp	34,922	46,565
2000 Amp	36,760	49,016
2500 Amp	45,950	61,270
3000 Amp	55,140	73,524

Commercial / Industrial (120/208, 3 phase)

200 Amp	5,518	7,358
300 Amp	8,277	11,037
400 Amp	11,036	14,715
500 Amp	13,795	18,394
600 Amp	16,555	22,073
700 Amp	19,313	25,752
800 Amp	22,073	29,431
900 Amp	24,831	33,110
1000 Amp	27,590	36,788
1100 Amp	30,349	40,467
1200 Amp	33,108	44,146
1300 Amp	35,867	47,825
1400 Amp	38,626	51,504
1500 Amp	41,385	55,183
1600 Amp	44,144	58,861
1700 Amp	46,903	62,540
1800 Amp	49,662	66,219
1900 Amp	52,421	69,898
2000 Amp	55,180	73,577
2500 Amp	68,975	91,971
3000 Amp	82,770	110,365

Commercial / Industrial (277/480, 3 phase)

200 Amp	12,734	16,979
300 Amp	19,101	25,469
400 Amp	25,469	33,958
500 Amp	31,835	42,448
600 Amp	38,202	50,938
700 Amp	44,569	59,427
800 Amp	50,938	67,917
900 Amp	57,303	76,407
1000 Amp	63,670	84,896
1100 Amp	70,037	93,386
1200 Amp	76,406	101,875
1300 Amp	82,771	110,365
1400 Amp	89,138	118,855
1500 Amp	95,505	127,344
1600 Amp	101,872	135,834
1700 Amp	108,239	144,324
1800 Amp	114,606	152,813
1900 Amp	120,973	161,303
2000 Amp	127,340	169,792
2500 Amp	159,175	212,241
3000 Amp	191,010	254,689