

Board of Zoning Appeals Members

District 1: Beverly Williams
District 2: Kemesha Lowery
District 3: Keye Jones
District 4: Gary Alden
District 5: Sheresa Ingram
District 6:
District 7: Frances Liu, Chair

**County Attorney**

Ginny L. Merck-Dupont

Clerk to Board of Zoning Appeals

Jennifer Bryan

Development Services Director

Allison Hardin

August 29, 2023

6:00 PM

**101 North Main Street
Lancaster, SC 29720**

**LANCASTER COUNTY BOARD OF ZONING
APPEALS
Council Chambers, Lancaster County Administration
Building, 101 N. Main Street**

AMENDED AGENDA

1. Call to Order Regular Meeting - Chair

2. Roll Call

a. Officer Elections: Discussion of Postponement

Officer Elections are normally held at the first meeting following the July 1st commencement of the new fiscal year.

Discussion of proposal to postpone election of new officers until training has been completed later in the fall.

3. Approval of the Agenda - Board of Zoning Appeals

4. Approval of Minutes

a. June 6, 2023 Minutes

June 6, 2023 Minutes

5. Public Hearing Items

a. BZA-2023-1201 The Lodges

BZA-2023-1201: Application by NR Lodges Property Owner LLC to Appeal the Decision of a Planning/Zoning Official, regarding the payment for School Impact Fees on 44 apartment units. Subject property is The Lodges at Fort Mill Highway near Rosemont Drive (TM 0006-00-086.00).

6. New Business

7. Adjourn

Please note that the Board of Zoning Appeals makes the final decision on all items.

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Board of Zoning Appeals agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org

Meetings are live streamed and can be found by using the following link:
[*https://www.youtube.com/@LancasterCoSCGov/streams*](https://www.youtube.com/@LancasterCoSCGov/streams)

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/29/2023

Issue for Consideration:

Points to Consider:

Recommendation:

Agenda Item Summary

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Recommendation:

ATTACHMENTS:

Description

June 6, 2023 Minutes

Upload Date

8/23/2023

Type

Exhibit



MEMBERS OF LANCASTER COUNTY BOARD OF ZONING APPEALS

BEVERLY WILLIAMS, DISTRICT 1
KEMESHA LOWERY, DISTRICT 2
KEYE JONES, DISTRICT 3
GARY WAYNE ALDEN, DISTRICT 4
SHERESA INGRAM, DISTRICT 5
MIKE COUCH, DISTRICT 6
FRANCES LIU, DISTRICT 7

**MINUTES OF THE LANCASTER COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

June 6, 2023 at 6:00 PM

1. Roll Call

Board Members present: Quorum is present (5 Board Members)
Frances Liu Keye Jones Kemesha Lowery
Sheresa Ingram Gary Alden

Absent: Mike Couch; Beverly Williams

Staff: Allison Hardin, Interim Planning Director
Jennifer Bryan, Administrative Assistant acted as Clerk and Recording Secretary

Others Present:
County Attorney G. Merck-DuPont Council Member Billy Mosteller

Members of the press were not present. All adjacent property owners were notified by mail. A notice was published in the local newspaper to include meeting place, date, time and the agenda and a copy is on file.

Chair Liu called for a motion to enter Executive Session to receive legal advice subject to attorney-client privilege relative to the Board of Zoning Appeals Rules of Procedure. So moved by Sheresa Ingram, seconded by Gary Alden. The motion was approved by unanimous consent. Board members removed to the Administration Conference Room for Executive Session.

Board members returned to Council Chambers at 6:45 pm. Chair Frances Liu called for a motion to adjourn Executive Session. So moved by Gary Alden; seconded by Kemesha Lowery. The motion was approved by unanimous consent.

Counsel Merck Dupont noted for the record that the Board received legal advice; no votes were taken and no items required a vote.

2. Call to Order

Chair Liu called the public meeting to order at 6:47 p.m.

3. Approval of Agenda

Sheresa Ingram moved to Approve the Agenda; 2nd by Gary Alden. The motion was approved by unanimous consent.

4. Approval of Minutes from May 2, 2023

Chair Frances Liu asked if there were any comments, changes or corrections to the Minutes of the May 2, 2023 meeting. Gary Alden noted the scrivener's error on date of previously approved minutes as November, 2022 not 2023. Kemesha Lowery moved to approve minutes as corrected, seconded by Gary Alden. The Board members voted unanimously to approve and adopt the May 2, 2023 meeting Minutes.

5. Public Hearing Items

Staff was sworn in under oath.

a. SE-2023-0595 David Cox/ Spirit 1st Ministries: Campground

Continued from May 2, 2023.

Application by Application by David Cox on behalf of Spirit 1st Ministries (property owner Adam Thomas), requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of approximately 24 acres out of parent tract of 354 acres at 2878 Kendelwood Drive (TM # 0042-00-077.00) in the Rural Residential District.

Chair Liu asked for a motion regarding re-opening the Public Hearing on the above item. Motion to Re-open Public Hearing by Gary Alden; seconded by Sheresa Ingram. The motion was approved by unanimous consent.

The Applicants were recalled to the podium.

Applicant:

David Cox, Great Falls (builder)

Adam Thomas Lancaster (landowner): Thanks to Board for granting continuance. Thomas has a home located on the property. He has discussed plan with neighbors and they have been supportive. This will not be a public, KOA type campground; it will be a private campground with a specific target of youth groups. The campground will comprise only 24 acres out of 354. They are a non-profit, and do not intend to have year-round full-time activities. They are happy to work with staff to address any technical issues with the site plan.

Public Hearing:

See also email comments attached.

1. **Nancy Marcello** (Michael Drive): She has checked the website and there are drone photos showing a dock on Campbell Lake. This seems premature given that the use has not been approved. The site describes 350 wooded acres, not 24, and shows Campbell Lake being used for the camp, which raises concerns about neighborhood access.
Correction by Staff: Mr. Cox is a developer and builder, not the attorney for the applicant.
2. **Angela Campbell** (Lancaster, SC): The plan and description have changed several times during the course of the hearings. She is concerned that the plan is not fully developed and will keep changing and will destroy the quiet atmosphere of the neighborhood.
3. **Cole Capps** (Decole Drive) She has many concerns since the last meeting. Kendlewood Drive is in bad shape and cannot sustain the additional traffic; buses will not be able to navigate the second entrance. Maintenance responsibility for the road is a chief concern, as is the prospect of septic systems in clay soil. She is very concerned about the information on the camp's website, it indicates programs and plans that are not approved. She is very worried about the effect of this proposed project on the neighborhood.
4. **Frances Taylor** (Flat Creek Road): If this project fails, will a new owner be able to use the Special Exception designation? If there is a special event, how will that be policed? Will they prevent neighbors from accessing the lake, as they did previously with "No Trespassing" signs? Why would this project be allowed if Haile Gold Mine was turned down?

Chair Frances Liu: This is not a question and answer session, but I will speak to the last question: each project is considered on its own merits, and denial of another project has no bearing in this matter.

Rebuttal by Applicants:

Adam Thomas: He is not a developer; he has a vision for serving a particular need. This will not be a public campground, but only available for groups to reserve. We will do everything required by ordinance, and we will follow all rules for protecting the neighborhood.

Staff presentation: Allison Hardin, Interim Planning Director, presented the Staff Report.

On Particular questions raised:

- The location of the campground portion of the property is clearly designated on the site plan.
- The dock is on a pond close to the campground, not on Campbell Lake. The applicant has indicated that Campbell Lake will not be used by the campground.
- Special Exception approval is for the proposed use, it is not approval of a site plan.
- Some of the activities on the website are prohibited in the zoning district, whether they are on private property or on the campground.
- The septic area is on the campground site and does not abut any neighboring properties or the lake.
- Another owner would have to obtain Special Exception permission separately.

Questions and Discussion:

Sheresa Ingram: The website is concerning, I hope you plan to revise it soon. It is misleading.

Keye Jones: The statement that you were unaware of the process when you submitted the application in January is disingenuous. Regarding comments about future plans, do you plan on expanding beyond what is shown on the site plan?

County Attorney Merck-Dupont: The question is not appropriate to this consideration.

Gary Alden: Asked for clarification about the technical review on roads.

Allison Hardin: the road must have an all-weather surface approved by the Fire Marshall.

Frances Liu: It would appear that the forested area will act as a buffer from the public road.

Gary Alden: How do we assure the neighbors will be protected from the increase in traffic?

Allison Hardin: We don't regulate the use of public roads in that way.

Gary Alden: The neighbors specifically noted their desire for quiet to be maintained.

County Attorney Merck-Dupont: Our consideration must be based on evidence presented.

Keye Jones: The applicant has made reference to using parts of the larger property for activities.

Gary Alden: I'm looking for peace of mind. Is there a commitment to length-of-stay under 30 days, and tracking participants?

Adam Thomas: We will provide staff with a handbook including length-of-stay provisions and other rules.

Keye Jones: It must include the interim required after a stay.

Keye Jones: I want to note that one of the activities, clay pigeon shooting, is not allowed under this zoning district, nor is any other type of shooting range.

Keye Jones: The previous staff report stated that approval was not recommended because the site plan was not approvable.

Allison Hardin: The revised plan submitted still has some issues but is much closer to being "approvable" under technical review.

Vote on Findings of Fact: In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted), the Board of Zoning Appeals must find the following:

- a. That the proposed special exception conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;

Vote: 4: 1

KL: Yea

KJ: Nay

GA: Yea

SI: Yea

FL: Yea

- b. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

Vote: 5:0

KL: Yea

KJ: Yea

GA: Yea

SI: Yea

FL: Yea

- c. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;

Vote: 5:0 KL: Yea KJ: Yea GA: Yea SI: Yea FL: Yea

- d. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

Vote: 3:2 KL: Yea KJ: Nay GA: Nay SI: Yea FL: Yea

- e. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district; and

Vote: 4:1 KL: Yea KJ: Nay GA: Yea SI: Yea FL: Yea

- f. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare.

Vote: 5:0 KL: Yea KJ: Yea GA: Yea SI: Yea FL: Yea

- g. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

Vote: 5:0 KL: Yea KJ: Yea GA: Yea SI: Yea FL: Yea

Motion to Approve the Special Exception request, **with stated staff conditions**, by Sheresa Ingram; second by Kemesha Lowery.

Staff Conditions:

1. That a site plan and matching survey be presented, and if subdivision is necessary, that the survey meet the requirements of Chapter 6 of the UDO;
2. That a utility plan be provided to and approved by the appropriate review bodies;
3. That an operations plan is provided, showing at the minimum:
 - The overall maximum length of stay be 30 days,
 - How the facility will comply with Section 5.3.3.C, and
 - Cleaning schedule for service buildings (addressing Section 5.3.3.D.3); and
4. That a final plan be prepared and submitted to the Planning Department which addresses any outstanding code conflicts and Technical Review Committee comments.

Vote: 5:0. **The motion is approved unanimously.**

6. Adjournment:

With there being no further business, Kemesha Lowery moved to adjourn; motion seconded by Gary Alden. The motion was approved by unanimous consent.



Board of Zoning Appeals Sign In Sheet

Item 5a: SE-2023-0595 David Cox/Spirit 1st Ministries: Campground

Application by David Cox on behalf of Spirit 1st Ministries (property owner Adam Thomas), requesting a Special Exception pursuant to Unified Development Ordinance Section 2.5.3 and 5.5.3, to allow a Campground on a parcel of approximately 354 acres at 2878 Kendelwood Drive (TM # 0042-00-077.00) in the Rural Residential District.

Council Chambers
101 N. Main Street, Lancaster South Carolina
Tuesday, June 6, 2023

Citizens are allowed 3 minutes per person to speak. Everyone speaking before the Board will be required to do so in a civil manner. The Board will not tolerate personal attacks on individual Board Members, County Staff or any person or group. Racial slurs will not be permitted. The Board's number one priority is to conduct business for the citizens of this county.

PLEASE PRINT

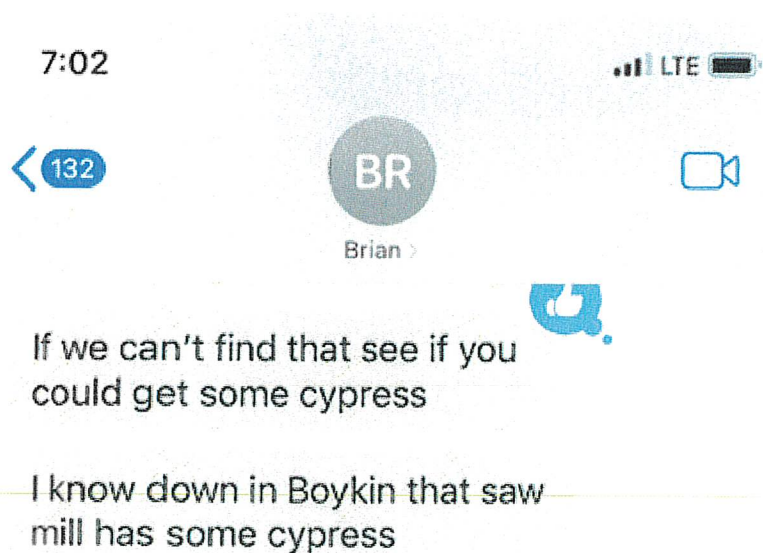
1.	Nancy Marcello
2.	Angela Campbell
3.	Cole Capps
4.	Frances Taylor

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14.
15.

Allison Hardin

From: Adam Thomas <adamthomas@carolina.rr.com>
Sent: Monday, June 5, 2023 7:04 AM
To: Allison Hardin
Subject: Neighbor response

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, lancastersc.supportsystem.com<<https://lancastersc.supportsystem.com>>



Yesterday 11:18 PM

Brian Richardson I'm the resident of 2598 Dudley Steele Rd . I have no problem with the camp ground that is going in that borders my property. I've spoken with Adam the owner and if you have any questions please contact me at [+18038040158](tel:+18038040158)

**This email has been dictated to my iPhone. Please excuse typos, abbreviations and auto-corrections.

3:41 ↗

LTE 

< 130



VANALLEN

Text Message
Today 2:28 PM

I am a neighbor that borders
the parcel 2878 Kendlewood
Drive. I have no concerns with
the campground ministry as it
has been proposed. Tim Van
Allen, 2835 Kendlewood Drive.
Lancaster SC

SECTION 9.2.13.B.5, FINDINGS OF FACT

1. Findings of Fact: In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted), the Board of Zoning Appeals must find the following:

- a. That the proposed special exception conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site;
- b. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;
- c. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;
- d. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;
- e. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district;
- f. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare; and
- g. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

Agenda Item Summary

Ordinance # / Resolution #:

Contact Person / Sponsor:

Department: Board of Zoning Appeals

Date Requested to be on Agenda: 8/29/2023

Issue for Consideration:

Points to Consider:

Recommendation:

ATTACHMENTS:

Description	Upload Date	Type
Staff Report	8/23/2023	Exhibit
Application	7/31/2023	Exhibit
Location Map	7/31/2023	Exhibit
Site Plan- Unit Types	8/23/2023	Exhibit
4a Resolution 1137-R2021	8/23/2023	Exhibit
4b Impact Fee study overview	8/23/2023	Exhibit
4c Ordinance 2021-1761	8/23/2023	Exhibit
4d Resolution 1195-R2022	8/23/2023	Exhibit
4e Reviewer Comment	8/23/2023	Exhibit
4f Current Site Plan	8/23/2023	Exhibit
4g Bond	8/23/2023	Exhibit
4h Attorney email	8/23/2023	Exhibit
4i Payment receipt	8/23/2023	Exhibit
Evolve Timeline	8/23/2023	Exhibit

REQUEST: Application by NR Property Owners LLC to Appeal the Decision of a Planning/Zoning Official regarding the payment for School Impact fees assessed on 44 added units

PROPERTY LOCATION: Subject property is rental unit development located at the north side of Ft. Mill Hwy, approximately 325 feet east of Rosemont Drive

TAX MAP NUMBER: TM# 0006-00-086.00

ZONING DISTRICT: Mixed Use (MX)

BACKGROUND:

Administrative Decision Summary

Since 2019, owners of land identified as TM 0006-00-086.00 have been pursuing development reviews and permits for a proposed residential project titled The Lodges at Indian Land. The project includes three types of residential structures: cottage court units, townhomes, and garden apartments. The initial master plan was approved in 2021 for 63 cottage court units, 80 townhomes, and 74 garden apartments. This plan was amended in 2022 to include 44 additional apartments. Between the first master plan approval and the amendment, Lancaster County implemented impact fees for development in Indian Land and surrounding areas. It was determined that the Lodges initial plan of 63 cottage court units, 80 townhomes, and 74 garden apartments was grandfathered and would not be assessed impact fees. The additional 44 units, added after the impact fees took effect, are subject to impact fee assessment, and the applicants were made aware of this. In April 2023 the applicants submitted amended civil plans for the project and were reminded that they needed to pay the impact fees to secure permits. In June 2023, the applicant's representatives conveyed a request for information on how to appeal the school impact fees for their development and whether The Lodges should be assessed school impact fees at all. Interim Planning Director Allison Hardin provided the information, after which the applicants filed the appeal.

Site Information

The subject property is approximately 38.88 acres in size and is located on the north side of Fort Mill Highway (Rt. 160), approximately 325 feet east of Rosemont Drive. The property is zoned Mixed Use (MX) District and is currently proposed to include 80 townhomes, 63 cottage court units, and 118 garden apartments. All units will be available for rent.

Development Activity, 2019 - 2020

The original MX Master Plan process for The Lodges began in 2019. A traffic impact analysis (TIA) was created and submitted by December 2019; a sketch plan was provided for review in March 2020.

The applicant's 2020 site plan, consisting of 80 townhomes, 63 cottage court units, and 74 garden apartments at 5.6 dwelling units per acre, proceeded through the Planning Commission in December 2020 and was approved by County Council via Resolution 1137-R2021 in January 2021 (see Exhibit #4.a); Civil Construction plans for the apartments were submitted soon after. The review process continued in 2021.

Development Activity, 2021

In April 2021, the County Council received information regarding the development of an impact fee drafted to benefit the Lancaster County School District (see Exhibit #4.b). A public hearing was held with

County Council on August 23, 2021; the impact fee was approved by Ordinance 2021-1761 on September 13, 2021, and drafted to be fully implemented on January 1, 2022 (see Exhibit #4.c).

Per Section 18 of the ordinance, "Applications for new residential development filed after the effective date as set forth in this section shall be subject to the school development impact fee." The section further states: "If a development project has received approval of a site-specific development plan, as defined in SC Code §6-29-1520, prior to the effective date of this ordinance, the development is not subject to the school development impact fee."

SC Code §6-29-1520 (9) "Site specific development plan" means a development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations as are used by a county or municipality.

Development Activity, 2022

In February 2022, the developer requested to add 44 additional units to The Lodges project. This required an amendment to the master plan approved under Resolution 1137-R2021 to accommodate the desired increase in number of apartment units from 74 to 118 (an increase in density from 5.6 to 6.71 units per acre). This request was heard by the Planning Commission in March 2022, and discussions were held regarding whether to charge the new impact fees (fire and school fees) to the additional units. This was resolved by the time the County Council approved the amendment via Resolution 1195-R2022 in April 2022 (see Exhibit #4.d), with the County deciding to apply the impact fees only to the new apartment units created by the master plan amendment. In the Reviewer Comment report from April 25, 2022 (see Exhibit # 4.e), the staff formalized conversations regarding the conditions of approval and a breakdown of impact fees that would be due (emphasis added for this report):

Impact Fee - Chanda Kirkland – Development Services Coordinator / ckirkland@lancastersc.net

Review Comments:

Advisory Comments:

This project is located in the Pleasant Valley Fire District and Indian Land Schools, the following impact fees apply:

The Lancaster County Service Impact fee for each housing unit is \$1,263.00. The total fee for 44 units are estimated to be \$55,572.00.

The Lancaster County School District impact fee for each housing unit is \$8,701.00. The total fee for 44 units estimated to be \$382,844.00

Fees will be collected at the time of building permit issuance. Should you wish to arrange prepayment that can be coordinated after you receive final plat approval.

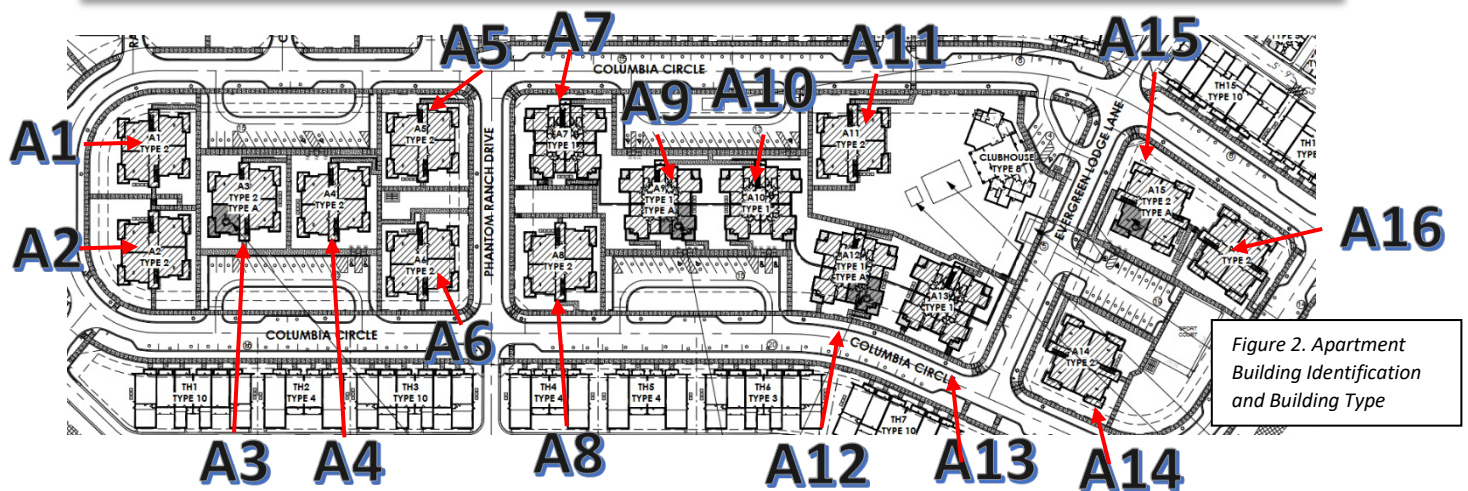
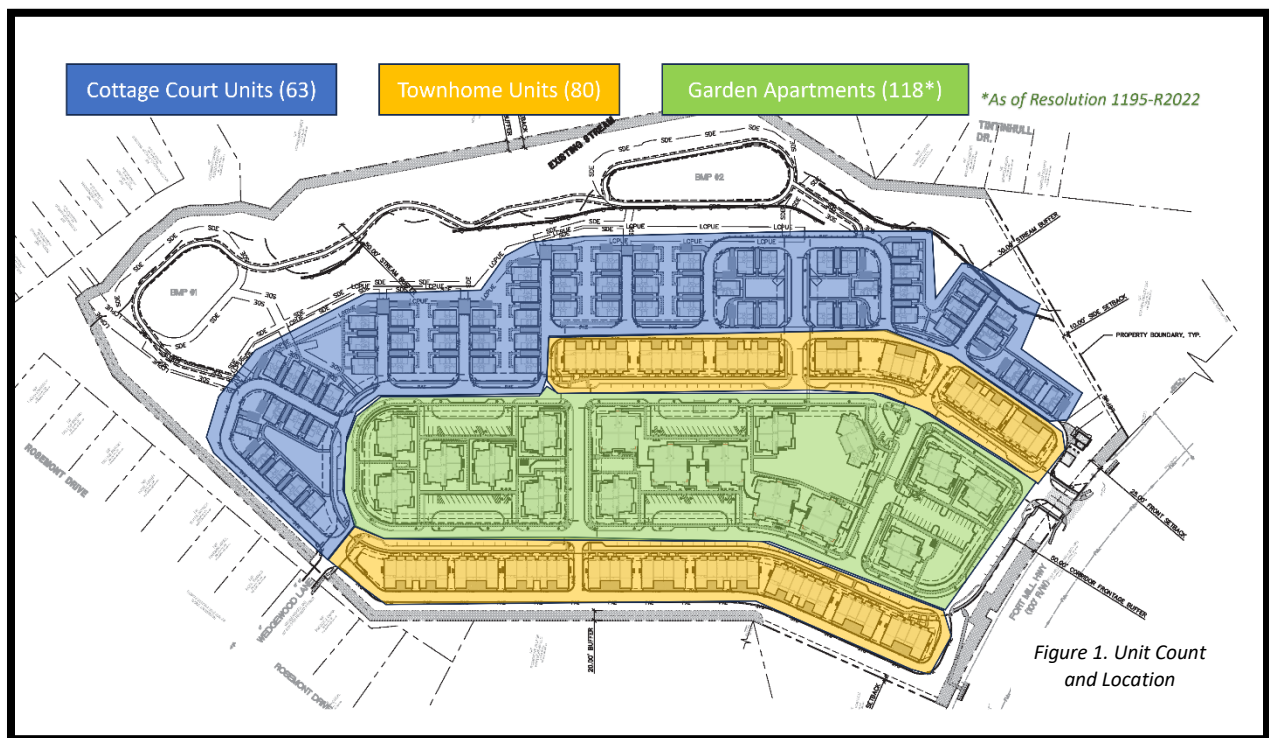
If you have any questions or would like further information on the Impact fees you can contact me.

The 44 new units were added to the existing plans via the amendment process, which started by the applicant issuing new drawings for review on September 30, 2022 (see Exhibit #4f). The new units were worked into the existing buildings, limiting changes to the planned building footprints. Reviews progressed through 2022 into 2023.

Development Activity, 2023 to present appeal

In April 2023, The Lodges applied for permits for the cottage and townhome component of their master plan, bringing all the unit types into review and permitting. The applicants were reminded that they needed to pay the impact fees to secure permits. In June 2023, the applicant's representatives conveyed a request for information on how to appeal the school impact fees for their development, both how the 44 school impact fees were assessed at the beginning of the project rather than the end, and whether The Lodges should be assessed school impact fees at all. Interim Planning Director Allison Hardin provided the information, after which the applicants filed the appeal.

Addendum: On June 26, 2023, the applicant provided a bond in the amount of \$415,404 (see Exhibit #4g) as a payment under protest, as allowed by Lancaster County Code of Laws Section 17-7. On July 6, 2023, the applicants paid \$60,280 in public safety and recreation impact fees (see Exhibit #4.h), and received the first permits for Apartment Buildings A7, A9, A10, A12, and A13.



HOW SHOULD THE BZA REVIEW THE APPEAL?

There are two issues discussed in the applicant's appeal:

1. How the school impact fees are assessed.
2. How the County applied the impact fees – staff assessed the first 44 of 118 apartment units with the impact fee; the applicant believes that the impact fees should be assessed at the end of the entire development (i.e. on permits #217 – 261 of the apartments, townhomes, and single-family structures).

An impact fee appeal is a unique situation, where the process of appeal is handled in three different documents: the UDO, the County Code of Ordinances, and an ordinance duly passed by County Council that assigned this review to the Board of Zoning Appeals.

Appeal Process for Issue 1: The appeal process for the first issue is not addressed in the UDO or Code of Ordinances, but instead is addressed in the ordinance that created the impact fees (see Exhibit #4.c). This process has not been filed as of the date on this report.

SECTION 6. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT (emphasis added for clarity)

(a) In-lieu of calculating the School development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required School development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.

(b) If a feepayer requests the use of an Individual Assessment of Development Impact, the feepayer shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the feepayer's expense.

(c) Each Individual Assessment of Development Impact shall be based on the level of service standard and the same system improvement costs for School facility system improvements used in the School development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the School development impact fee study and CIP, and shall document the relevant methodologies and assumptions used (no adjustments in the assumption of credits shall be made). The burden shall be on the feepayer requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the School development impact fee study and CIP and reflected in the School Development Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.

(d) Each Individual Assessment of Development Impact shall be submitted to the Director or a designee, and may be accepted, rejected, or accepted with modifications by the Director or a designee as the basis for calculating School development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for School facility system improvements created by the proposed new development than the applicable fees in the School Development Impact School Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

Appeal Process for Issue 2: The applicant appeals the way that staff imposed the impact fee on the apartment units. This process is covered in the UDO by Section 9.2.14, Appeal of Administrative Decisions. The process for that is as follows:

A. APPLICABILITY

This process is hereby established to provide an appeal process for parties aggrieved by any administrative order, requirement, decision, or determination, made by an administrative officer¹ charged with enforcing the provisions of this ordinance.

B. FILING PROCEDURES

1. Process Type: Quasi-Judicial.

2. Filing Procedure: An appeal of an administrative decision may be taken by any person aggrieved (or by their authorized agent) or may be taken by any officer, department, board or bureau of the County. Such an appeal shall be made to the County within 30 days of the receipt of the written notice of decision from the County.

3. Stay of Proceedings: The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order granted by the Court of Common Pleas on notice to the administrative official from whom the appeal is taken with due cause shown.

4. Required Application Information: All information relevant to describing the applicant's appeal to the Board of Zoning Appeals is required. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

5. Public Notification: Level 1 and 3.

C. FORMAL REVIEW

1. Upon receiving the application, the Board shall conduct a public hearing on the matter. Any party may appear in person or be represented by an agent at the hearing.

2. After conducting the public hearing, the Board shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a 4/5ths vote of the Board to reverse or modify the contested action.

3. The Board, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.

4. The decision of the Board must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail.

¹ **UDO Section 9.1.1 DESIGNATION OF ADMINISTRATOR - A.** The various provisions of this ordinance shall be administered under the general direction of the County Administrator and under the specific direction of the [county departments]. For the purposes of this ordinance, the Planning Director, the Zoning Official, the Public Services Director, the Building Official, Fire Marshal, and Public Safety Commission Director and their designees are collectively referred to as the Administrator. The Planning Department will serve as the "gatekeeper" for all development applications and will advise applicants on appropriate personnel to contact.

D. APPEALS

Any appeal from a decision of the Board of Zoning Appeals may be made by an aggrieved party and shall be made to the Circuit Court of Lancaster County in the nature of certiorari². Any such petition shall be filed no later than 30 days after the applicant receives a written copy of the decision of the Board of Zoning Appeals.

A Third Appeal Process: The Lancaster County Code of Ordinances lays out additional appeals and mediation guidance in the development impact fee procedures in Section 17-7. It includes the ability of a feepayor (in this case, the applicant) to pay the fees under protest, which the applicant did. This allows the applicant to move forward with their project where typically an applicant's work would stop until the BZA had held the hearing and made a ruling. It also includes instructions for how to submit the notice of appeal and letter of credit for the fees, which the applicant did; the County's legal representative, John DuBose, reviewed and approved the bond for submittal (see Exhibit #4.h).

APPEAL PROCESS for Development Impact Fees

Lancaster County, South Carolina Code of Ordinances

Chapter 17 – Development Impact Fee Procedures / Sec. 17-7. - Appeals and mediation.

(a) A feepayor may pay an impact fee under protest. A feepayor making the payment of impact fees is not estopped³ from exercising the right of appeal under this section, or estopped from receiving a refund for any overpayment of the fees, if that is determined to be the case on appeal.

(b) An appeal from any decision of the director⁴ pursuant to these Procedures shall be made to the Lancaster County Board of Zoning Appeals. If the notice of appeal is accompanied by a letter of credit in a form satisfactory to the county attorney in an amount equal to the impact fees due, the development may be approved. The filing of an appeal shall not stay the imposition or the collection of impact fees unless a bond or other sufficient surety is provided.

(c) If there is a dispute between a feepayor and the county about an impact fee amount due, an offset, or a waiver, the county council and the feepayor may agree to resolve the dispute through mediation, by using a qualified independent mediator, by mutual agreement. Participation in mediation does not preclude the feepayor from pursuing other remedies provided by law.

(d) The burden of proof shall be on the appellant to demonstrate that the decision of the director is erroneous.

² An appeal in the nature of certiorari is initiated by filing a writ of certiorari. A writ of certiorari is a formal request to a higher level (usually a supreme court) to review a case for error or violation.

³ The term estoppel refers to a **legal principle that prevents someone from arguing something or asserting a right that contradicts what they previously said or agreed to by law**. Put simply, estoppel prevents one person from contradicting an action or statement from the past. (Source: [Investopedia](https://www.investopedia.com/terms/e/estoppel.asp))

⁴ **County Code of Ordinances §17-3 – Definitions** Director: The development services director or a designee.

TEXT OF APPEAL OF ADMINISTRATIVE DECISION FROM APPLICANT, WITH STAFF COMMENTS

ITEM 1: APPLICANT APPEALS FROM ACTION OF ZONING OFFICIAL

- 1) School impact fees are assessed for the total project instead of specific to the number of units being permitted, and do not account for previously approved units.
- 2) School impact fees are assessed based on the number of dwelling units regardless of unit size (i.e. 1 bedroom, 2 bedroom, etc.) and do not accurately reflect impact to the schools since 1 bedroom units do not generate the same impact on schools as 2 and 3 bedroom units.

- Staff comments: *The proper way to appeal these issues is to use the process in Section 6 of Ordinance 2021-1761. BZA does not have review over the Individual Assessment of Development Impact.*

ITEM 2: APPLICANT IS AGGRIEVED BY THE ACTION OR DECISION IN THAT:

Project received approval for 217 units prior to adoption of Ordinance 2021-1761; therefore, 217 units are not subject to school impact fees. Subsequently, the number of dwelling units increased by 44; however, the number of bedrooms remained the same thus the impact to schools did not change. Additionally, impact fees have been assessed on the 44 units added in order to pull the first building permit for the project despite 217 units being grandfathered and the impact to schools remaining comparable to the 217-unit plan.

- Staff comments: *The 217-unit group approved in Resolution 1137-R2021 consisted of 80 townhomes, 63 cottage court units, and 74 garden apartments at 5.6 dwelling units per acre. These units were grandfathered and the County did not assess impact fees on them. The additional 44 units approved under Resolution 1195-R2022 (increasing the overall density to 6.71 dwelling units per acre) that were assessed are all in apartment form.*

In the April 2023 architectural plans submitted for review, page A100 includes a breakdown of the units and how they have changed since the 2020 plans. (For clarity, the number "5" in the triangle is indicative of where the unit count changes were made.)

20-112-01 Northwood Ravin - Lodges at Indian Land - Project Data Summary											7/29/2021			
Unit Type	QP-1	QP-2	QP-3	TH-1	TH-2A	TH-2B	CT-1	CT-2	CT-3					
Unit Net sq. ft.	1,144	1,248	847	1,475	1,310	1,330	1,176	1,289	1,285					
Unit Gross sq. ft.	1,222	1,333	876	1,635	1,494	1,500	1,232	1,343	1,343					
Patio sq. ft. ²	138	93	149	253	311	219	196	85	93					
Garage Gross sq. ft.				590		293								
Total Unit Gross sq. ft. ³	1,282	1,341	996	1,728	1,621	1,549	1,372	1,374	1,378					
	2BR / 2BA	2BR / 2BA	1BR / 1BA	3BR / 2BA	2BR / 2BA	2BR / 2BA	2BR / 2BA	3BR / 2BA	3BR / 2BA					
Residential Building Type										# Units/Bldg	# of Bldgs	Total Units		
Building Type 1	2	4	0	0	0	0	0	0	0	6	5	30		
Building Type 2	0	0	8	0	0	0	0	0	0	8	11	88		
Building Type 3 & 10	0	0	0	2	2	2	0	0	0	6	8	48		
Building Type 4	0	0	0	2	2	0	0	0	0	4	8	32		
Building Type 5	0	0	0	0	0	0	1	0	0	1	10	10		
Building Type 6	0	0	0	0	0	0	0	1	0	1	41	41		
Building Type 7	0	0	0	0	0	0	0	0	1	1	12	12		
	0	0	0	0	0	0	0	0	0	0	11	0		
Total Units	10	20	88	32	32	16	10	41	12		106	261		
Percentage	3.8%	7.7%	33.7%	12.3%	12.3%	6.1%	3.8%	15.7%	4.6%			100.0%		

Amenities		Sq. Ft.	Gross sq. ft.
Clubhouse	1	-	4,513
Screened Porch	1		516
Mail Kiosk	2	416	832
Garages	see site plan		264
Maintenance	1		530
Pool Bldg	1		672
Total			7,327

Parking	446	Spaces
Accessible	12.00	Per Unit

Table 1. Unit Count from Construction Plans Page A100, Dated April 23, 2023

The table shows that the Building Type 2 units (garden apartments) were increased to a total of 88 units. The corresponding site plan shows that Buildings A1, A2, A4, A5, A6, A8, A11, A14, A15, and A16 are Type 2 units (see Figure 2, page 3).

In early 2023, The Lodges experienced a construction delay due to the lack of adequate water and sewer on the site. (For background, construction is not generally allowed until the water system in the development can meet a 500 gallons per minute water flow – the minimum for life safety and fire control. Water delivery at the Lodges in the beginning of the year was far below that, and the staff put a hold on development.) The developer’s representatives reached out to staff to find a way to continue in the construction process, and a unique compromise was reached: the developer could begin working on foundations for buildings that were hose-length distance from two fire hydrants on the site. This meant the developer could pursue permits for foundations within 500 feet of the two hydrants. To make this compromise easy to understand, the developer created a map showing which buildings were within 500 feet of the hydrants. Green check marks meant the proposed building was within the requisite distance; red x-marks indicated the sites were too far away and would have to wait for the full site to receive the increased water pressure.



As the above figure shows, Buildings A1, A2, A3, A4, A5, A6, A8, A10, A11, A12, A13, A14, A15, and A16 were identified as those the applicant wished to work on. It was later determined that a temporary hydrant could be installed to allow access to Buildings A7 and A9.

If the BZA were to approve a delay of application for the 44 apartment units, staff would not encourage a delay to the end of the entirety of the 217 cottages/townhomes/apartments, but instead to the point after

which the equivalent of 74 garden apartments were permitted. As of this report, permits have been issued for Buildings A7, A9, A10, A12, and A13, which together contain 30 units.

ITEM 3: APPLICANT CONTENDS THAT THE CORRECT INTERPRETATION OF THE UDO AS APPLIED TO THE PROPERTY IS:

Any impact fees based on the number of dwelling units should only be assessed for the number of dwelling units listed on the building permit. Further, school impact fees assessments should take into account the actual impact to schools based on the number of bedrooms. As such, since the number of bedrooms did not increase from what was approved prior to Ord. 2021-1761, no additional impacts fees should be assessed.

*- Staff comments: The impact fees **are** based on the number of dwelling units. Whether they are on one permit or another is irrelevant.*

Again, the proper way to appeal these issues is to use the process in Section 6 of Ordinance 2021-1761. BZA does not have review over the Individual Assessment of Development Impact.

ITEM 4: APPLICANT REQUESTS THE FOLLOWING RELIEF:

(1) Building permits should be released for the first 217 units ("Grandfathered Plan") prior to any impact fee assessments being due.

(2) School impact fees should account for the unit mix and the number of bedrooms to gauge impact to the school system. Applicant requests an individual assessment to verify the actual impact to the school system by the development as compared to the approved Grandfathered Plan.

- Staff comments: Staff reiterates that the additional apartment units subject to impact fees are different units than the townhomes or cottage court units.

Once again, the proper way to appeal these issues is to use the process in Section 6 of Ordinance 2021-1761. The applicant has the burden of performing an Individual Assessment of Development Impact for submittal, and the burden is on the applicant to prove their case. The County went through a very public process with a highly respected professional consultant to determine the impact fee structure, and it would be imprudent to require the cost and time of a re-evaluation for one project.

BZA does not have review over the Individual Assessment of Development Impact.

LIST OF APPLICABLE PUBLIC ORDINANCES, LAWS, AND CODES

UDO Section 9.2.9.B Mixed Use Master Plan (approval process)

UDO Section 9.2.14 Appeal of Administrative Decisions (this appeal)

Ordinance 2021-1722 Fire Services Development Impact Fees (paid by applicant)

Ordinance 2021-1723 EMS Services Development Impact Fees (paid by applicant)

Ordinance 2021-1724 Sheriff's Department Development Impact Fees (paid by applicant)

Ordinance 2021-1725 Parks & Recreation Development Impact Fees (paid by applicant)

Ordinance 2021-1761 IL Schools Development Impact Fees (bonded by applicant, pending outcome of this appeal)

Ordinance 2021-1791 Amendment to Map: IL Schools Impact Fees (ibid)

ATTACHMENTS:

1. Appeal Application
2. Location Map
3. Site Plan Showing Unit Types
4. Exhibits:
 - a. Resolution 1137-R2021
 - b. April 2021 School District Impact Fee Study Overview, presented to the public body by Tischler Bise
 - c. Ordinance 2021-1761
 - d. Resolution 1195-R2022
 - e. Reviewer Comment Listing, April 25, 2022
 - f. Current Site Plan, as approved by 1195-R2022
 - g. Bond of Impact Fees Under Protest, June 15, 2023
 - h. Email re: county attorney approval of bond form, July 6, 2023
 - i. Public Safety and Recreation Impact Fee Payment Receipt, July 7, 2023
5. Development Activity Timeline for The Lodges at Indian Land, Permit # 20202051

STAFF CONTACT:

Allison Hardin, Development Services Director
ahardin@lancastersc.net | 803-416-9422
August 23, 2023

RECEIVED 6/23/2023



BOARD OF ZONING APPEALS
APPEAL FROM ACTION OF
ZONING OFFICIAL
APPLICATION

IF YOU REQUIRE ASSISTANCE WITH THIS APPLICATION, PLEASE CONTACT OUR OFFICE AT 803-416-9777. THE COMPLETED APPLICATION, THE APPLICATION FEE OF \$325.00, AND ALL ADDITIONAL MATERIALS ARE REQUIRED TO BE SUBMITTED.

THE FOLLOWING INFORMATION MUST BE PROVIDED FOR THE REQUEST:

PROPERTY INFORMATION:

TAX MAP NUMBER: 0006-00-086.00
STREET ADDRESS: 680 Fort Mill Highway
CITY/ STATE/ ZIP CODE: Indian Land, SC 29707
LOT DIMENSIONS/ LOT AREA: 38.88 ac PLAT BOOK/PAGE: 2022/231
CURRENT ZONING CLASSIFICATION: Mixed-Use (MX)

PROPERTY OWNER OF RECORD:

NAME: NR Lodges Property Owner LLC
ADDRESS: 558 E Brooklyn Village Ave, Suite 120
CITY/STATE/ZIP CODE: Charlotte, NC 28202 TELEPHONE/FAX NUMBER: 704.714.9640
EMAIL ADDRESS: kwhitaker@nwravin.com, mwillson@nwravin.com
SIGNATURE OF OWNER/ DATE: [Signature] 06.23.23

I HAVE APPOINTED THE INDIVIDUAL OR FIRM LISTED BELOW AS MY REPRESENTATIVE IN CONJUNCTION WITH THIS MATTER RELATED TO THE BOARD OF ZONING APPEALS.

AGENT OF OWNER:

NAME: Daniel J. Ballou
ADDRESS: 331 E. Main St, Suite 300
CITY/STATE/ZIP CODE: Rock Hill, SC 29730 TELEPHONE/FAX NUMBER: 803.329.7609
EMAIL ADDRESS: dan.ballou@mortongettys.com
SIGNATURE OF AGENT/ DATE: [Signature] 6/23/2023
SIGNATURE OF OWNER/ DATE: [Signature] 06.23.23

APPEAL FROM ACTION OF ZONING OFFICIAL APPLICATION

Date Filed: 6-23-2023

Application No. 2023-1201

1. THE APPLICANT HEREBY APPEALS TO THE BOARD OF ZONING APPEALS FROM THE ACTION OF THE ZONING OFFICIAL AFFECTING THE PROPERTY DESCRIBED IN THE NOTICE OF APPEAL (FORM 1) ON THE GROUNDS THAT:
() GRANTING () DENIAL OF AN APPLICATION FOR A PERMIT TO _____
WAS ERRONEOUS AND CONTRARY TO PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE IN SECTION: OR
OTHER ACTION OR DECISION OF THE UNIFIED DEVELOPMENT ORDINANCE WAS ERRONEOUS AS FOLLOWS:

1) School impact fees are assessed for the total project instead of specific to the number of units being permitted, and do not account for previously approved units.
2) School impact fees are assessed based on the number of dwelling units regardless of unit size (i.e. 1 bedroom, 2 bedroom, etc.) and do not accurately reflect impact to
the schools since 1 bedroom units do not generate the same impact on schools as 2 and 3 bedroom units.

2. APPLICANT IS AGGRIEVED BY THE ACTION OR DECISION IN THAT:

Project received approval for 217 units prior to adoption of Ordinance 2021-1761; therefore, 217 units are not subject to school impact fees. Subsequently, the number of dwelling
units increased by 44; however, the number of bedrooms remained the same thus the impact to schools did not change. Additionally, impact fees have been assessed on the 44
units added in order to pull the first building permit for the project despite 217 units being grandfathered and the impact to schools remaining comparable to the 217 unit plan.

3. APPLICANT CONTENDS THAT THE CORRECT INTERPRETATION OF THE UNIFIED DEVELOPMENT ORDINANCE AS APPLIED TO THE PROPERTY IS:

Any impact fees based on the number of dwelling units should only be assessed for the number of dwelling units listed on the building permit. Further, school impact fees
assessments should take into account the actual impact to schools based on the number of bedrooms. As such, since the number of bedrooms did not increase from what
was approved prior to Ord. 2021-1761, no additional impacts fees should be assessed.

4. APPLICANT REQUEST THE FOLLOWING RELIEF:

1) Building permits should be released for the first 217 units ("Grandfathered Plan") prior to any impact fee assessments being due.
2) School impact fees should account for the unit mix and the number of bedrooms to gauge impact to the school system. Applicant request an individual assessment to verify
the actual impact to the school system by the development as compared to the approved Grandfathered Plan.

Date: 06.23.23

Applicant Signature: 



PUBLIC HEARING NOTICE

You are receiving this notice because you own property within the vicinity of a proposed Appeal from the Decision of a Planning and Zoning Official within Lancaster County, SC more completely described below.

Appeal Request BZA-2023-1201 Summary	
Location	The Lodges (MX-2020-2051) North side of Fort Mill Highway, approximately 325 feet east of Rosemont Drive (TM #'s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04) See map on reverse side of this notice.
Applicant(s)	Daniel Ballou on behalf of NR Lodges Property Owner LLC
Appeal Request	Appeal decision regarding payment of School Impact Fees on 44 units
County Staff Contact	Allison Hardin, Development Services Director 803-285-6005 ahardin@lancastersc.net
Public Hearing Information	
Board of Zoning Appeals	Tuesday, August 1, 2023 at 6:00 PM Rescheduled to TUESDAY, AUGUST 29, 2023 at 6:00 PM
Location	Lancaster County Administration Building Council Chambers, 101 North Main Street, Lancaster, SC

Citizens will have an opportunity to provide evidentiary comments at the above public hearing, limited to 3 minutes per person.

If you are unable to the public hearing it will be live-streamed on the County's YouTube page:
<https://www.youtube.com/channel/UCgSImrcYjcYcu1m-e6TV54w>

Anyone requiring special services to attend this meeting should contact (803) 285-1565 at least 24 hours in advance of this meeting. Lancaster County Board of Zoning Appeals agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org.

The Lancaster County Zoning Map and the Unified Development Ordinance can be viewed at www.mylancastersc.org at the Development Services webpage.

Please feel free to call or email the County staff contact above if you have any questions or comments regarding this proposed rezoning. Thank you.

Location Map

Map Date: November 24, 2020

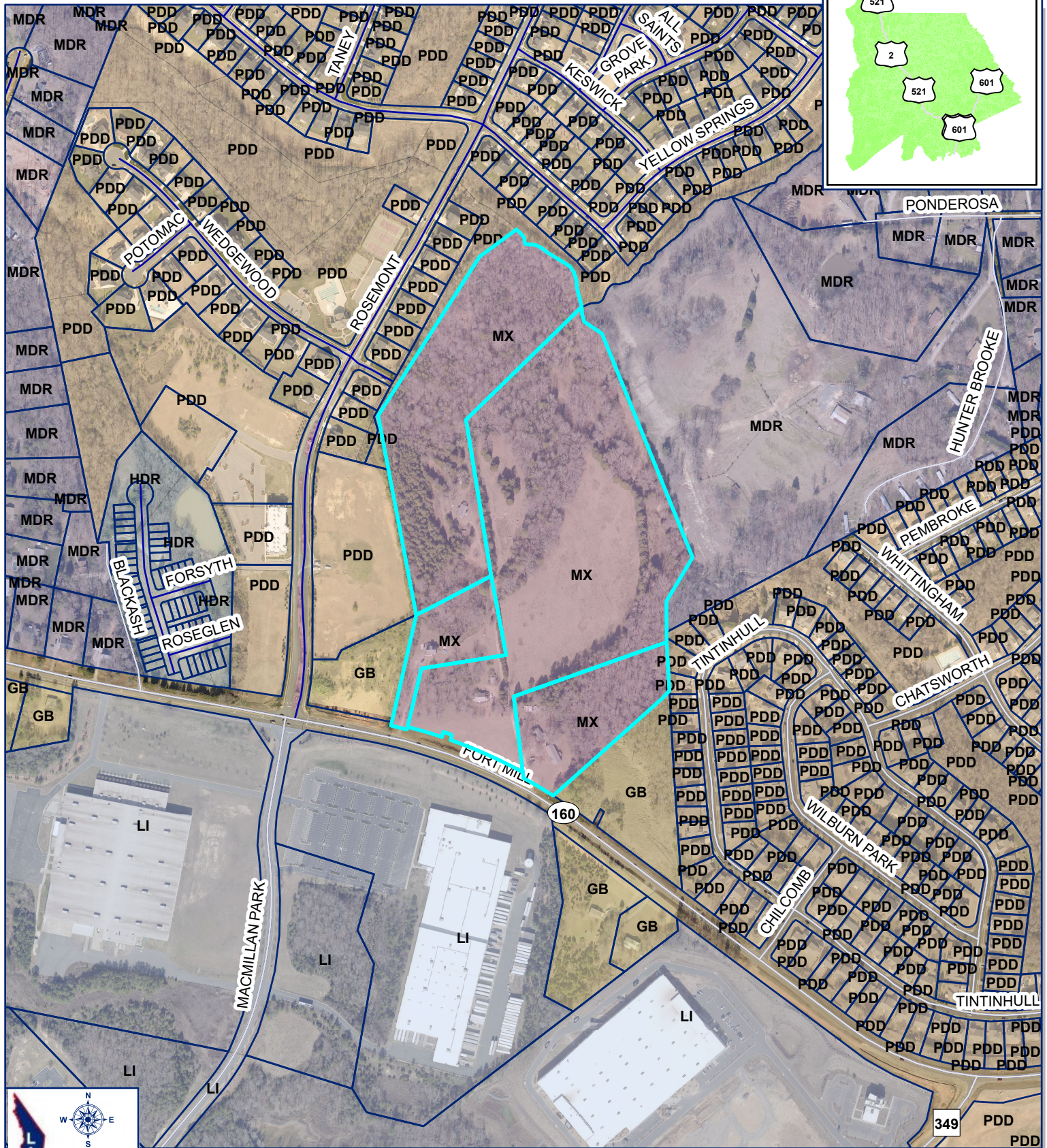
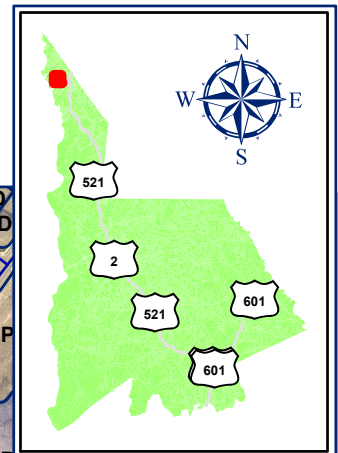
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Case Numbers: MX-020-2051

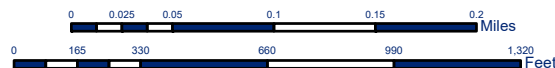
Proposal: Master Development Plan for a proposed 217-unit apartment development located on approximately 38.88 acres of land.

Tax Map #'s: 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04

Applicant: NWR Development, LLC



The County of Lancaster provides this data for reference only. All data must be field verified before the information is used for design/project work. The County of Lancaster is not responsible or liable for any inaccuracies. Any design using this data is at users' sole risk. Also note that information is subject to change at any time.

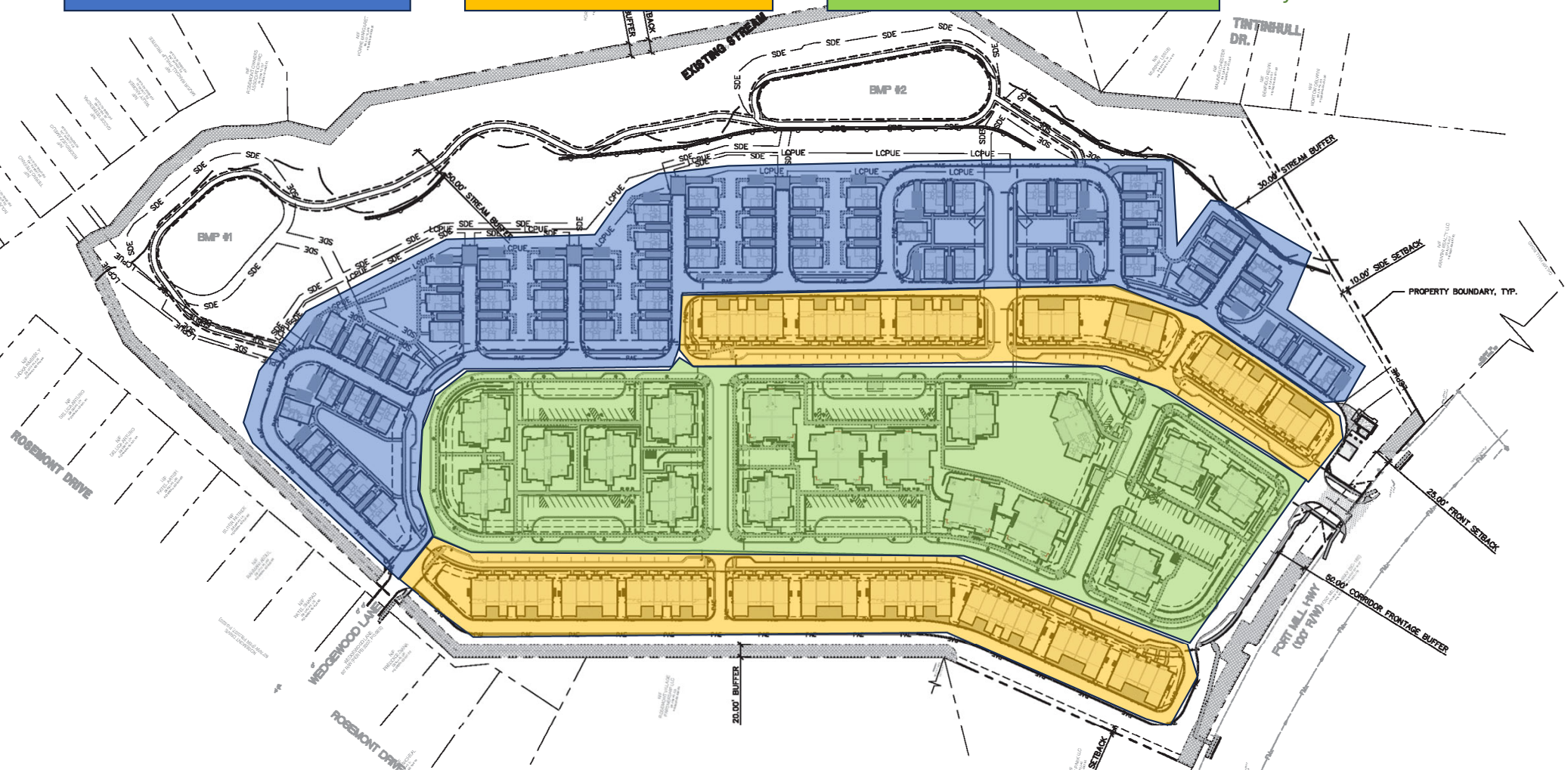


Cottage Court Units (63)

Townhome Units (80)

Garden Apartments (118*)

*As of Resolution 1195-R2022



STATE OF SOUTH CAROLINA

(

RESOLUTION NO. 1137-R2021

(

COUNTY OF LANCASTER

(

A RESOLUTION

TO APPROVE THE MASTER DEVELOPMENT PLAN SUBMISSION OF NWR DEVELOPMENT LLC, FOR A PROPOSED 217-UNIT APARTMENT DEVELOPMENT KNOWN AS “THE LODGES AT INDIAN LAND” AND LOCATED ON APPROXIMATELY 38.88 ACRES, MORE OR LESS, CURRENTLY ZONED MIXED USE DISTRICT (MX) AND LOCATED ON THE NORTH SIDE OF FORT MILL HIGHWAY, APPROXIMATELY 225 FEET EAST OF ROSEMONT DRIVE.

WHEREAS, NWR Development, LLC, has submitted a Master Development Plan for a proposed 217-unit apartment development (comprised of 80 townhomes, 63 cottage court units, and 74 garden apartments) located upon 38.88 acres, more or less, of real property currently zoned Mixed-Use District (MX) on the north side of Fort Mill Highway, approximately 225 feet east of Rosemont Drive (TMS #s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04).

WHEREAS, on December 15, 2020, the Lancaster County Planning Commission held a public hearing on the proposed Master Development Plan and, by a unanimous vote recommended approval of the Master Development Plan subject to the following conditions of approval:

- 1) That the project engineer submit flow data to the LCWSD Engineering Department to better understand what infrastructure would need to be upsized/modified; and
- 2) That the Master Development Plan is revised to depict an internal trail system along and around the unnamed stream on the east side of the property; and
- 3) That a road cross section is added to preliminary plat drawing; and
- 4) That a pedestrian connection is provided between the subject development and the adjacent commercial development to the southwest (TM # 0006-00-087.02).

WHEREAS, in accordance with Unified Development Ordinance a Mixed Use Master Plan is to be reviewed and approved with finality by Lancaster County Council.

WHEREAS, The Future Land Use Map identifies these properties as Neighborhood Mixed Use. The proposed Master Development Plan will result in development that is consistent with the Neighborhood Mixed-Use Future Land Use Category, as well as the land use considerations set forth in the Walkable Neighborhood Community Type. Accordingly, the Master Development Plan is consistent with the Comprehensive Plan.

WHEREAS, the Master Development Plan, subject to the conditions contained herein, satisfies each of the requirements contained in the Unified Development Ordinance (“UDO”) for a Master Development Plan is Section 9.2.9.B.9

NOW, THEREFORE, upon review and consideration of the Land Design Master Plan Preliminary Plat and supporting documentation, it is resolved that:

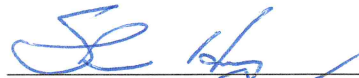
The Master Development Plan is approved subject to the same conditions of approval recommended by the Planning Commission:

- 1) That the project engineer submit flow data to the LCWSD Engineering Department to better understand what infrastructure would need to be upsized/modified; and
- 2) That the Master Development Plan is revised to depict an internal trail system along and around the unnamed stream on the east side of the property; and
- 3) That a road cross section is added to preliminary plat drawing; and
- 4) That a pedestrian connection is provided between the subject development and the adjacent commercial development to the southwest (TM # 0006-00-087.02).

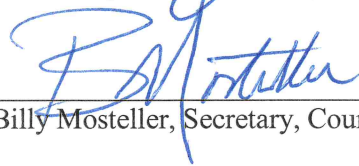
AND IT IS SO RESOLVED

Dated this 25th day of JANUARY, 2021.

LANCASTER, SOUTH CAROLINA

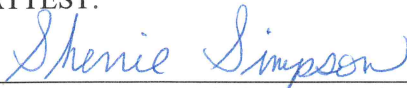


Steve Harper, Chair, County Council



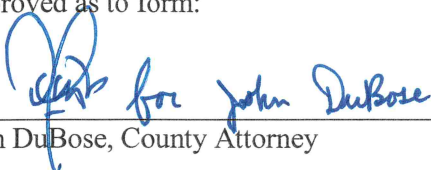
Billy Mosteller, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

Approved as to form:



John DuBose, County Attorney



1

Impact Fee Fundamentals

- One-time payment for growth-related infrastructure, usually collected at the time buildings permits are issued
- Cannot be used for operations, maintenance, or replacement
- Not a tax, a contractual arrangement to build infrastructure, with three requirements:
 - **Need** - system improvements, not project-level improvements
 - **Benefit**
 - Short range expenditures
 - Geographic service areas and/or benefit districts
 - **Proportionate**

5

2

Impact Fees in South Carolina

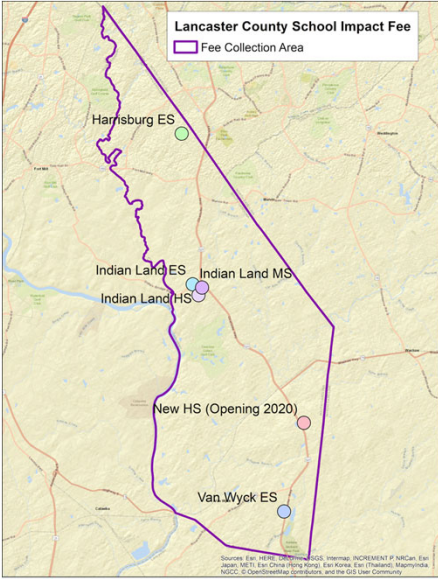
- Code of Laws of South Carolina, Section 6-1-910 et seq.
- Impact fee revenue must be maintained in an interest bearing account
- Monies must be spent within 3 years of scheduled date for construction in the CIP
- Must publish an Annual Monitoring Report
- Comprehensive review and update every 5 years
- All maximum allowable fee changes require an updated study
- Requires an analysis that estimates the effect of imposing updated impact fees on affordable housing in the District

6

3

Impact Fee Study Components

- Fee is for Indian Land attendance area only
 - Additional K-8 classroom space
 - Additional K-8 land
- Credits given for future payments on existing and future debt



The map shows the Fee Collection Area for Lancaster County School Impact Fee, outlined in purple. It includes several schools: Harrisburg ES, Indian Land ES, Indian Land MS, Indian Land HS, New HS (Opening 2020), and Van Wyck ES. The map also shows major roads and geographical features.

7

4

Student Generation Rates

- To establish **proportionately**, student generation rates are calculated for single family and multifamily units

	Housing Unit Type		Weighted Average
	Single-Family*	Multi-Family	
Elementary School	0.179	0.192	0.180
Middle School	0.084	0.087	0.085
High School	0.101	0.093	0.101
TOTAL	0.364	0.372	0.366

Source: TischlerBise estimates for Lancaster County using U.S. Census Bureau, 2017 ACS Public Use Microdata Sample for South Carolina PUMA 700 (calibrated to LCSD enrollment for 2016-2017 and 2013-2017 ACS housing unit estimate.)

*Includes detached and attached (i.e. townhouses), as well as manufactured homes

8

5

Indian Land Enrollment Projections

- Based on Numerix, LLC forecasts
- 4,715 new students in the next ten years

	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030	2030-2031	10-Year Change
	1	2	3	4	5	6	7	8	9	10	
Harrisburg ES (K-4 in 2021-22)	954	998	1,024	1,050	1,059	1,066	1,074	1,103	1,131	1,153	199
Indian Land ES (K-4 in 2021-22)	1,140	1,264	1,345	1,408	1,430	1,436	1,441	1,480	1,517	1,564	424
Van Wyck ES (K-4 in 2021-22)	758	849	929	986	1,025	1,046	1,052	1,080	1,106	1,150	392
Indian Land MS (5-6 in 2021-22)	1,007	1,106	1,185	1,311	1,488	1,651	1,746	1,724	1,687	1,772	765
Indian Land HS (7-8 in 2021-22)	969	1,016	1,108	1,214	1,302	1,441	1,636	1,814	1,916	2,034	1,065
New HS (Opening 2021-22)	1,537	1,709	1,864	2,066	2,258	2,424	2,621	2,889	3,199	3,407	1,870
TOTAL	6,365	6,942	7,455	8,035	8,562	9,064	9,570	10,090	10,556	11,080	4,715

9

6

K-8 Level-of-Service: Indian Land

Facility	Building Sq Ft	Acreage	2021-22 Enrollment*	Permanent Capacity	Utilization
Harrisburg Elementary (K-4)	96,691	28.29	954	970	98%
Indian Land Elementary (K-4)	124,640	50.30	1,140	1,052	108%
Van Wyck Elementary (K-4)	96,685	36.49	758	1,170	65%
Indian Land Intermediate (5-6)	157,545	55.66	1,007	1,174	86%
Indian Land Middle School (7-8)	157,545	21.88	969	1,127	86%
TOTAL	633,106	192.62	4,828	5,493	88%

K-8 School Levels of Service

Building SF

Land

LOS per Student (current enrollment)

131.130.0399

LOS per Student (current capacity)

115.260.0351

Source: Lancaster County School District

*Projected enrollment from Lancaster County School District 2018-2019 Membership Forecast Report, developed by Numerix LLC

7

Land Cost Component

Site	Year	Original Cost	Acres	Total Cost Per Acre
Van Wyck Elementary	2006	\$912,250	36.49	\$25,000
Land for New High School	2017	\$5,507,507	100.00	\$55,075
Land for New Elementary School	2012	\$1,100,662	28.69	\$38,364
		\$7,520,419	165.18	\$45,529

Source: Lancaster County School District

8

Construction Cost Component

Site	Cost	Square Feet	Cost/Per Sq. Ft.
Elementary School #10 (Fort Mill)	\$42,278,388	125,000	\$338
Elementary School #8 (Clover)	\$39,719,403	115,000	\$345
Middle School #6 (Fort Mill)	\$53,646,800	155,000	\$346
Weighted Average Total	\$135,644,591	395,000	\$343

Credits

- Credit for Payments on Existing Debt Principal

School Year	Principal 2017 GO	Principal 2019A GO	TOTAL PRINCIPAL	Projected Enrollment	Total Credit per Student
1 2021-2022	\$4,065,000	\$100,000	\$4,165,000	15,178	\$274
2 2022-2023	\$1,845,000	\$2,335,000	\$4,180,000	15,808	\$264
3 2023-2024	\$2,170,000	\$3,935,000	\$6,105,000	16,217	\$376
4 2024-2025	\$2,505,000	\$4,140,000	\$6,645,000	16,744	\$397
5 2025-2026	\$2,865,000	\$4,125,000	\$6,990,000	17,247	\$405
6 2026-2027	\$8,785,000	\$4,130,000	\$12,915,000	17,712	\$729
7 2027-2028	\$9,185,000	\$4,345,000	\$13,530,000	18,244	\$742
8 2028-2029	\$9,560,000	\$4,570,000	\$14,130,000	18,821	\$751
9 2029-2030	\$9,950,000	\$6,910,000	\$16,860,000	19,385	\$870
10 2030-2031	\$10,360,000	\$7,190,000	\$17,550,000	19,914	\$881
11 2031-2032	\$10,740,000	\$7,485,000	\$18,225,000	20,443	\$892
12 2032-2033	\$11,135,000	\$5,800,000	\$16,935,000	20,972	\$808
13 2033-2034	\$11,590,000	\$6,040,000	\$17,630,000	21,501	\$820
14 2034-2035	\$12,065,000	\$6,250,000	\$18,315,000	22,030	\$831
15 2035-2036	\$12,555,000	\$6,445,000	\$19,000,000	22,559	\$842
Total	\$119,375,000	\$73,800,000	\$193,175,000		\$9,883

Discount Rate	2.7%
Net Present Value	\$7,749

Source: Lancaster County School District Cumulative Bond Payment Schedule

Credits

Credit for Future Payments on Future Debt

School Year	Principal Payments	Projected Enrollment	Total Credit per Student
2020-2021	\$2,682,340	14,608	\$184
2021-2022	\$2,682,340	15,178	\$177
2022-2023	\$2,682,340	15,808	\$170
2023-2024	\$2,682,340	16,217	\$165
2024-2025	\$2,682,340	16,744	\$160
2025-2026	\$2,682,340	17,247	\$156
2026-2027	\$2,682,340	17,712	\$151
2027-2028	\$2,682,340	18,244	\$147
2028-2029	\$2,682,340	18,821	\$143
2029-2030	\$2,682,340	19,385	\$138
2030-2031	\$2,682,340	19,914	\$135
2031-2032	\$2,682,340	20,443	\$131
2032-2033	\$2,682,340	20,972	\$128
2033-2034	\$2,682,340	21,501	\$125
2034-2035	\$2,682,340	23,617	\$114
2035-2036	\$2,682,340	22,030	\$122
2036-2037	\$2,682,340	22,559	\$119
2037-2038	\$2,682,340	23,088	\$116
2038-2039	\$2,682,340	23,617	\$114
2039-2040	\$2,682,340	24,146	\$111
Total	\$53,646,800		\$2,804

Discount Rate	2.7%
Net Present Value	\$2,196

Source: TischlerBise, based on equal annual principal payments on the cost of future schools

44

11

Draft Impact Fee Calculation

Public School Students per Housing Unit	
	(K-8)
Single Family	0.263
Multifamily	0.279

Current Level of Service Standards	
	K-8
Permanent Building Square Feet per Student	115.26
Cost per Square Foot	\$343
Total Building Construction Cost per Student Station	\$39,533
Acreage per Student	0.04
Land Cost per Acre	\$45,529
Land Cost per Student	\$1,597
Total Gross Capital Cost per Student	\$41,130
Credit for Future Debt Principal	(\$2,196)
Credit for Existing Debt Principal	(\$7,749)
Total Net Local Capital Cost per Student	\$31,185

Maximum School Impact Fees: Lancaster County School District	
	K-8 Allowable Fee
Single Family	\$8,202
Multifamily	\$8,701

45

12

Affordable Housing Analysis

- Impact fee results in a 0.5% increase in housing cost burden ratio for home ownership
- Includes the proposed County impact fees

Scenario 1 - Base Conditions

Tenure	Monthly Income (80% of Median)	Monthly Cost	Cost Burden
Owner-Occupied	\$5,641	\$1,627	28.8%
Renter-Occupied	\$3,624	\$1,294	35.7%

Scenario 2 - Maximum Supportable Impact Fees Included

Tenure	Monthly Income (80% of Median)	Monthly Cost	Cost Burden
Owner-Occupied	\$5,641	\$1,653	29.3%
Renter-Occupied	\$3,624	\$1,318	36.4%

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates; U.S. Bureau of Labor Statistics CPI Calculator

Note: American Community Survey data represents information as of June, 2018. CPI calculator calculates dollars July, 2020.

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Comments/Questions

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CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1761

AN ORDINANCE OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A SCHOOL DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW RESIDENTIAL DEVELOPMENT IN THE LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA; TO ENSURE THAT SCHOOL FACILITY SYSTEM IMPROVEMENTS WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM THE SCHOOL CHILDREN IN NEW RESIDENTIAL DEVELOPMENTS IN THE PANHANDLE OF LANCASTER COUNTY SCHOOL SERVICE AREA BASED ON THE SCHOOL DISTRICT'S LEVEL OF SERVICE STANDARDS AND CAPITAL IMPROVEMENTS PLAN, AND TO ASSIGN THE COSTS OF SUCH PUBLIC SCHOOL FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW RESIDENTIAL DEVELOPMENT IN THE SERVICE AREA; AND ESTABLISHMENT OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN LANCASTER COUNTY AND THE LANCASTER COUNTY SCHOOL DISTRICT, TO ENSURE PROPER IMPLEMENTATION AND ADMINISTRATION OF THE SCHOOL DEVELOPMENT IMPACT FEE ORDINANCE

WHEREAS, Lancaster County ("County") has experienced population growth in the Greater Panhandle area and projections indicate that population growth and development will continue at a reasonable rate into the future; and

WHEREAS, the County has experienced the impacts on public facilities resulting from this population growth and development; and

WHEREAS, Lancaster County is served by the Lancaster County Board of Education ("School Board"); and

WHEREAS, population and growth estimates for the School District over the next 10 years for the Panhandle area indicate there will be a need for additional classrooms and other school facilities due to population growth and development in that area; and

WHEREAS, the School Board has defined level of service standards for the Panhandle for kindergarten through eighth grade, minimum square feet for school buildings and land (by acres) per student; and

WHEREAS, these level of service standards and the projected residential development and student generation rates identify these school system improvement needs over the next 10 years; and

WHEREAS, the cost of these school system improvement needs (school buildings and land) is significant and expensive; and

WHEREAS, if bonds, backed only by property taxes, are used to finance these new school facility system improvements (school buildings and land) needed to accommodate the demand generated by new residential development in the Panhandle area of Lancaster County, they would be largely paid for by

existing residents who have already paid for much of the school facility system improvements needed to serve their school age children; and

WHEREAS, the County Council finds that it is fair and equitable for new residential development in Lancaster County Panhandle Service Area to fund new school facility system improvements, in part, through a proportionate share school development impact fee; and

WHEREAS, because all new residential development (single-family and multifamily dwelling units) in the Panhandle Service Area generates a demand for school facility system improvements based on the same student generation rate (K-8th grade – 0.263 students per single-family dwelling unit and 0.279 students per multifamily dwelling unit), the school development impact fee shall be imposed uniformly within that area on all new dwelling units (single-family and multifamily), as established by the student generation rates, regardless of size or density; and

WHEREAS, because non-residential development does not directly generate school children, the school development impact fee shall not be imposed on such development; and

WHEREAS, the County Council has given ample consideration to the provision and financing of school facility system improvements in the Panhandle, and has consulted with the School Board, it hereby finds and declares that the establishment and adoption of the school development impact fee imposed on new residential development is proportionate, and based on the School Board capital improvement plan for that Panhandle area that is based on the system improvements needed to provide school facilities to accommodate new residential development in that area, and current costs to provide the system improvements; and

WHEREAS, the County and the School Board is empowered to execute an intergovernmental agreement on the subject of school development impact fees; and

WHEREAS, the intergovernmental agreements, this Ordinance, and the impact fee procedures as set forth in the Development Impact Fee Procedures in Chapter 17 of the Code of Ordinances, Lancaster County, ensure that the school development impact fee monies collected and transferred to the School Board are spent for school facility system improvements identified in the School Board capital improvement plan for the Panhandle Service Area that are designed to serve the school age children of new residential development in that area; and

NOW, THEREFORE, BE IT ORDAINED by the County Council of Lancaster County, South Carolina that:

SECTION 1. ADOPTION AND IMPOSITION OF SCHOOL DEVELOPMENT IMPACT FEES.

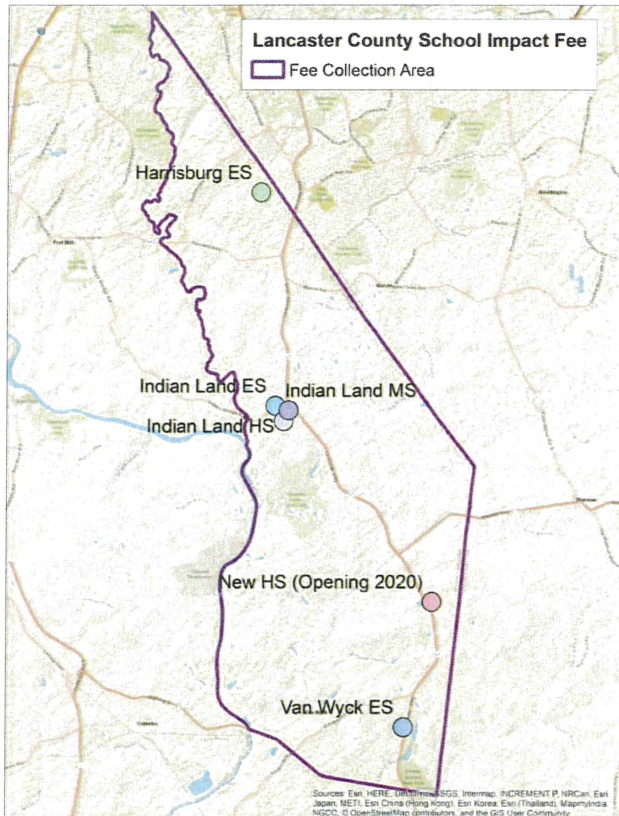
Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in Chapter 17 of the Code of Ordinances, Lancaster County, this School development impact fee shall be adopted and imposed on all new development in the Panhandle Service Area, and the intergovernmental agreement between the County and the Lancaster County Board of Education (“School Board”), and other applicable provisions of the County Code, this school development impact fee shall be adopted and imposed on all new residential development (single-family and multifamily dwelling units) in the Panhandle Service Area, in accordance with the procedures and requirements of this Ordinance.

SECTION 2. ESTABLISHMENT OF LANCASTER COUNTY SCHOOL SERVICE AREA.

- (a) The school development impact fee shall be calculated and imposed within the Lancaster County School Panhandle Service Area,

- (b) The boundaries of the Lancaster County School Panhandle Service Area are identified in Figure 1: Lancaster County School Panhandle Service Area.

FIGURE 1: LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA



SECTION 3. INCORPORATION OF SUPPORT STUDY

The County relies on the level of service standard, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for School development impact fees, and the capital improvement plan (CIP) for School facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 18, 2021 (hereinafter "School development impact fee study"). The School development impact fee study sets forth a reasonable level of service standard, land use assumptions, methodologies, service units, system improvement costs, and formulas for determining the impacts of new development on School facility system improvement needs.

SECTION 4. IMPOSITION OF SCHOOL DEVELOPMENT IMPACT FEES

- (a) The School development impact fee shall be imposed on all new development in the School Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Sec.17-9 of the County Code. If an exception or waiver is granted, the development impact fees which otherwise would have been due shall be provided by the School Board, using funds available for new residential growth needs from sources other than school development impact fees.
- (b) The School development impact fee shall be paid prior to issuance of a building permit, or if a building permit is not required, prior to construction of the dwelling unit, or prior to issuance of a development permit for the dwelling unit, as appropriate.

SECTION 5. DEVELOPMENT IMPACT FEE SCHEDULE

- (a) Pursuant to this Ordinance and in accordance with the impact fee procedures in Chapter 17 of the County Code, the State Development Impact Fee Act, and the School development impact fee study and CIP, School impact development fees shall be imposed in the School Service Area service.
- (b) The following general procedure shall be followed upon receipt of an application for a building permit for new development:
 - 1) For residential development, identify the type of housing development and number of dwelling units, and then calculate the fee based on the School Development Impact Fee Schedule;
 - (1) School Development Impact Fee Schedule Panhandle Service Area

TABLE 1: SCHOOL DEVELOPMENT IMPACT FEE SCHEDULE, LANCASTER COUNTY SCHOOL PANHANDLE SERVICE AREA	
DWELLING UNIT TYPE	FEE
Single Family	\$8,202
Multifamily	\$8,701

- (c) Development Impact Fee Schedule Annual Update. The development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for facilities set forth in the Development Impact Fee Study and CIP dated March 18, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the development impact fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator. The impact fee schedule annual adjustment will become effective on July 1st of each year. If July 1st falls on a weekend or county holiday, the fee adjustment will become effective on the next business day thereafter

SECTION 6. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT

- (a) In-lieu of calculating the School development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required School development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a feepayer requests the use of an Individual Assessment of Development Impact, the feepayer shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the feepayer's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the level of service standard and the same system improvement costs for School facility system improvements used in the School development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the School development impact fee study and CIP, and shall document the relevant methodologies and assumptions used (no adjustments in the assumption of credits shall be made). The burden shall be on the feepayer requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the School development impact fee study and CIP and reflected in the School Development

Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.

- (d) Each Individual Assessment of Development Impact shall be submitted to the Director or a designee, and may be accepted, rejected, or accepted with modifications by the Director or a designee as the basis for calculating School development impact fees. If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Director or a designee as a more accurate measure of the demand for School facility system improvements created by the proposed new development than the applicable fees in the School Development Impact School Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION 7. CREDITS

- (a) Any developer/fee payor obligated to pay a school development impact fee under this section may apply for credit against school development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any construction or dedication of land for school facility system improvements that are accepted by the County Council and the School Board for systems improvements identified in the CIP.
- (b) Valuation of Credits
 - 1) Credit for land dedication for a school, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to the County Council and School Board in an appraisal paid for by the fee payor.
 - 2) Credit for construction of a school building shall be valued by the County Council and School Board based on construction costs estimates submitted by the fee payor. The County Council, after consultation with the School Board, shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County Council and School Board.
- (c) When Credits Become Effective
 - 1) Credits for land dedication for schools shall become effective after the credit is approved by County Council and the School Board pursuant to this section and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the School Board in a form established by the School Board at no cost to the School Board, and (b) the dedication of land has been accepted by the School Board.
 - 2) Credits for construction of school buildings shall become effective after the credit is approved by County Council and School Board pursuant to this section, a Credit Agreement/Development Agreement is entered into, and (a) all required construction has been completed and has been accepted by the School Board, (b) a suitable maintenance and warranty bond has been received and approved by the School Board, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable School Board requirements.
 - 3) Credits for construction or dedication of land for school facility system improvements shall be transferable within the same development for school development impact fee purposes, but

shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County Council and School Board for registration.

- 4) The total amount of the credit shall not exceed the amount of the school development impact fees due and payable for the project.
- 5) The County and School Board may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to construct school facility system improvements in the CIP, to the extent the fair market value of the construction of those school facility system improvements exceed the obligation to pay school development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the school facility system improvements constructed.
- 6) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County Council and School Board. The Credit Agreement/Development Agreement shall specifically outline the construction of school buildings or land dedication for schools, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the school development impact fees the fee payor shall receive for the construction of school buildings or the dedication of land.

SECTION 8. TRUST FUND FOR SCHOOL DEVELOPMENT IMPACT FEES

The County hereby establish segregated School Development Impact Fee Trust Fund Accounts. All school development impact fees collected by the County for school development impact fees shall be placed in their respective Trust Fund Account. Prior to December 1 of each year, the County shall transfer all school development impact fees received and collected to the School Board. The Trust Fund shall be an interest-bearing account and all interest earned and accruing to the account shall become funds of the account, subject to the same limitations and restrictions on use and expenditure of funds that are applicable to school development impact fee funds.

SECTION 9. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS

School development impact fee funds transferred to the School Board by the County shall be used by the District in accordance with the County impact fee procedures in Chapter 17 of the County Code, solely and exclusively for school facility system improvements as set forth in the school support study and CIP. System improvements generally include the following: school buildings and land for public kindergarten through eighth grade schools that are designed to expand school system capacity.

SECTION 10. DEVELOPMENT AGREEMENT OPTION

- (a) A developer may pay the school facilities development impact fee as calculated pursuant to Section 5. Development Impact Fee Schedule, as the proposed development project's proportionate share of school facility system improvement costs and as full and complete payment of such obligations, or in the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, and provide for dedication of land or

construction of school buildings or for payments in-lieu of school development impact fees for school facility system improvements.

- (b) A school development impact fee may not be imposed on a developer who has entered into a development agreement with the County who provides for the school facility system improvement needs of the developer's development project that is subject to the development agreement.
- (c) A development agreement for school facility system improvements in accordance with this section may only be entered into with the authorization and approval of both the County and the developer, and after consultation with the School Board.

SECTION 11. DEVELOPER RIGHTS

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures as set forth in Chapter 17 of the County Code, shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 17-8, of the County Code

- (a) Administrative Appeal. The developer/applicant may file an administrative appeal with the County Administrator with respect to a County decision related to the imposition, calculation, collection, processing, or expenditure of a school development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures in Section 17-7, of the County Code. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County.
- (b) Payment under Protest. The developer/applicant may pay the County-calculated school development impact fees under protest, pursuant to the County impact fee procedures as set forth in Section 17-7, of the County Code. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures as set forth in Section 17-7.
- (c) Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County and only to address a disagreement related to the school development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures as set forth in Section 17-7, of the County Code, or other remedies available by law.

SECTION 12. COUNTY REMEDIES

- (a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Chapter 17 of the County Code shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures as set forth in Section 17-8 of the County Code.
 - 1) Interest and Penalties. The County may, at its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated school development impact fees due, pursuant to the impact fee procedures as set forth in Section 17-8 of the County Code.

- 2) Withholding Building or Development Permit or Development Approval or Certificate of Occupancy. The County may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the school development impact fees due.
 - 3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures as set forth in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required school development impact fees in full.
- (b) The County may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

SECTION 13. INTERGOVERNMENTAL AGREEMENTS

Prior to imposition of a school development impact fee pursuant to this Ordinance, the County and the School Board shall enter into an intergovernmental agreement, and the County and participating municipalities shall enter into intergovernmental agreements, which intergovernmental agreements shall:

- (a) Specify the reasonable share of funding of joint system improvements for school facility system improvements by each governmental unit;
- (b) Provide for the collection of the school development impact fee by the municipality within its corporate limits and by the County within the unincorporated area;
- (c) Provide for the timely transfer of school development impact fee revenues from the municipality to the County, and then the transfer of the fees collected by the participating municipalities and the County to the School Board; and
- (d) Provide for the timely expenditure of the school development impact fee revenues by the School Board, in accordance with the CIP.

SECTION 14. TERMINATION OF THE SCHOOL DEVELOPMENT IMPACT FEES.

The school development impact fees shall be terminated upon the completion/conclusion of all of the school development impact fee-funded school facility system improvements, as set forth in the CIP, unless:

- (a) The School Board adopts a capital improvements plan for a subsequent time period for the Lancaster County School Panhandle Service Area; or
- (b) The County adopts an updated school development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION 15. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of furthering, promoting, and protecting the public health, safety, and welfare.

SECTION 16. CONFLICT.

To the extent of any conflict between other County ordinances and this ordinance, this Ordinance shall be deemed controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing County Ordinance, resolution, or regulation.

SECTION 17. SEVERABILITY.

- (a) If any section, subsection, sentence, clause, phrase, or portion of these Procedures is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of these Procedures shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of these Procedures nor impair or nullify the remainder of such Procedures which shall continue in full force and effect.
- (b) If the application of any provision of these Procedures to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Council is that such decision shall be limited to the specific new development immediately involved in the controversy, action, or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify these Procedures as a whole or the application of any provision of these Procedures to any other new development.

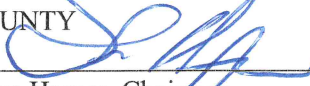
SECTION 18. EFFECTIVE DATE.

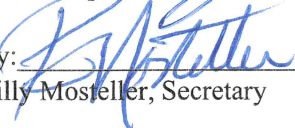
- (a) This Ordinance shall become effective on January 1, 2022, provided, however, that the school development impact fee for new development within the Panhandle Service Area shall only be effective upon the date that the County and School Board have entered into the intergovernmental agreement required by Section 13.
- (b) Applications for new residential development filed after the effective date as set forth in this section shall be subject to the school development impact fee.
- (c) If a development project has received approval of a site-specific development plan, as defined in S.C. Code §6-29-1520, prior to the effective date of this ordinance, the development is not subject to the school development impact fee.

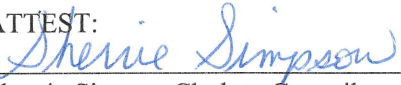
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ADOPTED this 13th day of Sept., 2021

COUNTY COUNCIL OF LANCASTER
COUNTY

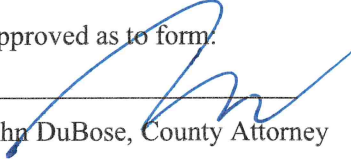
By: 
Steve Harper, Chairman

By: 
Billy Mosteller, Secretary

ATTEST:

Sherrie ~~Simson~~, Clerk to Council
Simpson

First Reading:	August 9, 2021
Second Reading	August 23, 2021
Third and Final Reading	September 13, 2021
Public Hearing	August 23, 2021

Approved as to form:


John DuBose, County Attorney

STATE OF SOUTH CAROLINA

(

RESOLUTION NO. 1195-R2022

COUNTY OF LANCASTER

(

A RESOLUTION

TO APPROVE THE MASTER DEVELOPMENT PLAN SUBMISSION OF NWR DEVELOPMENT LLC, FOR A PROPOSED MIXED-USE DEVELOPMENT KNOWN AS “THE LODGES AT INDIAN LAND” CONSISTING OF 261 MULTIFAMILY UNITS AND LOCATED ON APPROXIMATELY 38.88 ACRES, MORE OR LESS, CURRENTLY ZONED MIXED-USE DISTRICT (MX) AND LOCATED ON THE NORTH SIDE OF FORT MILL HIGHWAY, APPROXIMATELY 225 FEET EAST OF ROSEMONT DRIVE.

WHEREAS, the subject parcels (TMS #s 0006-00-086.00, 0006-00-087.00, 0006-00-087.03 and 0006-00-087.04) were previously approved by County Council on January 25, 2021 via Resolution No. 1137-R2021 to be developed as 217 multi-family dwellings consisting of 80 Townhouse, 63 Cottage Court, and 74 Garden Apartment units at a density of 5.6 dwelling units per acre.

WHEREAS, the property owner/applicant is now proposing to develop the site in a virtually identical manner, but with 261 multi-family dwellings consisting of 80 Townhouse, 63 Cottage Court, and 118 Garden Apartments at a density of 6.71 dwelling units per acre.

WHEREAS, UDO Section 3.6.9.C requires a minimum ground floor elevation of two feet for the Cottage Court building type. The applicant has requested a deviation from this requirement pursuant to the maximum allowable deviation as set forth in UDO Section 3.12.1.B.2 – a reduction of one-foot. The applicant has provided that following justification for this deviation as part of the application:

Petitioner also requests to modify the requirement that the finished floor elevation must be a minimum of 24” above the finished grade. This height creates a challenge for compliance with the Americans with Disabilities Act because lengthy segments of access ramps are required to maintain the maximum slope required by the ADA. Also, the buildings will better respond to the existing topography if the minimum height to finished grade is lowered to 12”

WHEREAS, the Council of Lancaster County believes that the deviation allowed by UDO Section 3.12.1.B.2 is a reasonable and necessary deviation based on the factual information submitted by the applicant.

WHEREAS, on March 15, 2022, the Lancaster County Planning Commission held a public hearing on the proposed Master Development Plan and, by a unanimous vote (4-0) recommended approval of the Master Development Plan subject to the following conditions of approval:

- 1) That the project engineer submits flow data to the LCWSD Engineering Department to better understand what infrastructure would need to be upsized/modified; and
- 2) That the recommended transportation improvements outlined in the Traffic Impact Analysis prepared by Kimley-Horn and Associates dated December 16, 2019, shall be required to be constructed by the applicant prior to the issuance of any Certificates of Occupancy associated with this project; and
- 3) That all outstanding TRC/Evolve comments are addressed; and
- 4) That all applicable requirements of the UDO, except as otherwise explicitly modified herein, are met.

WHEREAS, in accordance with Unified Development Ordinance a Mixed-Use Master Plan is to be reviewed and approved with finality by Lancaster County Council.

WHEREAS, The Future Land Use Map identifies these properties as Neighborhood Mixed Use. The proposed Master Development Plan will result in development that is consistent with the Neighborhood Mixed-Use Future Land Use Category, as well as the land use considerations set forth in the Walkable Neighborhood Community Type. Accordingly, the Master Development Plan is consistent with the Comprehensive Plan.

WHEREAS, the Master Development Plan, subject to the conditions contained herein, satisfies each of the requirements contained in the Unified Development Ordinance (“UDO”) for a Master Development Plan is Section 9.2.9.B.9

NOW, THEREFORE, upon review and consideration of the Land Design Master Plan Preliminary Plat and supporting documentation, it is resolved that:

The Master Development Plan is approved subject to the following conditions of approval:

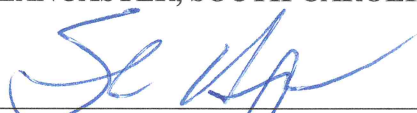
- 1) That the project engineer submits flow data to the LCWSD Engineering Department to better understand what infrastructure would need to be upsized/modified; and
- 2) That the recommended transportation improvements outlined in the Traffic Impact Analysis prepared by Kimley-Horn and Associates dated December 16, 2019, shall be required to be constructed by the applicant prior to the issuance of any Certificates of Occupancy associated with this project; and
- 3) That all outstanding TRC/Evolve comments are addressed; and
- 4) That all applicable requirements of the UDO, except as otherwise explicitly modified herein, are met.
- 5) The requested minimum ground floor height deviation is approved pursuant to UDO Section 3.12.1.B.2.

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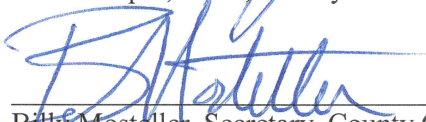
AND IT IS SO RESOLVED

Dated this 11th day of APRIL, 2022.

LANCASTER, SOUTH CAROLINA

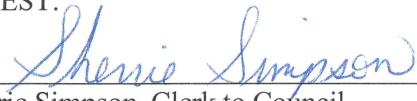


Steve Harper, Chair, County Council



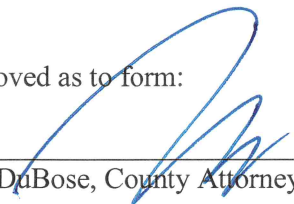
Billy Mosteller, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

Approved as to form:



John DuBose, County Attorney

Reviewer Comment Listing

20202051

Project: Lodges at Indian Land
1241 Columbia Cir, Indian Land SC 29707
±210 units for-rent MX district.

Review of: MXU Master Plan

Status: Conditional

Review Comments

The following comments are grouped as "Review Comments" or "Advisory Comments". "Review Comments" are items related to your plan review that require action on your part. "Advisory Comments" are informational notes that may be important in the future and are for your information.

Planning - Robert Tefft - rtefft@lancastersc.net

Review Comments:

County Council approved the MX Master Plan on April 11, 2022, via Resolution No. 1195-R2022

Conditions of Approval:

1. That flow data is submitted to the LCWSD to fully ascertain what infrastructure may need to be upsized/modified commensurate with this project.
2. That the recommended transportation improvements outlined in the Traffic Impact Analysis prepared by Kimley-Horn and Associated dated December 16, 2019 shall be required to be constructed by the applicant prior to the issuance of any Certificates of Occupancy associated with this project.
3. That any and all outstanding TRC/Evolve comments are addressed.
4. That all applicable requirements of the UDO are met.

Advisory Comments:

Impact Fee - Chanda Kirkland - ckirkland@lancastersc.net

Review Comments:

Advisory Comments:

This project is located in the Pleasant Valley Fire District and Indian Land Schools, the following impact fees apply:

The Lancaster County Service Impact fee for each housing unit is \$1,263.00. The total fee for 44 units are estimated to be \$55,572.00.

The Lancaster County School District impact fee for each housing unit is \$8,701.00. The total fee for 44 units estimated to be \$382,844.00

Fees will be collected at the time of building permit issuance. Should you wish to arrange prepayment that can be coordinated after you receive final plat approval.

If you have any questions or would like further information on the Impact fees you can contact me.

Planning - Robert Tefft - rtefft@lancastersc.net

Review Comments:

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Conditions of Approval:

1. That flow data is submitted to the LCWSD to fully ascertain what infrastructure may need to be upsized/modified commensurate with this project.
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Advisory Comments:

Impact Fee - Chanda Kirkland - ckirkland@lancastersc.net

Review Comments:

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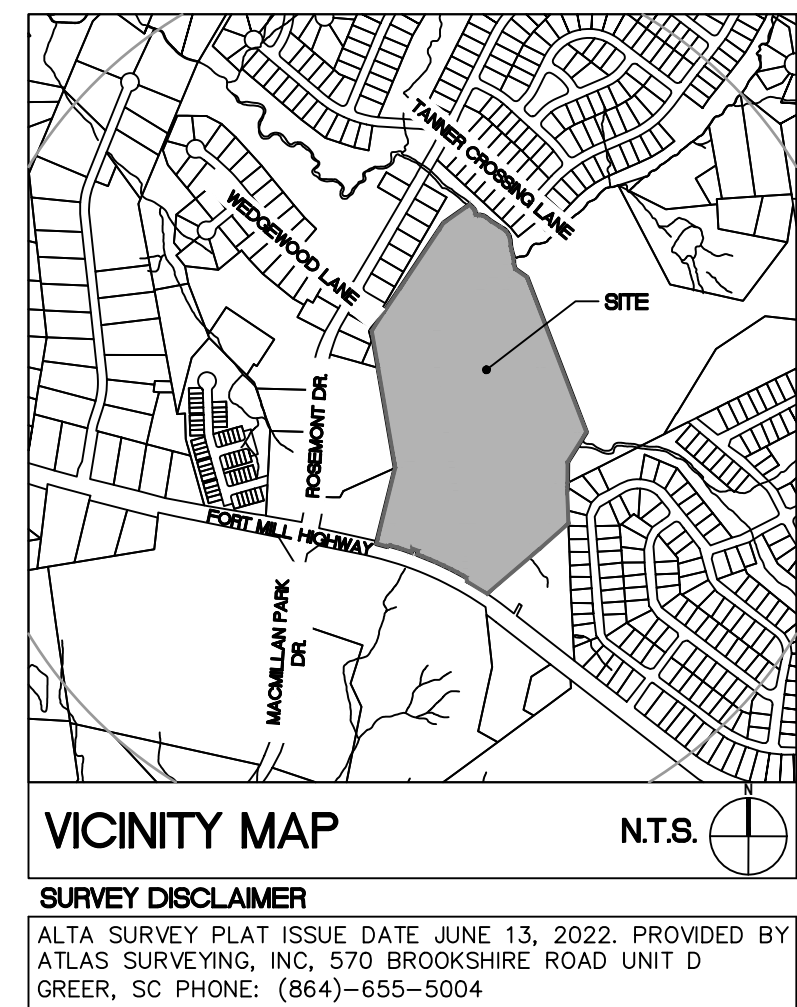
LODGES AT INDIAN LAND

680 FORT MILL HIGHWAY INDIAN LAND, SC 29707

CONSTRUCTION SET

RTAP #1

RTAP #2



Shaping the Environment
Realizing the Possibilities

Land Planning
+ Landscape Architecture
+ Civil Engineering
+ Urban Design

200 South Tryon Street, Suite 1400
Charlotte, North Carolina 28202
p+ 704 376 1555 f+ 704 376 7851
url+ www.colejeneststone.com

**NORTHWOOD
RAVIN, LLC**

558 E STONEWALL STREET
SUITE 120
CHARLOTTE, NC 28202

SGA | NarmourWright
DESIGN

**LODGES AT
INDIAN LAND**

680 FORT MILL HIGHWAY
INDIAN LAND, SC 29707

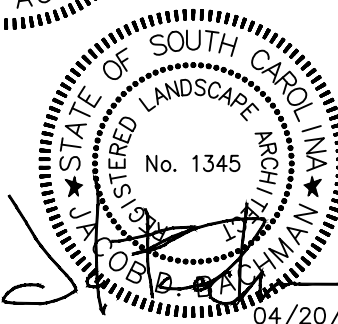
**OVERALL
PROJECT PLAN**

Lancaster County

Project Approval Service
4727 Approved Amendment

Issued
07/26/21

Revised
12/02/22 - RTAP #1
03/10/23 - ARCHITECT REVISIONS
04/20/23 - RTAP #2



SCALE: 1"=100'
0 50' 100' 200'

C-000

The drawings, the project manual and the design shown thereon are instruments of ColeJenest & Stone, P.A.. The reproduction or unauthorized use of the documents without consent of ColeJenest & Stone, P.A. is prohibited.

ColeJenest & Stone, P.A. 2022

SHEET INDEX

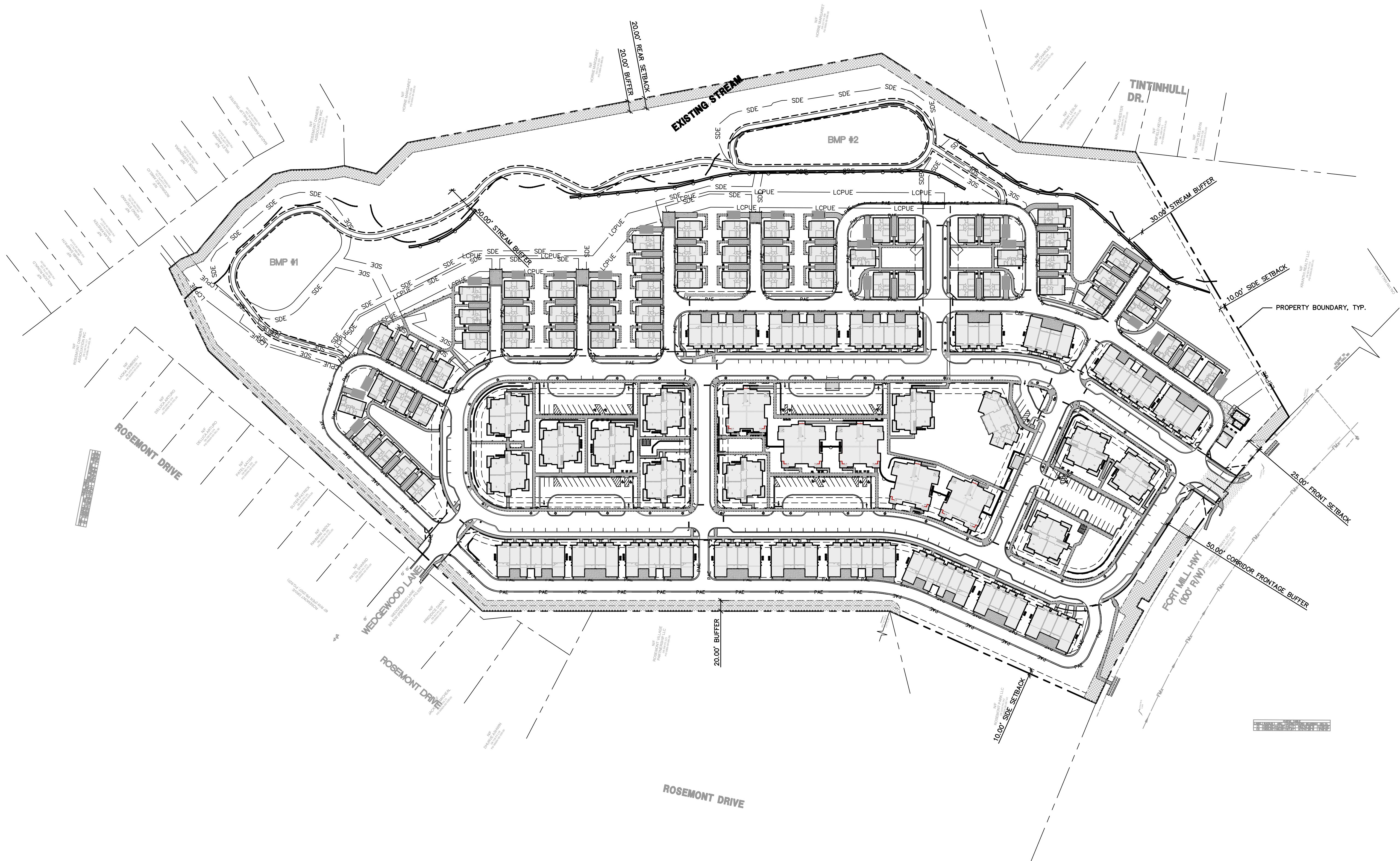
C-000	OVERALL PROJECT PLAN
C-100-106	DEMOLITION PLAN
C-200-206	DIMENSION CONTROL PLAN AND PROFILE
C-207	SIGHT DISTANCE PLAN AND PROFILE
C-208	FIRE HYDRANT SPACING PLAN
C-209-211	VEHICLE TURNING MOVEMENTS
C-213	OFFSITE PAVEMENT MARKING PLAN
C-300-306	EROSION CONTROL STAGE I
C-307-313	EROSION CONTROL STAGE II
C-314-320	EROSION CONTROL STAGE III
C-400-406	GRADING AND DRAINAGE PLAN
C-407	STORM SCHEDULE AND NOTES
C-408-414	STORM DRAINAGE MAPS
C-415-416	PRE-POST DEVELOPMENT DRAINAGE MAPS
C-500-515	ROADWAY PLAN AND PROFILE
C-700-706	PLANTING PLAN
C-800-806	SITE DETAILS
C-807	BMP DETAILS
C-808	TRAFFIC CONTROL DETAILS
V-100	SITE SURVEY

NOTE:
FOR PUBLIC UTILITY PLANS, SEE LCWSD SHEETS
FOR PRIVATE UTILITY PLANS, SEE SCDHEC SHEETS

NOTE:
FINISHED FLOOR ELEVATIONS AND SITE GRADING
WILL BE REPRESENTED CONSISTENTLY BETWEEN
THE BUILDING PERMIT DOCUMENTS AND THE CIVIL
PERMIT DOCUMENTS.



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND LANCASTER WATER AND SEWER DISTRICT SPECIFICATIONS.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.



Owner: NR Lodges Property Owner, LLC
Tax Map Number: 0006-00-086.00
Street Address: 680 Fort Mill Highway
City, State, Zip: Indian Land, SC 29707

**BOND IN THE AMOUNT
OF IMPACT FEE**

Section 17-7 (Payment of Impact Fee Under Protest)

WHEREAS, **NR Lodges Property Owner, LLC** (the "Owner / Applicant"), in accordance with the Lancaster County Development Impact Fee Procedures has taken and filed an appeal pursuant to Section 17-7 (Appeals) and paid an Impact Fee under Section 17-1 *et seq.* under protest by posting a bond with Lancaster County, South Carolina, in the amount of the Impact Fee as Calculated by the Development Services Director or a designee (the "Director"); and

WHEREAS, the undersigned Principal desires to post a bond with Lancaster County, South Carolina in the amount of the Impact Fee of \$415,404, as calculated by the Director;

NOW, THEREFORE, the undersigned Principal and Surety do hold themselves conditionally bound unto Lancaster County, South Carolina up to, but not in excess of, the Impact Fee of \$415,404, as calculated by the Director.

The condition of this Bond is such that the Owner / Applicant must have exhausted all administrative rights, remedies, legal appeals, and proceedings in court before any claim may be made against this Bond. Prior to the exhaustion of all administrative rights, remedies, legal appeals, and proceedings in court any claim against this Bond shall be null and void.

In the event Lancaster County, South Carolina does not have a valid and enforceable right to the full amount of the Impact Fee of \$415,404, as calculated by the Director, and / or in the event it is found that Lancaster County, South Carolina is not entitled to a judgment against the Owner / Applicant to enforce said Impact Fee of \$415,404, for any reason whatsoever, this Bond shall be null and void.

It is a further condition of this Bond, that, should the undersigned Principal or Surety pay to Lancaster County, South Carolina the amount, if any, finally determined by a court of competent jurisdiction to be a valid and enforceable claim for an Impact Fee against the Bond within thirty (30) days from the time said determination becomes final and binding, this Bond shall be null and void.

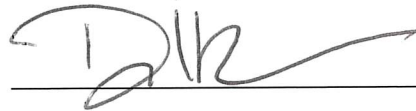
It is a further condition of this Bond that this Bond shall not in any way increase or expand the rights that Lancaster County, South Carolina has against the Principal, the Surety, the Owner / Applicant or against the Real Property, and Lancaster County, South Carolina is required to comply with all terms and provisions set forth in the Lancaster County Development Impact Fee Procedures found at Section 17-1 *et seq.* as well as all other Lancaster County, South Carolina ordinances and procedures, otherwise this Bond shall be null and void.

IN WITNESS WHEREOF the undersigned Principal and Surety have set their hands and seals on this 15th day of June, 2023.

PRINCIPAL:

NR LODGES PROPERTY OWNER, LLC

By: _____

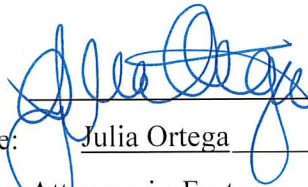


Name: David R. Ravin

Title: Managing Member

SURETY: Harco National Insurance Company

By: _____



Name: Julia Ortega

Title: Attorney-in-Fact

**G.S. § 10B-41 NOTARIAL CERTIFICATE FOR
ACKNOWLEDGMENT**

Wake County, North Carolina

I certify that the following person(s) personally appeared before me this day, each
acknowledging to me that he or she signed the foregoing document:

Julia Ortega
Name(s) of principal(s)

Date: 6/15/2023

(Official Seal)



A handwritten signature in blue ink, appearing to be "MAR", written over a horizontal line.

Official Signature of Notary

Maria De los Angeles Reynoso, Notary Public
Notary's printed or typed name

My commission expires: June 28, 2026

OPTIONAL

This certificate is attached to a _____, signed by _____
Title/Type of Document *Name of Principal Signer(s)*

on _____, and includes _____ pages.
Date *# of pages*

POWER OF ATTORNEY
HARCO NATIONAL INSURANCE COMPANY
INTERNATIONAL FIDELITY INSURANCE COMPANY

Bond # 0831185

Member companies of IAT Insurance Group, Headquartered: 4200 Six Forks Rd, Suite 1400, Raleigh, NC 27609

KNOW ALL MEN BY THESE PRESENTS: That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

KEVIN RE, VIRGINIA L. BLACK, MARIA DE LOS ANGELES REYNOSO, BRITTANY KAVAN, THUYDUONG LE, MISTY R. HEMJE, COURTNEY CHEW, SUSAN M. EXLINE, M. MOODY, JANET C. ROJO, K. ZEROUNIAN, SUSAN HECKER, TINA K. NIERENBERG, BETTY L. TOLentino, MAUREEN O'CONNELL, BRIAN F. COOPER, ROBERT P. WRIXON, JULIA ORTEGA

San Francisco, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents
on this 31st day of December, 2022



STATE OF NEW JERSEY
County of Essex

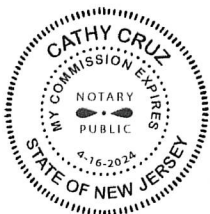
Kenneth Chapman

Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2022, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Cathy Cruz a Notary Public of New Jersey
My Commission Expires April 16, 2024

CERTIFICATION

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, June 15, 2023

A00558

Irene Martins, Assistant Secretary

Allison Hardin

From: Chanda Kirkland <CKirkland@lancastersc.net>
Sent: Thursday, July 6, 2023 9:51 AM
To: Allison Hardin
Cc: Debbie Wright
Subject: FW: Request for Brief Meeting or Conference Call / Lancaster County, SC and the Lodges at Indian Land Project

Per John DuBose the Bond posted for the Lodges is approved. It is my understanding that the permit to operate has not been obtained however a decision has been made to allow foundation to start.



Chanda Kirkland, Development Service
Coordinator
Building
Lancaster County Government
PO Box 1809
101 N Main St
Lancaster, SC 29720
P: (803) 416-9390 F: (877) 636-3035
CKirkland@lancastersc.net

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

From: Debbie Wright <DWright@lancastersc.net>
Sent: Wednesday, July 5, 2023 8:23 AM
To: Chanda Kirkland <CKirkland@lancastersc.net>
Subject: FW: Request for Brief Meeting or Conference Call / Lancaster County, SC and the Lodges at Indian Land Project



Debbie Wright, Office Manager
Building
Lancaster County Government
PO Box 1809
101 N Main St
Lancaster, SC 29720
P: (803) 416-9736 F: (877) 636-3035
DWright@lancastersc.net

Lancaster County
Planning, Zoning, Stormwater, and Building Inspections
P. O. Box 1809
Lancaster, SC 29721
803.285.6005
planning@lancastercountysc.net



Issued to:

NWR Construction LLC
3015 Carrington Mill Blvd
Morrisville NC 27560

Receipt No. 17385

Date 07/06/2023
Cashier dwright

Payment Items

Impact Fee (1289 101 COLUMBIA CIR INDIAN LAND)	
EMS Impact Fee	\$3,872.00
Parks and Rec Impact Fee	\$26,576.00
Pleasant Valley Fire Impact Fee	\$25,740.00
Sheriff Impact Fee	\$4,092.00
	\$60,280.00

Form of Payment

Check	99	\$60,280.00
		\$60,280.00

Thank you for your payment.

The Lodges at Indian Land

Evolve Project #20202051

Submittals:

1. 8/20/2020 Sketch Plan
2. 9/17/2020 TRC meeting discussion of text amendment and sketch plan
3. 8/31/2020 Text Amendment - to permit limited amount of cottage courts
4. 10/29/2020 MX Master Plan review
5. 7/27/2021 Civil Plan review
6. 7/30/2021 Apartment Non-Residential New Construction review
7. 4/25/2022 MXU amendment (increase unit count from 217 multi-family dwelling units consisting of 80 TH, 63 Cottage Court and 74 Garden apartment units to 261 multi-family dwelling consisting of 80 TH, 63 cottage court and 118 garden apartment units).
8. 9/29/2022 Civil Plan amendment #1 (MXU plan approval revisions and global earthwork adjustment).
9. 4/20/2023 Civil plan amendment #2 (minor site revisions per owner's directive).
10. 4/25/2023 TH, cottage and garages residential permit review
11. 6/27/2023 Bond-Impact fee
12. 6/23/2023 BZA Administrative Appeal