Council Members
District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

April 26, 2021 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

AGENDA

1. **Call to Order Regular Meeting - Chairman Steve Harper**
2. **Welcome and Recognition - Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation - Council Member Billy Mosteller**
4. **Approval of the Agenda**

   [deletion and additions of non-substantive matter]
5. **Special Presentations**
6. **Executive Session**

   [motions from Members may follow]

   a. One Item (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

      1. ***One Legal Briefing regarding a Contractual Matter. SC Code 30-4-70(a)(2).***
7. **Citizens Comments**

   [While in-person Citizens Comments are not currently suspended, due to public health and safety considerations and the need for continued social distancing, the County is strongly encouraging citizen input and comments be submitted in writing prior to the meeting. Comments may be submitted via mail to ATTN: Sherrie Simpson, Post Office Box 1809, Lancaster, SC, 29721, by email to Sherrie Simpson at ssimpson@lancastersc.net or by online submission by selecting the "Citizens Comments" quick link located on the County website homepage at https://www.mylancastersc.org/ Comments must be no longer than approximately 3 minutes when read aloud. Comments received will be acknowledged during the Citizens Comments portion of the meeting. Comments will need to be received prior to 4:00 p.m. on the day of the meeting. Please use the same link above in order to submit input/comments for Public Hearings.]
8. **Consent Agenda**

   [Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather

than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]

a. Approval of Minutes from the April 12, 2021 County Council Regular Meeting

b. 3rd Reading of Ordinance 2021-1727 regarding Adopting the Pilot Traffic Calming Program Guidebook

Ordinance Title: An Ordinance To Adopt The Lancaster County South Carolina Pilot Traffic Calming Program Guidebook, Dated December 2020. ***- Passed 7-0 at the March 22, 2021 County Council Meeting. Passed 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/Jeff Catoe/Darren Player***

c. 2nd Reading of Ordinance 2021-1719 regarding Accutrex Expansion Fee In Lieu Of Tax and Special Source Revenue Credits

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Accutrex Products, Inc. Precision Parts Division Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund. ***- Passed 7-0 at the April 12, 2021 County Council Meeting. - Jamie Gilbert***

d. 2nd Reading of Ordinance 2021-1729 regarding Rezoning Property of Matthew & Heather Ellis from Rural Business (RUB) to Rural Residential (RR)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of 6815 Shiloh Unity Road (TMS # 0054-00-029.04) From RUB, Rural Business District, To RR, Rural Residential District ***- Planning Department Case Number: RZ-2021-0114. Planning Commission recommended approval by a unanimous vote. Passed 7-0 at the April 12, 2021 County Council Meeting. - Rox Burhans***

e. 2nd Reading of Ordinance 2021-1730 regarding Rezoning Property of Matthew & Heather Ellis from Rural Residential (RR) to Rural Business (RUB)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of Old Camden Monroe Highway (TM # 0054-00-029.05) From RR, Rural Residential, To RUB, Rural Business District. ***- Planning Department Case Number: RZ-2021-0261. The Planning Commission recommended approval by a unanimous vote. Passed 7-0 at the April 12, 2021 County Council Meeting. - Rox Burhans***

f. 2nd Reading of Ordinance 2021-1731 regarding a Quit Claim Title to Real Property for an Unnamed Road that Extends From Norfolk Drive to Lynwood Drive

Ordinance Title: An Ordinance Authorizing Lancaster County To Quit Claim Title To Real Property For An Unnamed Road That Extends From Norfolk Drive To Lynwood Drive. ***- Passed 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/John DuBose***

9. <u>Non-Consent Agenda</u>

a. Resolution 1148-R2021 regarding Lancaster County Council Expressing Its Support of 2nd Amendment Rights

Resolution Title: A Resolution By Lancaster County Council Expressing Its Support Of Second Amendment Rights. ***- Steve Willis/John DuBose/Allen Blackmon***

b. Resolution 1149-R2021 regarding Unique Loom Fee Agreement Sponsor Affiliate Addition

Resolution Title: A Resolution To Approve The Unique USA, Inc., Designation Of 793 FMH, LLC, As A Sponsor Affiliate Under That Certain Fee Agreement By And Between Lancaster County, South Carolina, And Unique USA, Inc., As Sponsor, Dated As Of December 30, 2020. ***- Jamie Gilbert***

c. Public Hearing and 3rd Reading for Ordinance 2021-1705 Regarding Adoption of Procedures for

the Imposition, Calculation, Collection, Expenditure and Administration of Impact Fees

Ordinance Title: An Ordinance Adopting Procedures For The Imposition, Calculation, Collection, Expenditure And Administration Of Impact Fees To Be Imposed On New Development; Providing A Purpose And Intent; Providing Definitions; Providing General Provisions And Applicability; Providing For The Establishment Of Impact Fee Accounts; Providing For The Appropriation Of Impact Fee Funds; Providing For Refunds; Providing For Appeals; Providing For Conflict; Providing For Severability; And Providing An Effective Date. ***- Passed 7-0 at the February 8, 2021 County Council Meeting. Passed 5-2 at the April 12, 2021 County Council Meeting (Billy Mosteller and Larry Honeycutt Opposed). - Steve Willis/John DuBose/Kim Belk***

d. 3rd Reading for Ordinance 2021-1725 regarding Adopting a Parks & Recreation Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Parks & Recreation Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Parks & Recreation Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development in The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Parks & Recreation Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Parks & Recreation Facilities On A Proportionate Share Basis To New Development. ***- Passed 5-2 at the March 22, 2021 County Council Meeting (Steve Harper and Billy Mosteller Opposed). Passed 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/John DuBose***

e. 2nd Reading of Ordinance 2021-1722 regarding Adopting a Fire Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Fire Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Fire Facilities (Fire Stations And Fire Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Fire Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Fire Facilities On A Proportionate Share Basis To New Development. ***- 1st Reading Passed 5-2 at the March 22, 2021 County Council Meeting (Steve Harper and Billy Mosteller Opposed). Deferred 2nd Reading by a vote of 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/John DuBose***

f. 2nd Reading of Ordinance 2021-1723 regarding Adopting An Emergency Medical Services (EMS) Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting An Emergency Medical Services ("EMS") Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That EMS Facilities (EMS Stations And Emergency Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For EMS Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such EMS Facilities On A Proportionate Share Basis To New Development ***- 1st Reading Passed 5-2 at the March 22, 2021 County Council Meeting (Steve Harper and Billy Mosteller Opposed). Deferred 2nd Reading by a vote of 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/John DuBose***

g. 2nd Reading of Ordinance 2021-1724 regarding Adopting a Sheriff Development Impact Fee (Public Hearing Delayed and Will Be ReAdvertised)

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Sheriff Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To

Ensure That Sheriff Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Sheriff Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Sheriff Facilities On A Proportionate Share Basis To New Development ***- 1st Reading Passed 5-2 at the March 22, 2021 County Council Meeting (Steve Harper and Billy Mosteller Opposed). Deferred 2nd Reading by a vote of 7-0 at the April 12, 2021 County Council Meeting. - Steve Willis/John DuBose***

h. 2nd Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved. ***- Planning Department Case Number: UDO-TA-2020-2957. Planning Commission recommended approval by a vote of 5-2. Passed 6-0 at the April 12, 2021 County Council Meeting (Terry Graham Abstained). - Rox Burhans***

i. 1st Reading of Ordinance 2021-1732 regarding Amending the Bylaws of the Historical Commission

Ordinance Title: An Ordinance To Amend Chapter 2, Article XI, Division 2 Of The Lancaster County Code Of Ordinances Entitled, "Historical Commission," To Provide Necessary Updates To The Language Of Various Applicable Ordinances.***- John DuBose***

10. Discussion and Action Items

a. Approval of Appointments to various Boards or Commissions

- Sheresa Ingram to the Board of Zoning Appeals as the District 5 representative to fill an unexpired term that will end on 06/30/2021 and to fill a first four year term that will expire on 06/30/2025 (1st Term)
- Michael Brian Elliott to the Airport Advisory Board as the District 6 representative to fill an unexpired term that will end on 06/30/2023

b. Report on Mount Nebo Road Project - Steve Willis/Jamie Gilbert

11. Status of items tabled, recommitted, deferred or held

a. HELD - Public Hearing (Delayed and Will Be ReAdvertised) and 3rd Reading of Ordinance 2021-1726 regarding Adoption of the Capital Improvement Plan

Ordinance Title: An Ordinance To Adopt The Lancaster County Capital Improvements Plan 2021 Through 2031 As Recommended By The Lancaster County Planning Commission. ***- Passed 6-1 at the March 22, 2021 County Council Meeting (Allen Blackmon Opposed). Passed 6-1 at the April 12, 2021 County Council Meeting (Allen Blackmon Opposed). - Kim Belk***

12. Miscellaneous Reports and Correspondence

a. Request For Proposals (RFP) for Owner's Representative for the Detention Center Project

13. Citizens Comments

[If Council delays until end of meeting]

14. Executive Session

[motions from Members may follow]

a. One Item (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. ***One Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***

15. <u>Adjournment</u>

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council 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/channel/UCgSlMrcYjcYcu1m-e6TV54w

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson / Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Approve or amend the minutes from the April 12, 2021 County Council regular meeting.

Points to Consider:
The draft minutes from the April 12, 2021 County Council regular meeting are attached for Council's review and consideration.

Funding and Liability Factors:
N/A

Council Options:
Council can approve or amend the minutes.

Recommendation:
Approve the minutes as written.

ATTACHMENTS:

Description	Upload Date	Type
Draft Minutes from the 4-12-2021 County Council Regular Meeting	4/21/2021	Backup Material

Council Members
District 1: Terry Graham
District 2: Charlene McGriff
District 3: Billy Mosteller, Secretary
District 4: Larry Honeycutt
District 5: Steve Harper, Chair
District 6: Allen Blackmon
District 7: Brian Carnes, Vice-Chair

Lancaster County
South Carolina

County Attorney
John K. DuBose III

Clerk to Council
Sherrie Simpson

April 12, 2021 | **6:00 PM** | **101 North Main Street, Lancaster, SC 29720**

LANCASTER COUNTY COUNCIL
County Council Chambers, County Administration Building, 101 North Main Street, Lancaster, SC 29720

MINUTES

DRAFT

Council Members present: Allen Blackmon, Brian Carnes, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller.

Council Members absent: None.

Staff Members/Others present: Steve Willis, County Administrator; Kim Belk, Interim Deputy County Administrator/Budget Director; John DuBose, County Attorney; Sherrie Simpson, Clerk to Council; Veronica Thompson, Chief Financial Officer; Rox Burhans, Development Services Director; Jamie Gilbert, Economic Development Director; Jeff Catoe, Public Services Director; Clay Catoe, EMS Director; Scott Edgar, County Engineer; various Elected Officials; various Department Heads; various staff; the press; and citizens.

A quorum of Lancaster County Council was present for the meeting. The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *The Lancaster News, Kershaw News Era, The Rock Hill Herald,* Cable News 2, Channel 9 and the local government channel. The agenda was posted in the lobby of the County Administration Building and also on the County website the required length of time. The power point presentation utilized during the meeting is attached to the written minutes in the Clerk to Council's office.

Call to Order Regular Meeting - Chairman Steve Harper

Chairman Steve Harper called the regular meeting of County Council to order at approximately 6:00 p.m.

Welcome and Recognition - Chairman Steve Harper

Chairman Steve Harper welcomed everyone to the meeting.

Pledge of Allegiance and Invocation - Council Member Larry Honeycutt

Larry Honeycutt led the Pledge of Allegiance to the American Flag and delivered the Invocation.

Approval of the Agenda

Charlene McGriff moved to approve the agenda. Seconded by Brian Carnes. Motion Passed 7-0.

Citizens Comments

The following citizens signed up to speak during Citizens Comments:

1. Ben Johnson, Rock Hill, South Carolina, stated that he was representing a number of owners and developers. He explained that Council had a printed copy of written comments from William Morris and that they both hoped that the County would negotiate a fair price for Impact Fees for the Arlington Development Agreement. He further explained that the Arlington project had been in the works since September of 2020. He noted that while they were aware of the County Impact Fee when the project started, they thought that the School Impact Fee had been shelved and would not have to be addressed for this project.
2. Alan Patterson, Lancaster, South Carolina, spoke regarding the 2nd Reading of Ordinance 2021-1705 or Impact Fees. He explained that the work on the Arlington Development had begun in September of 2020 and that they were not aware that the School Impact Fees would effect the project.
3. Connie Hays, Lancaster, South Carolina, spoke regarding the Community clean up along Mahaffey Line Drive. She thanked the County for picking up the tires, mattresses and other trash that the residents picked up during their clean up drive.

Steve Willis acknowledged the following written comment(s) submitted for Citizens Comments:

1. William Morris, Birmingham, Alabama, wrote regarding Impact Fees. Council Members received a copy of his written comments and those written comments are attached as Schedule A to the written minutes in the Clerk to Council's office.

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Consent Agenda

Billy Mosteller moved to approve Consent Agenda Items **6a.**, **6b.** and **6c.** [as listed in the Agenda packet, which are the same as Item **a.**, Item **b.** and Item **c.** listed below]. Seconded by Charlene McGriff. Motion Passed 7-0.

a. **Approval of Minutes from the March 17, 2021 County Council Special Meeting**

b. **Approval of Minutes from the March 22, 2021 County Council Regular Meeting**

c. **3rd Reading of Ordinance 2021-1708 regarding Amending the Unified Development Ordinance (UDO) to Create and Allow for the Landfill - Class One Composting Facility Use in the Heavy Industrial District As a Special Exception**

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table, Section 5.9, Industry/Wholesale/Storage Uses, And 10.3, Definitions, Use Type, To Create And Allow For The Landfill – Class One Composting Facility Use In The Heavy Industrial (HI) District As A Special Exception And Provide For Use Specific Standards.

Non-Consent Agenda

Resolution 1142-R2021 regarding Accutrex Expansion Fee In Lieu Of Tax and Special Source Revenue Credits

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Fee Agreement

With Accutrex Products, Inc. Precision Parts Division; To Provide The General Terms Of The Fee Agreement Including The Provision Of Special Source Revenue Credits; To Provide That This Resolution Is An Inducement Resolution For Purposes Of The Fee In Lieu Of Tax Simplification Act; And To State The Commitment Of Lancaster County To Place Accutrex Products, Inc. Precision Parts Division, Property In A Multi-County Park.

Terry Graham moved to approve Resolution 1142-R2021. Seconded by Larry Honeycutt. Motion Passed 7-0.

1st Reading of Ordinance 2021-1719 regarding Accutrex Expansion Fee In Lieu Of Tax and Special Source Revenue Credits

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Accutrex Products, Inc. Precision Parts Division Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1719. Seconded by Brian Carnes. Motion Passed 7-0.

Resolution 1147-R2021 regarding Approval and Acceptance of Easements Associated with the Improvements on Old Bailes Road

Resolution Title: A Resolution Approving Acceptance Of Right Of Way Easements Necessary For Lancaster County To Accomplish Its Plan To Construct, Improve, and Maintain A Box Culvert And To Better Manage Stormwater Runoff At A Bridge Located Along Old Bailes Road.

Brian Carnes moved to approve Resolution 1147-R2021. Seconded by Terry Graham. Motion Passed 7-0.

3rd Reading of Ordinance 2021-1709 regarding Amending the Unified Development Ordinance (UDO) in regards to Three Family and Four Family Dwellings

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 5.2.3., Dwelling – Three Family (Triplex) And Four Family (Quadraplex); Section 7.2.3., Permitted Parking Locations; And Section 7.2.4., Off-Street Parking And Loading Requirements, To Modify How Three Family (Triplex) And Four Family (Quadraplex) Dwellings May Be Developed.

Charlene McGriff moved to approve the 3rd Reading of Ordinance 2021-1709. Seconded by Allen Blackmon. Motion Passed 7-0.

3rd Reading of Ordinance 2021-1710 regarding Rezoning Property from LDR to PB (Applicant Redwood USA, LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone 37.45 Acres Of Property (TMS # 0003-00-040.01, 0003-00-040.07 And 0003-00-040.14), Located On The East Side Of Harrisburg Road, Approximately 500 Feet West Of Barberville Road, Lancaster, South Carolina, From LDR, Low Density Residential District, To PB, Professional Business District.

Terry Graham moved to approve the 3rd Reading of Ordinance 2021-1710. Seconded by Billy Mosteller. Motion Passed 7-0.

3rd Reading of Ordinance 2021-1711 regarding Approval of a Development Agreement with Redwood USA, LLC

Ordinance Title: An Ordinance To Approve A Development Agreement With Redwood, USA, LLC, For A Development Project Located On Harrisburg Road Near The Intersection Of Barberville Road, Lancaster, South Carolina, Establishing The Regulations For The Development Of The Property And Other Matters Related Thereto.

Brian Carnes moved to approve the 3rd Reading of Ordinance 2021-1711. Seconded by Allen Blackmon.

John DuBose noted, for the record, that a clause had been inserted into the Ordinance, Clause 4.01E, which allows for credits for school fees that have been paid against any future enacted Impact Fees.

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The motion to approve the 3rd Reading of Ordinance 2021-1711 Passed 7-0.

3rd Reading of Ordinance 2021-1718 regarding Approving a Reciprocal Easement Agreement Between Lancaster County And E&B Of Indian Land, LLC

Ordinance Title: An Ordinance Approving A Reciprocal Easement Agreement Between Lancaster County And E&B Of Indian Land, LLC

Terry Graham moved to approve the 3rd Reading of Ordinance 2021-1718. Seconded by Charlene McGriff. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1726 regarding Adoption of the Capital Improvement Plan

Ordinance Title: An Ordinance To Adopt The Lancaster County Capital Improvements Plan 2021 Through 2031 As Recommended By The Lancaster County Planning Commission.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1726. Seconded by Brian Carnes.

Billy Mosteller moved to amend the Ordinance's Exhibit in conformity with the agenda package attachment labeled "FY 2022-2031 Capital Improvement Plan Proposed Amendments." Seconded by Charlene McGriff. The motion to amend Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon.

The motion to approve the 2nd Reading of Ordinance 2021-1726 as amended Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Mosteller; Nays: Blackmon.

DRAFT

2nd Reading of Ordinance 2021-1705 Regarding Adoption of Procedures for the Imposition, Calculation, Collection, Expenditure and Administration of Impact Fees

Ordinance Title: An Ordinance Adopting Procedures For The Imposition, Calculation, Collection, Expenditure And Administration Of Impact Fees To Be Imposed On New Development; Providing A Purpose And Intent; Providing Definitions; Providing General Provisions And Applicability; Providing For The Establishment Of Impact Fee Accounts; Providing For The Appropriation Of Impact Fee Funds; Providing For Refunds; Providing For Appeals; Providing For Conflict; Providing For Severability; And Providing An Effective Date.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1705. Seconded by Terry Graham.

Council discussed the Impact Fees for commercial development and whether it would impact that development in a positive or negative way. Council also discussed the Impact Fee geographic area and whether that area should be amended.

Brian Carnes moved to amend the Ordinance in conformity with the agenda package attachment labeled "Proposed 2nd reading version of Ordinance 2021-1705." Seconded by Allen Blackmon. The motion to amend Passed 6-1. Ayes: Carnes, Graham, Harper, Honeycutt, McGriff, Blackmon; Nays: Mosteller.

The motion to approve the 2nd Reading of Ordinance 2021-1705 as amended Passed 5-2. Ayes: Carnes, Graham, Harper, McGriff, Blackmon; Nays: Honeycutt, Mosteller.

2nd Reading of Ordinance 2021-1722 regarding Adopting a Fire Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Fire Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Fire Facilities (Fire Stations And Fire Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Fire Facilities And Capital Improvements Plan (CIP), And To Assign

The Costs Of Such Fire Facilities On A Proportionate Share Basis To New Development.

Allen Blackmon moved to approve the 2nd Reading of Ordinance 2021-1722. Seconded by Brian Carnes.

Council discussed the amount of the fee for the Fire Development Impact Fee and whether the service area should be amended. Council received a one page handout entitled, "Fee Sheet with Impact Fees," and that handout is attached as Schedule B to the written minutes in the Clerk to Council's office.

Brian Carnes moved to amend the Ordinance in conformity with the agenda package attachment labeled "Ordinance 2021-1722 2nd reading proposed version" with the exception of the fire service area map. Seconded by Allen Blackmon.

Council discussed whether to move forward with the 2nd Reading of the Ordinance or whether to defer the 2nd Reading until staff can obtain answers regarding possibly amending the service area.

Brian Carnes moved to defer the 2nd Reading of Ordinance 2021-1722 until the next Council meeting so that Council can have timelines on amending the service area, timelines on updating the study and other information regarding amending the service area. Seconded by Larry Honeycutt. Allen Blackmon explained that Council had a major motion on the floor which Council needed to dispose of prior to considering the motion to defer. John DuBose explained that the Council Members could withdraw their motions and seconds.

Brian Carnes withdrew his motion to amend Ordinance 2021-1722 and Allen Blackmon withdrew his second.

Allen Blackmon withdrew his motion to approve the 2nd Reading of Ordinance 2021-1722 and Brian Carnes withdrew his second.

Brian Carnes moved to defer the 2nd Reading of Ordinance 2021-1722 to the next Council meeting to get updated information and timelines regarding updating the Study. Seconded by Larry Honeycutt.

Council discussed whether the Ordinance needed to go back before the Committee of the Whole. Council asked to leave the Recreation Impact Fee service area untouched, but to seek information regarding changing the service area for the Public Safety Impact Fees to include only the Indian Land Fire District, Pleasant Valley Fire District and Van Wyck Fire District.

DRAFT

The motion to defer Passed 7-0.

2nd Reading of Ordinance 2021-1723 regarding Adopting An Emergency Medical Services (EMS) Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting An Emergency Medical Services ("EMS") Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That EMS Facilities (EMS Stations And Emergency Vehicles) Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For EMS Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such EMS Facilities On A Proportionate Share Basis To New Development

Brian Carnes moved to defer Ordinance 2021-1723 to the next Council meeting. Seconded by Larry Honeycutt. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1724 regarding Adopting a Sheriff Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Sheriff Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Sheriff Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development In The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Sheriff

Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Sheriff Facilities On A Proportionate Share Basis To New Development

Brian Carnes moved to defer Ordinance 2021-1724 to the next Council meeting. Seconded by Larry Honeycutt. Motion Passed 7-0.

2nd Reading of Ordinance 2021-1725 regarding Adopting a Parks & Recreation Development Impact Fee

Ordinance Title: An Ordinance Of The County Council Of Lancaster County, South Carolina ("Council") Establishing And Adopting A Parks & Recreation Development Impact Fee ("Impact Fee") To Be Imposed On All New Development In The Greater Panhandle Region Of Lancaster County; To Ensure That Parks & Recreation Facilities Will Be Available And Adequate To Accommodate The Need Expected To Be Generated From New Development in The Greater Panhandle Region Of Lancaster County Based On The County's Level Of Service Standards For Parks & Recreation Facilities And Capital Improvements Plan (CIP), And To Assign The Costs Of Such Parks & Recreation Facilities On A Proportionate Share Basis To New Development.

Brian Carnes moved to approve Ordinance 2021-1725. Seconded by Charlene McGriff.

Brian Carnes moved to amend the ordinance in conformity with the agenda package attachment labeled "Ordinance 2021-1725 2nd Reading proposed version." Seconded by Charlene McGriff. The motion to amend Passed 7-0.

The motion to approve the 2nd Reading of Ordinance 2021-1725 as amended Passed 7-0.

Public Hearing and 2nd Reading of Ordinance 2021-1727 regarding Adopting the Pilot Traffic Calming Program Guidebook

Ordinance Title: An Ordinance To Adopt The Lancaster County South Carolina Pilot Traffic Calming Program Guidebook, Dated December 2020.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2021-1727. Seconded by Billy Mosteller.

Steve Harper opened the Public Hearing for Ordinance 2021-1727 at approximately 7:52 p.m.
There were approximately 6 citizens in attendance during the Public Hearing for this Ordinance.
The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for this Ordinance: None.
Steve Harper closed the Public Hearing at approximately 7:52 p.m.

The motion to approve the 2nd Reading of Ordinance 2021-1727 Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1728 regarding Amending the Unified Development Ordinance (UDO) for Outdoor Shooting Ranges/Turkey Shoots

Ordinance Title: An Ordinance To Amend The Unified Development Ordinance ("UDO") Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; And Section 5.12.4, Temporary Uses With Specific Requirements; To Modify Those Zoning Districts In Which An Outdoor Shooting Range Is A Permissible Use And To Modify Those Regulations Concerning How An Outdoor Shooting Range May Be Permitted, As Well As Providing For Turkey Shoots As A Temporary Use In Certain Zoning Districts And The Standards By Which Turkey Shoots May Be Approved.

Terry Graham recused himself from the discussion and vote on Ordinance 2021-1728. His Statement of Recusal is on file with the written minutes in the Clerk to Council's office and is attached to those minutes as Schedule C. Terry Graham left Chambers at approximately 8:04 p.m.

Steve Harper opened the Public Hearing for Ordinance 2021-1728 at approximately 8:04 p.m.
There were approximately 5 citizens in attendance during the Public Hearing for this Ordinance.
The following speakers came forward to make comments or sent in written comments regarding the Public

DRAFT

Hearing for this Ordinance:

1. John P. Baker, Heath Springs, South Carolina, spoke regarding possible proposed revisions for the Ordinance. He provided Council with a one page handout entitled, "Ordinance 2021-1728 Proposed Revisions," and that handout is attached as Schedule D to the written minutes in the Clerk to Council's office.

Steve Harper closed the Public Hearing at approximately 8:07 p.m.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1728. Seconded by Larry Honeycutt.

Council asked Planning staff to review the recommendations made by Mr. Baker. Council discussed the separation distance and noise containment distance.

Billy Mosteller moved to amend this Ordinance to exempt concealed weapon permit classes. The County Attorney asked to have time to research that amendment from an equal protection standpoint.

Billy Mosteller stated that he removed his amendment and changed the amendment to request that the County Attorney and Planning staff research and come back at 2nd Reading with information on how the County can help concealed weapon permit classes. Seconded by Charlene McGriff. The motion to amend Passed 6-0.; Abstained: Graham.

The motion to approve the 1st Reading of Ordinance 2021-1728 as amended Passed 6-0.; Abstained: Graham.

Council took a break in the meeting. The break started at approximately 8:27 p.m. Terry Graham came back into Council Chambers and Steve Harper called the Council meeting back to order at approximately 8:41 p.m.

DRAFT

Public Hearing and 1st Reading of Ordinance 2021-1729 regarding Rezoning Property of Matthew & Heather Ellis from Rural Business (RUB) to Rural Residential (RR)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of 6815 Shiloh Unity Road (TMS # 0054-00-029.04) From RUB, Rural Business District, To RR, Rural Residential District

Steve Harper opened the Public Hearing for Ordinance 2021-1729 at approximately 8:45 p.m.
There were approximately 3 citizens in attendance during the Public Hearing for this Ordinance.
The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for this Ordinance: None.
Steve Harper closed the Public Hearing at approximately 8:45 p.m.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2021-1729. Seconded by Billy Mosteller.
Motion Passed 7-0.

Public Hearing and 1st Reading of Ordinance 2021-1730 regarding Rezoning Property of Matthew & Heather Ellis from Rural Residential (RR) to Rural Business (RUB)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County To Rezone A Portion Of Old Camden Monroe Highway (TM # 0054-00-029.05) From RR, Rural Residential, To RUB, Rural Business District.

Steve Harper opened the Public Hearing for Ordinance 2021-1730 at approximately 8:53 p.m.
There were approximately 3 citizens in attendance during the Public Hearing for this Ordinance.
The following speakers came forward to make comments or sent in written comments regarding the Public Hearing for this Ordinance: None.
Steve Harper closed the Public Hearing at approximately 8:53 p.m.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2021-1730. Seconded by Billy Mosteller. Motion Passed 7-0.

1st Reading of Ordinance 2021-1731 regarding a Quit Claim Title to Real Property for an Unnamed Road that Extends From Norfolk Drive to Lynwood Drive

Ordinance Title: An Ordinance Authorizing Lancaster County To Quit Claim Title To Real Property For An Unnamed Road That Extends From Norfolk Drive To Lynwood Drive.

John DuBose provided Council with Exhibit B to Ordinance 2021-1731, which was a five page handout entitled, "QuitClaim Deed," and that handout is attached as Schedule E to the written minutes in the Clerk to Council's office.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2021-1731. Seconded by Allen Blackmon. Motion Passed 7-0.

Discussion and Action Items

Approval of Appointments to various Boards or Commissions

- Mark Strickland to the Keep Lancaster County Beautiful Advisory Board as one of the District 6 representatives and whose two year term will expire on 06/30/2023 (1st Term)
- Clare McConaughay to the Keep Lancaster County Beautiful Advisory Board as one of the District 1 representatives and whose four year term will expire on 06/30/2025 (1st Term)
- Mark Kahn to the Community Relations Commission as the District 4 representative and who will fill an unexpired term that will end on 06/30/2023
- MaryEtta Taylor to the Library Board as the District 3 representative and who will complete an unexpired term that will end on 06/30/2021 and will serve her first four year term that will expire on 06/30/2025 (1st Term)
- Jason Truesdale to the Keep Lancaster County Beautiful Advisory Board as one of the District 6 representatives and whose two year term will expire on 06/30/2023 (1st term)

Allen Blackmon moved to approve all the appointments. Seconded by Charlene McGriff. Motion Passed 7-0.

DRAFT

EMS Training Grant - Steve Willis/Clay Catoe

Steve Willis explained that this EMS grant was 100% grant funded. He further explained that the grant funded a new Coordinator position for EMS and for some EMT's to go to paramedic school.

School Fee for Development Agreements - Steve Willis

Steve Willis explained that he reached out to Jonathan Phipps at the School District, as requested, and that the School District wanted the County to use the School District Impact Fee as a template for use in Development Agreements.

Use of Funds from Sale of Property on Happy Trail - Steve Willis/Jeff Catoe

Steve Willis explained that the County would be using the funds from the sale of the Happy Trail property for three (3) new shelters for site attendants at the Convenience sites. He explained that this item would be brought before Council during the upcoming budget process.

Status of items tabled, recommitted, deferred or held

There were no items tabled, recommitted, deferred or held.

Miscellaneous Reports and Correspondence

a. Information Only Regarding Parks and Recreation Grant Application

Steve Willis explained that this grant was 100% grant.

b. Update on the Lancaster Area Ride Service (LARS)

This item was not discussed during the Council meeting and was for information only for Council and citizens.

Citizens Comments

All citizens were heard during Citizens Comments held at the beginning of the Council meeting.

Executive Session

Two Items (AFTER EXECUTIVE SESSION, COUNCIL MEMBERS MAY MAKE MOTIONS IN OPEN SESSION):

1. ***Economic Development Discussions: Project Juice, Project Pear, Project Taffy and Project Rotisserie. SC Code 30-4-70(a)(5).***

2. ***One Legal Briefing regarding a Pending or Threatened Litigation Matter. SC Code 30-4-70(a)(2).***

Charlene McGriff moved to go into Executive Session. Seconded by Billy Mosteller. Motion Passed 7-0. At approximately 9:07 p.m., Council went into Executive Session to discuss the following items: (1) four Economic Development discussions: Project Juice, Project Pear, Project Taffy and Project Rotisserie, pursuant to SC Code 30-4-70(a)(5); and (2) one legal briefing regarding a pending or threatened litigation matter, pursuant to SC Code 30-4-70(a)(2).

Council came out of Executive Session and Steve Harper called the Council meeting back to order at approximately 9:42 p.m. Allen Blackmon moved to come out of Executive Session. Seconded by Charlene McGriff. Motion Passed 7-0.

Upon returning to open session, John DuBose noted, for the record, that during Executive Session, Council had briefings on four Economic Development projects, which were Project Juice, Project Pear, Project Taffy and Project Rotisserie, and had one legal briefing on a threatened or pending litigation matter. He explained that, during Executive Session, no decisions were made and no votes were taken.

Brian Carnes moved to approve a settlement of an alleged temporary takings and damage claim related to a stormwater system improvement project in an amount not to exceed twenty thousand dollars. Seconded by Larry Honeycutt. Motion Passed 7-0.

Adjournment

Larry Honeycutt moved to adjourn the regular meeting of Council. Seconded by Charlene McGriff. Motion to adjourn Passed 7-0. There being no further business, the regular meeting of Council adjourned at approximately 9:43 p.m.

DRAFT

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1727
Contact Person / Sponsor: Steve Willis/Administration and Jeff Catoe/Public Services and Darren Player/Fire-Emergency Services
Department: Administration
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Possible Adoption of a pilot program to allow for Traffic Calming in Lancaster County.

Points to Consider:
This would be a pilot program for FY 21-22 to see how it works. It will be evaluated later for permanent adoption by Council as a codified program and process.

The use of any traffic calming device is subject to approval by the Fire Authority Having Jurisdiction per the International Fire Code. This pilot program has the approval of the Fire Commission.

Funding and Liability Factors:
Pilot program cost would be $13,500 which would be included in Jeff Catoe's budget request. This would allow for an analysis of three locations in the FY 21-22. This allows Public Services staff to have control over the analysis component of the program.

All further costs would be borne by the Home Owner's Association or similar group seeking traffic calming. This would include ongoing maintenance.

Council Options:
Approve or Disapprove the Pilot Traffic Calming Program.

Recommendation:
Approve the program.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1727	3/15/2021	Ordinance
Traffic Calming Manual	2/14/2021	Exhibit

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021- 1727**
COUNTY OF LANCASTER)

AN ORDINANCE

TO ADOPT THE LANCASTER COUNTY SOUTH CAROLINA PILOT TRAFFIC CALMING PROGRAM GUIDEBOOK, DATED DECEMBER 2020.

WHEREAS, Section 503.4.1 of the International Fire Code states, "Traffic calming devices shall be prohibited unless approved by the fire code official."; and

WHEREAS, residents in several communities have requested the installation of traffic calming devices within their community; and

WHEREAS, The Lancaster County Fire Commission and Lancaster County Fire Marshal have approved a Pilot Traffic Calming Program drafted in conjunction with the Lancaster County Public Services Division; and

WHEREAS, the Pilot Traffic Calming Program Guidebook was presented to County Council at their Committee of the Whole meeting on March 9, 2021; and

WHEREAS, County staff recommend that the affected community bear all expenses related to the design, installation, and maintenance of traffic calming devices; and

WHEREAS, County staff recommend that Lancaster County retain control over the engineering analysis to determine if such devices are warranted in locations where requested; and

WHEREAS, the County Administrator's Proposed Budget will include funding for the Public Services Director to engage suitable engineering consultants to conduct approximately five (5) such studies per fiscal year.

NOW, THEREFORE, BE IT ORDAINED, by the County Council, as follows:

Section 1. Approval and Adoption of the Pilot Traffic Calming Guidebook.

County Council approves and adopts the Lancaster County South Carolina Pilot Traffic Calming Program Guidebook dated December 2020 (attached hereto as "Exhibit A"), as the sole procedure and mechanism for the installation of traffic calming devices in Lancaster County.

Section 2. Authority to act.

The Council Chair, the Clerk to Council, the County Administrator, the Deputy County Administrator, and County Attorney each are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance, only to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective date.

This ordinance is effective upon third reading.

LANCASTER COUNTY, SOUTH CAROLINA

By:_____
Steve Harper, Chairman
Lancaster County Council

By:_____
Billy Mosteller, Secretary
Lancaster County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	March 22, 2021
Public Hearing:	April 12, 2021
Second Reading:	April 12, 2021
Third Reading:	April 26, 2021

Approved as to form:

_____
John K. DuBose, III, County Attorney

LANCASTER COUNTY
South Carolina

Pilot Traffic Calming Program Guidebook

December 2020

INTRODUCTION

Lancaster County's vision is 'to be a great place to live, work, worship, play, and raise a family'. The County's pilot Traffic Calming Program works towards this vision by supporting safe, livable streets through the implementation of engineering measures.

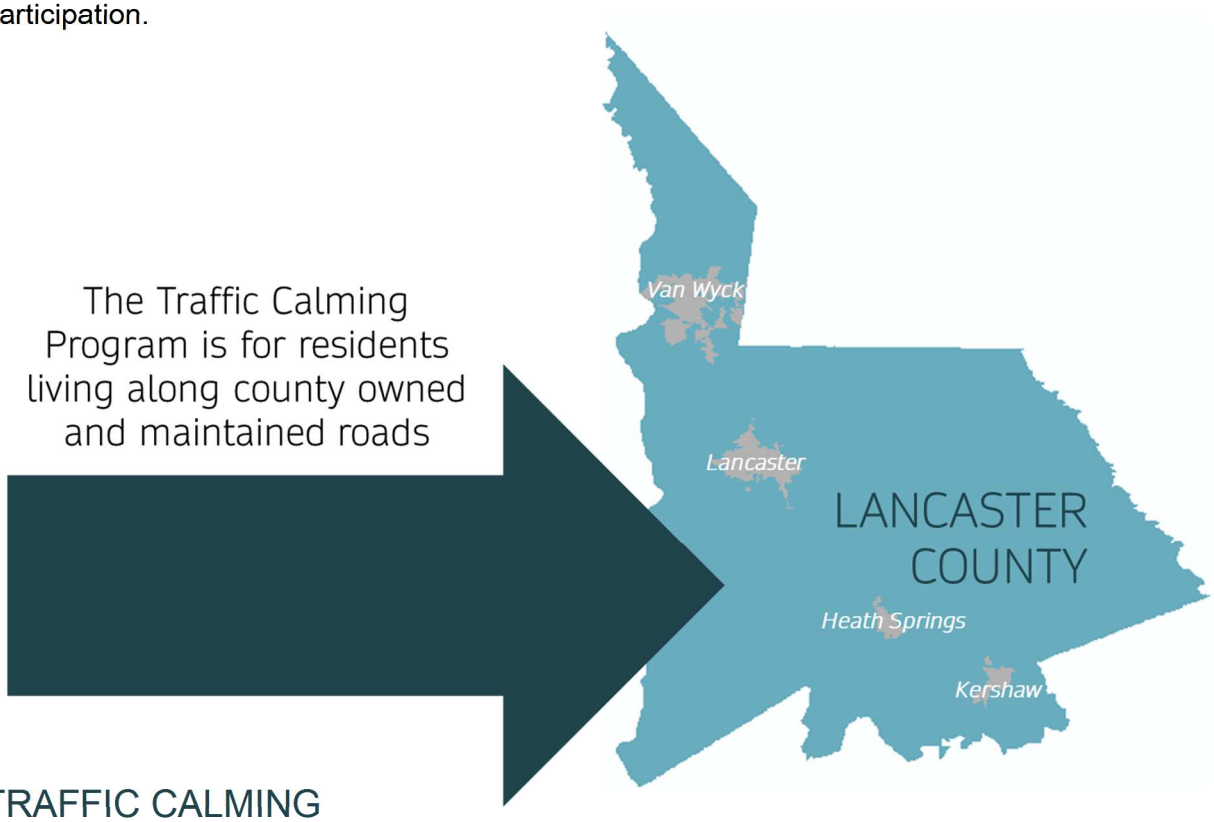
Traffic Calming:

"The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users".

- Institute of Transportation Engineers (ITE)

The Traffic Calming Program is designed to assist residents in identifying, prioritizing, and mitigating the negative impacts of vehicular traffic on residential streets. While the County's public streets meet engineering standards for safe operation in general, increased traffic volumes, the lack of pedestrian and/or bicycle accommodations, and irresponsible driver behaviors deteriorate the safety and comfortability of residential streets. For this reason, Lancaster County offers this program for residents living on County owned and maintained streets to actively participate in creating safer and more livable streets through collaborative decision-making regarding the use of engineering measures.

This guidebook is intended to be the primary resource for residents interested in participating in the program. It describes roadway eligibility, the step-by-step application and qualification process, traffic calming devices available for construction, as well as requirements for participation.



TRAFFIC CALMING PROGRAM

Achieving safe and livable residential streets is challenging and is often approached using a holistic ‘3 E’ approach – engineering, enforcement, and education. This program uses engineering measures to directly support this goal. Indirectly, traffic calming devices provide a degree of education for vehicular drivers in terms of reminding motorists of the importance of slow speeds on residentials streets. In addition, devices support a roadway’s self-enforcement of the speed limit.

A few of the most common goals for traffic calming projects, include:

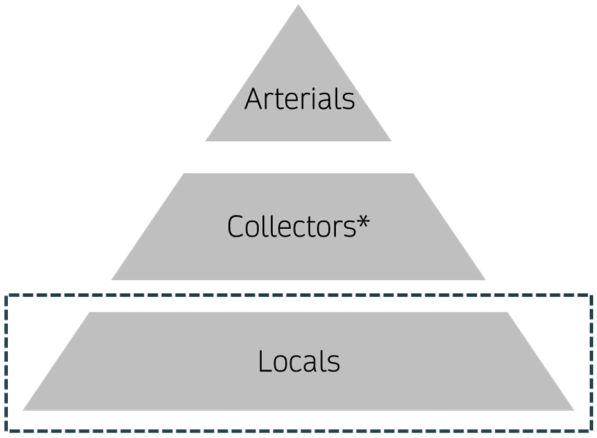
- reducing traffic speeds;
- minimizing the negative impacts of ‘cut-through’ traffic; and
- increasing the safety and comfort of residential streets, regardless if walking or bicycling infrastructure exists.

Traffic calming at its core is about trade-off decision-making. Striking a balance between an efficient transportation system and livable, safe, and comfortable environments is the true challenge. Therefore, a collaborative process that includes resident input and buy-in is as much a critical component to success as the engineering analysis and design. A flow chart providing a general overview of the Lancaster County Traffic Program can be found in Appendix I.



TRAFFIC CALMING REQUEST PROCESS

Step 1: Determine eligibility.



**Eligibility determined on a case-by-case basis*

Roadways eligible for study under the program include County-owned streets that are functionally classified as local streets. Residential collector roadways may be eligible on a case-by-case as determined by engineers depending upon the land use context and role the roadway plays in the overall network. Collectors are intended to act as through routes connecting higher volumes of traffic to higher order roadways (arterials and interstates), so they, therefore, require additional consideration when evaluating the potential application of devices. These road types must carry less than 3,000 vehicles per day to qualify for this case-by-case consideration.

It should be noted that in some instances, 'local' roadways may not qualify for traffic calming measures based upon geometric characteristics and/or the roadways role in the greater network.

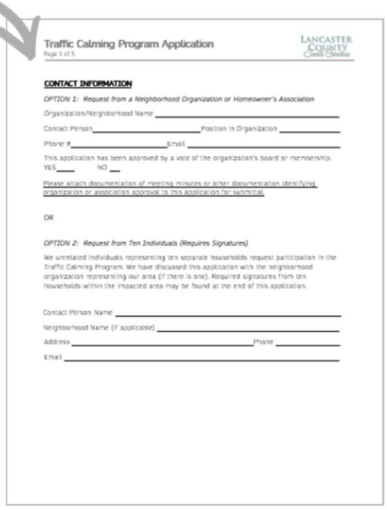
Up to three roadways may be submitted for evaluation per applicant group, neighborhood association, subdivision, or homeowners' association.

ELIGIBILITY

To qualify, roads (or a segment) must:

- be a two-lane residential street that is County-owned;
- be functionally classified as a 'local' or 'collector'
- have a posted speed limit of 30 mph or below;
- not be a designated truck or transit bus route, barring any unusual circumstances or needs;
- have a grade less than 8%;
- be over 600' long (between intersections); and
- be 80% built out if within a subdivision (if applicable).

Step 2: Fill out a traffic calming program application.


Traffic Calming Program Application

CONTACT INFORMATION

OPTION 1: Request from a Neighborhood Organization or Homeowner's Association

Organization/Neighborhood Name _____

Contact Person _____ Position in Organization _____

Phone # _____ Email _____

This application has been approved by a vote of the organization's board or membership.

YES ___ NO ___

Please attach documentation of meeting minutes or other documentation identifying organization or association approval to this application for submittal.

OR

OPTION 2: Request from Ten Individuals (Requires Signatures)

We undersigned individuals representing ten separate households request participation in the Traffic Calming Program. We have discussed this application with the neighborhood organization representing our area (if there is one). Required signatures from ten households within the impacted area may be found at the end of this application.

Contact Person Name _____

Neighborhood Name (if applicable) _____

Address _____ Phone _____

Email _____

Once the roadways of interest have been determined to be eligible for study, the resident(s) is to complete the Traffic Calming Program application. This application, provided in Appendix II, must be completed in its entirety, including the necessary supportive information and required signatures.

The purpose of this task is to document the identified issue as well demonstrate support for traffic calming measures from those potentially impacted. The signatures of support must be gathered from 10 individuals occupying separate residences along the study roadway. If a request is submitted by a neighborhood association or homeowner's association, then documented Board approval may be included in lieu of the 10 signatures.

Step 3: Submit the completed traffic calming program application, electronically or by mail, to Lancaster County during one of the application windows.

Completed applications may be submitted the following ways:

- By Email: JCatoe@lancastersc.net
- By Fax: (877) 636-5287
- By Mail to:

  Lancaster County Government
  Attn: Traffic Calming Program
  PO Box 1809
  1980 Pageland Hwy
  Lancaster, SC 29720

There are two open time periods in 2021 for submitting completed applications. These dates include:

- Monday, February 1st – Monday, March 1st
- Monday, August 2nd – Wednesday, September 1st

Step 4: County staff will review request and collect initial speed and volume data.

County staff will review submitted forms following the closure of the two application windows. Applicant roadways will be determined to be either eligible or ineligible for further study based upon their functional classification, as described in Step 1.

Roadways that do qualify will be scheduled for data collection and evaluation in the field, which will include:

- Speed and volume traffic data collected over the course a week[1]
- Roadway characteristics, such as pavement width, presence of on-street parking, and potential existing deficiencies (such as line of sight limitations or missing signage)
- Roadway user behaviors, including non-motorized users
- Geometric and/or stormwater concerns associated with the construction of traffic calming devices

Scheduling of this field visit will be dependent upon the number of requests received as well as unforeseen conditions warranting a delay in the collection, such as inclement weather.

To be eligible for the next step, the roadway must carry more than 250 vehicles per day and experience an 85th percentile speed[2] that is 10 mph or greater above the posted speed limit, as determined by the speed and volume data collection.

Step 5: For roadways meeting the basic thresholds (stated above), County staff will score study roadways using local characteristics and nearby destinations for purposes of creating a prioritized list of qualifying roadways for each application window.

Roadways meeting the basic speed and volume thresholds for consideration in the program will be scored using the methodology shown in the table below. A quarter-mile buffer of the study roadway will be used to identify

Left blank intentionally

Categories	Maximum Points	Scoring Breakdown
Roadway Safety - Crash Rate over Past 5 Years (of those reported to the Police)	40 points	Data is normalized by the highest collected data point in each category, which allows for
Traffic Speed	30 points	

[1] Data is collected to reflect the most common traffic conditions for the corridor. This includes collection during a week when schools are in session and no major events are expected to occur (special events, major construction, weather, etc.) that might alter typical travel behaviors.
[2] 85th percentile speeds are used by traffic engineers to evaluate speed conditions of a roadway. Ideally, the 85th percentile speed should match the posted speed limit, meaning that 85% of the vehicles are going the speed limit or below.

- Highest Directional 85th Percentile Speed based upon 72-Hour Average		a scaled distribution of points based on local conditions.
Active Transportation - Percent of Study Roadway with No Sidewalk - Existing or Planned Bikeways - Existing or Planned Greenways	15 points	
Neighborhood Destinations - # of Schools and Colleges - # of Community Centers - # of Libraries - # of Public Housing Complex	15 points	

Each individual roadway will be scored using this methodology and ranked against other requested roadways. For the purposes of this one-year Pilot Program, the top four (4) roadways will be selected for inclusion in the program following each application window.

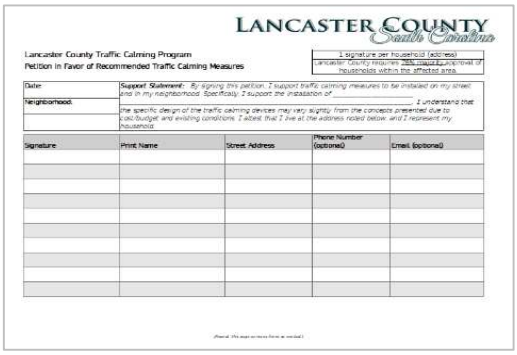
Step 6: County staff will work with applicants to develop a draft and final traffic calming plan.

Based on information provided in the application and discussions with the applicants, engineering staff will identify a draft proposed set of countermeasures for the roadway. The applicants will convene an informal neighborhood meeting (within two months after notice of selection) including all potentially impacted residents for purposes of discussing the draft concept. County staff or their representative will be available to attend this meeting if needed. Feedback should be gathered and appropriately addressed by the applicants.

Staff will develop a final design concept, accordingly. This concept is subject to approval by impacted departments, including, but not limited to, the Lancaster County Public Works Department, Fire Department, and Sheriff's Office

Step 7: Applicants to conduct petition for impacted area/neighborhood approval.




LANCASTER COUNTY South Carolina

Lancaster County Traffic Calming Program
Petition in Favor of Recommended Traffic Calming Measures

1 signature per household (address)
Lancaster County requires 75% majority approval of households within the affected area

Date:
Neighborhood:

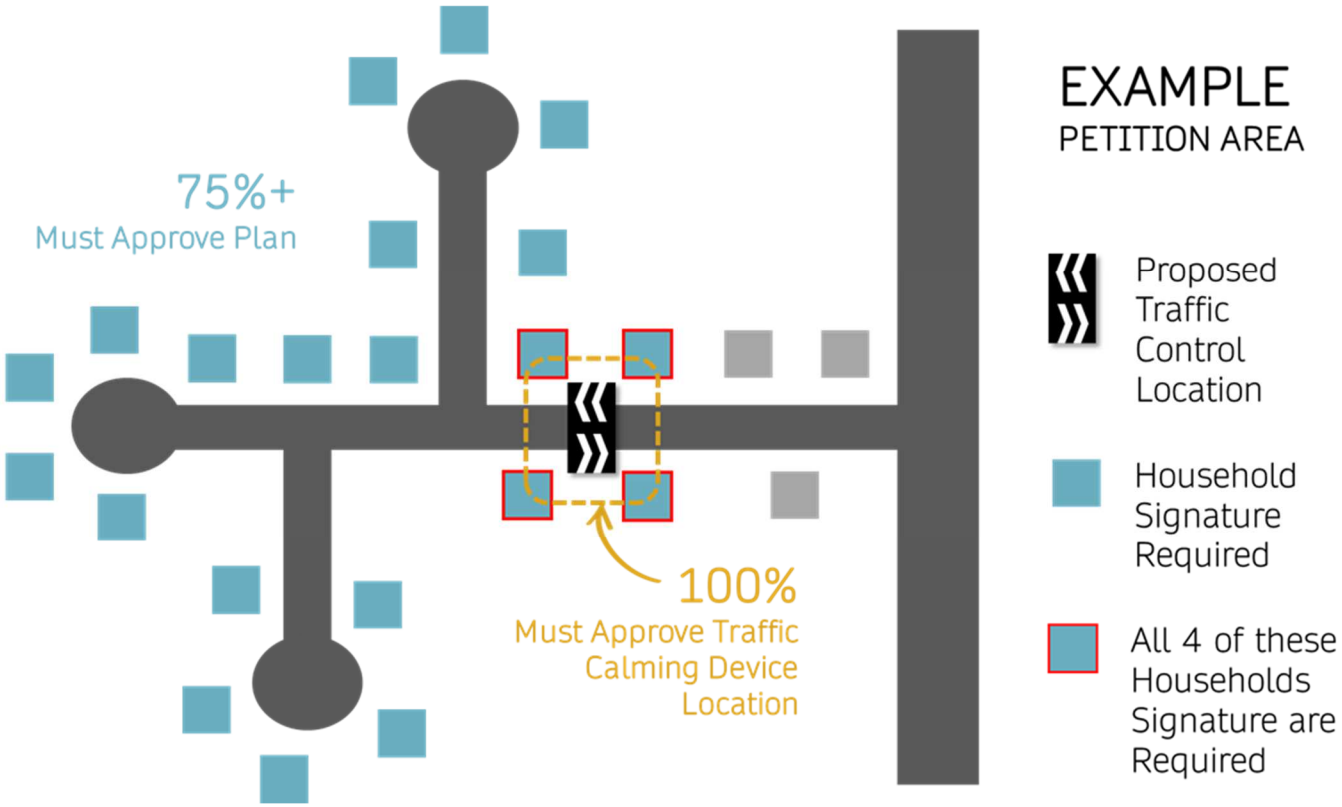
Support Statement: By signing this petition, I support traffic calming measures to be installed on my street and in my neighborhood. Specifically, I support the installation of _____. I understand that the specific design of the traffic calming devices may vary slightly from the concepts presented due to cost/budget and existing conditions. I attest that I live at the address noted below and I represent my household.

Signature	Print Name	Street Address	Phone Number (optional)	Email (optional)

Upon receiving the final design concept from staff and petition materials, applicants will have three (3) months to acquire the required signatures of impacted residents. This timeline may be extended for larger impact zones/neighborhoods. Each impacted residence[3] must provide a signature indicating their support or lack thereof for the proposed traffic calming measures. An approval rating of at least 75% must be obtained from those impacted for the measures to be constructed, as shown below. Households directly adjacent to the devices must provide 100% approval as they are theoretically the most impacted.

For single-family households (rental or owned), one signature is required from an occupant of the residence. For multiplexes, a signature is required from an occupant in each unit. For apartment complexes and condominiums, an additional signature from the property manager is required.

Step 8: Following a majority approval (75% or greater) by impacted residences, the construction phase begins.



Upon receiving the completed petition packet from the applicants, engineering staff will develop final design plans as well as a construction schedule for the implementation of the traffic

[3] Impacted households are considered to be those that have no other (reasonable) route choice, other than the route with the calming devices.

calming measures. This schedule is dependent upon, but not limited to, contractor schedules, weather, and other planned right-of-way improvements.

Applicant neighborhoods are required to cover 100% of the material costs. Costs associated with the engineering and construction of the devices will be covered by the County.

Once all paperwork and design have been completed, the County and neighborhood will coordinate the payment for the Traffic Calming work. Payment must be made prior to the County issuing bids to construct the calming devices. Construction bids require public advertisement and acceptance prior to award to the selected contractor. Once the project is awarded, the County will be subject to the contractor's availability and scheduling of the construction

.

Step 9: Evaluation.

After three months of the traffic calming device(s) being in place, a follow-up evaluation will be conducted by the County to evaluate 'after' conditions. This will include a speed and volume collection like the one described in Step 4. Results will be reported to the impacted area/neighborhood as well as to County officials.

Maintenance

Materials used for traffic calming devices deteriorate over time. For example: The drill-down speed cushions are made of a hard rubber; however, wear and tear eventually impact their structural integrity. If bolts become exposed and pose a risk to vehicles and other roadway users, the device(s) will be removed at the discretion of the County unless the impacted area/neighborhood agrees to address maintenance concerns and/or reinstall new cushion devices at the same location.

Removal

Barring extreme circumstances, traffic calming devices are to remain in place for a period of at least one year. Should the impacted area/neighborhood desire for the device(s) to be removed following this time period, 100% of the costs associated with their removal will be covered by the impacted area/neighborhood. The same procedures for installing the measures apply for their removal (i.e., 75% approval or greater through a petition process).

TRAFFIC CALMING TOOLBOX

Traffic calming devices available as part of this program, include:

- Speed cushions;
- Speed humps;
- Speed tables and raised crosswalks; and
- Raised intersections.

These devices are described in this section, including a general description, the trade-offs (pro's and con's) regarding their usage, as well as general cost estimations. Actual project costs will vary based on regional market prices for materials. While engineers will assist residents in the identification of appropriate traffic calming devices and their locations, the following general guidelines apply:

Cost Estimation:

$3,000-$4,000 for a Set of Two Speed Cushions

(Depending on road width, additional cushions may be required)

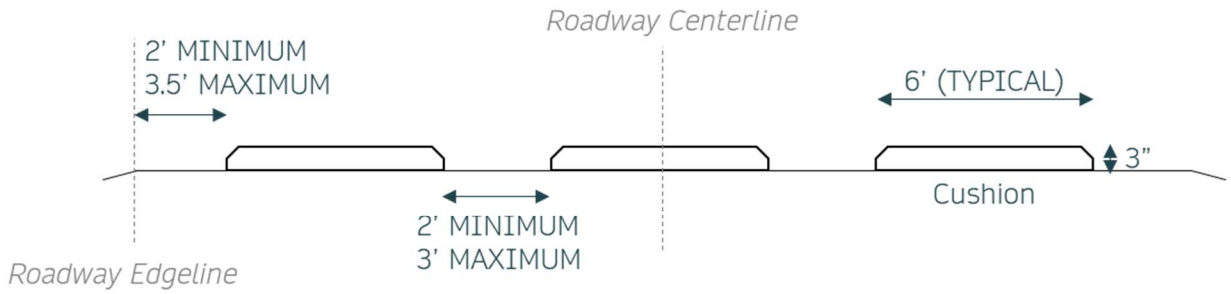
- Appropriate spacing between devices is based on several factors; however, in general, devices should be spaced approximately 500' apart to maximize benefits. A distance of 250' between devices is considered to be the minimum, while 700' is considered to be the maximum distance.
- Devices should be placed 30' (15' minimum) from the nearest private driveway and not within 5' of a mailbox.
- Devices should be placed 300' (minimum) from controlled intersections (stop sign, traffic signal, roundabout, etc.), and 100' (minimum) from uncontrolled cross-streets (i.e., alleys).
- Placement of devices must include required advance warning signage.
- Devices may not be placed on manholes, stormwater grates, or other irregularities in the roadway.
- Devices must be placed in locations that have adequate visibility (i.e., drivers have time to adequately brake).

Deviations from these guidelines may be warranted by a roadway's unique site conditions, which must be approved by staff engineers.

Speed Cushions

Speed cushions consist of an elevation on the roadway often created by the installation of a prefabricated rubberized mound with cutouts to allow emergency and other wide-axel vehicles to drive through unimpeded. Speed cushions, which are usually 3 inches high, aim at reducing the speeds of motorized vehicles. The 3-inch height can be modified to achieve different desired vehicular operating speeds.

Pros:



Speed Cushion Cross-Section
Street Width 26' – 33'

- Drill-down devices are easy to install and remove
- Decreases average speeds
- May reduce volume
- Gaps between devices allow for emergency vehicles to straddle the cushions without being impeded by them
- Can be temporarily installed, which allows for easy removal or placement adjustments
- Can be constructed out of asphalt at a lower cost

Cons:

- May impact stormwater drainage
- Speeds may increase between speed cushions
- High speeders may still exist
- Drivers may avoid them by driving in yards if physical barriers, such as a ditch, vegetation, or road sign, are not present
- Must consider traffic diversions to adjacent streets
- Can be jarring to some drivers
- Requires long-term maintenance





Speed Humps

Speed humps consist of an elongated elevation on the roadway created by the installation of a mound typically constructed out of asphalt. Similar to speed cushions, speed humps are usually 3 inches high and their heights can be modified to achieve different desired vehicular driving speeds. Different from speed cushions, speed humps do not have cutouts along their elevated surface.

Cost Estimation:

$2,000-$4,000 per Speed Hump

(Asphalt); $25,000-$40,000 (Concrete)

Pros:

- May reduce volume
- Smoother on large vehicles (such as fire trucks) than speed cushions

Cons:

- More permanent installation as compared to speed cushions
- May impact stormwater drainage
- Must be reinstalled/raised when roadway is repaved
- Can be jarring to some drivers
- Can be more difficult to see at night if pavement markings fade and/or not placed under a streetlight



Speed Tables and Raised Crosswalks

Speed tables are essentially flat-topped speed humps that are typically long enough for the entire wheelbase of a passenger vehicle to sit on the flat section. These typically have a higher design speed as opposed to speed humps. Crosswalks added to the flat-topped section are known as 'raised crosswalks'.

Cost Estimation:

$15,000-$60,000 per Raised Intersection

Pros:

- Smoother on large vehicles (such as fire trucks) than speed cushions
- Reduce speeds, although not to the extent of speed humps (depending upon table height)
- May reduce volume
- Provides slowing at pedestrian crossing location

Cons:

- Raised crosswalk must connect two ADA-compliant sidewalk ramps
- Slightly impacts emergency response times
- More expensive than speed humps, especially if brick or other material is used for flat top section
- May impact stormwater drainage





Raised Intersections

Raised intersections are essentially speed tables covering an entire intersection making them a more pedestrian friendly zone. Ramps lead up to the raised area on all approaches, which

typically has a maximum height of either 3” or 6” above the roadway surface. Existing traffic control at the intersection is typically maintained.

If crosswalks exist, these may or may not be included on the raised area. If incorporated, the intersection is typically raised to the level of the sidewalk to provide a seamless transition from crosswalk to street.

Pros:

- Smoother on large vehicles (such as fire trucks) than speed cushions
- Reduction in speeds
- May reduce volume
- Provides slowing at pedestrian crossing locations
- Encourages slower speeds at high volume intersections

Cons:

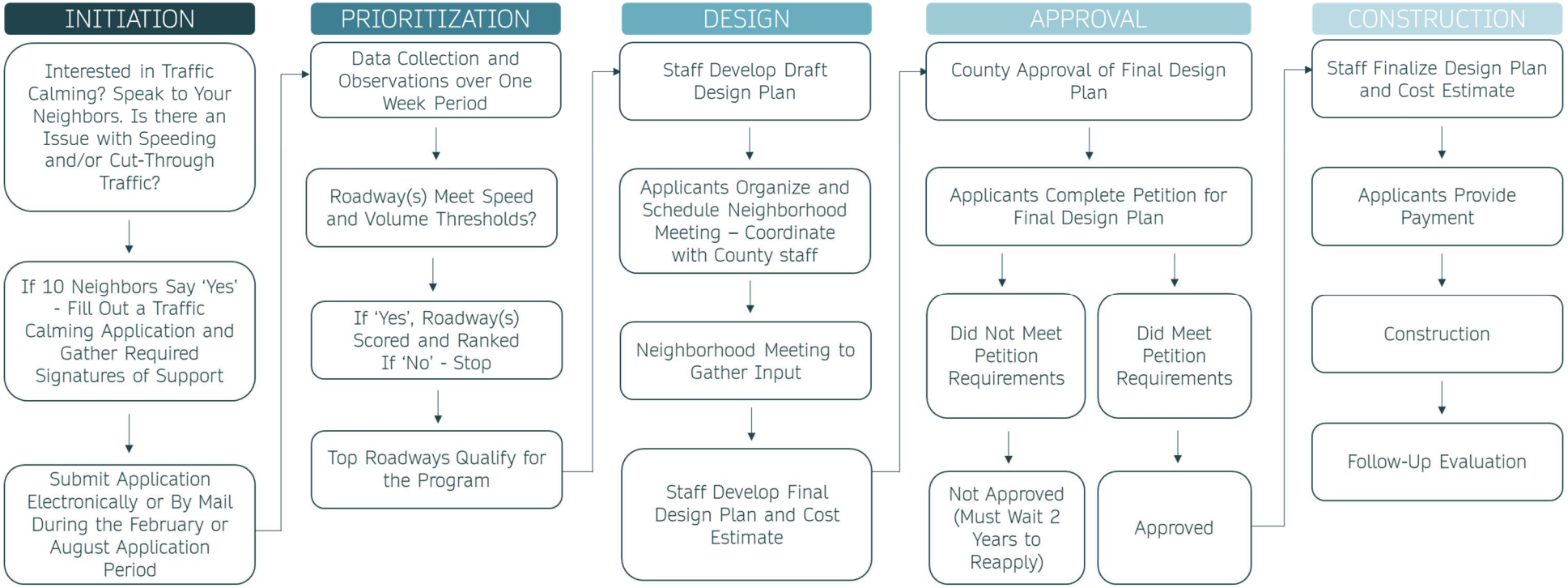
- More costly as compared to speed cushions and humps, especially if brick or other material is used for flat top section
- Slightly impacts emergency response times
- Likely impacts stormwater drainage and, sometimes, requires
- May cause damage to vehicles that do not slow down

APPENDIX I – Flow Chart








INITIATION
Interested in Traffic Calming? Speak to Your Neighbors. Is there an Issue with Speeding and/or Cut-Through Traffic?
If 10 Neighbors Say 'Yes' - Fill Out a Traffic Calming Application and Gather Required Signatures of Support
Submit Application Electronically or By Mail During the February or August Application Period
PRIORITIZATION
Data Collection and Observations over One Week Period
Roadway(s) Meet Speed and Volume Thresholds?
If 'Yes', Roadway(s) Scored and Ranked If 'No' - Stop
Top Roadways Qualify for the Program
DESIGN
Staff Develop Draft Design Plan
Applicants Organize and Schedule Neighborhood Meeting – Coordinate with County staff
Neighborhood Meeting to Gather Input
Staff Develop Final Design Plan and Cost Estimate
APPROVAL
County Approval of Final Design Plan
Applicants Complete Petition for Final Design Plan
Did Not Meet Petition Requirements
Did Meet Petition Requirements
Not Approved (Must Wait 2 Years to Reapply)
Approved
CONSTRUCTION
Staff Finalize Design Plan and Cost Estimate
Applicants Provide Payment
Construction
Follow-Up Evaluation

APPENDIX II - Application

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1719
Contact Person / Sponsor: Jamie Gilbert/Economic Development
Department: Economic Development
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Accutrex Products is a Pennsylvania based metal fabrication and machining operation, that has been in Lancaster since 2006. In October 2020, the company approached the Lancaster County Department of Economic Development regarding a potential expansion of its 2077 Pageland Highway facility. The expansion would require a 15,000 square foot addition to the north side of the building and the placement of new production equipment into the facility. The expansion is expected to result in an investment of of $3,316,000 and 5 new full-time jobs.
The company has requested property tax relief assistance with this new investment in Lancaster, LCDED recently developed new property tax incentive guidelines for existing industry to assist companies with expansions that will strengthen their operation and maintain employment. Using these guidelines, LCDED is proposing for a Accutrex a fee-in-lieu-of-taxes (FILOT) agreement with a special source revenue credit (SSRC) that will offset a portion of the expansion's new property taxes. Under LCDED's existing industry incentive guidelines the expansion qualifies for the following:

- 20-year FILOT that reduces the assessment rate to 6% on the new real and personal property with a fixed millage rate of 338.5 mills and five year investment period.

- A 5-year SSRC at 58% to be applied against the annual FILOT payments.

In order to receive the FILOT annually, Accutrex will need to maintain an investment of $2.5 million and 10 full-time jobs at the facility. The SSRC requires the company to maintain an annual average of 30 full-time jobs at a wage rate of at least $14/hour to receive the credit each year. If the company does not maintain that number they will not receive the credit.

Points to Consider:

- Accutrex has been a strong and desirable employer in Lancaster for over a decade.
- The proposed expansion is one of two phases the company is considering for its Lancaster location.
- The recommended FILOT and SSRC are consistent with existing industry incentive guidelines.

Funding and Liability Factors:
There are no funding or liability factors.

Council Options:
Council can vote to approve, deny, amend or table the ordinance as presented.

Recommendation:
LCDED recommends County Council approve the ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1719	4/2/2021	Ordinance
Fee Agreement	4/2/2021	Exhibit

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021-1719**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AUTHORIZE THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN LANCASTER COUNTY AND ACCUTREX PRODUCTS, INC. PRECISION PARTS DIVISION PROVIDING FOR THE PAYMENT OF A FEE-IN-LIEU OF TAXES AND THE PROVISION OF SPECIAL SOURCE REVENUE CREDITS; AND TO EXPRESS THE INTENTION OF COUNCIL TO PROVIDE MONIES TO THE ECONOMIC DEVELOPMENT FUND.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings.

The Lancaster County Council finds that:

(a) Lancaster County, South Carolina (the "County") acting by and through its County Council (the "Council") is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976 (the "Code"), as amended (the "Act"), to enter into fee-in-lieu of tax ("FILOT") agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the "State") and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the workforce, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;

(b) the County is authorized and empowered to establish, in conjunction with one or more other counties, a joint county industrial or business park (each a "Park") pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina, and Sections 4-1-170, 4-1-172, and 4-1-175 of the Code, as amended (the "MCP Act") to further the investment of capital and the creation of jobs in the County, and to facilitate the provision of special source revenue credits;

(c) the County is authorized by Section 4-1-175 of the MCP Act, Section 4-29-68 of the Code, as amended, and Section 12-44-70 of the Act to provide special source revenue credits for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and for improved and unimproved real estate and personal property, including machinery and equipment, used in the operation of a manufacturing facility or commercial enterprise in order to enhance the economic development of the County ("Special Source Improvements");

(d) Accutrex Products, Inc. Precision Parts Division, a corporation organized and existing under the laws of the State (the "Sponsor"), is considering investing, through itself and/or one or more existing or to be formed affiliated entities, in personal property and certain real estate improvements located in the County, which would constitute a project, known by the Sponsor as "Project Tattoo", within the meaning of the Act and which are eligible for inclusion as economic development property, the cost of which is estimated to be approximately $3,316,000 (the "Project") and create a minimum number of new jobs as detailed in the Fee Agreement; and

(e) pursuant to Resolution No. 1142-R2021, adopted April 12, 2021, the Council approved an Inducement Resolution providing for, among other things, the commitment of the County to enter into a fee-in-lieu of tax incentive with the Sponsor and the provision of special source revenue credits.

Section 2. Statutory Findings.

Council makes the following additional findings:

(a) The Project will constitute a "project" as the term is referred to and defined in the Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.

(b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made.

(c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.

(d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.

(e) The purposes to be accomplished by the Project, *i.e.*, economic development and addition to the tax base of the County, are proper governmental and public purposes.

(f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.

(g) The benefits of the Project to the public will be greater than the costs to the public.

Section 3. Approval of Fee Agreement.

The form, terms, and provisions of the Fee Agreement, attached hereto as **EXHIBIT A**, is approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Fee Agreement was set out in this ordinance in its entirety. The Council Chair and Council Secretary are authorized, empowered, and directed to execute and acknowledge the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to the Sponsor. The Fee Agreement is to be in substantially the form as attached to this ordinance and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, such officer's execution thereof to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form of the Fee Agreement attached to this ordinance.

Section 4. Economic Development Fund.

(a) Council finds that (*i*) by passage of Ordinance No. 2014-1260, Council created an Economic Development Fund with the intent to make monies available to the fund from new revenues to the County derived from new and expanded businesses and industry, and (*ii*) the ability to make monies available to the Economic Development Fund can be difficult because of complexities and legalities applicable to fee-in-lieu of tax arrangements and multi-county parks.

(b) It is the intent of Council, in the annual County budget, to appropriate monies to the Economic Development Fund based on the new revenue that the County receives pursuant to the Fee Agreement. Specifically, it is Council's intent to appropriate from the General Fund of the County an amount based on the following formula: Seven percent (7%) times the amount of money received pursuant to the Fee Agreement by the County after distribution to other taxing entities in the most recently completed tax year.

Section 5. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 6. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 7. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 8. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: April 12, 2021
Second Reading: April 26, 2021
Public Hearing: May 10, 2021
Third Reading: May 10, 2021

Approved as to form:

_____
John K. DuBose III, County Attorney

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Exhibit A to Ordinance No. 2021–1719

Fee Agreement

See attached.

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FEE AGREEMENT

by and between

LANCASTER COUNTY, SOUTH CAROLINA,

and

ACCUTREX PRODUCTS, INC. PRECISION PARTS DIVISION

Dated as of May 10, 2021

FEE AGREEMENT

This FEE AGREEMENT (this "Agreement") is dated as of May 10, 2021, by and between LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina (the "County") and ACCUTREX PRODUCTS, INC. PRECISION PARTS DIVISION, a corporation organized and existing under the laws of the State of South Carolina ("Sponsor" and "Company" and, together with any subsequently joined Sponsor Affiliate(s), the "Companies").

WITNESSETH:

WHEREAS, the County, acting by and through its County Council, is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 (the "Act") of the Code of Laws of South Carolina 1976, as amended (the "Code") and Sections 4-1-170, 4-1-172, and 4-1-175 of the Code and Article VIII, Section 13(D) of the South Carolina Constitution (the "Multi-County Park Act"): (*i*) to enter into agreements with certain investors to construct, operate, maintain, and improve certain industrial and commercial properties through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the workforce, agricultural products, and natural resources of the State; (*ii*) to covenant with such investors to accept certain payments in lieu of *ad valorem* taxes with respect to the project (a "FILOT"); and (*iii*) to maintain, create or expand, in conjunction with one or more other counties, a multi-county industrial park; and

WHEREAS, the Company proposes to renovate and expand the Company's existing manufacturing facility in the County (the "Project"); and

WHEREAS, the Company anticipates that the Project will result in the creation of at least five (5) new, full-time jobs and an investment of at least $3,316,000 in the County; and

WHEREAS, the County Council approved on April 12, 2021, Resolution No. 1142-R2021 (the "Inducement Resolution") to identify, reflect and induce the Project under the Act and to state the commitment of the County to, among other things, enter into this Agreement; and

WHEREAS, as a result of the Company locating the Project in the County, the Company requested that the County complete the FILOT arrangement referred to in the Inducement Resolution by entering into this Agreement with the Company pursuant to the Act, and the Company elects to enter into such FILOT arrangement with the County in an effort to implement the terms of the Project and allow the Company to make FILOT payments pursuant to the Act; and

WHEREAS, it is presently anticipated, but not required, that Sponsor will initially own that portion of the Project comprised of the Land (as defined herein), certain real property improvements, and personal property now or hereafter constructed thereon; and

WHEREAS, for the Project, the parties have also determined that Sponsor is a Project Sponsor, and that the Project constitutes Economic Development Property within the meaning of the Act; and

WHEREAS, for the purposes set forth above, the County has determined that it is in the best interests of the County to enter into this Agreement with the Company, subject to the terms and conditions herein set forth.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, and the sum of $1.00 in hand, duly paid by the Company to the County, the receipt and sufficiency of which are hereby acknowledged, the County and the Company agree as follows:

ARTICLE I

DEFINITIONS AND RECAPITULATION

Section 1.01. Statutorily Required Recapitulation.

(a) Pursuant to Section 12-44-55(B) of the Act, the County and the Company agree to waive the recapitulation requirements of Section 12-44-55 of the Act. Subsection (b) of this section is inserted for convenience only and does not constitute a part of this Agreement or a summary compliant with Section 12-44-55 of the Act.

(b) Summary of Agreement.

1. Legal name of each initial party to this Agreement: Accutrex Products, Inc. Precision Parts Division and Lancaster County, South Carolina.

2. County, street address, parcel number or other location identifier of the Project and property to be subject to this Agreement:

   Lancaster County, South Carolina
   2077 Pageland Highway, Parcel Id. No. 0069-00-094.00
   2145 Pageland Highway, Parcel Id. No. 0069-00-095.00
   Pageland Highway, Parcel Id. No. 0069-00-095.02
   1968 Sunshine Road, Parcel Id. No. 0069-00-107.00

3. Minimum investment agreed upon: $3,316,000.

4. Length and term of this Agreement: 20 years for each annual increment of investment in the Project during the Investment Period.

5. Assessment ratio applicable for each year of this Agreement: 6%, except as otherwise provided in the Agreement.

6. Millage rate applicable for each year of this Agreement: 338.15 mills, except as otherwise provided in the Agreement.

7. Statements

(a) The Project is to be located in a multi-county park;
(b) Disposal of property subject to payments-in-lieu-of-taxes is allowed;
(c) Special Source Revenue Credits shall be given to the Economic Development Property in amounts equal to 58% of Negotiated FILOT Payments for seven (7) consecutive years beginning with the Negotiated FILOT Payment due without penalty by January 15, 2023 and ending with the Negotiated FILOT Payment due without penalty by January 15, 2029;
(d) Payment will not be modified using a net present value calculation; and
(e) Replacement property provisions will apply.

Section 1.02. Definitions. In addition to the words and terms elsewhere defined in this Agreement, the following words and terms as used herein and in the preambles hereto shall have the following meanings, unless the context or use indicates another or different meaning or intent.

"*Act*" or "*Simplified FILOT Act*" shall mean Title 12, Chapter 44 of the Code, as amended through the date hereof.

"*Administration Expense*" shall mean the reasonable and necessary out-of-pocket expenses, including attorneys' fees, incurred by the County with respect to: (*i*) the preparation, review, approval and execution of this Agreement, (*ii*) the preparation, review, approval and execution of other documents related to this Agreement and any multi-county park documents; and (*iii*) the fulfillment of its obligations under this Agreement and any multi-county park documents.

"*Affiliate*" shall mean any person or entity directly or indirectly controlling, controlled by, or under common control with such other person or entity. For purposes of this definition, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the person or entity, whether through the ownership of voting securities, by contract, or otherwise.

"*Agreement*" shall mean this Fee Agreement by and between the County and the Company, as originally executed and from time to time supplemented or amended as permitted herein, and dated as of May 10, 2021.

"*Code*" shall mean the Code of Laws of South Carolina 1976, as amended through the date hereof, unless the context clearly requires otherwise.

"*Company*" shall mean the Sponsor.

"*Companies*" shall mean the Sponsor together with any subsequently joined Sponsor Affiliate(s).

"*County*" shall mean Lancaster County, South Carolina, a body politic and corporate and a political subdivision of the State, and its successors and assigns.

"*County Council*" shall mean the governing body of the County and its successors.

"*Department of Revenue*" shall mean the South Carolina Department of Revenue.

"*Economic Development Property*" shall mean each item of real and tangible personal property comprising the Project, except Non-Qualifying Property, within the meaning of that term as defined and used in Sections 12-44-30(6) and 12-44-40(C) of the Code and in this Agreement.

"*Equipment*" shall mean all machinery, equipment, furnishings, and other personal property acquired by Sponsor and installed as part of the Project during the Investment Period in accordance with this Agreement.

"*Event of Default*" shall mean an Event of Default as defined in Section 11.01 hereof.

"*Existing Property*" shall mean property proscribed from becoming Economic Development Property pursuant to Section 12-44-110 of the Code, including, without limitation, property which has been subject to *ad valorem* taxes in the State prior to the execution and delivery of this Agreement and property included in the Project as part of the repair, alteration, or modification of such previously taxed property; provided, however, that Existing Property shall not include: (a) the Land; (b) property acquired or constructed by Sponsor during the Investment Period which has not been placed in service in this State prior to the Investment Period notwithstanding that *ad valorem* taxes have heretofore been paid with respect to such property; or (c) modifications which constitute an expansion of Existing Property.

"*FILOT*" shall mean the fee-in-lieu of taxes, which Sponsor is obligated to pay to the County pursuant to Section 5.01 hereof.

"*FILOT Payments*" shall mean the payments to be made by Sponsor pursuant to Section 5.01 hereof.

"*FILOT Revenues*" shall mean the revenues received by the County from the payment of the FILOT.

"*Full-Time Job*" means a full-time job (*i.e.*, at least thirty (30) hours per week), with health care benefits. As used in this definition and as applicable to the Project, "Full-Time Job" includes those jobs created for the Project. Jobs relocated from other states to the Project shall be counted as Full-Time Jobs. All persons filling the Full-Time Job positions must be authorized pursuant to state and federal law to be employed in the United States and not less than ninety percent (90%) of the persons filling the Full-Time Job positions must be U.S. citizens.

"*Investment Commitment*" shall mean the agreement of the Company to make investments with respect to the Project as set forth in Section 4.01(a) of this Agreement.

"*Investment Period*" shall mean the period beginning with the first day that Economic Development Property is purchased or acquired and ending on the date that is five (5) years from the end of the property tax year in which this Agreement is executed by the Company and the County, unless extended by agreement of the County and the Company pursuant to Section 12-44-30(13) of the Code.

"*Jobs Commitment*" shall mean the commitment of Sponsor to create jobs with respect to the Project as set forth in Section 4.01(b) of this Agreement.

"*Land*" shall mean the real estate upon which the Project is to be located, more specifically identified as Parcel Identification Nos. 0069-00-094.00 (2077 Pageland Highway), 0069-00-095.00 (2145 Pageland Highway), 0069-00-095.02 (Pageland Highway), and 0069-00-107.00 (1968 Sunshine Road). Additional real estate may be included by amendment as provided in the Section 12.12 of this Agreement.

"*Multi-County Park*" means the multi-county park established pursuant to the Agreement for the Development of a Joint Industrial and Business Park (Accutrex Products, Inc. Precision Parts Division), dated November 7, 2012, by and between the County and Chesterfield County, South Carolina. Multi-County Park includes any subsequent park or any subsequent park agreement that includes the Land, including, but not limited to, the Amended and Restated Master Multi-County Park Agreement, Amended and Restated as of November 9, 2015, between the County and Chesterfield County, South Carolina, as from time to time amended and updated, and as authorized by the Multi-County Park Act.

"*Multi-County Park Act*" shall mean Sections 4-1-170, 4-1-172, and 4-1-175 of the Code and Article VIII, Section 13(D) of the South Carolina Constitution, as amended through the date hereof.

"*Negotiated FILOT Payment*" shall mean the FILOT due pursuant to Section 5.01(b) hereof with respect to that portion of the Project consisting of Economic Development Property.

"*Non-Qualifying Property*" shall mean that portion of the Project consisting of: (*i*) property as to which Sponsor incurred expenditures prior to the Investment Period or, except as to Replacement Property, after the end of the Investment Period; (*ii*) Existing Property; and (*iii*) any Released Property or other property which fails or ceases to qualify for Negotiated FILOT Payments, including without limitation property as to which the Company has terminated the Negotiated FILOT pursuant to Section 4.03(iii) hereof.

"*Person*" shall mean and include any individual, association, unincorporated organization, corporation, partnership, limited liability company, joint venture, or government or agency or political subdivision thereof.

"*Project*" shall mean, collectively herein, the Project, and shall include the buildings and other improvements on the Land to the extent placed thereon by or on behalf of the Company, including water, sewer treatment and disposal facilities, and other machinery, apparatus, equipment, office facilities, and furnishings which are necessary, suitable, or useful, including the Equipment, and any Replacement Property.

"*Project Commitment*" shall mean the (*i*) Investment Commitment, and (*ii*) Jobs Commitment.

"*Released Property*" shall mean any portion of the Project removed, scrapped, traded in, sold, or otherwise disposed of pursuant to Section 4.03 hereof, any portion of the Project stolen, damaged, destroyed, or taken by condemnation or eminent domain proceedings as described in Article VII hereof, and any infrastructure which any Company dedicates to the public use (within the meaning of that phrase as used in Section 12-6-3420(C) of the Code).

"*Replacement Property*" shall mean all property installed in or on the Land in substitution of, or as replacement for, any portion of the Project, but only to the extent that such property may be included in the calculation of the Negotiated FILOT pursuant to Section 5.01(g) hereof and Section 12-44-60 of the Code.

"Special Source Revenue Credits" shall mean the Special Source Revenue Credits described in Section 5.01 hereof.

"*Sponsor Affiliate*" shall mean any entity who agrees to be bound by the terms and provisions of this Agreement and is approved by the County in writing pursuant to the provisions of Section 8.04 of this Agreement.

"*State*" shall mean the State of South Carolina.

"*Term*" shall mean the term of this Agreement, as set forth in Section 10.01 hereof.

"*Transfer Provisions*" shall mean the provisions of Section 12-44-120 of the Code, as amended through the date hereof.

"*Wage Requirement*" means an hourly wage rate not less than fourteen dollars and zero cents ($14.00). The Wage Requirement shall be adjusted for calendar year 2026, and applied to calendar year 2026 and to each calendar year thereafter in which the Company receives a Special Source Revenue Credit, to the lower of either fourteen dollars and eighty-six cents ($14.86) or the then current per capita hourly wage rate for the County as published by the South Carolina Department of Revenue.

Section 1.03. References to Agreement. The words "hereof", "herein", "hereunder", and other words of similar import refer to this Agreement as a whole.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

Section 2.01. Representations and Warranties by County. The County represents and warrants that: (*i*) it is a body politic and corporate and a political subdivision of the State; (*ii*) it is authorized by the Act to enter into this Agreement; (*iii*) it has approved this Agreement in accordance with the procedural requirements of the Act and any other applicable state law; and (*iv*) it has authorized its officials to execute and deliver this Agreement.

Section 2.02. Representations and Warranties by Sponsor. The Sponsor makes the following representations and warranties as the basis for the undertakings on its part herein contained:

(a) Sponsor is a corporation, validly existing and in good standing under the laws of South Carolina and authorized to do business in the State; has all requisite power to enter into this Agreement; and by proper action has been duly authorized to execute and deliver this Agreement.

(b) The agreements with the County with respect to the FILOT have been instrumental in inducing Sponsor to locate the Project within Lancaster County and the State.

(c) Except as otherwise disclosed to the County, no actions, suits, proceedings, inquiries, or investigations known to the undersigned representatives of Sponsor are pending or threatened against or affecting Sponsor in any court or before any governmental authority or arbitration board or tribunal, which could materially adversely affect the transactions contemplated by this Agreement or which could, in any way, adversely affect the validity or enforceability of this Agreement.

(d) The income tax year of Sponsor for federal and state income tax purposes ends December 31.

(e) No event has occurred and no condition currently exists with respect to Sponsor, which would constitute a Default or an "Event of Default" as defined herein.

(f) Sponsor intends to operate the Project for the purpose of manufacturing a wide range of custom metal products for the aerospace, gun, defense, motorsports, steel, material handling, mining and public art industries. The Project constitutes a "project" and "economic development property" as provided under the Act.

ARTICLE III

UNDERTAKINGS OF THE COUNTY

Section 3.01. Agreement to Accept FILOT Payments. The County hereby agrees to accept FILOT Payments made by the Company in accordance with Section 5.01 hereof in lieu of *ad valorem* taxes with respect to the Project until this Agreement expires or is sooner terminated.

Section 3.02. No Warranties by County. The Company acknowledges that the County has made no warranties or representations, either express or implied, as to the condition or state of the Project or as to the design or capabilities of the Project or that it will be suitable for such Company's purposes or needs. No representation of the County is hereby made with regard to compliance by the Project or any Person with laws regulating: (*i*) the construction or acquisition of the Project; (*ii*) environmental matters pertaining to the Project; (*iii*) the offer or sale of any securities; or (*iv*) the marketability of title to any property.

Section 3.03. Invalidity. The parties acknowledge that the intent of this Agreement is to afford the Company the benefits of the Negotiated FILOT Payments in consideration of the Company's decision to locate the Project within Lancaster County and that this Agreement has been entered into in reliance upon the enactment of the Simplified FILOT Act. In the event that, for any reason, the Act and/or the Negotiated FILOT or any portion thereof is, by a court of competent jurisdiction following allowable appeals, declared invalid or unenforceable in whole or in part, or the portion of the Project consisting of Economic Development Property is deemed not to be eligible for a Negotiated FILOT pursuant to the Act in whole or in part, the Company and the County express their intentions that such payments be reformed so as to afford the Company benefits commensurate with those intended under this Agreement as then permitted by law, including without limitation any benefits afforded under the Code, to the extent allowed by law. Absent the legal authorization to effect such reformation, the Company and the County agree that there shall be due hereunder, with respect to the portion of the Economic Development Property affected by such circumstances, *ad valorem* taxes and that, to the extent permitted by law, the Company shall be entitled: (1) to enjoy the five-year exemption from *ad valorem* taxes (or fees in lieu of taxes) provided by Article X, Section 3 of the Constitution of the State, and any other exemption allowed by law; (2) to enjoy all allowable depreciation; and (3) to receive other tax credits which would be due if such Company were obligated to pay *ad valorem* taxes hereunder. To the extent that under such circumstances the Negotiated FILOT Payments hereunder are required by law to be subject to retroactive adjustment, then there shall be due and payable by such Company to the County with respect to the portion of the Economic Development Property in question an amount equal to the difference between the Negotiated FILOT Payments theretofore actually paid and the amount which the Company would have paid as *ad valorem* taxes, including all exemptions, credits, and depreciation for which the Company would have otherwise been eligible if it were obligated to pay *ad valorem* taxes, together with, but only if required by law, interest on such deficiency as provided in Section 12-54-25(D) of the Code. The Company agrees that if this Agreement is reformed as provided in this Section or if retroactive adjustments are made, then under no circumstances shall the County be required to refund or pay any monies to the Company.

In addition to and notwithstanding the foregoing paragraph, the County shall not be obligated to perform any of its obligations or promises under this Section 3.03 unless the Company has otherwise complied with or provided satisfactory evidence to the County that it intends to comply with its obligations and responsibilities under this Agreement.

Section 3.04. Multi-County Park Status. A. The County agrees to take action to place the Land in the Multi-County Park until the date this Agreement is terminated. If it becomes necessary to move the Land from one multi-county park to another prior to the termination of this Agreement, the County agrees to use its best efforts to place the Land in a multi-county park established pursuant to the Multi-County Park Act and to maintain the multi-county park designation until the date this Agreement is terminated. The parties acknowledge and agree that the County's agreement to place and maintain the Land in a multi-county park may be subject to the exercise of discretion by a governmental entity other than the County and the exercise of that discretion is not controlled by the County.

B. Company acknowledges that the County intends to place all of the Land in the Amended and Restated Master Multi-County Park Agreement, Amended and Restated as of November 9, 2015, between the County and Chesterfield County, South Carolina. Company agrees to cooperate with the County in terminating the Agreement for the Development of a Joint Industrial and Business Park (Accutrex Products, Inc. Precision Parts Division), dated November 7, 2012, by and between the County and Chesterfield County, South Carolina. Company consents to the termination of the November 7, 2012 Multi-County Park and waives its right to receive notices of termination or notice of the diminution of the boundaries of the November 7, 2012 Multi-County Park.

ARTICLE IV

INVESTMENT BY COMPANIES IN PROJECT; MAINTENANCE AND MODIFICATION OF PROJECT

Section 4.01. Investment by Companies in Project.

(a) For the Project, the Company agrees and commits to invest at least $3,316,000 in Economic Development Property by the end of the Investment Period. The investment amount shall not include any amount paid by any Company for real estate improvements on the Land existing as of the date of this Agreement. Investments made by Sponsor and Sponsor Affiliates in Economic Development Property shall be included in any determination of whether the Company has fulfilled its commitment made in this Section to invest in the Project.

(b) For the Project, together with any Sponsor Affiliates, the Sponsor agrees and commits to the creation and maintenance of the number of Full-Time Jobs, paying an hourly wage rate not less than the Wage Requirement, at the following employment levels and in the designated timeframes: to have employed not less than thirty (30) in Full-Time Jobs meeting the Wage Requirement at the end of calendar year 2022 (applicable to the Negotiated FILOT Payment due without penalty by January 15, 2024), and an average not less than thirty (30) Full-Time Jobs

meeting the Wage Requirement in each calendar year thereafter in which the Company receives an SSRC pursuant to Section 5.01(d) below. The number of Full-Time Jobs shall be based on the average number of Full-Time Jobs for each month during the year.

Section 4.02. Reporting and Filing.

(a) The Company agrees to provide a copy of Form PT-443 filed with the Department of Revenue no later than thirty (30) days after execution and delivery of this Agreement to the Auditor, Treasurer and Assessor of the County and any multi-county park partner county and the Economic Development Director of the County. Each year during the term of this Agreement, the Company shall deliver to the Auditor, Treasurer and Assessor of the County and any multi-county park partner county and the Economic Development Director of the County a copy of its most recent annual filings made with the Department of Revenue with respect to the Project, no later than thirty (30) days following delivery thereof to the Department of Revenue.

(b) (1) Sponsor agrees, as soon as reasonably practicable following the end of each tax year of the Sponsor, to submit to the County Economic Development Director a certification on Sponsor letterhead listing the amount of capital investment and aggregate Full-Time Jobs maintained by the Company at the end of such tax year.

(2) For purposes of determining compliance with the Jobs Commitment, Sponsor agrees to provide to the County Economic Development Director, by January 30 of each year, a copy of all of Sponsor's filings with the State (if required to file by the State) for the preceding calendar year including: (*i*) reports submitted to the South Carolina Coordinating Council for Economic Development with respect to any Job Development Credits awarded in connection with the Project; (*ii*) Department of Revenue Form SC SCH. TC 4 (New Jobs Credit); and (*iii*) South Carolina Department of Employment and Workforce quarterly contribution and wage reports (such as Form UCE 120). The Company agrees to redact any personally identifying information and proprietary and confidential information prior to submitting any form to the County Economic Development Director. In lieu of providing any of the forms specifically identified in this subsection, the Company and the County Economic Development Director may agree on an alternative method for the Company to demonstrate compliance with the Jobs Commitment.

(c) (1) The Company agrees to maintain such books and records with respect to the Project as will permit the identification of those portions of the Project placed in service in each property tax year during the Investment Period, the amount of investment with respect thereto and its computations of all FILOT Payments made hereunder and will comply with all reporting requirements of the State and the County applicable to property subject to FILOT Payments under the Act, including the reports described in subsection (a) and (b) of this section (collectively, "Filings").

(2) The Company agrees that the County and its authorized agents have the right at all reasonable times and upon prior reasonable notice to enter upon and examine and inspect the Project and to have access to and examine and inspect all of the Company's books and records pertaining to the Project and the Filings. The right of examination and inspection shall be exercised

only upon reasonable and necessary terms and conditions prescribed by the Company to protect such Company's confidentiality and proprietary rights. Any such entrance upon and examination and inspection of the Project and Filings shall be at the County's expense.

(d) The County acknowledges and understands that the Company may have and maintain at the Project certain confidential and proprietary information, including, but not limited to, trade secrets, financial, sales or other information concerning the Company's operations and processes ("Confidential Information") and that any disclosure of the Confidential Information could result in substantial harm to the Company and could have a significant detrimental impact on the Company's employees and also upon the County. Except as required by law, including, without limitation, court orders, the County agrees to use its best reasonable efforts to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives, when the Confidential Information is clearly marked and identified as Confidential Information and known to the County to be Confidential Information. The County shall not knowingly and willfully disclose and shall cause all employees, agents and representatives of the County not to knowingly and willfully disclose the marked and identified Confidential Information to any person or entity other than in accordance with the terms of this Agreement. If a demand is made for the release, under color of law, to a third party of any Confidential Information, the County shall notify the Company and give the Company the opportunity to contest the release.

Section 4.03 Modification of Project.

As long as no event of default exists hereunder, the Company shall have the right at any time and from time to time during the Term hereof to undertake any of the following:

(i) The Company may, at its own expense, add to the Project any real and personal property as the Company in its discretion deems useful or desirable.

(ii) In any instance where the Company, in its discretion, determines that any items included in the Project have become inadequate, obsolete, worn out, unsuitable, undesirable, or unnecessary for operations at the Project, the Company may remove such items or portions from the Project and sell, trade in, exchange, or otherwise dispose of them (as a whole or in part) without the consent of the County; as such may be permitted under the Simplified FILOT Act.

(iii) The Company may, at any time in its discretion by written notice to the County, remove any real or personal property from the Negotiated FILOT (as defined in Section 5.01) set forth in this Agreement, and thereafter such property will be considered Non-Qualifying Property and will be subject to FILOT Payments as set forth in Section 5.01(b)(i) hereof.

ARTICLE V

PAYMENTS IN LIEU OF TAXES

Section 5.01. Payments in Lieu of *Ad Valorem* Taxes.

(a) In accordance with the Act, the parties hereby agree that, during the Term of the Agreement, the Company shall pay annually, with respect to the Project, a FILOT in the amount calculated as set forth in this Section, to be collected and enforced in accordance with Section 12-44-90 of the Act.

(b) The FILOT Payment due with respect to each property tax year shall equal:

(i) With respect to any portion of the Project consisting of undeveloped land, land under development, other property not yet placed in service or Non-Qualifying Property, as long as such property is located in the Multi-County Park, a payment equal to the *ad valorem* taxes that would otherwise be due on such undeveloped land, land under development, other property not yet placed in service or Non-Qualifying Property if it were taxable giving effect to all credits, exemptions, depreciation, rebates and abatement that would be available if such undeveloped land, land under development, other property not yet placed in service or Non-Qualifying Property were taxable; and

(ii) With respect to those portions of the Project consisting of Economic Development Property, for each of the twenty (20) consecutive years following the year in which such portion of the Project is placed in service, a payment calculated each year as set forth in paragraphs (c) and (d) of this Section 5.01 (a "Negotiated FILOT").

(c) The Negotiated FILOT Payments shall be calculated with respect to each property tax year based on: (1) the fair market value (determined in accordance with Section 12-44-50(A)(1)(c) of the Code) of the improvements to real property and Equipment included within the Project theretofore placed in service (less, for Equipment, depreciation allowable for property tax purposes as provided in Section 12-44-50(A)(1)(c) of the Code), (2) a fixed millage rate equal to 338.15 mills, for the Term, and (3) an assessment ratio of six percent (6%). All such calculations shall take into account all deductions for depreciation or diminution in value allowed by the Code or by the tax laws generally, as well as tax exemptions which would have been applicable if such property were subject to *ad valorem* taxes, except the exemption allowed pursuant to Section 3(g) of Article X of the Constitution of the State of South Carolina and the exemptions allowed pursuant to Sections 12-37-220(B)(32) and (34) of the Code.

(d) Special Source Revenue Credits shall be granted to the Economic Development Property in amounts equal to fifty-eight (58%) of Negotiated FILOT Payments for seven (7) consecutive years beginning with the Negotiated FILOT Payment due without penalty by January 15, 2023 and ending with the Negotiated FILOT Payment due without penalty by January 15, 2029.

(e) The FILOT Payments are to be recalculated:

(i) to reduce such payments in the event the Company disposes of any part of the Project within the meaning of Section 12-44-50(B) of the Code and as provided in Section 4.03 hereof, by the amount applicable to the Released Property;

(ii) to increase such payments, based on the methodology set forth in Section 5.01(c) hereof, in the event the Company adds property (other than Replacement Property) to the Project; or

(iii) to adjust such payments if the Company elects to convert any portion of the Project from the Negotiated FILOT to the FILOT required by Section 5.01(b)(i) above, as permitted by Section 4.03(iii).

(f) To the extent permitted by law, because the FILOT Payments agreed to herein are intended to be paid by the Company to the County in lieu of taxes, it is agreed that said FILOT Payments shall not, as to any year, be in any amount greater than what would otherwise be payable by the Company to the County in property taxes if the Company had not entered into a fee-in-lieu of taxes arrangement with the County (except it is not intended that said FILOT Payments would necessarily be less than such property taxes to the extent that the constitutional abatement of property taxes set forth in Section 3(g) of Article X of the Constitution of the State of South Carolina would otherwise apply).

(g) Upon the Company's installation of any Replacement Property for any portion of the Project removed under Section 4.03 hereof and sold, scrapped, or disposed of by the Company, such Replacement Property shall become subject to Negotiated FILOT Payments to the fullest extent allowed by law, subject to the following rules:

(i) Replacement Property does not have to serve the same function as the Economic Development Property it is replacing. Replacement Property is deemed to replace the oldest property subject to the FILOT, whether real or personal, which is disposed of in the same property tax year as the Replacement Property is placed in service. Replacement Property qualifies for Negotiated FILOT Payments up to the original income tax basis of the Economic Development Property which it is replacing. More than one piece of property can replace a single piece of property. To the extent that the income tax basis of the Replacement Property exceeds the original income tax basis of the Economic Development Property which it is replacing, the excess amount is subject to payments equal to the *ad valorem* taxes which would have been paid on such property but for this Agreement. Replacement property is entitled to the FILOT Payment for the period of time remaining on the FILOT period for the property which it is replacing.

(ii) The new Replacement Property which qualifies for the Negotiated FILOT Payment shall be recorded using its income tax basis, and the Negotiated FILOT Payment shall be calculated using the millage rate and assessment ratio provided on the original property subject to FILOT Payment.

(h) In the event that the Act or the FILOT or any portion thereof, are declared, by a court of competent jurisdiction following allowable appeals, invalid or unenforceable, in whole or in part, for any reason, the Company and the County express their intentions that such payments be reformed so as to afford the Company the maximum benefit then permitted by law, including, without limitation, the benefits afforded under Section 12-44-50 of the Code and, specifically, that the Company may, at the Company's expense, exercise the rights granted by Section 12-44-160 of

the Code. If the Project is deemed not to be eligible for a Negotiated FILOT pursuant to the Act in whole or in part, the Company and the County agree that the Company shall pay an alternate fee-in-lieu of tax calculated in the manner set forth in Section 5.01(b)(i) hereof. In such event, the Company shall be entitled, to the extent permitted by law: (1) to enjoy the five-year exemption from *ad valorem* taxes (or fees in lieu of taxes) provided by Section 3(g) of Article X of the Constitution of the State of South Carolina, and any other exemptions or credits allowed by law; and (2) to enjoy all allowable depreciation. The Company agrees that if the FILOT Payments or this Agreement are reformed pursuant to this subsection (h), that under no circumstance shall the County be required to refund or pay any monies to the Company.

(i) For the Project, this Agreement is automatically terminated in the event that the investment in the Project in land, buildings, and personal property, including machinery and equipment, by Sponsor does not exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) by the end of the Investment Period ("Act Minimum Investment Requirement"). If terminated pursuant to this subsection (i), the Negotiated FILOT Payments shall revert retroactively to payments equivalent to what the *ad valorem* taxes would have been with respect to the property absent this Agreement. At the time of termination, the Company shall pay to the County an additional fee equal to the difference between the total amount of property taxes that would have been paid by the Company had the project been taxable, taking into account exemptions from property taxes and depreciation that would have been available to the Company, and the total amount of fee payments actually made by the Company. This additional amount is subject to interest as provided in Section 12-54-25. The Company agrees, if the Negotiated FILOT Payments revert to payments equivalent to what the *ad valorem* taxes would be pursuant to this subsection (i), that under no circumstance shall the County be required to refund or pay any monies to the Company.

(j) The Company agrees that in any year in which the Company fails to meet the Jobs Commitment as set forth in Section 4.01(b) above, the Company is ineligible for, and shall not receive, the Special Source Revenue Credit for the applicable period. In any year in which the Company must pay an additional fee as required in Section 5.01(k) below, the Company is ineligible for, and shall not receive, the Special Source Revenue Credit provided for in Section 5.01(d) above.

(k) In any year after December 31, 2022 in which the Company fails to have employed in Full-Time Jobs an average of not less than ten (10) the Company shall pay to the County an additional fee equal to the difference between the Negotiated FILOT Payments made by the Company and the FILOT Payment that would be due for the Economic Development Property if calculated, notwithstanding the provisions of Section 5.01(c), using the then current millage rate and the assessment ratios that would be applicable to the Economic Development Property if it were subject to *ad valorem* taxes (the "Hypothetical FILOT Payment").

As an example of the calculation set forth in this subsection (k), and by way of example only, assume Economic Development Property is first placed in service with respect to the Project in 2021, and that in the tax year ending December 31, 2023, that the maintained number of Full-Time Jobs was 8, that the millage rate applicable for tax bills to be sent in the following year is 375.0, and all of the Economic Development Property classified as personal property would have a 10.5%

assessment ratio applied if such property were subject to *ad valorem* taxation, then, the Hypothetical FILOT Payment for the tax year ending December 31, 2023, would be computed using the millage rate of 375.0 (instead of 338.15) and the 10.5% assessment ratio for the Economic Development Property classified as personal property (instead of 6%).

(l) Unless otherwise provided by the Act, any amounts due to the County under this Section 5.01 by virtue of the application of subsections (h) through (k) shall be paid within 90 days, following written notice thereof from the County to the Company.

(m) Notwithstanding any other provision of this Agreement, the Company acknowledges and agrees that County's obligation to provide the FILOT incentive and the Special Source Revenue Credits ends, and this Agreement is terminated, if the Company ceases operations. For purposes of this Section 5.01(m), "**cease operations**" means permanent closure of the facility. The Company agrees that if this Agreement is terminated pursuant to this Section 5.01(m), that under no circumstance shall the County be required to refund or pay any monies to the Company.

ARTICLE VI

PAYMENTS BY COMPANIES

Section 6.01. Defaulted Payments. In the event the Company should fail to make any of the payments required under this Agreement, the item or installment so in default shall continue as an obligation of the Company until the amount in default shall have been fully paid. The Company agrees that the collection and enforcement of the defaulted payment shall be as provided in Section 12-44-90 of the Code.

ARTICLE VII

CASUALTY AND CONDEMNATION

Section 7.01. Adjustments in the Event of Damage and Destruction or Condemnation. In the event that the Project or any portion thereof is damaged or destroyed, lost or stolen, or the subject of condemnation proceedings, the Company, in its sole discretion, may determine whether or not to repair or replace the same. The parties hereto agree that if the Company decides not to repair or replace all or any portion of the Project pursuant to this Section, the FILOT required pursuant to Section 5.01 hereof shall be abated in the same manner and in the same proportion as if *ad valorem* taxes were payable with respect to the Project.

ARTICLE VIII

PARTICULAR COVENANTS AND AGREEMENTS

Section 8.01. Use of Project for Lawful Activities. During the Term of this Agreement, the Company shall use the Project for the purposes identified in Section 2.02(f) of this Agreement and for any lawful purpose that is authorized pursuant to the Act.

Section 8.02. Assignment. The County agrees that, to the maximum extent allowable under the Act (or any amendments thereto), the Company may assign (including, without limitation, absolute, collateral, and other assignments) all or a part of its rights or obligations under this Agreement, and any lease agreement, lease purchase agreement, or fee agreement, as the case may be, or any other agreement related hereto or thereto, or transfer any and all assets of the Company, to one or more Related Entities (as defined in Section 9.01 below) without adversely affecting the benefits of the Company or its assignees pursuant to any such agreement or the Act. The Company shall provide the County and the Department of Revenue with notice of any such assignment, transfer, or investment in accordance with the Act, and the County agrees, upon the request of the Company, to take all further action necessary to implement such assignment, transfer, or investment in accordance with the provisions of the Act. To the extent that the Act may require the consent, approval or ratification of or by the County for the assignment of this Agreement, in whole or in part, the County agrees to not unreasonably withhold its consent, approval or ratification.

Section 8.03. Indemnification. Sponsor releases the County, including the members of the governing body of the County, and the employees, officers, attorneys and agents of the County (herein collectively referred to as the "Indemnified Parties") from, agrees that the Indemnified Parties shall not be liable for, and agrees to hold the Indemnified Parties harmless against, any loss or damage to property or any injury to or death of any person that may be occasioned by any cause whatsoever pertaining to this Agreement, the Project or the use thereof, except for that occasioned by grossly negligent or intentional acts of an Indemnified Party. Sponsor further agrees to indemnify and save harmless Indemnified Parties against and from any and all costs, liabilities, expenses, and claims arising from any breach or default on the part of the Company in the performance of any covenant or agreement on the part of the Company to be performed pursuant to the terms of this Agreement or arising from any act or negligence of, or negligent failure to act where there is a duty to do so by the Company, or any of its agents, attorneys, contractors, servants, employees, or licensees, and from and against all cost, liability, and expenses incurred in or in connection with any such claim or action or proceeding brought thereon.

All covenants, stipulations, promises, agreements, and obligations of the County contained herein shall be deemed to be covenants, stipulations, promises, agreements, and obligations of the County and not of any member of the County Council or any officer, agent, attorney, servant, or employee of the County in his or her individual capacity, and, no recourse shall be had for the payment of any moneys hereunder or the performance of any of the covenants and agreements of the County herein contained or for any claims based thereon against any member of the governing body of the County or any officer, attorney, agent, servant, or employee of the County.

Notwithstanding the fact that it is the intention of the Indemnified Parties hereto that none of them shall incur any pecuniary liability by reason of the terms of this Agreement, any related agreements or the undertakings required of the County hereunder by reason of the performance of any act requested of the County by the Company, including all claims, liabilities, or losses arising in connection with the violation of any statutes or regulations pertaining to the foregoing, nevertheless, if any Indemnified Party shall incur any such pecuniary liability, then in such event

the Sponsor shall indemnify and hold them harmless against all claims by or on behalf of any Person, firm, or corporation or other legal entity arising out of the same and all costs and expenses incurred in connection with any such claim or in connection with any action or proceeding brought thereon, provided, however, that nothing herein shall absolve the Indemnified Parties from, or entitle the Indemnified Parties to indemnification from, any obligation such Indemnified Party has specifically agreed to undertake (including, without limitation, the obligation to place and maintain the Land within a multi-county park). If any action, suit, or proceeding is brought against any Indemnified Party to which such Indemnified Party is entitled to indemnification, such Indemnified Party shall promptly notify the Company, and the Company shall have the sole right and duty to assume, and shall assume, the defense thereof, at its expense, with full power to litigate, compromise, or settle the same in its sole discretion; provided the Company shall obtain the prior written consent of the County to settle any such claim unless such claim is for monetary damages for which the Company has the ability to, and does, pay. Notwithstanding the foregoing, if the Indemnified Party is the County, in the event the County reasonably believes there are defenses available to it that are not being pursued or that the counsel engaged by the Company reasonably determines that a conflict of interest exists between the County and the Company, the County may, in its sole discretion, hire independent counsel to pursue its own defense, and the Company shall be liable for the reasonable cost of such counsel.

The indemnity specified in this Section shall be in addition to any heretofore extended by the Company to any Indemnified Party and shall survive the termination of this Agreement with respect to liability arising out of any event or act occurring prior to such termination.

Section 8.04. Sponsors and Sponsor Affiliates. Sponsor may designate from time to time other Sponsors or Sponsor Affiliates pursuant to the provisions of Sections 12-44-30(19) or (20), respectively, and Section 12-44-130 of the Simplified FILOT Act, which Sponsors or Sponsor Affiliates shall be Persons who join with the Company and make investments with respect to the Project, or who participate in the financing of such investments, who agree to be bound by the terms and provisions of this Agreement and who shall be Affiliates of Sponsor, Sponsor Affiliate or other Sponsors or Sponsor Affiliates, or other Persons described in Section 8.02 hereof. All other Sponsors or Sponsor Affiliates who otherwise meet the requirements of Section 12-44-30(19) or (20) and Section 12-44-130 of the Simplified FILOT Act must be approved by the County in writing. To the extent that the aggregate investment in the Project by the end of the Investment Period by all Sponsors and Sponsor Affiliates exceeds $5,000,000, to the extent permitted by Section 12-44-30(19) of the Simplified FILOT Act, all investment by such Sponsors and Sponsor Affiliates during the Investment Period shall qualify for the FILOT pursuant to Section 5.01 of this Agreement (subject to the other conditions set forth therein) regardless of whether each such entity invested amounts equal to the Act Minimum Investment Requirement by the end of the Investment Period. Sponsor shall provide the County and the Department of Revenue with written notice of any other Sponsor or Sponsor Affiliate designated pursuant to this Section 8.04 within ninety (90) days after the end of the calendar year during which any such Sponsor or Sponsor Affiliate has placed in service property to be used in connection with the Project and subject to the Negotiated FILOT Payment, all in accordance with Section 12-44-130(B) of the Simplified FILOT Act.

ARTICLE IX

FINANCING ARRANGEMENTS; CONVEYANCES; ASSIGNMENTS

Section 9.01. Conveyance of Liens and Interests; Assignment. The Company may at any time: (a) transfer all or any of its rights and interests hereunder or with respect to the Project to any Person; or (b) enter into any lending, financing, security, or similar arrangement or succession of such arrangements with any financing entity with respect to the Agreement or the Project, including without limitation any sale, leaseback, or other financing lease arrangement; provided that, in connection with any of the foregoing transfers: (*i*) except in connection with any transfer to Sponsor or Sponsor Affiliate (collectively, the "Related Entities"), or transfers pursuant to clause (b) above (as to which such transfers the County hereby consents), the Company shall first obtain the prior written consent or subsequent ratification of the County; (*ii*) except where a financing entity, which is the income tax owner of all or part of the Project, is the transferee pursuant to clause (b) above and such transferee or financing entity assumes in writing the obligations of the Company hereunder, or where the County consents in writing, no such transfer shall affect or reduce any of the obligations of the Company hereunder, but all obligations of the Company hereunder shall continue in full force and effect as the obligations of a principal and not of a guarantor or surety; (*iii*) the Company, transferee, or financing entity shall, within 60 days thereof, furnish or cause to be furnished to the County and the Department of Revenue a true and complete copy of any such transfer agreement; and (*iv*) the Company and the transferee shall comply with all other requirements of the Transfer Provisions.

The Company acknowledges that such a transfer of an interest under this Agreement or in the Project may cause the Project to become ineligible for a Negotiated FILOT Payment or result in penalties under the Act absent compliance by the Company with the Transfer Provisions.

Section 9.02. Relative Rights of County and Financing Entities as Secured Parties. The parties acknowledge the application of the provisions of Section 12-44-90 of the Act, and that the County's right to receive FILOT Payments hereunder shall be the same as its rights conferred under Title 12, Chapter 49 and 54, among others, of the Code relating to the collection and enforcement of *ad valorem* property taxes. The County's rights under this Agreement, except for its rights to receive FILOT Revenues, shall be subordinate to the rights of any secured party or parties under any financing arrangements undertaken by the Company with respect to the Project pursuant to Section 9.01 hereof, such subordination to be effective without any additional action on the part of the County; provided, however, that the County hereby agrees, at the Company's expense, to execute such agreements, documents, and instruments as may be reasonably required by such secured party or parties to effectuate or document such subordination.

ARTICLE X

TERM; TERMINATION

Section 10.01. Term. Unless sooner terminated pursuant to the terms and provisions herein contained, this Agreement shall be and remain in full force and effect for a term

commencing on the date on which the Company executes this Agreement, and ending at midnight on the last day of the property tax year in which the last Negotiated FILOT Payment is due hereunder. The Project has a term of twenty (20) years, as calculated pursuant to the respective dates when the relevant portions of the Project are placed in service, and as discussed in greater detail in this Agreement. The County's rights to receive indemnification and payment of Administration Expenses pursuant hereto shall survive the expiration or termination of this Agreement.

Section 10.02. Termination. The County and the Company may agree to terminate this Agreement at any time, or the Sponsor may, at its option, terminate this Agreement at any time upon providing the County 30 days' notice of such termination, in which event the Project shall be subject to *ad valorem* taxes from the date of termination. In the event that this Agreement is terminated by the operation of this Section 10.02 at any time during the initial Investment Period prior to the Company meeting the Project Commitment, amounts due to the County as a result thereof, if any, shall be calculated as provided in Section 5.01(i) hereof. The County's rights to receive payment for such *ad valorem* taxes and its rights to enforce the terms of this Agreement shall survive termination of this Agreement.

ARTICLE XI

EVENTS OF DEFAULT AND REMEDIES

Section 11.01. Events of Default by Companies.

(a) Any one or more of the following events (herein called an "Event of Default", or collectively "Events of Default") shall constitute an Event of Default by the Company:

(1) if default shall be made in the due and punctual payment of any FILOT Payments, indemnification payments, or Administration Expenses, which default shall not have been cured within 30 days following receipt of written notice thereof from the County; or

(2) if default shall be made by the Company in the due performance of or compliance with any of the terms hereof, including payment, other than those referred to in the foregoing paragraph (1), and such default shall continue for 90 days after the County shall have given the Company written notice of such default, provided, the Company shall have such longer period of time as necessary to cure such default if the Company proceeds promptly to cure such default and thereafter to prosecute the curing of such default with due diligence; and provided further, that no Event of Default shall exist under this paragraph (2) during any period when there is pending, before any judicial or administrative tribunal having jurisdiction, any proceeding in which the Company has contested the occurrence of such default.

(b) The failure of the Company to meet any Project Commitment set forth herein shall not be deemed to be an Event of Default under this Agreement.

Section 11.02. Remedies on Event of Default by Company. Upon the occurrence of any Event of Default, the County may exercise any of the following remedies, any of which may be exercised at any time during the periods permitted under the following clauses:

(a) terminate this Agreement by delivery of written notice to the Company not less than 30 days prior to the termination date specified therein;

(b) have access to and inspect, examine, and make copies of the books, records, and accounts of the Company pursuant to Section 4.02(c); or

(c) take whatever action at law or in equity as may appear necessary or desirable to collect the amounts then due and thereafter to become due or to enforce observance or performance of any covenant, condition, or agreement of the Company under this Agreement.

Section 11.03. Default by County. Upon the default of the County in the performance of any of its obligations hereunder, the Company may take whatever action at law or in equity as may appear necessary or desirable to enforce its rights under this Agreement, including without limitation, a suit for mandamus or specific performance. Provided, however, that anything herein to the contrary notwithstanding, any financial obligation the County may incur hereunder, including for the payment of money, shall not be deemed to constitute a pecuniary liability or a debt or general obligation of the County.

ARTICLE XII

MISCELLANEOUS

Section 12.01. Rights and Remedies Cumulative. Each right, power, and remedy of the County or of the Company provided for in this Agreement shall be cumulative and concurrent and shall be in addition to every other right, power or remedy provided for in this Agreement or now or hereafter existing at law or in equity, in any jurisdiction where such rights, powers and remedies are sought to be enforced; and the exercise by the County or by the Company of any one or more of the rights, powers or remedies provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by the County or by the Company of any or all such other rights, powers or remedies.

Section 12.02. Successors and Assigns. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns as permitted hereunder.

Section 12.03. Intentionally Omitted.

Section 12.04. Administration Expenses.

(a) The Company agrees to reimburse the County from time to time for its Administration Expenses promptly upon written request therefore, but in no event later than thirty

(30) days after receiving the written request from the County, *provided, however*, the total reimbursement pursuant to this subsection is capped at Five Thousand and No/100 dollars ($5000.00). The written request shall include a description of the nature of the Administration Expenses.

(b) The Company agrees to reimburse the County for expenses incurred by the County for accountants and similar experts used by the County in the computation, preparation and verification of the annual FILOT Payments and any special source revenue credits, *provided, however*, the maximum annual reimbursement pursuant to this subsection is capped at Five Hundred and No/100 dollars ($500.00).

Section 12.05. Rules of Construction. The County and the Company acknowledge and agree that each has been represented by legal counsel of its choice throughout the negotiation and drafting of this Agreement, that each has participated in the drafting hereof and that this Agreement will not be construed in favor of or against either party solely on the basis of such party's drafting or participation in the drafting of any portion of this Agreement.

Section 12.06. Notices; Demands; Requests. All notices, demands and requests to be given or made hereunder to or by the County or the Company shall be in writing and shall be deemed to be properly given or made if sent by United States first class mail, postage prepaid or via facsimile or other commonly-used electronic transmission or reputable courier service, addressed as follows or to such other persons and places as may be designated in writing by such party.

(a) As to the County:

County of Lancaster, South Carolina
ATTN: Steve Willis, County Administrator
101 N. Main St. (29720)
P.O. Box 1809 (29721-1809)
Lancaster, South Carolina
Phone: (803) 416-9300
Email: swillis@lancastercountysc.net

With a copy to (which shall not constitute notice):

Mr. Jamie Gilbert
Economic Development Director, Lancaster County
P.O. Box 1809
Lancaster, South Carolina 29721
Telephone: (803) 286-3633
Fax: (803) 416-9497
Email: jgilbert@lancastercountysc.net

(b) As to the Sponsor:

Accutrex Products, Inc. Precision Parts Division
ATTN:_____
1968 Sunshine Road
Lancaster, South Carolina 29720
Telephone: (803) 286-4474
Fax: (803) 253-8277
Email: _____

With a copy, in each case, to (which shall not constitute notice):

Burnet R. Maybank, III, Esq.
Andrew W. Saleeby, Esq.
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
Phone: (803) 540-2048
Email: bmaybank@nexsenpruet.com
Email: asaleeby@nexsenpruet.com

Section 12.07. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

Section 12.08. Entire Understanding. This Agreement expresses the entire understanding and all agreements of the parties hereto with each other, and neither party hereto has made or shall be bound by any agreement or any representation to the other party which is not expressly set forth in this Agreement or in certificates delivered in connection with the execution and delivery hereof.

Section 12.09. Severability. In the event that any clause or provision of this Agreement shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not affect any of the remaining provisions hereof.

Section 12.10. Headings and Table of Contents; References. The headings of the Agreement and any Table of Contents annexed hereto are for convenience of reference only and shall not define or limit the provisions hereof or affect the meaning or interpretation hereof. All references in this Agreement to particular articles or Sections or paragraphs of this Agreement are references to the designated articles or Sections or paragraphs of this Agreement.

Section 12.11. Multiple Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

Section 12.12. Amendments. Subject to the limitations set forth in the Act, this Agreement may be amended, or the rights and interest of the parties hereunder surrendered, only by a writing signed by both parties.

Section 12.13. Waiver. Either party may waive compliance by the other party with any term or condition of this Agreement only in a writing signed by the waiving party.

Section 12.14. Force Majeure. The Company shall not be responsible for any delays or non-performance caused in whole or in part, directly or indirectly, by strikes, accidents, freight embargoes, labor shortages, fire, floods, inability to obtain materials, conditions arising from government orders or regulations, war or national emergency, acts of God, and any other cause, similar or dissimilar, beyond the Company's reasonable control.

IN WITNESS THEREOF, the County, acting by and through the County Council, has caused this Fee Agreement to be executed in its name and behalf by the Council Chair and Council Secretary and to be attested by the Clerk to Council; and the Company has caused this Fee Agreement to be executed by its duly authorized officer, all as of the day and year first above written.

LANCASTER COUNTY, SOUTH CAROLINA

_____

Steve Harper, Chair, County Council

_____

Billy Mosteller, Secretary, County Council

ATTEST:

_____

Sherrie Simpson, Clerk to Council

COMPANY SIGNATURES FOLLOW ON NEXT PAGE.

ACCUTREX PRODUCTS, INC.
PRECISION PARTS DIVISION

_____

[Name, Title]

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1729 / Planning Case Number: RZ-2021-0114
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Request to rezone TM # 0054-00-029.04 from Rural Business (RUB) to Rural Residential (RR) to District. The proposed rezoning of a portion of TM# 0054-00-029.04 from Rural Business (RUB) to Rural Residential (RR) District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

Points to Consider:
Companion case to RZ-2021-0261. The intent of the rezoning request is to open wedding venue business.

The information for this case and companion case RZ2021-0261 has been presented within a single, consolidated staff report.

Funding and Liability Factors:
NA

Council Options:
To approve or deny the rezoning request.

Recommendation:
Planning Commission voted unanimously to recommend approval at their March 16, 2021 meeting.

Staff recommends approval of the request to rezone to Rural Residential (RR).

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1729	4/6/2021	Ordinance
Staff Report	3/9/2021	Planning Staff Report
Location Map	3/9/2021	Exhibit
Proposed Plat	3/9/2021	Exhibit

STATE OF SOUTH CAROLINA (
(
COUNTY OF LANCASTER (

ORDINANCE NO. 2021-1729

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A PORTION OF 6815 SHILOH UNITY ROAD (TM # 0054-00-029.04) FROM RUB, RURAL BUSINESS DISTRICT, TO RR, RURAL RESIDENTIAL DISTRICT

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Matthew Ellis, applied to rezone a portion of TM # 0054-00-029.04, approximately 1.766 acres located at 6815 Shiloh Unity Road, Lancaster, South Carolina from RUB, Rural Business District, to RR, Rural Residential District.

(b) On March 16, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *"includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations."*

The Rural Living Future Land Use Category is the largest future land use category in Lancaster County. Generally, it encompasses most of the southern portion of the County, with the exception of the City of Lancaster, towns of Heath Springs and Kershaw (Urban Land Use), and the area around the City of Lancaster (Transitional Land Use). The requested RR district is consistent with the Rural Living Future Land Use category and the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RUB, Rural Business District, to RR, Rural Residential District, for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0054-00-029.04 (1.766 acres, more or less, portion thereof)

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	April 12, 2021
Public Hearing:	April 12, 2021
Second Reading:	April 26, 2021
Third Reading:	May 10, 2021

Approved as to form:

_____
John DuBose, County Attorney

PROPOSAL:	Request to rezone a portion of TM # 0054-00-029.04 and a portion of TM # 0054-00-029.05 with the intention of opening a wedding venue
PROPERTY LOCATION:	6815 Shiloh Unity Road (TM # 0054-00-029.04); Old Camden Monroe Highway (TM # 0054-00-029.05)
CURRENT ZONING DISTRICT:	Rural Business (RUB) District RZ-2021-0114 Rural Residential (RR) District RZ-2021-0261
PROPOSED ZONING DISTRICT:	Rural Residential (RR) District RZ-2021-0114 Rural Business (RUB) District RZ-2021-0261
APPLICANT:	Matthew Ellis
COUNCIL DISTRICT:	District 3, Billy Mosteller

OVERVIEW:

Proposal

Pursuant to Chapter 5.6.2 of the UDO, Event Venue/Banquet Halls require a minimum lot size of 5 acres. Accordingly, in order for the applicant to be able to establish such a business on the subject property, a recombination of these two existing parcels is necessary, and the recombination cannot occur without rezoning portions of both parcels. The request consists of two rezoning applications: RZ-2021-0114 and RZ-2021-0261, which are summarized below:

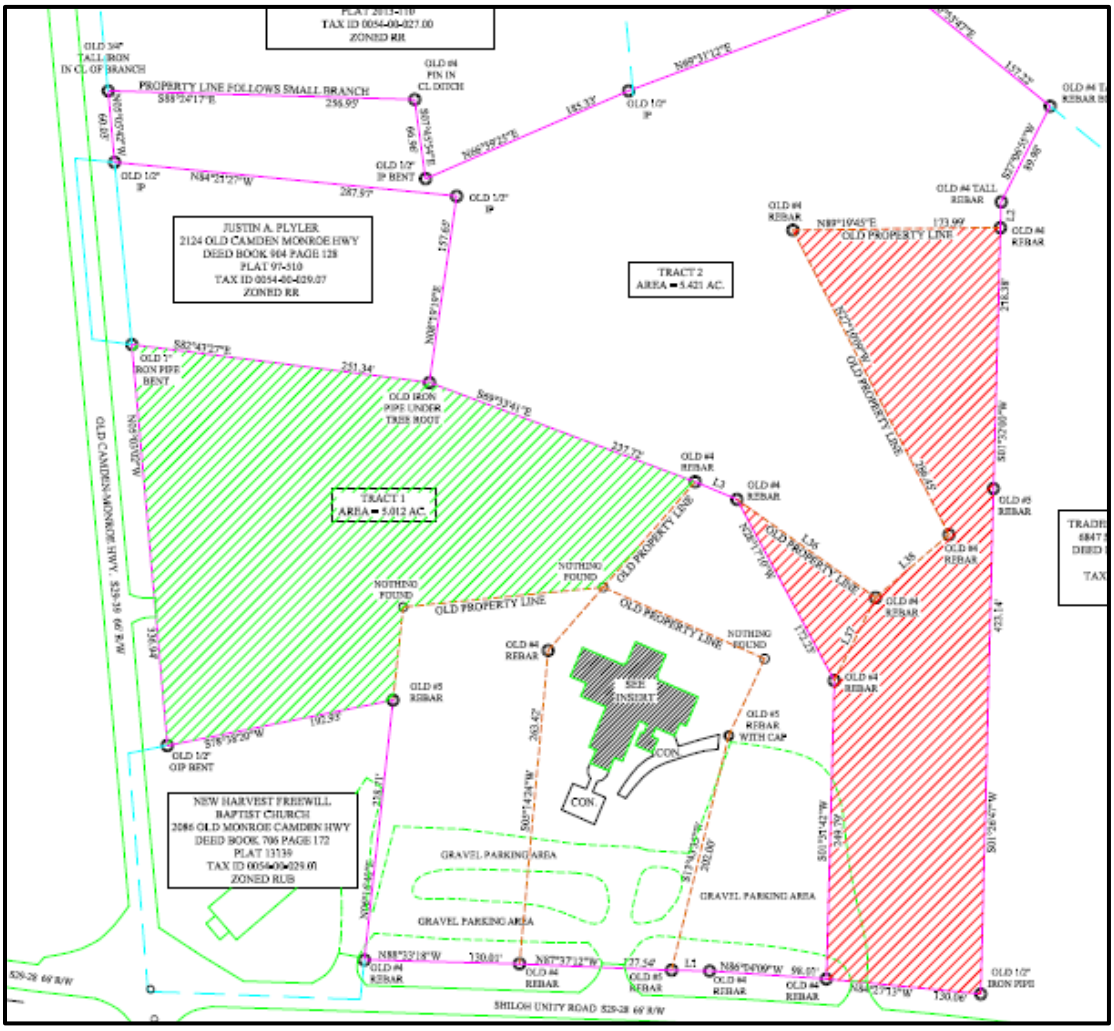
1) RZ-2021-0114: Request to rezone approximately 1.766 acres located at 6815 Shiloh Unity Road (portion of TM# 0054-00-029.04) from Rural Business (RUB) to Rural Residential (RR) District; and

2) RZ-2021-0261: Request to rezone approximately 2.168 acres located at Old Camden Monroe Highway (portion of TM# 0054-00-029.05) from Rural Residential (RR) to Rural Business (RUB) District.

Should the rezoning requests be approved, the applicant would proceed with permitting through the Zoning and Building Departments.

See Proposed Plat below (and attached) which illustrates the portion to be rezoned from RUB to RR (red hatch) and the portion to be rezoned from RR to RUB (green hatch).

Proposed Plat



Site Information

The parcel fronting Shiloh Unity Road is improved with an existing commercial building which was most recently used as a restaurant. The parcel fronting Old Camden Monroe Highway is vacant.

Summary of Adjacent Zoning and Uses

The properties are surrounded predominantly by RR, RUB and INS zoned properties.

Adjacent Property	Jurisdiction	Zoning District	Use
North	Lancaster County	RR	Vacant; Manufactured Home
South	Lancaster County	RR	Single-Family Residential
East	Lancaster County	RR	Vacant; Manufactured Home
West	Lancaster County	RUB; INS; RR	New Harvest Free Will Church; Single-Family Residential; Community Center; Fire Department

ANALYSIS & FINDINGS:

Zoning Districts
As previously noted, the subject properties are currently zoned RR and RUB Districts.

Pursuant to UDO Chapter 2.3, the existing zoning district of Rural Business (RUB) for RZ-2021-0114 and the requested RUB zoning district for RZ-2021-0261 *is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population*.

The existing zoning district of Rural Residential (RR) for RZ-2021-0261 and the requested RR zoning district for RZ-2021-0114 *is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings*.

Compatibility with Surrounding Area
As noted previously, the subject properties are predominately surrounded by the RR, RUB and INS Districts. This area can be characterized by single-family homes and manufactured homes on lots of varying sizes, vacant/wooded parcels, a church, community center and the Tradesville Fire Department. Staff finds that the proposed rezoning of a portion of TM# 0054-00-029.04 from Rural Business (RUB) to Rural Residential (RR) District and a portion of TM# 0054-00-029.05 from Rural Residential (RR) to Rural Business (RUB) District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

The applicant must still seek approval of the intended wedding venue use from the Zoning and Building Departments in accordance with the UDO and Building Code. This use is listed as *Permitted with Review by staff* in accordance with Section 5.6.2, Event Venue/Banquet Hall, of the UDO.

RELATIONSHIP TO PUBLIC PLANS

Lancaster County Comprehensive Plan Consistency
The Future Land Use Category of the subject properties is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type "*includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations*." The Comprehensive Plan further establishes several possible land use considerations representing typical development in this category which are depicted in the table below.

The Rural Living Future Land Use Category is the largest future land use category in Lancaster County. Generally, it encompasses most of the southern portion of the County, with the exception of the City of Lancaster, towns of Heath Springs and Kershaw (Urban Land Use), and the area around the City of Lancaster (Transitional Land Use).

The requested RR and RUB districts are consistent with the Rural Living Future Land Use category.

Rural Living: Land Use Considerations		
Cultivated Farmland	Woodlands/Timber Harvesting	Livestock/Arable
Natural Area	Single-Family Detached Home	Smaller-Lot Single Family and Townhomes
Mobile Home	Barns/Storage	Light Industrial (ancillary to farming)
Church	Gas Station	Convenience Store/Hardware Store/Restaurant

INFRASTRUCTURE CONSIDERATIONS

Transportation
No Traffic Impact Analysis (TIA) or traffic improvements are required for this rezoning request. There are no SCDOT traffic counts available for the roads surrounding the subject parcels.

Public Utilities
Public water is available near the subject parcels. Sewer is not available; parcels require septic tanks.

Public Schools
There will be no impact on schools from the intended wedding venue.

PHOTOS OF PROJECT AREA:



Looking east along Shiloh Unity Road



Looking north across Shiloh Unity Road from subject parcel



Looking east along Shiloh Unity Road



Looking west along Shiloh Unity Road



Looking north along Old Camden Monroe Highway



Looking south along Old Camden Monroe Highway



Looking at subject parcel from Old Camden Monroe Highway



Looking west across Old Camden Monroe Highway from subject parcel

STAFF RECOMMENDATION:

Separate motions will need to be made for each rezoning application.

Staff recommends **approval** of the two requests to rezone as follows:

1. RZ-2021-0114: Request to rezone approximately 1.766 acres located at 6815 Shiloh Unity Road (Portion of TM# 0054-00-029.04) from Rural Business (RUB) to Rural Residential (RR) District; and
2. RZ-2021-0261: Request to rezone approximately 2.168 acres located at Old Camden Monroe Highway (Portion of TM# 0054-00-029.05) from Rural Residential (RR) to Rural Business (RUB) District.

Pursuant to the following findings of fact for RZ-2021-0114 and RZ-2021-0261:

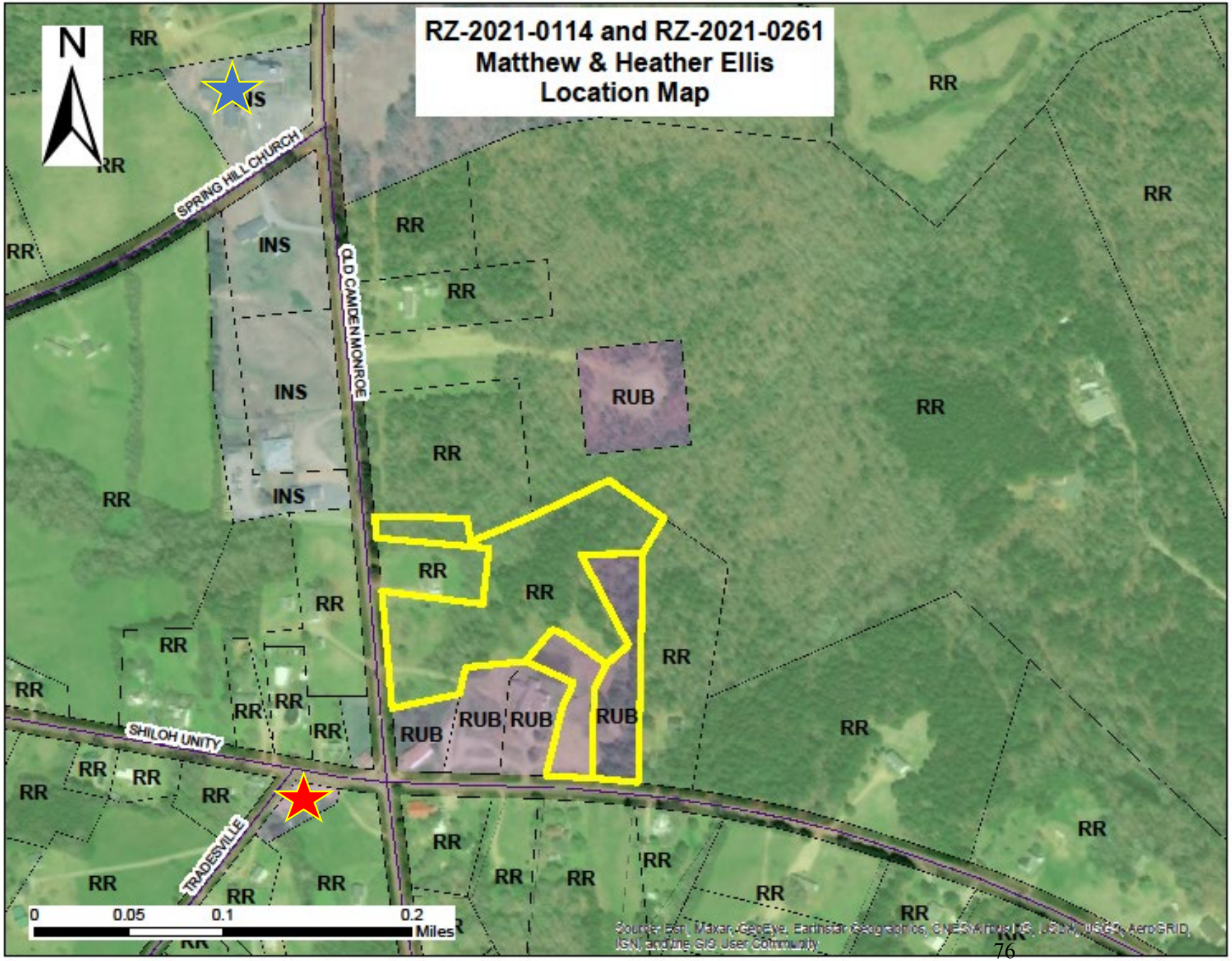
1. That the subject requests consist of the following parcels: a portion of TM# 0054-00-029.04 and a portion of TM# 0054-00-029.05;
2. That the subject properties are currently zoned RR and RUB District and proposed to be rezoned to RUB District and RR District, respectively;
3. That the subject properties each have a Future Land Use designation of Rural Living, and a Community Type of Rural Living; and
4. That the proposed RUB and RR Districts are generally consistent with the surrounding area which is comprised of RR, RUB and INS Districts.

ATTACHMENTS:

1. Rezoning Application
2. Location Map/ Zoning Map
3. Proposed Plat

STAFF CONTACT:

Katie See, AICP, Senior Planner
ksee@lancastersc.net | 803-416-9395



Lancaster County
South Carolina

Proposal:

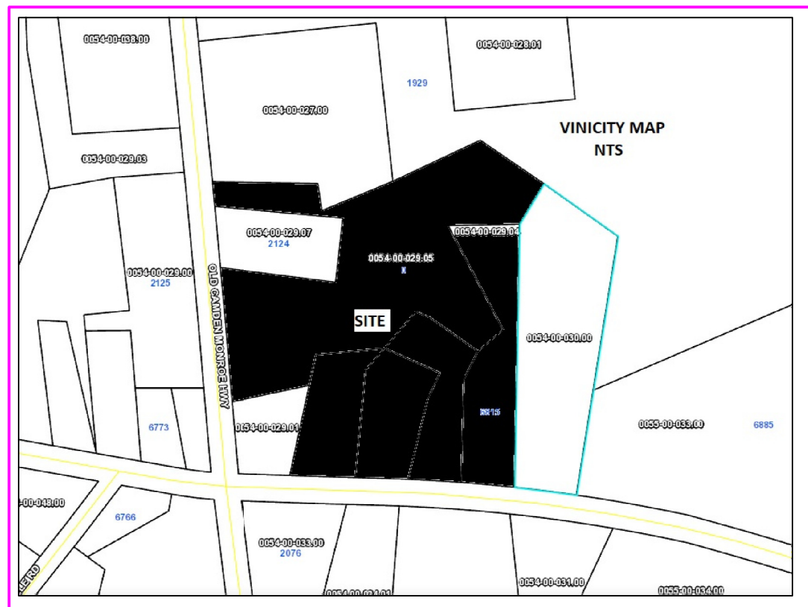
- Rezone a portion of TM #0054-00-029.05 from RUB to RR
- Rezone a portion TM # 0054-00-029.04 from RR to RUB

Legend:

Subject Properties

Spring Hill Baptist Church

Tradesville Grocery



THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIVE COVENANTS OF RECORD.

THIS PLAT IS TAKEN TWO EXISTING PARCELS AND RECONFIGURING THEM INTO TWO NEW PARCELS.

TRACT 1 HAS A TOTAL OF 5.012 AC.
IT HAS 2.844 AC. ZONED RUB (RURAL BUSINESS) AND 2.168 ZONED RR (RURAL RESIDENTIAL)
THE 2.168 AC. NEED TO BE REZONED TO RUB (RURAL BUSINESS)

TRACT 2 HAS A TOTAL OF 5.421 AC.
IT HAS 3.655 AC. ZONED RR (RURAL RESIDENTIAL) AND 1.766 AC. ZONED RUB (RURAL BUSINESS)
THE 1.766 AC. NEED TO REZONED TO RR (RURAL RESIDENTIAL)

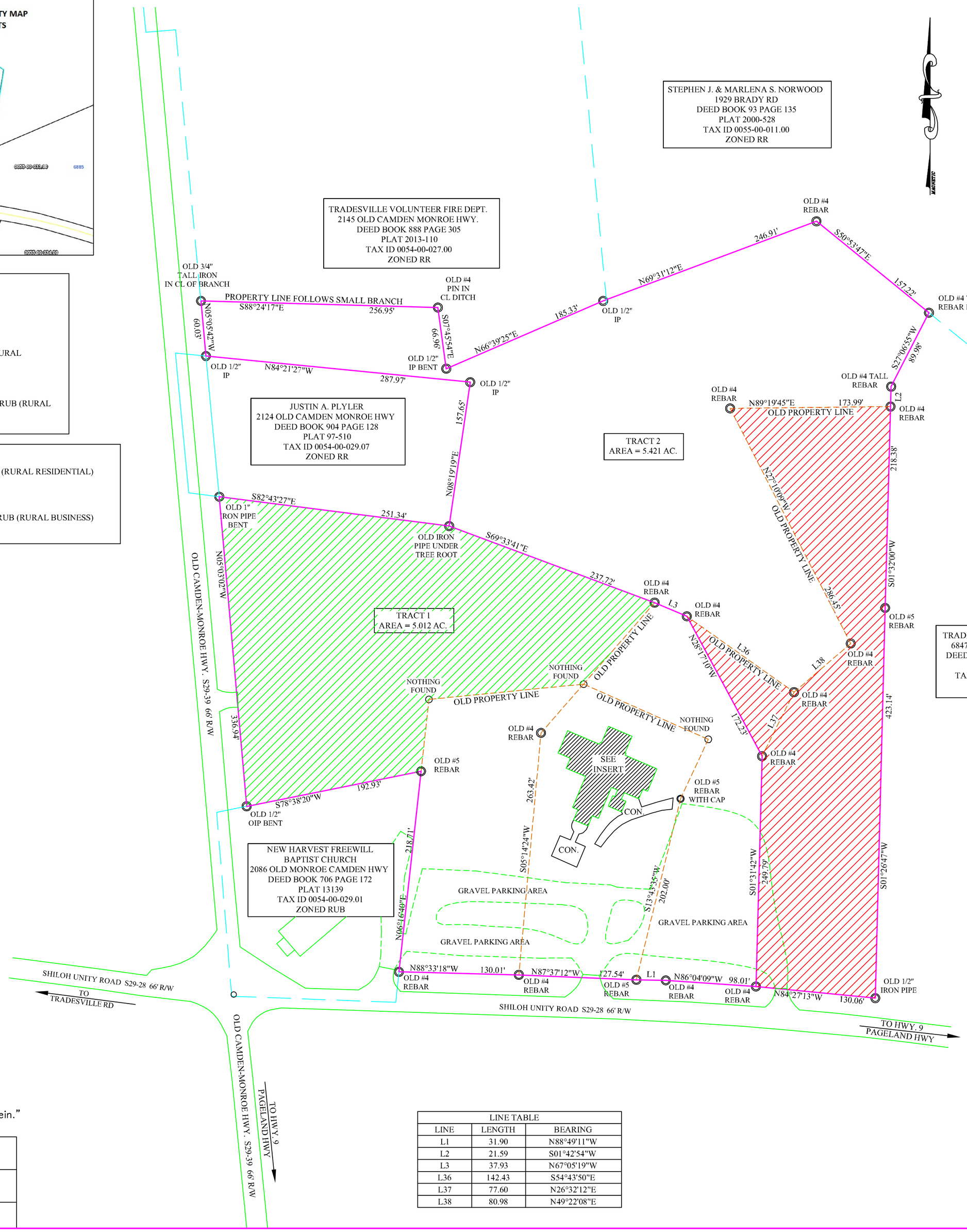
= AREA TO BE REZONED FROM RUB (RURAL BUSINESS) TO RR (RURAL RESIDENTIAL)

= AREA TO BE REZONED FROM RR (RURAL RESIDENTIAL) TO RUB (RURAL BUSINESS)

NOTE: This lot does not lie within any designated flood area and there are no encroachments or projections other than as shown on this plat.

"I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class *"B"* survey as specified therein."

DRAWN BY: RKB	DATE: 01/05/2021
CHECKED BY: JCC	TAX PARCELS 0054-00-029.04 & 0054-00-029.05
JOB NO.: 20-11-13	SHEET 1 OF 1



BUILDING TABLE	
LINE	LENGTH
L4	16.86
L5	12.00
L6	6.44
L7	36.40
L8	23.00
L9	11.70
L10	14.50
L11	26.30
L12	37.45
L13	2.10
L14	1.40
L15	19.73
L16	27.78
L17	19.73
L18	1.40
L19	2.10
L20	37.32
L21	26.35
L22	5.50
L23	11.45
L24	17.10
L25	7.85
L26	5.55
L27	12.30
L28	15.65
L29	12.20
L30	2.45
L31	7.85
L32	7.20
L33	36.50
L34	7.10
L35	12.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	31.90	N88°49'11"W
L2	21.59	S01°42'54"W
L3	37.93	N67°05'19"W
L36	142.43	S54°43'50"E
L37	77.60	N26°32'12"E
L38	80.98	N49°22'08"E

Plat Of Property Of

MATTHEW S. & HEATHER G. ELLIS

Located At
6815 Shiloh Unity Rd
Tradesville Community
Lancaster, South Carolina
Lancaster County

Scale 1" = 80' Date 01/05/2021

GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

Survey By: J. C. Crumpler
S.C. Reg. No. 6574
207 Chesterfield Avenue
Lancaster, South Carolina
1-803-283-9818
Email: iseleyseuveying@gmail.com

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Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1730 / Planning Case Number: RZ-2021-0261
Contact Person / Sponsor: Katie See/Senior Planner
Department: Planning
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
See Staff Report for Companion Case RZ-2021-0114.

Request to rezone TM # 0054-00-029.05 from Rural Residential (RR) to Rural Business (RUB) District. The proposed rezoning of a portion of TM# 0054-00-029.05 from Rural Residential (RR) to Rural Business (RUB) District is generally compatible with the surrounding area and consistent with UDO Section 2.3.

Points to Consider:
Companion case to RZ-2021-0114. The intent of the proposed rezoning is to open wedding venue business.

The information for this case and companion case RZ2021-0114 has been consolidated into a single staff report.

Funding and Liability Factors:
NA

Council Options:
To approve or deny the rezoning request.

Recommendation:
Planning Commission voted unanimously to recommend approval at their March 16, 2021 meeting.

Staff recommends approval of the request to rezone to Rural Business District (RUB).

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1730	4/6/2021	Ordinance

STATE OF SOUTH CAROLINA (
(
COUNTY OF LANCASTER (

ORDINANCE NO. 2021-1730

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY TO REZONE A PORTION OF OLD CAMDEN MONROE HIGHWAY (TM # 0054-00-029.05) FROM RR, RURAL RESIDENTIAL, TO RUB, RURAL BUSINESS DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Matthew Ellis, applied to rezone a portion of TM # 0054-00-029.05, approximately 2.168 acres, located at Old Camden Highway, Lancaster, South Carolina, from RR, Rural Residential District, to RUB, Rural Business District.

(b) On March 16, 2021, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a unanimous vote recommended approval of the rezoning request.

(c) The Future Land Use Category of the subject property is Rural Living, which corresponds to the Community Type of Rural Living. The adopted Comprehensive Plan states that the Rural Living Community Type *"includes a variety of residential types, from farmhouses, to large acreage rural family dwellings, to ecologically-minded "conservation subdivisions" whose aim is to preserve open landscape, and traditional buildings, often with a mixture of residential and commercial uses that populate crossroads in countryside locations."*

The Rural Living Future Land Use Category is the largest future land use category in Lancaster County. Generally, it encompasses most of the southern portion of the County, with the exception of the City of Lancaster, towns of Heath Springs and Kershaw (Urban Land Use), and the area around the City of Lancaster (Transitional Land Use). The requested RUB district is consistent with the Rural Living Future Land Use category and the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RR, Rural Residential District, to RUB, Rural Business District, for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0054-00-029.05 (2.168 acres, more or less, portion thereof)

Section 3. Severability.

If any section, subsection, or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	April 12, 2021
Public Hearing:	April 12, 2021
Second Reading:	April 26, 2021
Third Reading:	May 10, 2021

Approved as to form:

_____
John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1731
Contact Person / Sponsor: Steve Willis/Administration and John Dubose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
A request for a Quit Claim Deed regarding a portion of dirt roadway between Lynwood Drive and Norfolk Road.

Points to Consider:
John DuBose received a request for a Quit Claim Deed related to a section of dirt road between Lynwood Drive and Norfolk Road. This is just north of McDonald Green Elementary School.

This appears to be a driveway that was platted as a roadway. It is not an extension of Lynwood Drive to the west. To the east Norfolk Road curves up towards Kirkover Road so this segment is obviously not a an extension of Norfolk Road.

This request relates to a planned conveyance of land on the northern side of the driveway.

We have no record of this being a county roadway or even a named private roadway.

This Ordinance and the quit claim deeds that are contemplated will make clear that Lancaster County does not claim the roadway, has never claimed ownership, and that any person receiving a quit claim deed proceeds with use of the roadway at their own risk.

The form quit claim deed referenced as Exhibit B to the Ordinance will be attached for second reading.

Funding and Liability Factors:
N/A

Council Options:
Approve or reject the Ordinance.

Recommendation:
Approve the Ordinance.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1731	4/7/2021	Ordinance
Exhibit A -Tax Map	3/14/2021	Exhibit
Exhibit B- Form Quit Claim Deed	4/19/2021	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021- 1731

AN ORDINANCE AUTHORIZING LANCASTER COUNTY TO QUIT CLAIM TITLE TO REAL PROPERTY FOR AN UNNAMED ROAD THAT EXTENDS FROM NORFOLK DRIVE TO LYNWOOD DRIVE.

WHEREAS, Norfolk Drive is a county maintained road in Lancaster County, South Carolina.

WHEREAS, a dirt road that is not owned or maintained by Lancaster County extends from the western terminus of Norfolk Road and intersects with Lynwood Drive.

WHEREAS, Lancaster County never intended to accept the dirt road into the county road system, has never claimed any ownership interest in the dirt road, has never been asked to accept the road into the county road system, has never maintained the dirt road, and claims no ownership or interest in the dirt road.

WHEREAS, Lancaster County has no current or future plans to accept the dirt road into the county road system.

WHEREAS, Lancaster County has explicitly disclaimed any right, title, or interest in the dirt road, but an adjacent property owner has asked that Lancaster County quit claim any interest it may hold in the dirt road in furtherance of that adjacent property owner's attempts to acquire title or confirm a right of access along the roadway.

WHEREAS, Lancaster County is willing to accommodate the desire of the adjacent property owner but specifically disavows that its issuance of a quit claim deed for the dirt road will accomplish any goal or desire of the adjacent property owner to acquire title to the road.

WHEREAS, Lancaster County is willing to issue quit claim deeds to adjacent property owners along the road, quit claiming title to the centerline of the roadway to each adjacent landowner to the boundary of that landowner's property, for the express purpose of denying that Lancaster County holds any right, title, or interest in the dirt road.

WHEREAS, Lancaster County asserts that passage of this Ordinance and issuance of quit claim deeds to adjacent property owners shall constitute conclusive evidence that Lancaster County denies all right, title, or interest in the dirt road and Lancaster County demands, as consideration for issuance of the quit claim deed, that the adjacent landowners do not name Lancaster County as a defendant in any future quiet title action or other cause of action or lawsuit seeking a determination of ownership and legal title for the dirt road, if such action is pursued.

WHEREAS, Lancaster County also wishes to make clear to the adjacent landowners that they are under no obligation to accept the quit claim deeds or record same and that the adjacent

landowners should conduct their own investigations into to status of legal title of the dirt road in question before engaging in any improvement thereof or restriction of access thereto.

WHEREAS, the Lancaster County Council finds it appropriate and prudent to convey any right, title, or interest it may hold (same being specifically disavowed) in the dirt road to adjacent property owners via quitclaim deed.

WHEREAS, this action represents an important and necessary governmental function and will clarify the public record and the goal is to obviate the need for Lancaster County to be involved in any future legal action concerning the status of the dirt road.

NOW, THEREFORE, BE IT ORDAINED, by the County Council, as follows:

Section 1. Lancaster County shall convey, via quitclaim deeds, any right, title, or interest it may hold in the real property comprising the dirt road in question (shown on Exhibit "A" which attached hereto and incorporated herein by reference) to the property owners adjacent to the dirt road. Specifically:

A. Lancaster County School District will receive from the County a quitclaim deed for title to the dirt road from its existing property line to the centerline of the dirt road.
B. Susan L. Snipes will receive from the County a quitclaim deed for to the dirt road from her existing property line to the centerline of the unopened portion of the road.
C. Todd Hammond will receive from the County a quitclaim deed for title to the dirt road from his existing property lines to the centerline of the unopened portion of the road.

The quit claim deed shall be in substantial conformity with the form quit claim deed attached hereto as Exhibit "B".

Section 2. The County Council of Lancaster Count hereby authorizes and directs that Steve Harper, as Chairman of Lancaster County Council, and Brian Carnes, as Vice-Chair of Lancaster County Council, to make, execute and deliver the quitclaim deeds conveying the real property described herein to above-mentioned adjacent property owners.

Section 3. Any ordinance, resolution, or other order of the Lancaster County Council, the terms of which are in conflict with this ordinance, is, only to the extent of that conflict, repealed.

Section 4. This Ordinance is effective after third reading and a public hearing.

LANCASTER COUNTY, SOUTH CAROLINA

By:_____
Steve Harper, Chairman
Lancaster County Council

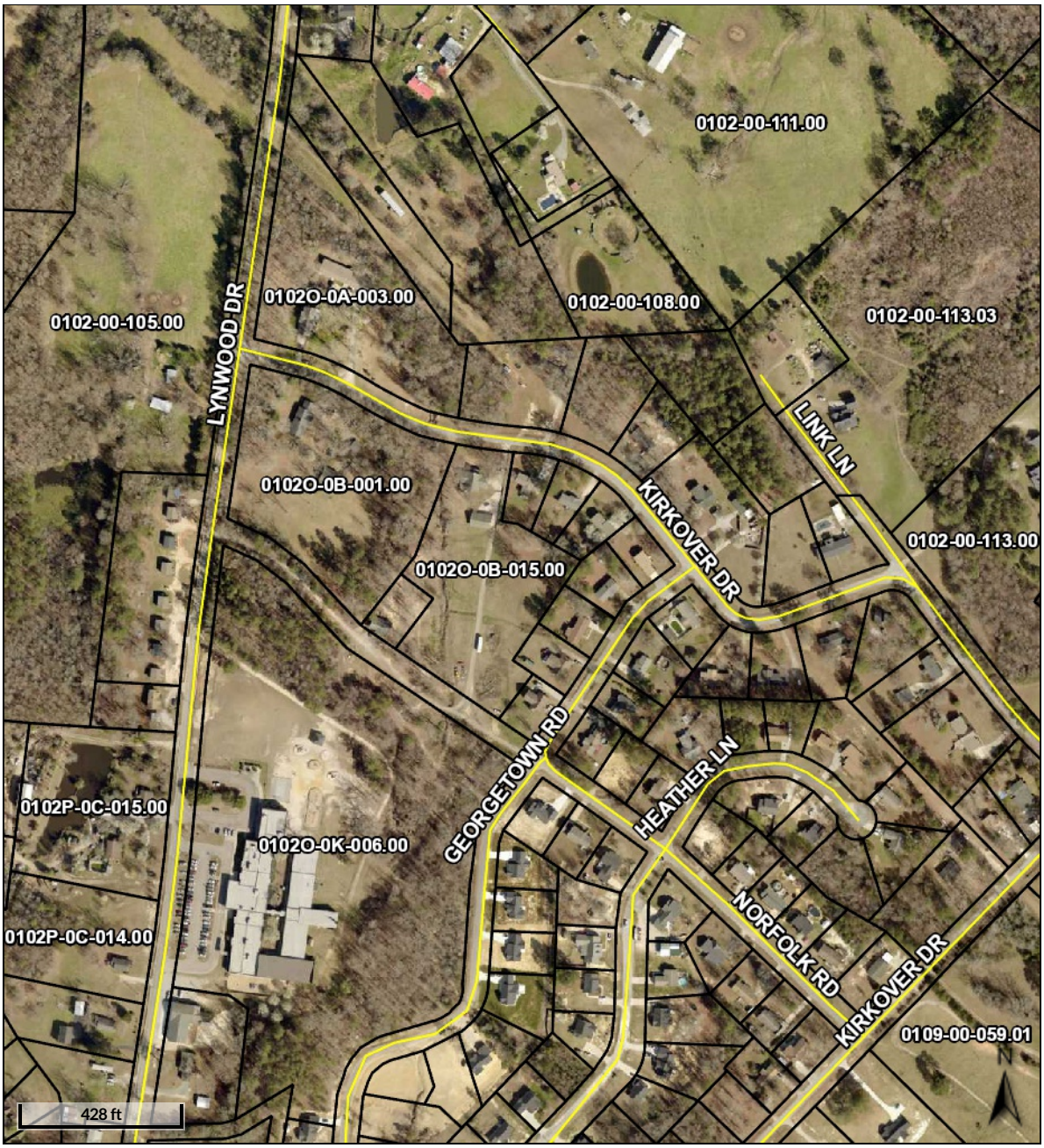
By:_____
Billy Mosteller, Secretary
Lancaster County Council

(SEAL)
ATTEST:

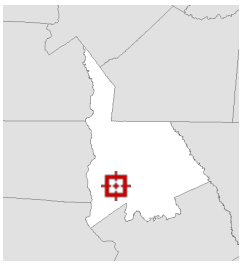
_____
Sherrie Simpson, Clerk to Council
Lancaster County Council

First Reading:	April 12, 2021
Second Reading:	April 26, 2021
Public Hearing:	May 10, 2021
Third Reading:	May 10, 2021

qPublic.net™ Lancaster County, SC



Overview



Legend

- Parcels
- Roads
- Railroad

Date created: 2/20/2021
Last Data Uploaded: 2/19/2021 10:07:23 PM

Developed by Schneider GEOSPATIAL

Title Not Examined

STATE OF SOUTH CAROLINA)
) **QUITCLAIM DEED**
COUNTY OF LANCASTER)

WHEREAS, Norfolk Drive is a county maintained road in Lancaster County, South Carolina.

WHEREAS, a dirt road that is not owned or maintained by Lancaster County extends from the western terminus of Norfolk Road and intersects with Lynwood Drive.

WHEREAS, Lancaster County never intended to accept the dirt road into the county road system, has never claimed any ownership interest in the dirt road, has never been asked to accept the road into the county road system, has never maintained the dirt road, and claims no ownership or interest in the dirt road.

WHEREAS, Lancaster County has no current or future plans to accept the dirt road into the county road system.

WHEREAS, Lancaster County has explicitly disclaimed any right, title, or interest in the dirt road, but an adjacent property owner has asked that Lancaster County quit claim any interest it may hold in the dirt road in furtherance of that adjacent property owner's attempt to acquire title or confirm a right of access along the roadway.

WHEREAS, Lancaster County is willing to accommodate the desire of the adjacent property owner but specifically disavows that its issuance of a quit claim deed for the dirt road accomplish any goal or desire of the adjacent property owner to acquire title to the road.

WHEREAS, while Lancaster County does not claim any right, title, or interest in the dirt road that extends from the western terminus of Norfolk Road and intersects with Lynwood Drive,

Lancaster County asserts that the passage of Ordinance No. 2021-1731 and issuance of the quit claim deeds to adjacent property owners shall constitute conclusive evidence that Lancaster County denies all right, title, or interest in the dirt road and Lancaster County demands, as consideration the issuance of the quit claim deeds, that the adjacent landowners do not name Lancaster County as a Defendant in any future quiet title action or other cause of action or lawsuit seeking a determination of ownership and legal title for the dirt road, if such action is pursued.

WHEREAS, by Ordinance 2021-1731, Lancaster County Council authorized conveyance of any right, title, or interest it may hold, understanding that it claims none, in the dirt road that extends from the western terminus of Norfolk Road and intersects with Lynwood Drive by quit claim deed.

WHEREAS, Lancaster County also wishes to make clear to the adjacent landowners that they are under no obligation to accept the quit claim deeds or record same and the adjacent landowners should conduct their own investigations into the status of legal title of the dirt road in question before engaging in any improvements thereof or restriction of access thereto.

KNOW ALL MEN BY THESE PRESENTS, That **LANCASTER COUNTY, ("GRANTOR")** in the State aforesaid, for no consideration and to confirm that Lancaster County claims no right, title, or interest in the dirt road that extends from the western terminus of Norfolk Road and intersects with Lynwood Drive, and has remised, released and forever quitclaimed, and by these presents does remise, release, and forever quitclaim unto _____ the portion of the dirt road that extends from their property line to the centerline of the roadway. The said portion of dirt road being conveyed abuts GRANTEES _____property line located at TMS No. _____ and is highlighted in red on the map attached hereto and incorporated herein as **Exhibit "A"**.

GRANTEE Address:

_____

_____

_____

TOGETHER with all and singular, the rights, members, hereditaments, and appurtenances to the said premises belonging to in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto _____.

WITNESS my Hand and Seal this _____, of May 2021.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

_____ _____

Witness #1 **Steve Willis**
Lancaster County Administrator

_____

Witness #2

STATE OF SOUTH CAROLINA)
) **ACKNOWLEDGMENT**
COUNTY OF LANCASTER)

I, _____, a Notary Public for the State of South Carolina, do hereby certify that LANCASTER COUNTY, by Steve Willis, its Administrator personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this ____day of May 2021.

_____ (SEAL)
Notary Public for State of South Carolina
My commission expires:_____
Print Name: _____

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT OF EXEMPT TRANSFERS**
COUNTY OF LANCASTER)

PERSONALLY, appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.

2. The property being transferred the dirt road that is not owned or maintained by Lancaster County which extends from the western terminus of Norfolk Road and intersects with Lynwood Drive more fully depicted on **Exhibit "A"** attached to the Quit Claim.

3. The deed is exempt from the deed recording fee because (See information section of affidavit): No consideration paid – 12

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Steve Willis, Lancaster County Administrator.

5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

_____
Steve Willis
Lancaster County Administrator

SWORN to before me this_____, day
of _____, 2021

_____
Notary Public for South Carolina
My Commission Expires _____
Print Name: _____

EXHIBIT A

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1148-R2021
Contact Person / Sponsor: Steve Willis/ Administration and Council Member Allen Blackmon
Department: Administration
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Council has expressed a desire to adopt a Resolution supporting the Second Amendment to the Constitution.

Points to Consider:
The Resolution is attached and it was based on the Resolution passed by Kershaw County.

Funding and Liability Factors:
N/A

Council Options:
Council can approve or disapprove the Resolution.

Recommendation:
N/A

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1148-R2021	4/14/2021	Resolution

STATE OF SOUTH CAROLINA)
) **RESOLUTION 1148-R2021**
COUNTY OF LANCASTER)

A RESOLUTION

BY LANCASTER COUNTY COUNCIL EXPRESSING ITS SUPPORT OF SECOND AMENDMENT RIGHTS.

WHEREAS, the Second Amendment of the United States Constitution states in part that "the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, the same language is also contained in Article I, Section 20 of the Constitution of South Carolina, which provides, in pertinent part, "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed;" and

WHEREAS, the Lancaster County Council feels that the right of citizens to bear arms, as stated in both the United States Constitution and the South Carolina Constitution, is a fundamental right that should be protected to the greatest degree possible; and

WHEREAS, the legislative assemblies of several States are currently considering or are adopting measures regarding gun control, and it is expected these proposed measures, which would greatly encroach on the Constitutional rights of those Citizens affected, will be introduced in in the aforementioned States as part of their 2021 legislative sessions; and

WHEREAS, the Lancaster County Council wishes by adopting this Resolution to express its strong support for the rights of citizens under the Second Amendment of the United States Constitution and Article I, Section 20 of the Constitution of South Carolina, and urges the Governor and members of the General Assembly to take no action which would violate the freedoms guaranteed in both Constitutions**.**

NOW, THEREFORE, BE IT RESOLVED by Lancaster County Council that Lancaster County Council hereby expresses its strong support for the rights of citizens to bear arms pursuant to the Second Amendment of the United States Constitution and Article I, Section 20 of the Constitution of South Carolina, and urges the members of the General Assembly and the Governor to take no action which would violate the freedoms guaranteed in both Constitutions.

IT IS SO RESOLVED

by County Council this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: Resolution 1149-R2021
Contact Person / Sponsor: Jamie Gilbert / Economic Development
Department: Economic Development
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
On December 30, 2020 the Lancaster County Council approved a FILOT and SSRC Agreement for Unique Loom's expansion of their headquarters and distribution facility at 793 Fort Mill Highway in Indian Land. The agreement lists Unique USA as the only entity. The company would like to add 793 FMH, LLC as a Sponsor Affiliate to the agreement. The requested Sponsor Affiliate is the holder of the real property for the project.

Points to Consider:
This is a common adjustment to fee agreements and does not change the incentives or performance requirements of the original agreement.

Funding and Liability Factors:
None

Council Options:
County Council can approve, amend, deny or table the approval of the resolution.

Recommendation:
Approval of the resolution.

ATTACHMENTS:

Description	Upload Date	Type
Resolution 1149-R2021	4/19/2021	Resolution

STATE OF SOUTH CAROLINA)
) RESOLUTION NO. 1149 - R2021
COUNTY OF LANCASTER)

A RESOLUTION

TO APPROVE THE UNIQUE USA, INC., DESIGNATION OF 793 FMH, LLC, AS A SPONSOR AFFILIATE UNDER THAT CERTAIN FEE AGREEMENT BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA, AND UNIQUE USA, INC., AS SPONSOR, DATED AS OF DECEMBER 30, 2020.

Be it resolved by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations; Purpose

(A) Council finds and determines that;

(1) The County and Unique USA, Inc., as Sponsor, entered into a Fee Agreement, dated as of December 30, 2020 (the "Fee Agreement"), with regard to the expansion of the Sponsor's operations in the County by investing in its distribution capabilities including an increase in warehouse and office space (the "Project") to be located on land identified in the Fee Agreement;

(2) Sponsor seeks to designate the owner of the land on which the Project is located, 793 FMH, LLC, a South Carolina limited liability company, as a Sponsor Affiliate under the Fee Agreement (the "Sponsor Affiliate");

(3) Section 12-44-130 of the Fee in Lieu of Tax Simplification Act (the "Act") provides for the addition of a "Sponsor Affiliate" to a Fee Agreement;

(4) Section 8.04 of the Fee Agreement, among other things, provides for the addition of a Sponsor Affiliate to the Fee Agreement with the County's approval, which shall be evidenced in writing;

(5) Sponsor has informed Council that the anticipated total investment in the Project will exceed $18,400,000, which exceeds the threshold under which a Sponsor Affiliate may be added to a Fee Agreement without the Sponsor Affiliate being required to meet the minimum investment requirement under the Act;

(6) Sponsor and Sponsor Affiliate have further informed Council that (*i*) Sponsor Affiliate qualifies as a Sponsor Affiliate, (*ii*) Sponsor Affiliate's investment in the Project is in the form of Economic Development Property, (*iii*) Sponsor Affiliate's Economic Development Property is eligible for negotiated fee-in-lieu of tax payments under the Fee Agreement, and (*iv*) the FILOT Payment to be made under the Fee Agreement will include the Economic Development Property of both the Sponsor and the Sponsor Affiliate; and

(7) Attached to this resolution as Exhibit A and incorporated into this resolution as if it were set out in full in this resolution, is the form of the Joinder Agreement (the "Joinder Agreement") between the Sponsor and Sponsor Affiliate providing for the Sponsor Affiliate to join as a party to the Fee Agreement, to be bound by and subject to all of the terms and conditions of the Fee Agreement, and to be designated as Sponsor Affiliate.

(B) It is the purpose of this resolution to approve the designation of 793 FMH, LLC, a South Carolina limited liability company, as a Sponsor Affiliate under the Fee Agreement.

Section 2. Approval of Sponsor Affiliate.

Council approves the designation of 793 FMH, LLC, a South Carolina limited liability company, as a Sponsor Affiliate under the Fee Agreement and as provided in the Joinder Agreement, subject to the Sponsor and Sponsor Affiliate providing the County a fully executed copy of the Joinder Agreement.

Section 3. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the intent of this resolution.

Section 4. Severability.

If any section, subsection or clause of this resolution is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Controlling Provisions.

To the extent this resolution contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this resolution supersede all other provisions and this resolution is controlling.

Section 6. Effective Date.

This resolution takes effect upon its adoption.

AND IT IS SO RESOLVED

Adopted this ____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose III, County Attorney

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Exhibit A to Resolution No. 1149-R2021

Joinder Agreement
Between
Unique USA, Inc. and 793 FMH, LLC

Reference is hereby made to that certain Fee Agreement dated as of December 30, 2020, ("Fee Agreement"), between Lancaster County, South Carolina ("County") and Unique USA, Inc. ("Company").

1. **Joinder to Fee Agreement**.

793 FMH, LLC, a South Carolina limited liability company ("Landowner") hereby (a) joins as a party to, and agrees to be bound by and subject to all of the terms and conditions of, the Fee Agreement; and (b) acknowledges and agrees that (*i*) in accordance with the Fee Agreement, Landowner has been designated as a Sponsor Affiliate by the Company for purposes of the Project (as defined in the Fee Agreement) and such designation is subject to the approval of the County in writing which has been or will be obtained; (*ii*) Landowner qualifies or will qualify as a Sponsor Affiliate under the Fee Agreement and Section 12-44-30(A)(19) and Section 12-44-130 of the Act; and (*iii*) Landowner shall have all of the rights and obligations of a Sponsor Affiliate as set forth in the Fee Agreement.

2. Capitalized Terms.

All capitalized terms used but not defined in this Joinder Agreement shall have the meanings set forth in the Fee Agreement.

3. Governing Law.

This Joinder Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina, without regard to principles of choice of law.

4. Notice.

Notices to Landowner, as a Sponsor Affiliate, under Section 12.06 of the Fee Agreement shall be sent to:

793 FMH, LLC
[insert address]

IN WITNESS WHEREOF, the undersigned have executed this Joinder Agreement to be effective as of the later of the dates set forth below.

793 FMH, LLC

_____ _____
Date Name:
Authorized Representative for 793 FMH, LLC

COMPANY EXECUTION FOLLOWS ON NEXT PAGE.

Unique USA, Inc.

Name: _____

Title: _____

Date: _____

Address: _____

_____

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1705
Contact Person / Sponsor: Steve Willis/Administration and John DuBose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Consideration of a proposed ordinance adopting Development Impact Fee Procedures that would codify those procedures in the Lancaster County Code.

The proposed procedures would govern implementation of the proposed Fee-Setting ordinances for Fire, EMS, and Sherriff that are concurrently presented for 2nd reading consideration at the County Council meeting of April 26, 2021.

A fee-setting ordinance for Parks and Recreation will be presented for 3rd reading consideration at the County Council meeting of April 26, 2021.

Points to Consider:
Please note that Council should propose potential amendments to the Impact Fee Study and the Procedures Ordinance within the context of the individual fee setting ordinances and not this Procedures ordinance.

Changes to one part of the impact fee study will likely affect other parts as well. For example, the removal of any of the geographic subsections within the fee study area will impact the data utilized in the impact fee study and require revision of the fee setting ordinances and the impact fee study.

It is common practice for a community to provide that previously approved development projects are not subject to development impact fees that are later enacted. If a development project has reached certain development approval milestones and undertaken significant investment in the development process a new fee may render the project unviable, however, significant non-recoupable investments have already been made in reliance of previous development approvals. Those proposed milestones will remain in the fee setting ordinance but it is recommended that they be removed from the procedures ordinance.

A "Proposed Third Reading Version of Ordinance 2021-1705" is attached for consideration and, if favorable to Council, adoption by motion to amend. The third reading version of the ordinance removes reference of a delayed effective date and development milestones. Those matters are best addressed in the individual fee setting ordinances. Given the possibility that the progression of the fee setting ordinance might necessitate consideration of an effective date later than October 1, 2021, it is recommended that the procedures become effective upon 3rd reading passage.

Please note that this procedures ordinance does not impose and set impact fees so an immediate effective date has no impact on whether Council will decide to pass the fee setting ordinances currently under consideration or when those fee setting ordinances will become effective.

Funding and Liability Factors:
Unknown at this point. This will depend on whether any changes ae made by County Council to the Fee setting ordinances at the deferred 2nd reading on April 26, 2021.

Council Options:

Approval or Disapproval of this Procedures ordinance on 3rd reading. Approval or Disapproval of the proposed amended version of the ordinance with an immediate effective date.

Recommendation:
Adoption of the "Proposed 3rd reading version of Ordinance 2021-1705" attached to the agenda package by reference in a motion to amend.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1705	4/2/2021	Ordinance
Proposed 3rd reading version of Ordinance 2021-1705	4/19/2021	Ordinance
Impact Fee Study dated March 31, 2021	4/1/2021	Backup Material
Building Permit Fees Comparisons	4/6/2021	Backup Material
Notice of Public Hearing for Ordinance 2021-1705	4/16/2021	Public Hearing Notices

~~Indicates Matter Stricken~~

Indicates New Matter

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1705

AN ORDINANCE

ADOPTING PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS; PROVIDING FOR THE APPROPRIATION OF IMPACT FEE FUNDS; PROVIDING FOR REFUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING CHAPTER 17 OF THE CODE OF ORDINANCES, LANCASTER COUNTY, SOUTH CAROLINA WITH THE DEVELOPMENT IMPACT FEE PROCEDURES ADOPTED HEREIN.

WHEREAS, Lancaster County ("the County") is authorized to establish and impose impact fees on new development to finance public facilities necessitated by such development as specifically authorized under the Development Impact Fee Statute, S.C. Code Ann. Section 6-1-90, et seq.; and

WHEREAS, the County has studied the necessity for and implications of the adoption of impact fees for various public facilities; and

WHEREAS, the County Council of Lancaster County ("County Council") has found and determined that most impact fees will have certain common characteristics and, therefore, will benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure, and administration of impact fees; and

WHEREAS, the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and development applicants than separate procedures for each impact fee; and

WHEREAS, the use of uniform procedures will simplify the implementation and administration of impact fees; and

WHEREAS, the use of uniform procedures will best ensure that impact fees are expended for the public facilities for which they are imposed and collected; and

WHEREAS, all monies collected from impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund, and public facility for which such fee was imposed; and

WHEREAS, each such category, fund, or account shall be accounted for separately; and

WHEREAS, any interest or other income earned on monies deposited in the interest-bearing accounts shall be credited to the account; and

WHEREAS, the County Council has determined that impact fees are appropriate for funding public facilities; and

WHEREAS, the Planning Commission has considered and reviewed the Impact Fee Procedures at a public meeting and has recommended their adoption; and

WHEREAS, County Council desires to codify the Impact Fee Procedures and is informed and believes there is a need to maintain the alphabetical structure of the Lancaster County Code, that the Lancaster County Sheriff's Office (LCSO) does not utilize Chapter 17 of the County Code, and that LCSO consents to repeal and replacement of Chapter 17 of the Lancaster County Code with these Impact Fee Procedures; and

WHEREAS, the County Council has found that the Impact Fee Procedures should be adopted and codified, as Chapter 17 of the Lancaster County Code, and that the Impact Fee Procedures be applicable to all impact fees enacted in Lancaster County.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. CHAPTER 17, OF THE LANCASTER COUNTY CODE IS HEREBY DELETED AND REPEALED IN ITS ENTIRETY AND REPLACED AS FOLLOWS:

~~**CHAPTER 17- LAW ENFORCEMENT**~~

~~**(Reserved)**~~

CHAPTER 17. DEVELOPMENT IMPACT FEE PROCEDURES

Section 17-1. SHORT TITLE.

This Chapter may be cited as the Lancaster County Development Impact Fee Procedures.

Section 17-2. - PURPOSE AND INTENT.

The purposes and intent of the Development Impact Fee Procedures are to:

A. Establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of impact fees imposed on new development;

B. Implement the goals, objectives, and policies of the Lancaster County Comprehensive Plan relating to assuring that new development contributes towards the costs of public facilities reasonably necessitated by such new development;

C. Ensure that new development is benefitted by the provision of the public facilities funded, in whole or in part by the impact fees;

D. Ensure that all applicable legal standards and criteria are incorporated in these procedures.

Section 17-3 - DEFINITIONS.

The words or phrases used in this Chapter shall have the meaning prescribed in the current Lancaster County Code except as otherwise indicated in this section. To the extent that the definitions of words, terms or phrases as prescribed in S.C. Code Ann. §6-1-920, as amended, conflict with the definition of words, terms or phrases as defined in this Chapter or other County ordinances, S.C. Code Ann. §6-1-920, as amended shall control:

A. **Affordable Housing:** Housing affordable to families whose incomes do not exceed 80% of the median income for the service area or areas within the jurisdiction of the governmental entity. Median household income shall be based upon the most recent data form the United States Bureau of the Census as of the date of application for abuilding permit.

B. **Appropriation or to Appropriate:** An action by the County Council or the applicable service provider to identify specific public facilities for which impact fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a public facility in the capital improvements plan for the particular impact fee prepared in accordance with S.C. Code Ann. § 6-1-910, *et seq*., as amended, the South Carolina Development Impact Fee Act; execution of a contract or other legal encumbrance for construction of a public facility using impact fee funds in whole or in part; and actual expenditure of impact fee funds through payments made from an impact fee account for public facilities in the capital improvements plan.

C. **Capital Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(2), as amended.

D. **Capital Improvements Plan:** Has the meaning established in S.C. Code Ann. § 6-1-920(3), as amended.

E. **Developer:** Has the meaning established in S.C. Code Ann. § 6-1-920(5), as amended.

F. **Development:** Has the meaning established in S.C. Code Ann. § 6-1-920(6), as amended.

G. **Development Impact Fee or Impact Fee:** Has the meaning established in S.C. Code Ann. § 6-1-920(8), as amended.

H. **Director:** The Development Services Director or a designee.

I. **District or Impact Fee District:** A defined geographic area or subarea of the County which serves as the service area within which particular impact fees are collected, appropriated, and expended for public facility system improvements that are identified in the Capital Improvement Plan for the public facility.

J. **Fee payor:** Has the meaning established in S.C. Code Ann. § 6-1-920(10), as amended.

K. **Governmental Entity:** Has the meaning established in S.C. Code Ann. § 6-1-920(11), as amended.

L. **Impact Fee District Map:** The map(s) defining the geographical extent of the impact fee districts and subdistricts for each adopted impact fee, as may be necessary.

M. **Level of Service:** Has the meaning established in S.C. Code Ann. § 6-1-920(14), as amended.

N. **Multiple Uses:** A new development consisting of both residential and non-residential uses or one (1) or more different types of non-residential uses on the same site or part of the same new development.

O. **Proportionate Share:** Has the meaning established in S.C. Code Ann. §§ 6-1-920(17) and -990, as amended.

P. **Public Facilities:** Has the meaning established in S.C. Code Ann. § 6-1-920(18), as amended.

Q. **Service Area:** Has the meaning established in S.C. Code Ann. § 6-1-920(19), as amended.

R. **Service Unit:** Has the meaning established in S.C. Code Ann. § 6-1-920(20), as amended.

S. **Successor in Interest**: A person who gains a fee simple interest in land for which an impact fee is paid, or an offset is approved, pursuant to the terms of this Ordinance.

T. **System Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(21), as amended.

U. **System Improvements Costs:** Has the meaning established in S.C. Code Ann.§ 6-1-920(22), as amended,

Section 17-4 - GENERAL PROVISIONS; APPLICABILITY

A. **Term.** These Procedures shall remain in effect unless and until repealed, amended or modified by the County Council in accordance with applicable State law and County ordinances and resolutions.

B. **Annual Review.**

1. At least once every year, but not later than January 1st, and prior to County Council adoption of the Annual Budget and Capital Improvements Program, the County Administrator or a designee shall coordinate the preparation and submission of a report on the subject of impact fees.

2. The report shall include the following:

a. recommendations on amendments, if appropriate, to these procedures or to specific ordinances adopting impact fees for particular public facilities;

b. proposed changes to the Lancaster County Comprehensive Plan and/or an applicable Capital Improvements Program, or the capital improvement plan for the particular public facility, including the identification of public facility system improvements anticipated to be funded wholly or partially with impact fees;

c. proposed changes to the boundaries of impact fee districts or subdistricts, as appropriate;

d. proposed changes to impact fee schedules as set forth in the ordinances imposing and setting specific impact fees;

e. proposed changes to level of service standards;

f. proposed changes in the impact fee calculation methodology;

g. other data, analysis, or recommendations as the County Administrator or a designee may deem appropriate, or as may be requested by the County Council.

3. **Submission of Impact Fee Annual Report and County Council Action.** The County Administrator or a designee shall submit the Impact Fee Annual Report to the County Council, which shall receive the Report and take such actions as it deems appropriate, including but not limited to requesting additional data or analyses and holding public workshops and/or public hearings.

4. **Municipalities.** Impact fees adopted by the County shall, if necessary and appropriate, be collected by the municipalities on new development within the municipality pursuant to an intergovernmental agreement with the County which provides that the impact fees collected by the municipality be transferred to the County for expenditure in accordance with the terms of these Procedures.

5. **Identification.** Impact Fee Districts, or subdistricts if applicable, and the participating municipalities who will be responsible for collecting the fees, shall be described and/or listed in the applicable Fee-Setting Ordinances.

C. **Type of Development Affected.** These Procedures shall apply to all new development as set forth in the applicable Fee-Setting Ordinances.

D. **Type of Development Not Affected.** The requirements of this Chapter and the applicable Fee-Setting Ordinances shall not apply to those structures and activities listed in S.C. Code Ann. § 6-1-970, as amended:

1. rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;

2. remodeling or repairing a structure that does not result in an increase in the number of service units;

3. replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;

4. placing a construction trailer or office on a lot during the period of construction on the lot;

5. constructing an addition on a residential structure that does not increase the number of service units;

6. adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

7. all or part of a particular development project if:

   a. the project is determined to create affordable housing; and

   b. the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees;

8. constructing a new elementary, middle, or secondary school;

9. constructing a new volunteer fire department; and

10. the development of public facilities by the State of South Carolina, Lancaster County, Special Purpose District, or the Federal government.

E. **Effect of Payment of Impact Fees on Other Applicable County Land Development Regulations**

1. The payment of impact fees shall not entitle the applicant to a development permit unless all other applicable requirements, standards, and conditions of approval have been met. Such other requirements, standards, and conditions of approval are independent of the requirement for payment of impact fees.

2. Neither these Procedures or the applicable Fee-Setting Ordinances shall affect, in any manner, the use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the Lancaster County Unified Development Ordinance or other applicable laws and regulations governing land use or development.

F. **Amendments.** This Chapter, and any applicable Fee-Setting Ordinances for any particular public facilities may be amended from time to time by the County Council,

Section 17-5 - PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES

A. **In General.** An applicant shall be notified by the County of the applicable impact fee requirements at the time of application for a building permit, and the impact fee shall be calculated and paid prior to issuance of a building permit.

B. **Calculation.**

1. Upon receipt of an application for a building permit, the Director shall determine (a) whether it is a residential or non-residential use; (b) the specific category (type) of residential or non-residential development, if applicable; (c) if residential, the number of new dwelling units; (d) if non-residential, the number of new or additional square feet of floor area and the proposed use; and (e) the Impact Fee District(s) in which the new development is located. After making these determinations, the Director shall calculate the impact fees due. If the applicant has entered into an agreement with County, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services then calculation of fees owed, if any, will be governed by S.C. Code § 6-1-1050, as amended.

2. If the type of land use proposed for new development is not expressly listed in the specific Fee Setting Impact Fee Ordinance, the Director shall (a) identify the most similar land use type listed and calculate the impact fees based on the fees for that land use, or (b) identify the broader land use category within which the specific land use would apply and calculate the impact fees based on the impact fees for that land use category.

3. An applicant may request a non-binding estimate of impact fees due from the Director for a particular new development at any time. The estimate may change depending on the time a formal application for a building permit is submitted.

4. The calculation of impact fees due from a multiple-use new development shall be based upon the fees due for each use upon application for the building permit for that use.

5. The calculation of impact fees due from phased development shall be based upon the demand generated by each specific use of the phase of the development upon application for the building permit for that use.

C. **Offsets.**

1. Pursuant to S.C. Code § 6-1-1050, as amended, a fee payor and developer may enter into an agreement with County, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services. That agreement may provide for the construction or installation of system improvements by the fee payor or developer and for credits or reimbursements for costs incurred by a fee payor or developer including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project. An impact fee may not be imposed on a fee payor or developer who has entered into an agreement as described in S.C. Code § 6-1-1050, as amended.

D. **Collection**

1. The Director shall collect all applicable impact fees prior to the issuance of a building permit unless:

   a. the applicant has entered an agreement with County pursuant to S.C. Code 6-1-1050, as amended; or

   b. the applicant has been determined to be not subject to the payment of impact fees; or

   c. the applicant has taken an appeal pursuant to Section 17-7, and a bond or other surety in the amount of the impact fee, as calculated by the Director, has been posted with the County.

Section 17-6 - ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS

A. **Impact Fee Accounts.** An Impact Fee Account is established by the County for each public facility for which impact fees are imposed. Such accounts shall clearly identify the category, account, or fund for which the impact fees are imposed. Subaccounts may be established for individual Impact Fee Districts and subdistricts. All impact fees collected by the County shall be deposited into the appropriate Impact Fee Account or subaccount, which shall be interest bearing. All interest earned

or monies deposited to the accounts or subaccounts shall be credited to and be considered funds of the account. The funds of each account shall not be commingled with other funds or revenues of the County. The County shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for, and appropriated in accordance with these Procedures, and any other applicable legal requirements.

B. **Appropriation of Impact Fee Funds**

1. **In General.** Impact fee funds may be appropriated for public facilities identified in the capital improvement plan of the public facility and for the payment of principal, bonds, contracts, and other obligations issued by or on behalf of the County or other applicable service providers to finance such public facilities.

2. **Restrictions on Appropriations.** Impact fees shall be appropriated only (a) for the public facility for which they were imposed, calculated, and collected and (b) within the Impact Fee District or subdistrict where collected. They shall be appropriated and expended within three (3) years of the date they were scheduled to be expended in the capital improvements plan or any applicable amendment to the capital improvements plan. Impact fees shall not be appropriated or expended for funding maintenance or repair of public facilities nor for operational or personnel expenses associated with the provision of the public facility.

C. **Procedure for Appropriation of Impact Fee Funds.**

D. **Refunds**

1. Eligibility for Refund.

a. **Expiration or Revocation of Permit or Approval, or Demolition.** An applicant or a successor-in-interest who paid impact fees for new development for which an approval or permit has expired or been revoked, or which is demolished within five years of payment of the fee, is and be eligible to apply for a refund of impact fees paid.

b. **Failure of County to Appropriate Impact Fee Funds Within Time Limit.** The County shall notify the owner of record of any property for which an impact fee has been previously paid if the County has failed to appropriate and expend the impact fees attributable to that property within the time limits established in Section 17-6. In such a case, the owner of record is eligible to apply for a refund of impact fees paid. The accounting shall be based on a first-in, first out basis.

c. **Reduction in Density or Intensity of New Development.** An applicant or a successor- in-interest who paid impact fees is eligible for a partial refund if the density or intensity of the development for which the impact fees are paid is reduced after payment of the fees, and the fees have not been appropriated and expended.

2. **Refund Application for Expiration or Revocation of Permit or Approval, or Demolition.** Applications for a refund due to expiration or revocation of a permit or approval, or demolition of the development shall include: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid and receipts evidencing such payments, and (c) documentation evidencing the expiration or revocation of the permit or approval, or demolition of the structure pursuant to a valid County issued demolition permit. Failure to apply for the refund within sixty (60) days following expiration

or revocation of the permit or approval, or demolition of the building or structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the County in calculating the amount of the refunds.

3. **Refund Application for Failure of County to Appropriate and Expend Funds.** Applications for refunds due to County failure to appropriate and expend fees collected from an applicant within the time limits established in Section 17-6 shall be initiated by the owner-of-record within one hundred and twenty (120) days after the County has notified the owner of a right to a refund. To receive the refund, the owner-of- record shall submit (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, and (b) the amount of the impact fees paid and receipts evidencing the payments. Refunds shall include any interest earned on the impact fees being refunded.

4. **Refund Application Due to Reduction in Density or Intensity.** Applications for refunds due to a reduction in density or intensity of development shall include (a) evidence that the applicant is the property owner or developer who paid the impact fees or, if the applicant is the current owner, evidence that the developer has waived rights to a refund, (b) the amount of the impact fees paid and receipts evidencing payments, and (c) documentation evidencing a reduction in density or intensity of the new development. No refund shall be approved until a revised new development plan is approved by the County. The refund shall be paid to the current property owner or developer, as appropriate. The refund shall be calculated in accordance with the following formula:

(SUl x F) - (SU2 x FI) where

SUl = public facility demand generated originally by the new development

SU2 = public facility demand currently generated by the new development

F = the impact fee in effect at the time of original approval of the new development

Fl = the impact fee currently in effect at the time of approval of the new development

5. The County may, at its option, make refunds of impact fees by direct payment, by offsetting such refunds against other impact fees due for the same public facility for new development on the same property, or by other means subject to agreement with the person receiving the refund.

Section 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 estopped 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 Director 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.

Section 17-8- COUNTY REMEDIES.

The County, pursuant the State Development Impact Fee Act and, to the extent authorized pursuant to the intergovernmental agreements entered by the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively:

A. **Interest and Penalties.** The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated development impact fees due.

B. **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 development impact fees due.

C. **Lien.** The County may impose a lien on the developer's property, in the amount of the applicable development impact fee, for failure of the developer/applicant to timely pay the required development impact fees in full.

D. **Election of Remedies.** The County may pursue any one or all remedies described in 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. The method and timing of impact fee collection set forth in specific Fee-Setting Ordinances may preclude application of some of these remedies. Preclusion of any of the specific remedies set forth herein does not preclude the County's ability to exercise other remedies set forth herein.

Section 17-9 - EXEMPTIONS/WAIVERS

A. **Filing of Application.** Petitions for exemptions to the application of these Procedures or waivers from specific impact fees shall be filed with the County Council.

B. **Effect of Grant of Exemption/Waiver.** If the County Council grants an exemption or waiver, the amount of the impact fees exempted or waived shall be provided by the County or other appropriate service provider for the particular public facilities, from non-impact fee funds. The funds shall be deposited in the appropriate Impact Fee Account.

C. **Timing of Provision of Waived/Exempted Impact Fees.** The provision of the amount of exempted or waived impact fees by the County or other appropriate service provider shall be made within a reasonable period of time, consistent with the applicable capital improvements program and the capital improvement plan for the public facility.

D. **Development Agreements.** Nothing herein shall be deemed to limit the County's authority and ability to enter into development agreements with applicants for new development which provide for payments in-lieu of impact fees pursuant to S.C. Code § 6-1-1050, as amended.

E. **Statutory Exemptions.** S.C. Code Ann. §6-1-970 exempts the following structures and activities from impact fees:

1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe:

2. Remodeling or replacing a structure that does not increase the number of service units;

3. Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if that number of service units does not increase;

4. Placing a construction trailer or office on a lot during the period of construction of the lot;

5. Constructing and addition on a residential structure which does not increase the number of service units;

6. Adding uses that are typical accessory to residential uses, such as a tennis court of a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

7. All or part of a particular development project if:

   a. The project is determined to create affordable housing, and

   b. The exempt development's proportionate share of system improvements is funded by a revenue source other that development impact fees;

8. Constructing a new elementary, middle, or secondary school; and

9. Constructing a new volunteer fire department.

Section 17-10 - EFFECTS OF ANNEXATION

F. Any County Development Impact Fee Ordinance imposed in an unincorporated area that is subsequently annexed by a municipality shall remain in full force and effect pursuant to this Chapter and the State Development Impact Fee Act, S.C. Code 1976, § 6-1-910 *et. seq*., until the development impact fee terminates, unless the annexing municipality:

1. Assumes responsibility for the provision of system improvements included in the capital improvements plan that are to be provided, in whole or in part, via payment of development impact fees from developers in the annexed area; and

2. Assumes any liability which is to be paid with the impact fee revenue.

If the annexing municipality agrees to assume responsibility and liability as set forth in this section, it shall enter into an intergovernmental agreement to such effect with the County.

Sections 17-11 ---17-40 Reserved

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SECTION II. CONFLICT

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

SECTION III. SEVERABILITY

A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance nor impair or nullify the remainder of such Ordinance which shall continue in full force and effect.

B. If the application of any provision of this Ordinance 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 this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION IV. EFFECTIVE DATE

A. This Ordinance becomes effective on October 1, 2021.

B. If a development project has achieved the following development approval milestones prior to the effective date of this Ordinance, the development project is not subject to a development impact fee:

Single family residential projects: preliminary plat approval
Multifamily/nonresidential projects: civil construction plan approval

ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, Lancaster County Attorney

First Reading:	February 8, 2021
Second Reading	April 12, 2021
Third and Final Reading	April 26, 2021 (tentative)
Public Hearing	Aril 26, 2021 (tentative)

~~Indicates Matter Stricken~~

Indicates New Matter

STATE OF SOUTH CAROLINA	**)**	**ORDINANCE NO. 2021-1705**
	)	
COUNTY OF LANCASTER	**)**	

AN ORDINANCE

ADOPTING PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS; PROVIDING FOR THE APPROPRIATION OF IMPACT FEE FUNDS; PROVIDING FOR REFUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING CHAPTER 17 OF THE CODE OF ORDINANCES, LANCASTER COUNTY, SOUTH CAROLINA WITH THE DEVELOPMENT IMPACT FEE PROCEDURES ADOPTED HEREIN.

WHEREAS, Lancaster County ("the County") is authorized to establish and impose impact fees on new development to finance public facilities necessitated by such development as specifically authorized under the Development Impact Fee Statute, S.C. Code Ann. Section 6-1-90, et seq.; and

WHEREAS, the County has studied the necessity for and implications of the adoption of impact fees for various public facilities; and

WHEREAS, the County Council of Lancaster County ("County Council") has found and determined that most impact fees will have certain common characteristics and, therefore, will benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure, and administration of impact fees; and

WHEREAS, the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and development applicants than separate procedures for each impact fee; and

WHEREAS, the use of uniform procedures will simplify the implementation and administration of impact fees; and

WHEREAS, the use of uniform procedures will best ensure that impact fees are expended for the public facilities for which they are imposed and collected; and

WHEREAS, all monies collected from impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund, and public facility for which such fee was imposed; and

WHEREAS, each such category, fund, or account shall be accounted for separately; and

WHEREAS, any interest or other income earned on monies deposited in the interest-bearing accounts shall be credited to the account; and

WHEREAS, the County Council has determined that impact fees are appropriate for funding public facilities; and

WHEREAS, the Planning Commission has considered and reviewed the Impact Fee Procedures at a public meeting and has recommended their adoption; and

WHEREAS, County Council desires to codify the Impact Fee Procedures and is informed and believes there is a need to maintain the alphabetical structure of the Lancaster County Code, that the Lancaster County Sheriff's Office (LCSO) does not utilize Chapter 17 of the County Code, and that LCSO consents to repeal and replacement of Chapter 17 of the Lancaster County Code with these Impact Fee Procedures; and

WHEREAS, the County Council has found that the Impact Fee Procedures should be adopted and codified, as Chapter 17 of the Lancaster County Code, and that the Impact Fee Procedures be applicable to all impact fees enacted in Lancaster County.

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. CHAPTER 17, OF THE LANCASTER COUNTY CODE IS HEREBY DELETED AND REPEALED IN ITS ENTIRETY AND REPLACED AS FOLLOWS:

~~**CHAPTER 17- LAW ENFORCEMENT**~~

~~**(Reserved)**~~

CHAPTER 17. DEVELOPMENT IMPACT FEE PROCEDURES

Section 17-1. SHORT TITLE.

This Chapter may be cited as the Lancaster County Development Impact Fee Procedures.

Section 17-2. - PURPOSE AND INTENT.

The purposes and intent of the Development Impact Fee Procedures are to:

A. Establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of impact fees imposed on new development;

B. Implement the goals, objectives, and policies of the Lancaster County Comprehensive Plan relating to assuring that new development contributes towards the costs of public facilities reasonably necessitated by such new development;

C. Ensure that new development is benefitted by the provision of the public facilities funded, in whole or in part by the impact fees;

D. Ensure that all applicable legal standards and criteria are incorporated in these procedures.

Section 17-3 - DEFINITIONS.

The words or phrases used in this Chapter shall have the meaning prescribed in the current Lancaster County Code except as otherwise indicated in this section. To the extent that the definitions of words, terms or phrases as prescribed in S.C. Code Ann. §6-1-920, as amended, conflict with the definition of words, terms or phrases as defined in this Chapter or other County ordinances, S.C. Code Ann. §6-1-920, as amended shall control:

A. **Affordable Housing:** Housing affordable to families whose incomes do not exceed 80% of the median income for the service area or areas within the jurisdiction of the governmental entity. Median household income shall be based upon the most recent data form the United States Bureau of the Census as of the date of application for abuilding permit.

B. **Appropriation or to Appropriate:** An action by the County Council or the applicable service provider to identify specific public facilities for which impact fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a public facility in the capital improvements plan for the particular impact fee prepared in accordance with S.C. Code Ann. § 6-1-910, *et seq*., as amended, the South Carolina Development Impact Fee Act; execution of a contract or other legal encumbrance for construction of a public facility using impact fee funds in whole or in part; and actual expenditure of impact fee funds through payments made from an impact fee account for public facilities in the capital improvements plan.

C. **Capital Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(2), as amended.

D. **Capital Improvements Plan:** Has the meaning established in S.C. Code Ann. § 6-1-920(3), as amended.

E. **Developer:** Has the meaning established in S.C. Code Ann. § 6-1-920(5), as amended.

F. **Development:** Has the meaning established in S.C. Code Ann. § 6-1-920(6), as amended.

G. **Development Impact Fee or Impact Fee:** Has the meaning established in S.C. Code Ann. § 6-1-920(8), as amended.

H. **Director:** The Development Services Director or a designee.

I. **District or Impact Fee District:** A defined geographic area or subarea of the County which serves as the service area within which particular impact fees are collected, appropriated, and expended for public facility system improvements that are identified in the Capital Improvement Plan for the public facility.

J. **Fee payor:** Has the meaning established in S.C. Code Ann. § 6-1-920(10), as amended.

K. **Governmental Entity:** Has the meaning established in S.C. Code Ann. § 6-1-920(11), as amended.

L. **Impact Fee District Map:** The map(s) defining the geographical extent of the impact fee districts and subdistricts for each adopted impact fee, as may be necessary.

M. **Level of Service:** Has the meaning established in S.C. Code Ann. § 6-1-920(14), as amended.

N. **Multiple Uses:** A new development consisting of both residential and non-residential uses or one (1) or more different types of non-residential uses on the same site or part of the same new development.

O. **Proportionate Share:** Has the meaning established in S.C. Code Ann. §§ 6-1-920(17) and -990, as amended.

P. **Public Facilities:** Has the meaning established in S.C. Code Ann. § 6-1-920(18), as amended.

Q. **Service Area:** Has the meaning established in S.C. Code Ann. § 6-1-920(19), as amended.

R. **Service Unit:** Has the meaning established in S.C. Code Ann. § 6-1-920(20), as amended.

S. **Successor in Interest**: A person who gains a fee simple interest in land for which an impact fee is paid, or an offset is approved, pursuant to the terms of this Ordinance.

T. **System Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(21), as amended.

U. **System Improvements Costs:** Has the meaning established in S.C. Code Ann.§ 6-1-920(22), as amended,

Section 17-4 - GENERAL PROVISIONS; APPLICABILITY

A. **Term.** These Procedures shall remain in effect unless and until repealed, amended or modified by the County Council in accordance with applicable State law and County ordinances and resolutions.

B. **Annual Review.**

1. At least once every year, but not later than January 1st, and prior to County Council adoption of the Annual Budget and Capital Improvements Program, the County Administrator or a designee shall coordinate the preparation and submission of a report on the subject of impact fees.

2. The report shall include the following:

a. recommendations on amendments, if appropriate, to these procedures or to specific ordinances adopting impact fees for particular public facilities;

b. proposed changes to the Lancaster County Comprehensive Plan and/or an applicable Capital Improvements Program, or the capital improvement plan for the particular public facility, including the identification of public facility system improvements anticipated to be funded wholly or partially with impact fees;

c. proposed changes to the boundaries of impact fee districts or subdistricts, as appropriate;

d. proposed changes to impact fee schedules as set forth in the ordinances imposing and setting specific impact fees;

e. proposed changes to level of service standards;

f. proposed changes in the impact fee calculation methodology;

g. other data, analysis, or recommendations as the County Administrator or a designee may deem appropriate, or as may be requested by the County Council.

3. **Submission of Impact Fee Annual Report and County Council Action.** The County Administrator or a designee shall submit the Impact Fee Annual Report to the County Council, which shall receive the Report and take such actions as it deems appropriate, including but not limited to requesting additional data or analyses and holding public workshops and/or public hearings.

4. **Municipalities.** Impact fees adopted by the County shall, if necessary and appropriate, be collected by the municipalities on new development within the municipality pursuant to an intergovernmental agreement with the County which provides that the impact fees collected by the municipality be transferred to the County for expenditure in accordance with the terms of these Procedures.

5. **Identification.** Impact Fee Districts, or subdistricts if applicable, and the participating municipalities who will be responsible for collecting the fees, shall be described and/or listed in the applicable Fee-Setting Ordinances.

C. **Type of Development Affected.** These Procedures shall apply to all new development as set forth in the applicable Fee-Setting Ordinances.

D. **Type of Development Not Affected.** The requirements of this Chapter and the applicable Fee-Setting Ordinances shall not apply to those structures and activities listed in S.C. Code Ann. § 6-1-970, as amended:

1. rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;

2. remodeling or repairing a structure that does not result in an increase in the number of service units;

3. replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;

4. placing a construction trailer or office on a lot during the period of construction on the lot;

5. constructing an addition on a residential structure that does not increase the number of service units;

6. adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

7. all or part of a particular development project if:

   a. the project is determined to create affordable housing; and

   b. the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees;

8. constructing a new elementary, middle, or secondary school;

9. constructing a new volunteer fire department; and

10. the development of public facilities by the State of South Carolina, Lancaster County, Special Purpose District, or the Federal government.

E. **Effect of Payment of Impact Fees on Other Applicable County Land Development Regulations**

1. The payment of impact fees shall not entitle the applicant to a development permit unless all other applicable requirements, standards, and conditions of approval have been met. Such other requirements, standards, and conditions of approval are independent of the requirement for payment of impact fees.

2. Neither these Procedures or the applicable Fee-Setting Ordinances shall affect, in any manner, the use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the Lancaster County Unified Development Ordinance or other applicable laws and regulations governing land use or development.

F. **Amendments.** This Chapter, and any applicable Fee-Setting Ordinances for any particular public facilities may be amended from time to time by the County Council,

Section 17-5 - PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES

A. **In General.** An applicant shall be notified by the County of the applicable impact fee requirements at the time of application for a building permit, and the impact fee shall be calculated and paid prior to issuance of a building permit.

B. **Calculation.**

1. Upon receipt of an application for a building permit, the Director shall determine (a) whether it is a residential or non-residential use; (b) the specific category (type) of residential or non-residential development, if applicable; (c) if residential, the number of new dwelling units; (d) if non-residential, the number of new or additional square feet of floor area and the proposed use; and (e) the Impact Fee District(s) in which the new development is located. After making these determinations, the Director shall calculate the impact fees due. If the applicant has entered into an agreement with County, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services then calculation of fees owed, if any, will be governed by S.C. Code § 6-1-1050, as amended.

2. If the type of land use proposed for new development is not expressly listed in the specific Fee Setting Impact Fee Ordinance, the Director shall (a) identify the most similar land use type listed and calculate the impact fees based on the fees for that land use, or (b) identify the broader land use category within which the specific land use would apply and calculate the impact fees based on the impact fees for that land use category.

3. An applicant may request a non-binding estimate of impact fees due from the Director for a particular new development at any time. The estimate may change depending on the time a formal application for a building permit is submitted.

4. The calculation of impact fees due from a multiple-use new development shall be based upon the fees due for each use upon application for the building permit for that use.

5. The calculation of impact fees due from phased development shall be based upon the demand generated by each specific use of the phase of the development upon application for the building permit for that use.

C. **Offsets.**

1. Pursuant to S.C. Code § 6-1-1050, as amended, a fee payor and developer may enter into an agreement with County, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services. That agreement may provide for the construction or installation of system improvements by the fee payor or developer and for credits or reimbursements for costs incurred by a fee payor or developer including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project. An impact fee may not be imposed on a fee payor or developer who has entered into an agreement as described in S.C. Code § 6-1-1050, as amended.

D. **Collection**

1. The Director shall collect all applicable impact fees prior to the issuance of a building permit unless:

   a. the applicant has entered an agreement with County pursuant to S.C. Code 6-1-1050, as amended; or

   b. the applicant has been determined to be not subject to the payment of impact fees; or

   c. the applicant has taken an appeal pursuant to Section 17-7, and a bond or other surety in the amount of the impact fee, as calculated by the Director, has been posted with the County.

Section 17-6 - ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS

A. **Impact Fee Accounts.** An Impact Fee Account is established by the County for each public facility for which impact fees are imposed. Such accounts shall clearly identify the category, account, or fund for which the impact fees are imposed. Subaccounts may be established for individual Impact Fee Districts and subdistricts. All impact fees collected by the County shall be deposited into the appropriate Impact Fee Account or subaccount, which shall be interest bearing. All interest earned

or monies deposited to the accounts or subaccounts shall be credited to and be considered funds of the account. The funds of each account shall not be commingled with other funds or revenues of the County. The County shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for, and appropriated in accordance with these Procedures, and any other applicable legal requirements.

B. **Appropriation of Impact Fee Funds**

1. **In General.** Impact fee funds may be appropriated for public facilities identified in the capital improvement plan of the public facility and for the payment of principal, bonds, contracts, and other obligations issued by or on behalf of the County or other applicable service providers to finance such public facilities.

2. **Restrictions on Appropriations.** Impact fees shall be appropriated only (a) for the public facility for which they were imposed, calculated, and collected and (b) within the Impact Fee District or subdistrict where collected. They shall be appropriated and expended within three (3) years of the date they were scheduled to be expended in the capital improvements plan or any applicable amendment to the capital improvements plan. Impact fees shall not be appropriated or expended for funding maintenance or repair of public facilities nor for operational or personnel expenses associated with the provision of the public facility.

C. **Procedure for Appropriation of Impact Fee Funds.**

D. **Refunds**

1. Eligibility for Refund.

a. **Expiration or Revocation of Permit or Approval, or Demolition.** An applicant or a successor-in-interest who paid impact fees for new development for which an approval or permit has expired or been revoked, or which is demolished within five years of payment of the fee, is and be eligible to apply for a refund of impact fees paid.

b. **Failure of County to Appropriate Impact Fee Funds Within Time Limit.** The County shall notify the owner of record of any property for which an impact fee has been previously paid if the County has failed to appropriate and expend the impact fees attributable to that property within the time limits established in Section 17-6. In such a case, the owner of record is eligible to apply for a refund of impact fees paid. The accounting shall be based on a first-in, first out basis.

c. **Reduction in Density or Intensity of New Development.** An applicant or a successor- in-interest who paid impact fees is eligible for a partial refund if the density or intensity of the development for which the impact fees are paid is reduced after payment of the fees, and the fees have not been appropriated and expended.

2. **Refund Application for Expiration or Revocation of Permit or Approval, or Demolition.** Applications for a refund due to expiration or revocation of a permit or approval, or demolition of the development shall include: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid and receipts evidencing such payments, and (c) documentation evidencing the expiration or revocation of the permit or approval, or demolition of the structure pursuant to a valid County issued demolition permit. Failure to apply for the refund within sixty (60) days following expiration

or revocation of the permit or approval, or demolition of the building or structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the County in calculating the amount of the refunds.

3. **Refund Application for Failure of County to Appropriate and Expend Funds.** Applications for refunds due to County failure to appropriate and expend fees collected from an applicant within the time limits established in Section 17-6 shall be initiated by the owner-of-record within one hundred and twenty (120) days after the County has notified the owner of a right to a refund. To receive the refund, the owner-of- record shall submit (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, and (b) the amount of the impact fees paid and receipts evidencing the payments. Refunds shall include any interest earned on the impact fees being refunded.

4. **Refund Application Due to Reduction in Density or Intensity.** Applications for refunds due to a reduction in density or intensity of development shall include (a) evidence that the applicant is the property owner or developer who paid the impact fees or, if the applicant is the current owner, evidence that the developer has waived rights to a refund, (b) the amount of the impact fees paid and receipts evidencing payments, and (c) documentation evidencing a reduction in density or intensity of the new development. No refund shall be approved until a revised new development plan is approved by the County. The refund shall be paid to the current property owner or developer, as appropriate. The refund shall be calculated in accordance with the following formula:

(SUl x F) - (SU2 x FI) where

SUl = public facility demand generated originally by the new development

SU2 = public facility demand currently generated by the new development

F = the impact fee in effect at the time of original approval of the new development

Fl = the impact fee currently in effect at the time of approval of the new development

5. The County may, at its option, make refunds of impact fees by direct payment, by offsetting such refunds against other impact fees due for the same public facility for new development on the same property, or by other means subject to agreement with the person receiving the refund.

Section 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 estopped 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 Director 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.

Section 17-8- COUNTY REMEDIES.

The County, pursuant the State Development Impact Fee Act and, to the extent authorized pursuant to the intergovernmental agreements entered by the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively:

A. **Interest and Penalties.** The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated development impact fees due.

B. **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 development impact fees due.

C. **Lien.** The County may impose a lien on the developer's property, in the amount of the applicable development impact fee, for failure of the developer/applicant to timely pay the required development impact fees in full.

D. **Election of Remedies.** The County may pursue any one or all remedies described in 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. The method and timing of impact fee collection set forth in specific Fee-Setting Ordinances may preclude application of some of these remedies. Preclusion of any of the specific remedies set forth herein does not preclude the County's ability to exercise other remedies set forth herein.

Section 17-9 - EXEMPTIONS/WAIVERS

A. **Filing of Application.** Petitions for exemptions to the application of these Procedures or waivers from specific impact fees shall be filed with the County Council.

B. **Effect of Grant of Exemption/Waiver.** If the County Council grants an exemption or waiver, the amount of the impact fees exempted or waived shall be provided by the County or other appropriate service provider for the particular public facilities, from non-impact fee funds. The funds shall be deposited in the appropriate Impact Fee Account.

C. **Timing of Provision of Waived/Exempted Impact Fees.** The provision of the amount of exempted or waived impact fees by the County or other appropriate service provider shall be made within a reasonable period of time, consistent with the applicable capital improvements program and the capital improvement plan for the public facility.

D. **Development Agreements.** Nothing herein shall be deemed to limit the County's authority and ability to enter into development agreements with applicants for new development which provide for payments in-lieu of impact fees pursuant to S.C. Code § 6-1-1050, as amended.

E. **Statutory Exemptions.** S.C. Code Ann. §6-1-970 exempts the following structures and activities from impact fees:

1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe:

2. Remodeling or replacing a structure that does not increase the number of service units;

3. Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if that number of service units does not increase;

4. Placing a construction trailer or office on a lot during the period of construction of the lot;

5. Constructing and addition on a residential structure which does not increase the number of service units;

6. Adding uses that are typical accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

7. All or part of a particular development project if:

   a. The project is determined to create affordable housing, and

   b. The exempt development's proportionate share of system improvements is funded by a revenue source other that development impact fees;

8. Constructing a new elementary, middle, or secondary school; and

9. Constructing a new volunteer fire department.

Section 17-10 - EFFECTS OF ANNEXATION

F. Any County Development Impact Fee Ordinance imposed in an unincorporated area that is subsequently annexed by a municipality shall remain in full force and effect pursuant to this Chapter and the State Development Impact Fee Act, S.C. Code 1976, § 6-1-910 *et. seq*., until the development impact fee terminates, unless the annexing municipality:

1. Assumes responsibility for the provision of system improvements included in the capital improvements plan that are to be provided, in whole or in part, via payment of development impact fees from developers in the annexed area; and

2. Assumes any liability which is to be paid with the impact fee revenue.

If the annexing municipality agrees to assume responsibility and liability as set forth in this section, it shall enter into an intergovernmental agreement to such effect with the County.

Sections 17-11 ---17-40 Reserved

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SECTION II. CONFLICT

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

SECTION III. SEVERABILITY

A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance nor impair or nullify the remainder of such Ordinance which shall continue in full force and effect.

B. If the application of any provision of this Ordinance 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 this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION IV. EFFECTIVE DATE

A. This Ordinance becomes effective upon 3rd reading.

ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, Lancaster County Attorney

First Reading:	February 8, 2021
Second Reading	April 12, 2021
Third and Final Reading	April 26, 2021
Public Hearing	Aril 26, 2021

Development Impact Fee Study

Prepared for:

Lancaster County, South Carolina

March 31, 2021

Prepared by:

TischlerBise
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DEVELOPMENT IMPACT FEE STUDY

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EXECUTIVE SUMMARY

Lancaster County, South Carolina retained TischlerBise to prepare a Development Impact Fee study. Development impact fees are collected from new construction at the time a building permit is issued. The fees are one-time payments for new development's proportionate share of the capital cost of infrastructure. The following study addresses Lancaster County's Parks & Recreation, Public Safety: Emergency Medical Services, Public Safety: Sheriff, and Public Safety: Fire facilities. Development impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Development impact fees may only be used for capital improvements or debt service for growth-related infrastructure. Under South Carolina Development Impact Fee enabling legislation (Section 6-1-910), fees may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

South Carolina Development Impact Fee Act[1]

The State of South Carolina grants the power for cities and counties to collect development impact fees on new development pursuant to the rules and regulations set forth in the South Carolina Development Impact Fee Act (Code of Laws of South Carolina, Section 6-1-910 et seq.). The process to create a local impact fee system begins with a resolution by the County Council directing the Planning Commission to conduct an impact fee study and recommend a development impact fee ordinance for legislative action.

Generally, a governmental entity must have an adopted comprehensive plan to enact development impact fees; however, certain provisions in State law allow counties, cities, and towns that have not adopted a comprehensive plan to impose development impact fees. Those jurisdictions must prepare a capital improvement plan as well as prepare an impact fee study that substantially complies with Section 6-1-960(B) of the Code of Laws of South Carolina.

All counties, cities, and towns are also required to prepare a report that estimates the effect of development impact fees on the availability of affordable housing before imposing development impact fees on residential dwelling units. Based on the findings of the study, certain developments may be exempt from development impact fees when all or part of the project is determined to create affordable housing, and the exempt development's proportionate share of system improvements is funded through a revenue source other than impact fees. A housing affordability analysis in support of the development impact fee study is published as a separate report.

Eligible costs may include design, acquisition, engineering, and financing attributable to those improvements recommended in the local capital improvements plan that qualify for impact fee funding. Revenues collected by the county, city, or town may not be used for administrative or operating costs associated with imposing the impact fee. All revenues from development impact fees must be maintained

[1] See Appendix E for a copy of the South Carolina Development Impact Fee Act.

in an interest-bearing account prior to expenditure on recommended improvements. Monies must be returned to the owner of record of the property for which the impact fee was collected if they are not spent within three years of the date they are scheduled to be encumbered in the local capital improvements plan. All refunds to private land owners must include the pro rata portion of interest earned while on deposit in the impact fee account.

Lancaster County is also responsible for preparing and publishing an annual report describing the amount of impact fees collected, appropriated, and spent during the preceding year. These updates must occur at least once every five years. Pursuant to State Law, Lancaster County will not be empowered to recommend additional projects eligible for impact fee funding or charge higher maximum allowable development impact fees until the Development Impact Fee study and capital improvement plan have been updated.

Conceptual Development Impact Fee Calculation

In contrast to project-level improvements, development impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire jurisdiction (referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of demand units for each unit of development. For example, an appropriate indicator of the demand for park facilities is population growth, and the increase in population can be estimated from the average number of residents per housing unit. The second step in the development impact fee formula is to determine infrastructure units per demand unit, typically called level-of-service (LOS) standards. In keeping with the parks example, a common LOS standard is park acreage per resident. The third step in the development impact fee formula is the cost of various infrastructure units. To complete the parks example, this part of the formula would establish the cost per acreage for acquiring new park land.

General Methodologies

There are three general methods for calculating development impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation, and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating development impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of development impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating development impact fees and how those methods can be applied.

Cost Recovery (Past Improvements)

The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which

new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place. This methodology is based on an existing level of service.

Incremental Expansion (Concurrent Improvements)

The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. This approach ensures that there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increment to keep pace with development.

Plan-Based Fee (Future Improvements)

The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

Credits

Regardless of the methodology, a consideration of "credits" is integral to the development of a legally defensible development impact fee methodology. There are two types of "credits" with specific characteristics, both of which should be addressed in development impact fee studies and ordinances.

- First, a revenue credit might be necessary if there is a double payment situation and other revenues are contributing to the capital costs of infrastructure to be funded by development impact fees. This type of credit is integrated into the development impact fee calculation, thus reducing the fee amount.
- Second, a site-specific credit or developer reimbursement might be necessary for dedication of land or construction of system improvements funded by development impact fees. This type of credit is addressed in the administration and implementation of the development impact fee program.

Proposed Fee Methods and Cost Components

Figure 1 summarizes the methods and cost allocation components used for each infrastructure category in Lancaster County's development impact fee study. The development impact fees are based on the actual level of service. The Parks & Recreation components are attributed to only residential development based on population. The public safety categories are attributed to residential and nonresidential development based on population and nonresidential vehicle trips.

Figure 1. Proposed Fee Methods and Cost Components

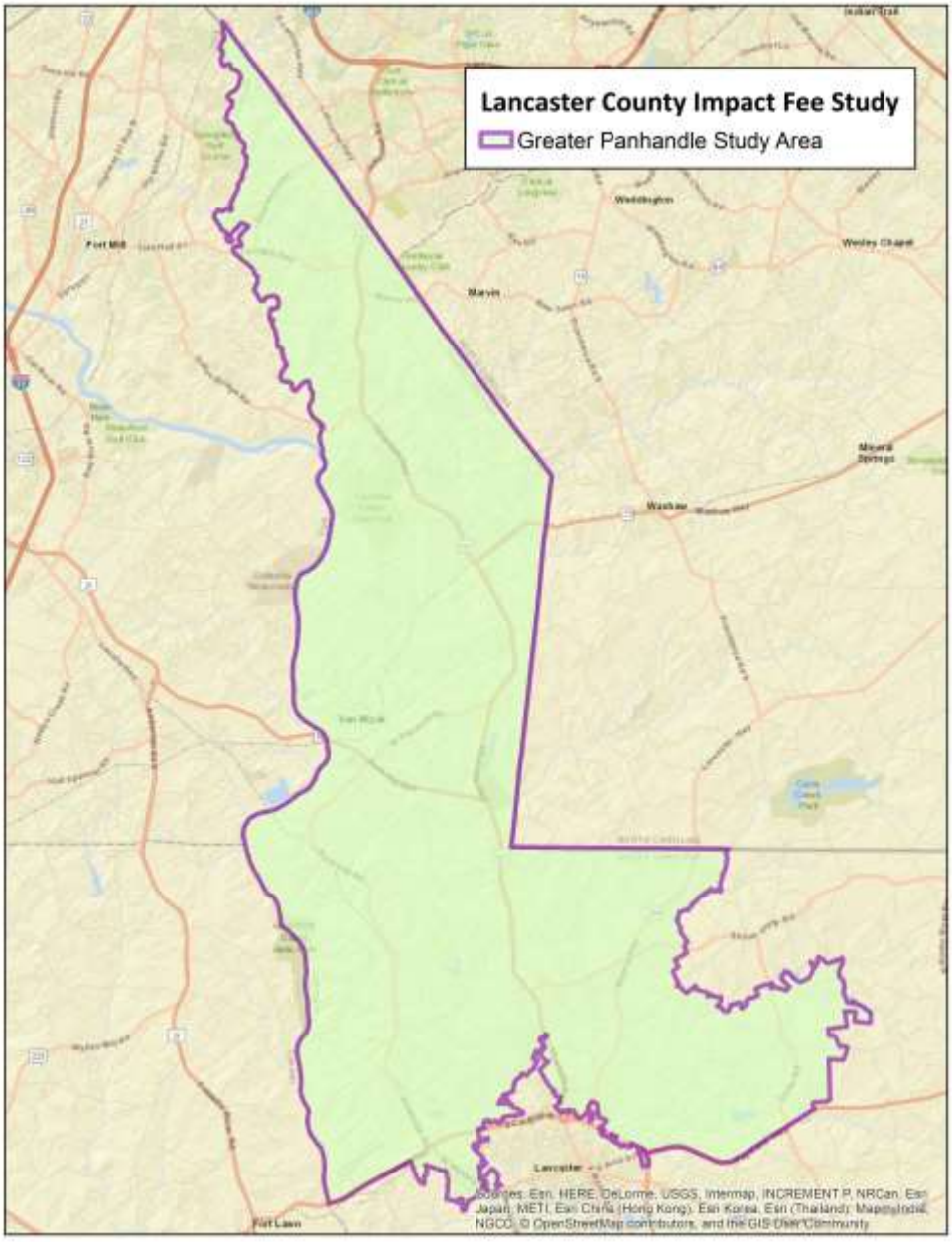
Fee Category	Service Area	Components	Methodology	Cost Allocation
Parks & Recreation	Greater Panhandle	Park land, Park Improvements, Recreation Centers	Incremental Expansion	Population
Sheriff	Greater Panhandle	Sheriff Office Facilities	Incremental Expansion	Population & Nonres. Vehicle Trips
EMS	Greater Panhandle	EMS Stations, Ambulance, Admin & Training Facilities	Incremental Expansion	Population & Nonres. Vehicle Trips
Fire	Greater Panhandle	Fire Stations, Vehicles, Admin & Training Facilities	Incremental Expansion	Population & Nonres. Vehicle Trips

Study Area

It is essential for an impact fee study to have an appropriate study area. The study area defines the level of service calculations, capacity needs, and benefit zones. A previous impact fee study conducted in Lancaster County (Catawba Regional COG, 2019) included the three northern most fire districts: Pleasant Valley, Indian Land, and Charlotte Road. However, from interviews with the County's Fire Rescue Department, there are facility improvements and expansions necessary in three other fire districts: Riverside, Shiloh Zion, and Camp Creek. These six fire districts are shown in Figure 66.

From interviews with the County's EMS Department, the area of Lancaster County that is served by these fire districts is consistent with the EMS Department's future facility improvements. Furthermore, new Parks & Recreation facilities in the northern panhandle area of the County are assumed to be serving a wider catchment area of residents.

Figure 2. Greater Panhandle Study Area



Proposed Development Impact Fee Schedule

As documented in this report, Lancaster County has complied with the South Carolina Development Impact Fee Act and applicable legal precedents. Development impact fees are proportionate and reasonably related to capital improvement demands of new development. Specific costs have been identified using local data and current dollars. This report documents the formulas and input variables used to calculate the development impact fees. The development impact fee methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

For residential development, proposed fees are assessed per housing unit by type of unit. The proposed residential fee categories include single family detached, single family attached, and multifamily units. Single family units include detached and mobile home units. Multifamily units include condominiums and apartments with two or more units. The proposed fee schedule for nonresidential development is designed to provide a reasonable development impact fee determination for broad property classes – retail, office, industrial, warehouse, healthcare, and institutional.

Figure 3 summarizes proposed development impact fees for new development in Lancaster County. The amounts shown are "maximum supportable" amounts based on the methodologies, levels of service, and costs for the capital improvements identified herein. The fees represent the highest amount feasible for each type of applicable development, which represent new growth's fair share of the system improvement costs detailed in this report. The County can adopt amounts that are lower than the maximum amounts shown; however, a reduction in fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in the County's level of service.

Figure 3. Maximum Supportable Development Impact Fee

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Maximum Supportable Fee
Residential (per housing unit)					
Single Family Detached	$784	$126	$139	$1,184	**$2,233**
Single Family Attached	$666	$107	$118	$1,006	**$1,897**
Multifamily	$557	$90	$98	$841	**$1,586**
Nonresidential (per 1,000 square feet)					
Retail	$0	$158	$72	$1,478	**$1,708**
Office	$0	$54	$24	$502	**$580**
Industrial	$0	$27	$12	$255	**$294**
Warehouse	$0	$10	$4	$90	**$104**
Healthcare	$0	$59	$27	$552	**$638**
Institutional	$0	$107	$49	$1,005	**$1,161**

Figure 4. Maximum Supportable Development Impact Fee – Pleasant Valley Fire District

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Maximum Supportable Fee
Residential (per housing unit)					
Single Family Detached	$784	$126	$139	$1,018	**$2,067**
Single Family Attached	$666	$107	$118	$865	**$1,756**
Multifamily	$557	$90	$98	$723	**$1,468**
Nonresidential (per 1,000 square feet)					
Retail	$0	$158	$72	$1,363	**$1,593**
Office	$0	$54	$24	$463	**$541**
Industrial	$0	$27	$12	$236	**$275**
Warehouse	$0	$10	$4	$83	**$97**
Healthcare	$0	$59	$27	$509	**$595**
Institutional	$0	$107	$49	$927	**$1,083**

Projected Demand

Section 6-1-960(6) of the South Carolina Development Impact Fee Act requires:

> *"the total number of service units necessitated by and attributable to new development within the service area, based on the land use assumptions and calculated in accordance with generally accepted engineering or planning criteria."*

Based on the land use assumptions discussed in Appendix B, both residential and nonresidential development is expected to continue in the Greater Panhandle Service Area over the next ten years. Figure 5 on the following page shows projected population, housing units, nonresidential floor area, and vehicle trips over the next ten years.

Based on the County's database of housing pipeline projects in the Panhandle, there is an estimated 10,742 single family units and 1,728 multifamily units to be constructed in the next six years. In the following years (Years 7-10), the 5-year annual average for single family and multifamily building permits is included in the projections. As a result, there are 14,371 single family and 2,807 multifamily units projected in the Greater Panhandle Service Area.

Population projections are estimated based on the new housing growth and PPHU factors. For example, the annual growth in single family units is multiplied by the PPHU for the single family housing type to project new residents. Overall, there is a projected increase of 40,664 residents, a 83 percent increase from the base year.

Available from the South Carolina Department of Employment & Workforce are employment projections for the Catawba Workforce Development Area. The Development Area includes Lancaster, York, and Chester Counties. It is assumed that Lancaster County's Greater Panhandle will be a growing employment center for the Development Area and the annual growth rate for the study area will be consistent with the Development Area's projected growth rate.

Additionally, there are office development projects in the pipeline that are estimated to generate a total of 2,500 jobs. Also, a new hospital is anticipated to be constructed in the panhandle and will generate 400 jobs. These projects are anticipated to be complete within the next three years and are included in the projections.

By applying the growth rates, pipeline projects, and the employee density factors the ten-year projections are calculated in Figure 5. Overall employment in the Greater Panhandle is projected to increase by 6,016, which is a 34 percent increase from the base year. The job projections result in a growth of 2.6 million nonresidential square feet. The office industry is projected to have the largest increase of 1,060,000 square feet.

The base year vehicle trip totals and vehicle trip projections are calculated by combining the vehicle trip end factors, the trip adjustment factors, and the residential and nonresidential assumptions for housing stock and floor area. In the Greater Panhandle, residential land uses account for 116,853 vehicle trips and nonresidential land uses account for 62,488 vehicle trips in the base year.

By applying the growth projections to the vehicle trip rates, through 2030, it is estimated that there will be an increase of 112,700 daily vehicle trips with the majority of the growth being generated by residential development (82 percent).

Figure 5. Lancaster County Residential and Nonresidential Projections

5-year increment

Lancaster County Greater Panhandle	Base Year 2020	2021	2022	2023	2024	2025	2030	Total Increase
Population [2]	48,885	53,579	58,273	62,967	68,184	73,401	89,549	**40,664**
Housing Units [1]								
Single Family	18,374	19,956	21,538	23,120	25,119	27,117	32,745	**14,371**
Multifamily	1,853	2,284	2,714	3,145	3,290	3,436	4,660	**2,807**
Total	20,227	22,240	24,252	26,265	28,409	30,553	37,405	**17,178**
Jobs								
Retail	4,966	5,085	5,207	5,332	5,460	5,591	6,295	**1,329**
Office	5,630	6,464	7,297	8,130	8,220	8,310	8,777	**3,147**
Industrial	4,110	4,173	4,236	4,301	4,367	4,434	4,784	**674**
Warehouse	438	445	452	459	466	473	510	**72**
Healthcare	1,136	1,269	1,403	1,536	1,573	1,611	1,816	**680**
Institutional	1,268	1,279	1,291	1,302	1,313	1,324	1,383	**115**
Total	17,549	18,715	19,885	21,060	21,399	21,744	23,565	**6,016**
Nonresidential Floor Area (1,000 square feet)								
Retail	2,119	2,170	2,222	2,275	2,330	2,386	2,686	**567**
Office	1,896	2,177	2,457	2,738	2,768	2,798	2,956	**1,060**
Industrial	2,527	2,566	2,605	2,645	2,685	2,726	2,942	**414**
Warehouse	1,273	1,292	1,312	1,332	1,352	1,373	1,481	**209**
Healthcare	402	449	496	543	556	570	642	**240**
Institutional	1,365	1,376	1,388	1,400	1,413	1,425	1,488	**123**
Total	9,581	10,030	10,480	10,934	11,104	11,278	12,195	**2,614**
Residential Vehicle Trips								
Single Family	110,979	120,534	130,090	139,645	151,717	163,789	197,779	**86,800**
Multifamily	5,874	7,239	8,604	9,970	10,430	10,891	14,773	**8,899**
Subtotal	116,853	127,773	138,694	149,614	162,147	174,680	212,551	**95,699**
Nonresidential Vehicle Trips								
Retail	30,410	31,140	31,887	32,652	33,436	34,238	38,547	**8,137**
Office	9,234	10,600	11,967	13,334	13,480	13,629	14,395	**5,161**
Industrial	6,267	6,363	6,461	6,559	6,660	6,762	7,295	**1,028**
Warehouse	1,107	1,124	1,141	1,159	1,176	1,194	1,289	**182**
Healthcare	2,153	2,405	2,658	2,911	2,981	3,053	3,441	**1,288**
Institutional	13,318	13,433	13,550	13,668	13,787	13,907	14,523	**1,205**
Subtotal	62,488	65,066	67,664	70,283	71,520	72,783	79,489	**17,001**
Vehicle Trips								
Grand Total	179,341	192,840	206,358	219,897	233,667	247,463	292,041	**112,700**

A note on rounding: Calculations throughout this report are based on an analysis conducted using Excel software. Most results are discussed in the report using one, two, and three digit places, which represent rounded figures. However, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).

PARKS & RECREATION CIP AND DEVELOPMENT IMPACT FEE

Methodology

Section 6-1-920(18c) of the South Carolina Development Impact Fee Act states that a development impact fee may be imposed on public facilities including:

> *"…parks, libraries, and recreational facilities."*

The Parks & Recreation Development Impact Fee is calculated only for residential development and on a per capita basis. The incremental expansion methodology is used to calculate the current level of service for:

- Park land
- Park improvements
- Recreation centers

Section 6-1-960(1) of the South Carolina Development Impact Fee Act requires:

> *"a general description of all existing facilities and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage."*

Section 6-1-960(2) of the South Carolina Development Impact Fee Act requires:

> *"an analysis of total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by qualified a professional using generally accepted principles and professional standards."*

Residential development impact fees are calculated on a per capita basis, then converted to an appropriate amount for each type of housing unit based on persons per housing unit factors. It is assumed that only residential growth creates additional demand on Parks & Recreation facilities. Furthermore, the level of service for all infrastructure components is calculated at a **countywide basis**.

There is one incorporated community in the Greater Panhandle, Town of Van Wyck. At the time of the study, the Town does not provide Parks & Recreation services and relies on the County to serve the demand from its residents. Thus, Town residents are included in the level of service calculations. Additionally, the County plans on collecting impact fees from new development within the Town of Van Wyck.

The Parks & Recreation level of service has been calculated at a countywide basis. However, in the analysis, Lancaster County will be collecting development impact only in the Greater Panhandle Service Area. To ensure that the level of service is consistent as the County grows both in and outside of the service area, **the County needs to commit to funding projects outside of the service area with non-impact fee revenue**. Without providing facility improvements in response to growth outside of the service

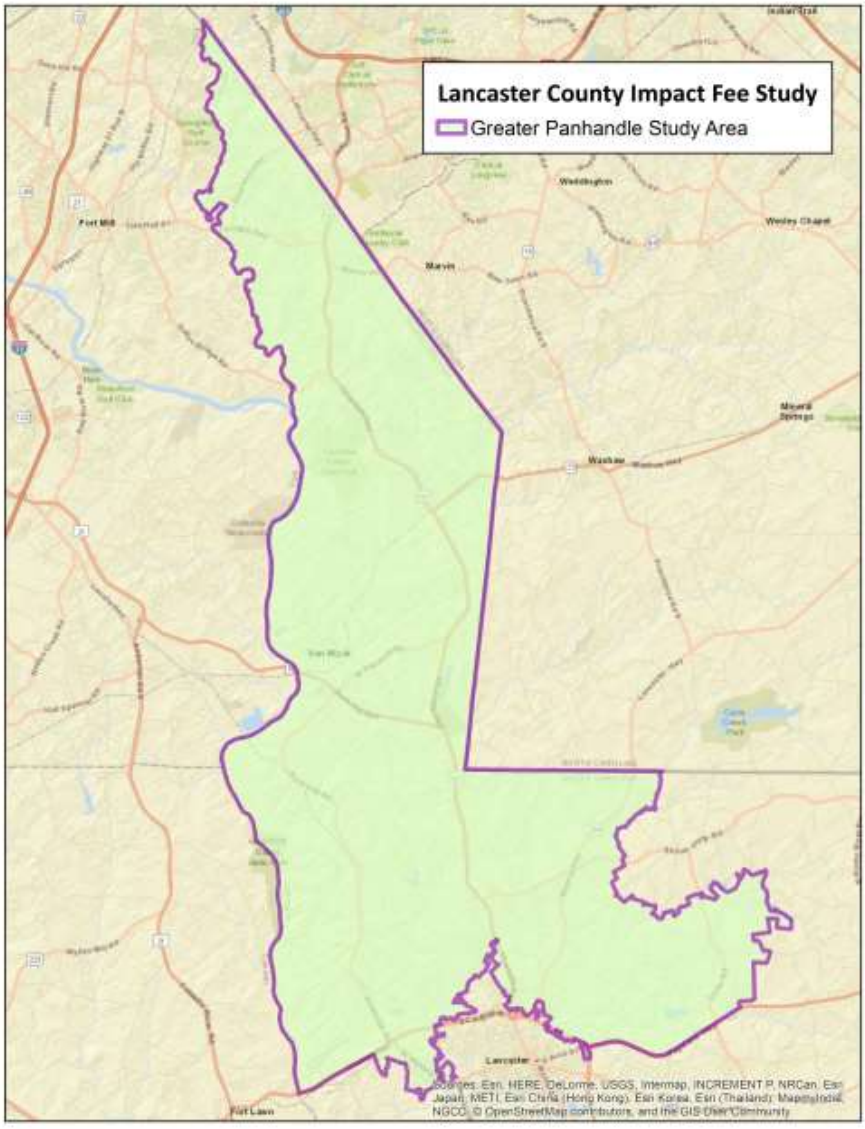
area, the maximum supportable impact fee amount found in this report would be overestimating the level of service the County would be providing countywide.

Parks & Recreation Service Area

The service area for the Parks & Recreation Development Impact Fee is defined as the Greater Panhandle area.

Recently, the Van Wyck community incorporated. However, the Town of Van Wyck does not provide parks and recreation facilities and does not have plans to build new facilities in the future. In this case, the existing population and future growth has been included in the level of service and revenue projections. At the time of this study, Lancaster County provides building permits for new developments in the Town, so an intergovernmental agreement to ensure that impact fees are being collected is not necessary.

Figure 6. Parks & Recreation Service Area



Park & Recreation Service Units

Section 6-1-960(4) of the South Carolina Development Impact Fee Act requires:

> *"a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate."*

The "service unit" used for residential development is persons per housing unit (PPHU). This is a measure of, on average, the number of persons residing in each housing unit. As shown in Figure 7, there are 2.52 persons per single family detached unit, 2.14 persons per single family attached unit, and 1.79 persons per multifamily unit. Factors have been calculate based on data provided by the U.S. Census Bureau's 2018 American Community Survey and Public Use Microdata (further discussed in Appendix B).

Figure 7. Residential Service Units

Housing Type	Persons per Housing Unit
Single Family Detached [1]	2.52
Single Family Attached	2.14
Multifamily [2]	1.79

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates; PUMS 2018 5-Year Estimate, SC PUMA 700
[1] Includes single family detached and mobile homes
[2] Includes dwellings in structures with two or more units

Parks & Recreation Facilities Level of Service & Cost Analysis

The Parks & Recreation Development Impact Fee includes the County's park land, park improvements, and recreational centers. Additional expansion will be necessary to serve future growth to maintain current levels of service. The level of service is calculated based on an incremental methodology with **countywide population** as the base year demand factor.

Countywide Park Land and Park Improvements

As shown in Figure 8, there is a total of 234.2 acres of park land provided by Lancaster County. A recent analysis from County staff determined that the County would anticipate spending $30,000 per acre for new park land. The improvement costs are based on the cost to replace existing improvements, totaling $9,130,000.

To calculate the current level of service, the total acreage and improvements are divided by the current countywide population. As a result, there are 2.3 acres per 1,000 persons (238.9 acres / 102,797 residents = 2.3 acres per 1,000 persons, rounded) and 0.5 improvements per 1,000 persons (55 improvements / 102,797 residents = 0.5 improvements per 1,000 persons, rounded).

The level of service is combined separately with the average land cost per acre and the average improvement cost per acre to calculate the capital cost per person. This results in the capital cost per

person of $152 (2.3 acres per 1,000 persons x $30,000 per acre of park land = $69 per person; 0.5 improvements per 1,000 persons x $166,000 per park improvements = $83 per person; $69 + $83 = $152).

Figure 8. Park Land and Improvements Level of Service and Cost Factors

Park	Acres	Park Improvements	Improvements Cost
Buford Recreation Complex	23.6	8	$1,475,000
Indian Land Recreation Complex	2.6	1	$250,000
Springdale Recreation Complex + Melvin Steele Soccer Fields	74.3	8	$1,475,000
Wylie Street Pool & Tennis	1.4	2	$850,000
Roy Hardin Park	2.0	3	$200,000
Marion Boan Ball Field	1.6	2	$160,000
Bear Creek Park	5.0	2	$500,000
Flat Creek Park + Tripp Faulkenberry Field	5.4	1	$50,000
Heath Springs Ball Fields	18.9	5	$735,000
Laurie Brice Park	6.9	2	$500,000
Springs Park Boat Landing	6.5	1	$150,000
Stafford Belk Park	18.0	4	$300,000
Walnut Creek Park	1.2	1	$75,000
Woodland Hills Park	66.7	15	$2,410,000
Total	**234.2**	**55**	**$9,130,000**

Level of Service Analysis	Park Land	Park Improvements
Proportionate Share	100%	100%
Share of Park Acres and Improvements	234.2	55
2020 Countywide Population	102,797	102,797
Acres/Improvements per 1,000 Persons	**2.3**	**0.5**

Cost Analysis	Park Land	Park Improvements
Acres/Improvements per 1,000 Persons	2.3	0.5
Cost per Acre/Improvement [1]	$30,000	$166,000
Capital Cost per Person	**$69**	**$83**

[1] Cost per acre from recent County staff analysis (83 acres for $2,300,000)

The recreational centers in Lancaster County are listed in Figure 9. There are four facilities that total 60,625 square feet. The replacement cost is found based on the Indian Land Recreation Complex expansion project.

To calculate the current level of service, the total square footage is divided by the countywide population. As a result, there are 590 square feet per 1,000 persons (60,625 square feet / 102,797 residents = 590 square feet per 1,000 persons, rounded).

The level of service is combined separately with the average cost per square foot to calculate the capital cost per person. This results in the capital cost per person totaling $222 (590 square feet per 1,000 persons x $376 per square foot = $222 per person, rounded).

Figure 9. Recreational Center Level of Service and Cost Factors

Recreation Center	Square Feet	Replacement Cost
Buford Recreation Complex	16,005	$6,100,000
Indian Land Recreation Complex	12,125	$6,100,000
Kershaw Recreation Complex	12,125	$4,500,000
Springdale Recreation Complex	20,370	$6,100,000
Total	**60,625**	**$22,800,000**

Level of Service Analysis	Rec Center
Proportionate Share	100%
Share of Recreation Center	60,625
2020 Countywide Population	102,797
Square Feet per 1,000 Persons	**590**

Cost Analysis	Rec Center
Square Feet per 1,000 Persons	590
Cost per Square Foot [1]	$376
Capital Cost per Person	**$222**

[1] Cost per square foot from cost estimate of Indian Land Recreation Complex expansion

Credit for Future Debt Payments

To ensure fee-payers avoid potential double payment for annual debt service, TischlerBise included a credit in the development impact fee calculations. The current debt is from the 2019 Referendum Bond which included several Parks & Recreation projects, 85 percent of the total bond. The bond will be repaid through property tax revenue, so the future payments are attributed to residential and nonresidential land uses based on assessed value. Shown below, residential land uses account for 59 percent of the assessed value in Lancaster County.

Figure 10. Lancaster County Assessed Value by Land Use

Property Type	Assessed Value	Percent
Owner Occupied (4% assessment ratio)	$187,821,470	47%
Agricultural (Private) (4%)	$1,484,940	0%
Agricultural (Corporate) (6%)	$404,720	0%
Commercial/Rental (6%)	$98,649,680	25%
Personal Property (Vehicles) (6%)	$42,357,846	11%
Other Personal Property (10.5%)	$3,252,823	1%
Manufacturing (10.5%)	$10,900,990	3%
Utility (10.5%)	$26,918,393	7%
Business Personal (10.5%)	$9,210,828	2%
Motor Carrier (9.5%)	$1,593,380	0%
Fee-in-Lieu and Joint Industrial Park	$17,897,244	4%
Total Assessed Value	$400,492,314	100%

Source: 2018 Local Government Finance Report, South Carolina Revenue and Fiscal Affairs Office, 2019

Land Use	Assessed Value	Percent
Residential	$234,917,079	59%
Nonresidential	$165,575,235	41%
Total	$400,492,314	100%

Source: TischlerBise analysis

Following the same methodology as the level of service analysis, annual debt service is applied to only residential development and then divided by annual demand unit (countywide population) to yield payments per person. To account for the time value of money, annual payments are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of $51 per person.

Figure 11. Parks & Recreation Credit for Future Debt Payments

Year	2019 Referendum Bond	Recreation Projects 85%	Residential Share 59%
2020	$1,395,000	$1,184,697	$694,909
2021	$1,475,000	$1,252,637	$734,760
2022	$1,555,000	$1,320,576	$774,611
2023	$1,645,000	$1,397,008	$819,444
2024	$1,740,000	$1,477,687	$866,768
2025	$1,270,000	$1,078,541	$632,641
2026	$1,330,000	$1,129,496	$662,529
2027	$465,000	$394,899	$231,636
2028	$485,000	$411,884	$241,599
2029	$510,000	$433,115	$254,053
2030	$540,000	$458,592	$268,997
2031	$565,000	$479,823	$281,450
2032	$585,000	$496,808	$291,413
2033	$605,000	$513,793	$301,376
2034	$625,000	$530,778	$311,339
2035	$645,000	$547,763	$321,302
2036	$665,000	$564,748	$331,265
2037	$685,000	$581,733	$341,228
2038	$705,000	$598,718	$351,190
2039	$725,000	$615,703	$361,153
Total	**$18,215,000**	**$15,469,000**	**$9,073,663**

Year	Payment	Countywide Population	Payment per Person
2020	$694,909	102,797	$6.76
2021	$734,760	107,956	$6.81
2022	$774,611	113,114	$6.85
2023	$819,444	118,273	$6.93
2024	$866,768	123,904	$7.00
2025	$632,641	129,536	$4.88
2026	$662,529	135,168	$4.90
2027	$231,636	138,382	$1.67
2028	$241,599	141,597	$1.71
2029	$254,053	144,812	$1.75
2030	$268,997	148,026	$1.82
2031	$281,450	151,241	$1.86
2032	$291,413	154,455	$1.89
2033	$301,376	157,670	$1.91
2034	$311,339	160,885	$1.94
2035	$321,302	164,099	$1.96
2036	$331,265	167,314	$1.98
2037	$341,228	170,529	$2.00
2038	$351,190	173,743	$2.02
2039	$361,153	176,958	$2.04
Total	**$9,073,663**		**$68.67**
		Discount Rate	4.50%
		Total Credit	**$51**

Credit for One-Cent Sales Tax Referendum Projects

There are two Parks & Recreation projects listed in the recent referendum continuing a one-cent sales tax by Lancaster County to fund certain capital improvement projects. The Parks & Recreation projects are contributing to the countywide level of service and to ensure there are no double payments by new development a credit is included in the development impact fee.

Listed in Figure 12, the projects total $1,647,640. Since the referendum is for seven years, the one-cent sales tax will generate an average annual revenue of $235,000 to fund the projects.

Figure 12. Parks & Recreation One-Cent Referendum Projects

Parks & Rec Portion of One-Cent Sales Tax	Funded & Constructed 2022-2029	Annual Average Revenue
$1,647,640	7 years	$235,000

Based on the functional population of Lancaster County, residential purposes are estimated to generate 78 percent of the sales tax revenue. There are currently 102,797 countywide residents, resulting in an annual average tax revenue of $1.78 per person. Over the next seven years, $12 per person is estimated as credit for the Parks & Recreation projects ($1.78 per person x 7 years = $12, rounded).

Figure 13. Residential Portion of the Parks & Recreation Referendum Projects

Residential 78%	Base Year Countywide Population	Average Annual Tax Revenue per Capita	7-Year Tax Revenue per Capita
$183,300	102,797	$1.78	**$12**

Projection of Parks & Recreation Growth-Related Facility Needs

Section 6-1-960(5) of the South Carolina Development Impact Fee Act requires:

> *"a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration."*

Section 6-1-960(7) of the South Carolina Development Impact Fee Act requires:

> *"the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years."*

Greater Panhandle Service Area Parks & Recreation Facilities

To estimate the 10-year growth needs for Parks & Recreation facilities in the Greater Panhandle Service Area, the current levels of service is applied to the residential growth projected. The Greater Panhandle is projected to increase by 40,664 residents over the next ten years (see Appendix B). Listed in Figure 14, there will need to be 93 new acres of park land, 20 new park improvements, and 23,991 new square feet of recreational centers to accommodate the growth. By applying the replacement cost factors, the total expenditure for the growth is calculated, $15.1 million.

Figure 14. 10-Year Park & Recreation Needs to Accommodate Growth – Greater Panhandle Service Area

Infrastructure Type	Level of Service		Demand Unit	Cost / Unit
Park Land	2.30	Acres	per 1,000 persons	$30,000
Park Improvements	0.50	Improvements	per 1,000 persons	$166,000
Recreation Centers	590	Square Feet	per 1,000 persons	$376

Growth-Related Need for Parks & Recreation Facilities - Greater Panhandle					
Year		Population	Park Acres	Park Improvements	Recreation Center Sq. Ft.
Base	2020	48,885	112	24	28,842
Year 1	2021	53,579	123	26	31,611
Year 2	2022	58,273	134	29	34,381
Year 3	2023	62,967	144	31	37,150
Year 4	2024	68,184	156	34	40,228
Year 5	2025	73,401	168	36	43,306
Year 6	2026	78,618	180	39	46,384
Year 7	2027	81,350	187	40	47,996
Year 8	2028	84,083	193	42	49,609
Year 9	2029	86,816	199	43	51,221
Year 10	2030	89,549	205	44	52,833
Ten-Year Increase		40,664	**93**	**20**	**23,991**
	Projected Expenditure		**$2,790,000**	**$3,320,000**	**$9,020,616**

Growth-Related Expenditures for Parks & Recreation Facilities	$15,130,616

Outside of Service Area Parks & Recreation Facilities

The Parks & Recreation level of service has been calculated at a countywide basis. However, in the analysis, Lancaster County will be collecting development impact only in the Greater Panhandle Service Area. Additionally, to ensure that the level of service is consistent as the County grows both in and outside of the service area, the County needs to commit to funding projects outside of the service area with non-impact fee revenue. Without providing facility improvements in response to growth outside of the service area, the maximum supportable impact fee amount found in this report would be overestimating the level of service the County would be providing countywide.

To estimate the 10-year growth needs for Parks & Recreation facilities outside of the Greater Panhandle Service Area, the current levels of service is applied to the residential growth projected. Besides the service area, Lancaster County is projected to increase by 4,565 residents over the next ten years. Listed in Figure 15, there will need to be 11 new acres of park land, 3 new park improvements, and 2,963 new square feet of recreational centers to accommodate the growth. By applying the replacement cost factors, the total expenditure for the growth is calculated, $1.8 million.

Figure 15. 10-Year Park & Recreation Needs to Accommodate Growth – Outside Service Area

Infrastructure Type	Level of Service		Demand Unit	Cost / Unit
Park Land	2.30	Acres	per 1,000 persons	$30,000
Park Improvements	0.50	Improvements	per 1,000 persons	$166,000
Recreation Centers	590	Square Feet	per 1,000 persons	$376

Growth-Related Need for Parks & Recreation Facilities - Outside Greater Panhandle					
Year		Population	Park Acres	Park Improvements	Recreation Center Sq. Ft.
Base	2020	53,912	123	26	31,808
Year 1	2021	54,377	125	27	32,082
Year 2	2022	54,841	126	27	32,356
Year 3	2023	55,305	127	27	32,630
Year 4	2024	55,720	128	27	32,874
Year 5	2025	56,135	129	28	33,119
Year 6	2026	56,550	130	28	33,364
Year 7	2027	57,032	131	28	33,648
Year 8	2028	57,514	132	28	33,933
Year 9	2029	57,995	133	28	34,217
Year 10	2030	58,477	134	29	34,501
Ten-Year Increase		4,565	**11**	**3**	**2,693**
	Projected Expenditure		**$330,000**	**$498,000**	**$1,012,568**

Growth-Related Expenditures for Parks & Recreation Facilities	$1,840,568

Maximum Supportable Parks & Recreation Development Impact Fee

The following figures list the maximum supportable Parks & Recreation Development Impact Fee for the Greater Panhandle Service Area. Development impact fees for Parks & Recreation facilities are only assessed on residential development and based on household size (i.e., persons per housing unit). Differentiating the fee by housing type allows the results to be more exact about the level of demand (persons per housing unit) a residential development will place on the current infrastructure based on level of service standards. For residential development, the total cost per person is multiplied by the household size to calculate the proposed fee. For example, there is a total cost per person of $311 and an average of 2.52 persons per single family detached housing unit, resulting in a fee of $784 per unit ($311 cost per person x 2.52 persons per unit = $784 per unit).

As mentioned, the fee is only collected in the Greater Panhandle Service Area.

The fees represent the highest amount supportable for each type of development, which represents new growth's fair share of the cost for capital facilities. The County may adopt fees that are less than the amounts shown. However, a reduction in development impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 16. Maximum Supportable Parks & Recreation Development Impact Fee

Fee Component	Cost per Person
Park Land	$69
Park Improvements	$83
Recreation Centers	$222
Gross Total	$374
Credit for Debt Payments	($51)
Credit for One-Cent Sales Tax	($12)
Net Total	**$311**

Residential

Housing Type	Persons per Housing Unit	Maximum Supportable Fee per Unit
Single Family Detached	2.52	**$784**
Single Family Attached	2.14	**$666**
Multifamily	1.79	**$557**

Revenue from Parks & Recreation Development Impact Fee

Revenue from the Parks & Recreation Development Impact Fee is estimated in Figure 17. The following revenue estimations include only the Greater Panhandle Service Area. There is projected to be 17,178 new housing units in the service area by 2030. To find the revenue, the fee is multiplied by the growth. For example, single family development is estimated to generate $11.1 million in revenue ($771 x 14,371 units = $11,086,933).

Also shown in the figure is the total cost ($17 million) and growth's cost ($15.1 million). The total cost represents the growth-related needs from the service area and outside of the service area. Thus, there is a gap in funding that is to be funded from non-impact fee funding. Also, the credits included in the analysis to ensure there is no double payment issues results in a funding gap.

As mentioned, at the time of this study, Lancaster County is providing the building permits for the Town of Van Wyck, so an intergovernmental agreement is not necessary to ensure impact fees are being collected. In this case, future growth and impact fee revenue from the Town is included in the projection.

Figure 17. Estimated Revenue from the Parks & Recreation Development Impact Fee

Infrastructure Costs for Park & Recreation Facilities

	Total Cost	Growth Cost
Park Land	$3,120,000	$2,790,000
Park Improvements	$3,818,000	$3,320,000
Recreation Centers	$10,033,184	$9,020,616
Total Expenditures	**$16,971,184**	**$15,130,616**

Projected Development Impact Fee Revenue

		Single Family $771 per unit	Multifamily $557 per unit
Year		Housing Units	Housing Units
Base	2020	18,374	1,853
Year 1	2021	19,956	2,284
Year 2	2022	21,538	2,714
Year 3	2023	23,120	3,145
Year 4	2024	25,119	3,290
Year 5	2025	27,117	3,436
Year 6	2026	29,116	3,581
Year 7	2027	30,023	3,851
Year 8	2028	30,930	4,121
Year 9	2029	31,838	4,390
Year 10	2030	32,745	4,660
Housing Increase		14,371	2,807
Projected Revenue =>		$11,086,933	$1,563,571
		Projected Revenue =>	**$12,650,504**
		Total Expenditures =>	**$16,971,184**
		Non-Impact Fee Funding =>	**$4,320,680**

PUBLIC SAFETY CIP AND DEVELOPMENT IMPACT FEE: SHERIFF

Methodology

Section 6-1-920(18f) of the South Carolina Development Impact Fee Act states that a development impact fee may be imposed on public facilities including:

> *"…public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities."*

The Sheriff Development Impact Fee includes one component:

- Sheriff office space

An incremental expansion methodology is applied to the component. Costs are allocated to both residential and nonresidential development using different demand indicators for each type of development.

Section 6-1-960(1) of the South Carolina Development Impact Fee Act requires:

> *"a general description of all existing facilities and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage."*

Section 6-1-960(2) of the South Carolina Development Impact Fee Act requires:

> *"an analysis of total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by qualified a professional using generally accepted principles and professional standards."*

Residential development impact fees are calculated on a per capita basis, then converted to an appropriate amount for each type of housing unit based on persons per housing unit factors. Nonresidential development impact fees are calculated using nonresidential vehicle trips. Trip generation rates are highest for commercial/retail development and lowest for industrial development, whereas trip rates for office and institutional development fall between the other two categories. Using vehicle trip rates ensures that development impact fees are consistent with the relative demand for Sheriff services from nonresidential development.

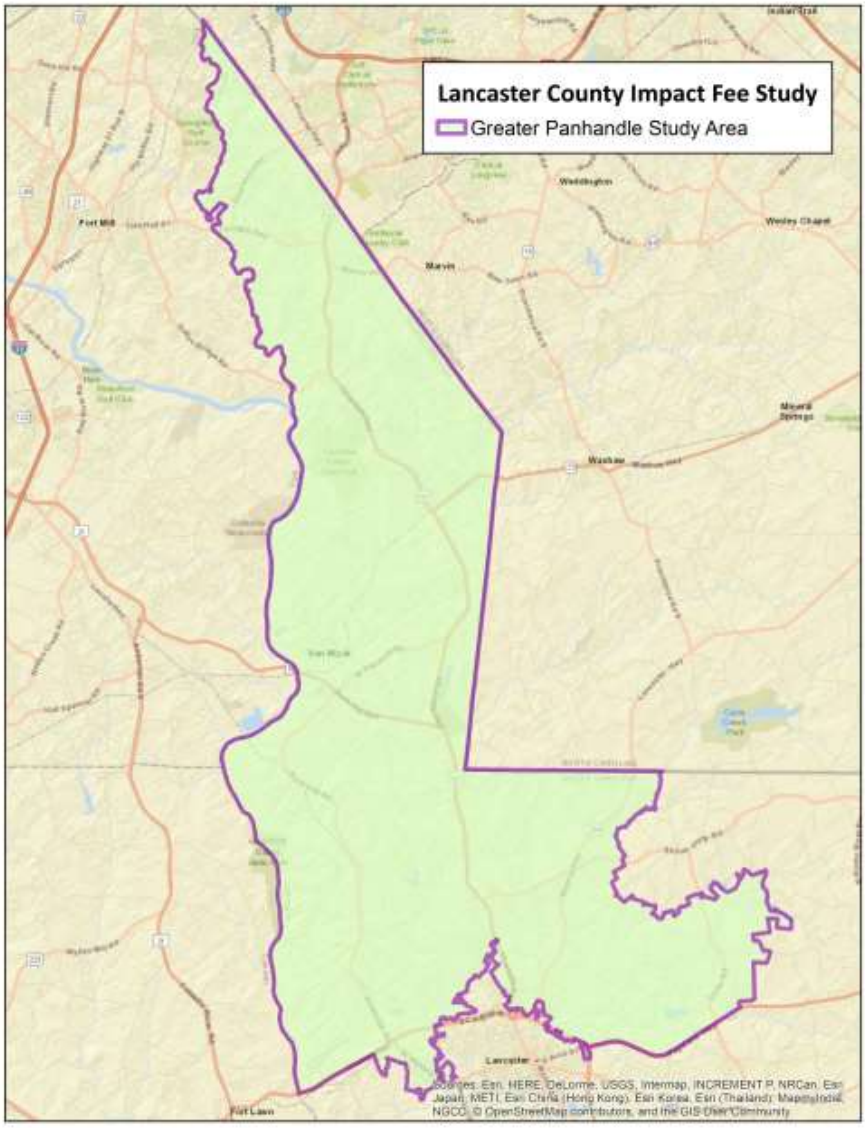
There is one incorporated community in the Greater Panhandle, Town of Van Wyck. At the time of the study, the Town does not provide law enforcement services and relies on the County to serve the demand from its residents. Thus, Town residents are included in the level of service calculations. Additionally, the County plans on collecting impact fees from new development within the Town of Van Wyck.

Sheriff Service Area

The service area for the Sheriff Development Impact Fee is defined as the Greater Panhandle area.

Recently, the Van Wyck community incorporated. However, the Town of Van Wyck does not provide law enforcement services and does not have plans to in the future. In this case, the existing population and future growth has been included in the level of service and revenue projections. At the time of this study, Lancaster County provides building permits for new developments in the Town, so an intergovernmental agreement to ensure that impact fees are being collected is not necessary.

Figure 18. Sheriff Service Area



Sheriff Service Units

Section 6-1-960(4) of the South Carolina Development Impact Fee Act requires:

> *"a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate."*

The "service unit" used for residential development is persons per housing unit (PPHU). This is a measure of, on average, the number of persons residing in each housing unit. As shown in Figure 19, there are 2.52 persons per single family detached unit, 2.14 persons per single family attached unit, and 1.79 persons per multifamily unit. Factors have been calculate based on data provided by the U.S. Census Bureau's 2018 American Community Survey and Public Use Microdata (further discussed in Appendix B).

Figure 19. Residential Service Units

Housing Type	Persons per Housing Unit
Single Family Detached [1]	2.52
Single Family Attached	2.14
Multifamily [2]	1.79

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates; PUMS 2018 5-Year Estimate, SC PUMA 700
[1] Includes single family detached and mobile homes
[2] Includes dwellings in structures with two or more units

TischlerBise recommends using nonresidential vehicle trips as the nonresidential "service unit" for Sheriff facilities. Average weekday vehicle trip ends for nonresidential development are from the 10th edition of the reference book, Trip Generation, published in 2017 by the Institute of Transportation Engineers. A "trip end" represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). Trip ends for nonresidential development are calculated per thousand square feet.

Trip generation rates are used for nonresidential development because vehicle trips are highest for retail developments, such as shopping centers, and lowest for industrial development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for public safety services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, Sheriff development fees would be disproportionately high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, Sheriff development fees would be disproportionately high for industrial development.

The standard 50 percent adjustment is applied to office, industrial, and institutional land uses. A lower vehicle trip adjustment factor is used for retail uses because this type of development attracts vehicles as they pass-by on arterial and collector roads. For example, when someone stops at a convenience store on their way home from work, the convenience store is not their primary destination. Further detail on vehicle trip factors can be found in Appendix B: Land Use Assumptions.

Figure 20. Nonresidential Service Units

Land Use Type	ITE Codes	Adj. Veh. Trips per 1,000 Sq. Ft.
Retail	820	14.35
Office	710	4.87
Industrial	110	2.48
Warehouse	150	0.87
Healthcare	610	5.36
Institutional	520	9.76

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey, 2009

Sheriff Proportionate Share

Both residential and nonresidential developments increase the demand on Sheriff facilities. To calculate the proportional share between residential and nonresidential demand on facilities, the county's functional population split is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the County through the 24 hours in a day. Based on available data, the functional population calculation includes countywide totals.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in Lancaster County are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the County are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the County working. Inflow commuters are assigned 10 hours to nonresidential development. Based on 2017 functional population data, residential development accounts for 78 percent of the functional population, while nonresidential development accounts for 22 percent, see Figure 21.

Figure 21. Lancaster County Functional Population

Lancaster County, SC (2017)				
Residential			*Demand Hours/Day*	*Person Hours*
Population*	93,385			
Residents Not Working		57,744	20	1,154,880
Employed Residents	35,641			
Employed in Lancaster County		9,587	14	134,218
Employed outside Lancaster County		26,054	14	364,756
			Residential Subtotal	1,653,854
			Residential Share =>	**78%**
Nonresidential				
Non-working Residents		57,744	4	230,976
Jobs Located in Lancaster County	24,636			
Residents Employed in Lancaster County		9,587	10	95,870
Non-Resident Workers (inflow commuters)		15,049	10	150,490
			Nonresidential Subtotal	477,336
			Nonresidential Share =>	**22%**
			TOTAL	2,131,190

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2017 (countywide population)

Furthermore, only a share of Sheriff facilities can be attributed to demand in the Greater Panhandle Service Area. To attribute facilities to the service area, Sheriff calls for service are analyzed. Shown below, 31 percent of the 2019 annual calls were to the service area. This proportion is applied to facilities in the following level of service calculations.

Figure 22. Lancaster County Sheriff Service Calls

Area	2019 Calls for Service	Percent of Total
Greater Panhandle	20,939	31%
District 2 [1]	31,537	46%
District 3	15,354	23%
Total	67,830	100%

[1] Excluding Riverside, Shiloh Zion, and Camp Creek

Sheriff Facilities Level of Service & Cost Analysis

As shown in Figure 23, Sheriff office space totals 32,793 square feet. To determine the level of service factors for the development impact fee, the calls for service split is applied to the floor area, resulting in 10,123 square feet attributed to the service area. Furthermore, the attributed floor area is allocated to residential and nonresidential demand based on the functional population analysis. Of the attributed floor area, 7,896 square feet is allocated to residential demand and 2,227 square feet is allocated to nonresidential demand.

The current level of service is found by dividing the allocated floor area by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 161.5 square feet of 1,000 per persons and 35.6 square feet per 1,000 nonresidential vehicle trips.

Based on the recent Facilities Space Needs Study, the average construction cost for a public safety administration/operation facility is $312 per square foot. That cost factor is used to determine the current replacement cost of the office space. To find the capital cost per person or per nonresidential vehicle trip, the level of service standards are applied to the average cost per square foot. For example, the residential cost per person is $50 (161.5 square feet per 1,000 persons x $312 per square foot = $50 per person, rounded).

Figure 23. Sheriff Office Space Level of Service and Cost Factors

Sheriff Facilities	Total Square Feet	Study Area Calls for Service	Study Area Square Feet	Study Area Replacement Cost
Sheriff Office Space	32,793	31%	10,123	$3,161,940
Total	**32,793**	**31%**	**10,123**	**$3,161,940**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Floor Area	7,896	2,227
2020 Population/Nonres. Trips	48,885	62,488
Square Feet per 1,000 Persons/Nonres. Trips	**161.5**	**35.6**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres. Trips	161.5	35.6
Replacement Cost per Square Foot [1]	$312	$312
Capital Cost per Person/Nonres. Trip	**$50**	**$11**

[1] County Facilities Space Needs Study, 2020

Sheriff Development Impact Fee Credits

Currently, Lancaster County does not have existing that the was used to construct Sheriff facilities that were included in this analysis. Additionally, there are no future dedicated revenues that will be also used to construct Sheriff facilities. Thus, it is determined that a credit is not necessary to mitigate any double payment issues.

Projection of Sheriff Facility Growth-Related Facility Needs

Section 6-1-960(5) of the South Carolina Development Impact Fee Act requires:

> *"a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration."*

Section 6-1-960(7) of the South Carolina Development Impact Fee Act requires:

> *"the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years."*

To estimate the 10-year growth needs for Sheriff office space, the current level of service (161.5 square feet per 1,000 persons and 35.6 square feet per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Greater Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed in Figure 24, there will be a need for 7,173 new Sheriff office space square feet to accommodate future demands. By applying the average cost ($312 per square feet), the total expenditure for the growth is calculated (7,173 square feet x $312 = $2,240,498).

Figure 24. 10-Year Sheriff Station Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Cost / Sq. Ft.
Sheriff Office Space	Residential	161.5	Square Feet	per 1,000 persons	$312
	Nonresidential	35.6		per 1,000 trips	

Growth-Related Need for Sheriff Office Space						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2020	48,885	62,488	7,894	2,224	10,118
Year 1	2021	53,579	65,066	8,652	2,316	10,968
Year 2	2022	58,273	67,664	9,411	2,408	11,819
Year 3	2023	62,967	70,283	10,169	2,502	12,671
Year 4	2024	68,184	71,520	11,011	2,546	13,557
Year 5	2025	73,401	72,783	11,854	2,591	14,445
Year 6	2026	78,618	74,071	12,696	2,636	15,332
Year 7	2027	81,350	75,385	13,138	2,683	15,821
Year 8	2028	84,083	76,726	13,579	2,731	16,310
Year 9	2029	86,816	78,094	14,020	2,780	16,800
Year 10	2030	89,549	79,489	14,462	2,829	17,291
Ten-Year Increase		40,664	17,001	**6,568**	**605**	**7,173**
			Projected Expenditure	**$2,051,525**	**$188,973**	**$2,240,498**

Growth-Related Expenditures for Sheriff Office Space	$2,240,498

Maximum Supportable Sheriff Development Impact Fee

Figure 25 shows the maximum supportable Sheriff Development Impact Fee. Development impact fees for Sheriff are based on household sizes for residential development and vehicle trips per 1,000 square feet for nonresidential development. Differentiating the fee by housing type allows the results to be more exact about the level of demand (persons per housing unit) a residential development will place on the current infrastructure based on level of service standards. For residential development, the total cost per person is multiplied by the household size to calculate the proposed fee. For nonresidential development, the total cost per vehicle trip is multiplied by the trips per 1,000 square feet to calculate the proposed fee.

The fees represent the highest amount supportable for each type of development, which represents new growth's fair share of the cost for capital facilities. The County may adopt fees that are less than the amounts shown. However, a reduction in development impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 25. Maximum Supportable Sheriff Development Impact Fee

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trip
Sheriff Office Space	$50	$11
Gross Total	$50	$11
Net Total	**$50**	**$11**

Residential

Housing Type	Persons per Housing Unit	Maximum Supportable Fee per Unit
Single Family Detached	2.52	**$126**
Single Family Attached	2.14	**$107**
Multifamily	1.79	**$90**

Nonresidential

Development Type	Trips per 1,000 Sq Ft	Maximum Supportable Fee per 1,000 Sq Ft
Retail	14.35	**$158**
Office	4.87	**$54**
Industrial	2.48	**$27**
Warehouse	0.87	**$10**
Healthcare	5.36	**$59**
Institutional	9.76	**$107**

Revenue from Sheriff Development Impact Fee

Revenue from the Sheriff Development Impact Fee is estimated in Figure 26. There is projected to be 17,178 new housing units and 2,614,000 new nonresidential square feet in the service area by 2029. To find the revenue, the fee is multiplied by the growth. For example, single family development is estimated to generate $1.8 million in revenue ($124 x 14,371 units = $1,781,774). The revenue is projected to cover all the growth-related capital costs. The marginal difference in revenue and expenditures is from rounding in the calculations.

As mentioned, at the time of this study, Lancaster County is providing the building permits for the Town of Van Wyck, so an intergovernmental agreement is not necessary to ensure impact fees are being collected. In this case, future growth and impact fee revenue from the Town is included in the projection.

Figure 26. Estimated Revenue from Sheriff Development Impact Fee

Infrastructure Costs for Sheriff Facilities

	Total Cost	Growth Cost
Sheriff Station Facilities	$2,240,498	$2,240,498
Total Expenditures	**$2,240,498**	**$2,240,498**

Projected Development Impact Fee Revenue

		Single Family $124 per unit	Multifamily $90 per unit	Retail $158 per KSF	Office $54 per KSF	Industrial $27 per KSF	Warehouse $10 per KSF	Healthcare $59 per KSF	Institutional $107 per KSF
Year		Housing Units	Housing Units	KSF	KSF	KSF	KSF	KSF	KSF
Base	2020	18,374	1,853	2,119	1,896	2,527	1,273	402	1,365
Year 1	2021	19,956	2,284	2,170	2,177	2,566	1,292	449	1,376
Year 2	2022	21,538	2,714	2,222	2,457	2,605	1,312	496	1,388
Year 3	2023	23,120	3,145	2,275	2,738	2,645	1,332	543	1,400
Year 4	2024	25,119	3,290	2,330	2,768	2,685	1,352	556	1,413
Year 5	2025	27,117	3,436	2,386	2,798	2,726	1,373	570	1,425
Year 6	2026	29,116	3,581	2,443	2,829	2,768	1,394	583	1,437
Year 7	2027	30,023	3,851	2,502	2,860	2,811	1,415	598	1,450
Year 8	2028	30,930	4,121	2,562	2,892	2,854	1,437	612	1,462
Year 9	2029	31,838	4,390	2,623	2,924	2,897	1,459	627	1,475
Year 10	2030	32,745	4,660	2,686	2,956	2,942	1,481	642	1,488
Ten-Year Increase		14,371	2,807	567	1,060	414	209	240	123
Projected Revenue =>		$1,781,774	$252,642	$89,595	$57,228	$11,189	$2,087	$14,181	$13,211

Projected Revenue =>	**$2,221,906**
Total Expenditures =>	**$2,240,498**
Non-Impact Fee Funding =>	**$18,592**

PUBLIC SAFETY CIP AND DEVELOPMENT IMPACT FEE: EMS

Methodology

Section 6-1-920(18f) of the South Carolina Development Impact Fee Act states that a development impact fee may be imposed on public facilities including:

> *"…public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities."*

The EMS Development Impact Fee includes components:

- EMS stations
- EMS vehicles
- EMS administration and training facilities

An incremental expansion methodology is applied to each component. Costs are allocated to both residential and nonresidential development using different demand indicators for each type of development.

Section 6-1-960(1) of the South Carolina Development Impact Fee Act requires:

> *"a general description of all existing facilities and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage."*

Section 6-1-960(2) of the South Carolina Development Impact Fee Act requires:

> *"an analysis of total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by qualified a professional using generally accepted principles and professional standards."*

Residential development impact fees are calculated on a per capita basis, then converted to an appropriate amount for each type of housing unit based on persons per housing unit factors. Nonresidential development impact fees are calculated using nonresidential vehicle trips. Trip generation rates are highest for commercial/retail development and lowest for industrial development, whereas trip rates for office and institutional development fall between the other two categories. Using vehicle trip rates ensures that development impact fees are consistent with the relative demand for EMS services from nonresidential development.

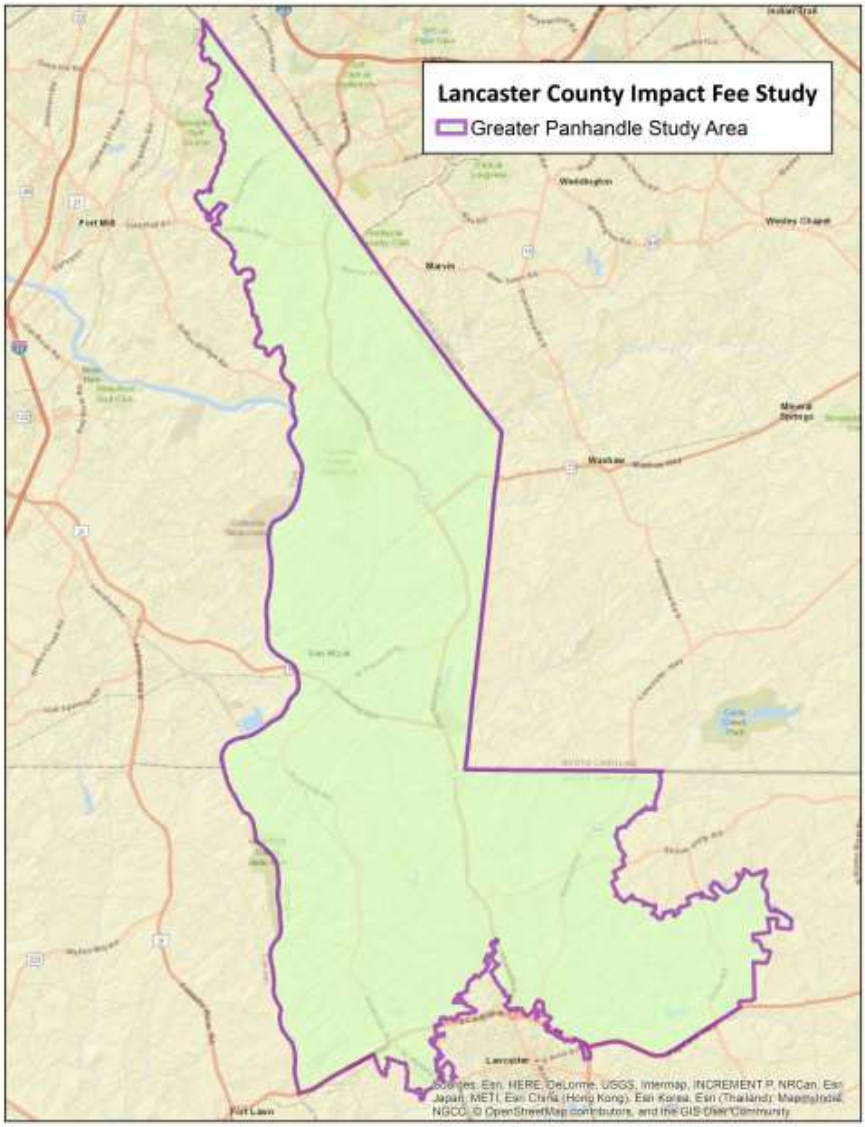
There is one incorporated community in the Greater Panhandle, Town of Van Wyck. At the time of the study, the Town does not provide EMS services and relies on the County to serve the demand from its residents. Thus, Town residents are included in the level of service calculations. Additionally, the County plans on collecting impact fees from new development within the Town of Van Wyck.

EMS Service Area

The service area for the EMS Development Impact Fee is defined as the Greater Panhandle area.

Recently, the Van Wyck community incorporated. However, the Town of Van Wyck does not EMS services and does not have plans to in the future. In this case, the existing population and future growth has been included in the level of service and revenue projections. At the time of this study, Lancaster County provides building permits for new developments in the Town, so an intergovernmental agreement to ensure that impact fees are being collected is not necessary.

Figure 27. EMS Service Area



EMS Service Units

Section 6-1-960(4) of the South Carolina Development Impact Fee Act requires:

> *"a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate."*

The "service unit" used for residential development is persons per housing unit (PPHU). This is a measure of, on average, the number of persons residing in each housing unit. As shown in Figure 28, there are 2.52 persons per single family detached unit, 2.14 persons per single family attached unit, and 1.79 persons per multifamily unit. Factors have been calculate based on data provided by the U.S. Census Bureau's 2018 American Community Survey and Public Use Microdata (further discussed in Appendix B).

Figure 28. Residential Service Units

Housing Type	Persons per Housing Unit
Single Family Detached [1]	2.52
Single Family Attached	2.14
Multifamily [2]	1.79

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates; PUMS 2018 5-Year Estimate, SC PUMA 700
[1] Includes single family detached and mobile homes
[2] Includes dwellings in structures with two or more units

TischlerBise recommends using nonresidential vehicle trips as the nonresidential "service unit" for EMS infrastructure. Average weekday vehicle trip ends for nonresidential development are from the 10th edition of the reference book, Trip Generation, published in 2017 by the Institute of Transportation Engineers. A "trip end" represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). Trip ends for nonresidential development are calculated per thousand square feet.

Trip generation rates are used for nonresidential development because vehicle trips are highest for retail developments, such as shopping centers, and lowest for industrial development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for public safety services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, EMS development fees would be disproportionately high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, EMS development fees would be disproportionately high for industrial development.

The standard 50 percent adjustment is applied to office, industrial, and institutional land uses. A lower vehicle trip adjustment factor is used for retail uses because this type of development attracts vehicles as they pass-by on arterial and collector roads. For example, when someone stops at a convenience store on

their way home from work, the convenience store is not their primary destination. Further detail on vehicle trip factors can be found in Appendix B: Land Use Assumptions.

Figure 29. Nonresidential Service Units

Land Use Type	ITE Codes	Adj. Veh. Trips per 1,000 Sq. Ft.
Retail	820	14.35
Office	710	4.87
Industrial	110	2.48
Warehouse	150	0.87
Healthcare	610	5.36
Institutional	520	9.76

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey, 2009

EMS Proportionate Share

Both residential and nonresidential developments increase the demand on EMS facilities. To calculate the proportional share between residential and nonresidential demand on facilities, the county's functional population split is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the County through the 24 hours in a day. Based on available data, the functional population calculation includes countywide totals.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in Lancaster County are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the County are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the County working. Inflow commuters are assigned 10 hours to nonresidential development. Based on 2017 functional population data, residential development accounts for 78 percent of the functional population, while nonresidential development accounts for 22 percent, see Figure 30.

Figure 30. Lancaster County Functional Population

Lancaster County, SC (2017)				
Residential			*Demand*	*Person*
Population*	93,385		*Hours/Day*	*Hours*
Residents Not Working		57,744	20	1,154,880
Employed Residents	35,641			
Employed in Lancaster County		9,587	14	134,218
Employed outside Lancaster County		26,054	14	364,756
			Residential Subtotal	1,653,854
			Residential Share =>	**78%**
Nonresidential				
Non-working Residents		57,744	4	230,976
Jobs Located in Lancaster County	24,636			
Residents Employed in Lancaster County		9,587	10	95,870
Non-Resident Workers (inflow commuters)		15,049	10	150,490
			Nonresidential Subtotal	477,336
			Nonresidential Share =>	**22%**
			TOTAL	2,131,190

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2017 (countywide population)

Furthermore, only a share of EMS facilities can be attributed to demand in the Greater Panhandle Service Area. To attribute facilities to the service area, EMS calls for service are analyzed. Shown below, 32 percent of the 2019 annual calls were to the fire districts in the service area. This proportion is applied to facilities in the following level of service calculations.

Figure 31. Lancaster County EMS Service Calls

District	2019 EMS Calls
Pleasant Valley Fire District	1,129
Indian Land Fire District	2,548
Van Wyck Fire District	516
Riverside Fire District	326
Shiloh Zion Fire District	637
Camp Creek Fire District	678
Service Area Subtotal	5,834
Countywide EMS Calls	18,329
Percent of Total	**32%**

Source: Lancaster County EMS Department

EMS Facilities Level of Service & Cost Analysis

The EMS Development Impact Fee includes the facilities that house the County's EMS services. Identified by County staff, additional expansion will be necessary to serve future growth.

As shown in Figure 32, there are eight EMS stations, totaling 22,191 square feet. To determine the level of service factors for the development impact fee, the calls for service split is applied to station floor area, resulting in 7,101 square feet attributed to the service area. Furthermore, the attributed floor area is allocated to residential and nonresidential demand based on the functional population analysis. Of the attributed floor area, 5,539 square feet is allocated to residential demand and 1,562 square feet is allocated to nonresidential demand.

The current level of service is found by dividing the allocated floor area by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 113.3 square feet of 1,000 per persons and 25.0 square feet per 1,000 nonresidential vehicle trips.

Based on the recent construction of EMS Station #9, the average construction cost for a station is $329 per square foot. That cost factor is used to determine the current replacement cost of the stations. To find the capital cost per person or per nonresidential vehicle trip, the level of service standards are applied to the average cost per square foot. For example, the residential cost per person is $37 (113.3 square feet per 1,000 persons x $329 per square foot = $37 per person, rounded).

Figure 32. EMS Station Level of Service and Cost Factors

EMS Station	Total Square Feet	Study Area Calls for Service	Study Area Square Feet	Study Area Replacement Cost
EMS Station #1	3,002	32%	961	$316,051
EMS Station #2	2,878	32%	921	$302,996
EMS Station #3	1,809	32%	579	$190,452
EMS Station #5	2,345	32%	750	$246,882
EMS Station #6	1,571	32%	503	$165,395
EMS Station #7	1,330	32%	426	$140,022
EMS Station #8	2,376	32%	760	$250,145
EMS Station #9	6,880	32%	2,202	$724,326
Total	**22,191**	**32%**	**7,101**	**$2,336,268**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Floor Area	5,539	1,562
2020 Population/Nonres. Trips	48,885	62,488
Square Feet per 1,000 Persons/Nonres. Trips	**113.3**	**25.0**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres. Trips	113.3	25.0
Replacement Cost per Square Foot [1]	$329	$329
Capital Cost per Person/Nonres. Trip	**$37**	**$8**

[1] Cost per square foot is from the recent construction of EMS Station #9

The EMS Department has 16 ambulances in its fleet to conduct operations. To determine the level of service factors for the development impact fee, the EMS calls for service split is used to attribute the vehicles to the service area demand. Of the attributed total, 4 vehicles are allocated to residential demand and 1 vehicle are allocated to nonresidential demand.

The level of service is found by dividing the allocated vehicles by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 0.082 vehicles per 1,000 persons and 0.018 vehicles per 1,000 nonresidential vehicle trips.

From the EMS Department, the replacement cost of an ambulance is $380,000. To find the capital cost per person and per nonresidential vehicle trip, the level of service standards are applied to the average cost per vehicle. For example, the residential cost per person is $31 (0.082 vehicles per 1,000 persons x $380,000 = $31 per person, rounded).

Figure 33. EMS Vehicle Level of Service and Cost Factors

EMS Vehicles	Total Units	Study Area Calls for Service	Study Area Units	Study Area Replacement Cost
EMS Ambulance	16	32%	5	$1,945,600
Total	**16**	**32%**	**5**	**$1,945,600**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Fleet	4	1
2020 Population/Nonres. Trips	48,885	62,488
Units per 1,000 Persons/Nonres. Trips	**0.082**	**0.018**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres. Trips	0.1	0.0
Replacement Cost per Unit [1]	$380,000	$380,000
Capital Cost per Person/Nonres. Trip	**$31**	**$7**

[1] Source: Lancaster County EMS Department

As shown in Figure 34, based on the calls for service data 2,300 square feet of EMS administration and training facilities is attributed to the service area. Of the attributed floor area, 1,794 square feet is allocated to residential demand and 506 square feet is allocated to nonresidential demand.

The current level of service is found by dividing the allocated floor area by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 36.7 square feet of 1,000 per persons and 8.1 square feet per 1,000 nonresidential vehicle trips.

Based on data in the recent Facilities Space Needs Study, the average construction cost for an administration/operation facility is $312 per square foot. That cost factor is used to determine the current replacement cost. To find the capital cost per person and per nonresidential vehicle trip, the level of service standards are applied to the average cost per square foot. For example, the residential cost per person is $11 (36.7 square feet per 1,000 persons x $312 per square foot = $11 per person, rounded).

Figure 34. EMS Admin and Training Facility Level of Service and Cost Factors

EMS Facility	Total Square Feet	Study Area Calls for Service	Study Area Square Feet	Study Area Replacement Cost
Administration, Training, Logistics	7,188	32%	2,300	$718,459
Total	**7,188**	**32%**	**2,300**	**$718,459**

Level of Service Analysis	**Residential**	**Nonresidential**
Proportionate Share	78%	22%
Share of Floor Area	1,794	506
2020 Population/Nonres. Trips	48,885	62,488
Square Feet per 1,000 Persons/Nonres. Trips	**36.7**	**8.1**

Cost Analysis	**Residential**	**Nonresidential**
Square Feet per 1,000 Persons/Nonres. Trips	36.7	8.1
Replacement Cost per Square Foot [1]	$312	$312
Capital Cost per Person/Nonres. Trip	**$11**	**$3**

[1] County Facilities Space Needs Study, 2020 Draft

Credit for Future Debt Payments

To ensure fee-payers avoid potential double payment for annual debt service, TischlerBise included in credit in the development impact fee calculations for the bonds issued to the construct the EMS Headquarters. The bond will be repaid through property tax revenue, so the future payments are attributed to residential and nonresidential land uses based on assessed value. Shown below, residential land uses account for 59 percent and nonresidential 41 percent of the assessed value in Lancaster County.

Figure 35. Lancaster County Assessed Value by Land Use

Property Type	Assessed Value	Percent
Owner Occupied (4% assessment ratio)	$187,821,470	47%
Agricultural (Private) (4%)	$1,484,940	0%
Agricultural (Corporate) (6%)	$404,720	0%
Commercial/Rental (6%)	$98,649,680	25%
Personal Property (Vehicles) (6%)	$42,357,846	11%
Other Personal Property (10.5%)	$3,252,823	1%
Manufacturing (10.5%)	$10,900,990	3%
Utility (10.5%)	$26,918,393	7%
Business Personal (10.5%)	$9,210,828	2%
Motor Carrier (9.5%)	$1,593,380	0%
Fee-in-Lieu and Joint Industrial Park	$17,897,244	4%
Total Assessed Value	$400,492,314	100%

Source: 2018 Local Government Finance Report, South Carolina Revenue and Fiscal Affairs Office, 2019

Land Use	Assessed Value	Percent
Residential	$234,917,079	59%
Nonresidential	$165,575,235	41%
Total	$400,492,314	100%

Source: TischlerBise analysis

Following the same methodology as the level of service analysis, annual debt service was split between residential and nonresidential development and then divided by annual demand units (population and nonresidential vehicle trips) to yield payments per person or vehicle trip. To account for the time value of money, annual payments are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of $3 per person and $2 per nonresidential vehicle trip rounded.

Figure 36. Credit for Future Debt Payments

Fiscal Year	Total Payment	EMS Purpose 21%	Study Area Payment	Residential 59%	Nonresidential 41%
Base Year	$1,255,000	$259,576	$82,621	$48,463	$34,158
2020	$695,000	$143,749	$45,754	$26,838	$18,916
2021	$730,000	$150,988	$48,059	$28,190	$19,869
2022	$770,000	$159,262	$50,692	$29,734	$20,958
2023	$810,000	$167,535	$53,325	$31,279	$22,046
2024	$850,000	$175,808	$55,959	$32,824	$23,135
2025	$890,000	$184,082	$58,592	$34,368	$24,224
Total	**$6,000,000**	**$1,241,000**	**$395,002**	**$231,696**	**$163,306**

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
Base Year	$48,463	48,885	$0.99
2020	$26,838	53,579	$0.50
2021	$28,190	58,273	$0.48
2022	$29,734	62,967	$0.47
2023	$31,279	68,184	$0.46
2024	$32,824	73,401	$0.45
2025	$34,368	78,618	$0.44
Total	**$231,696**		**$3.79**
		Discount Rate	4.00%
	Total Credit per Person		**$3**

Nonresidential

Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
Base Year	$34,158	62,488	$0.55
2020	$18,916	65,066	$0.29
2021	$19,869	67,664	$0.29
2022	$20,958	70,283	$0.30
2023	$22,046	71,520	$0.31
2024	$23,135	72,783	$0.32
2025	$24,224	74,071	$0.33
Total	**$163,306**		**$2.39**
		Discount Rate	4.00%
		Total Credit per Trip	**$2**

Credit for One-Cent Sales Tax Referendum Projects

There are two EMS projects listed in the referendum continuing a one-cent sales tax by Lancaster County to fund certain capital improvement projects. The EMS projects (Station #7/#10) are contributing to the countywide level of service and to ensure there are no double payments by new development a credit is included in the development impact fee.

Listed in Figure 37, the projects total $3,600,000. Since the referendum is for seven years, the one-cent sales tax will generate an average annual revenue of $514,000 to fund the projects.

Figure 37. EMS One-Cent Referendum Projects

EMS Portion of One-Cent Sales Tax	Funded & Constructed 2022-2029	Annual Average Revenue
$3,600,000	7 years	$514,000

Based on the functional population of Lancaster County, residential purposes are estimated to generate 78 percent of the sales tax revenue. There are currently 102,797 countywide residents, resulting in an annual average tax revenue of $2.93 per person. Over the next seven years, $21 per person is estimated as credit for the EMS projects ($2.93 per person x 7 years = $21, rounded).

Figure 38. Residential Portion of the EMS Referendum Projects

Residential 78%	Base Year Countywide Population	Average Annual Tax Revenue per Capita	7-Year Tax Revenue per Capita
$301,497	102,797	$2.93	**$21**

Nonresidential purposes are estimated to generate 22 percent of the sales tax revenue. There are currently 129,536 nonresidential vehicle trips countywide, resulting in an annual average tax revenue of $1.64. Over the next seven years, $11 per vehicle trip is estimated as a credit for the EMS projects.

Figure 39. Nonresidential Portion of the EMS Referendum Projects

Nonresidential 22%	Base Year Countywide Nonres. Veh. Trips	Average Annual Tax Revenue per Veh. Trip	7-Year Tax Revenue per Veh. Trip
$212,503	129,536	$1.64	**$11**

Projection of EMS Facility Growth-Related Facility Needs

Section 6-1-960(5) of the South Carolina Development Impact Fee Act requires:

> *"a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration."*

Section 6-1-960(7) of the South Carolina Development Impact Fee Act requires:

> *"the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years."*

To estimate the 10-year growth needs for EMS stations, the current level of service (113.30 square feet per 1,000 persons and 25.0 square feet per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Greater Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed in Figure 40, there will be a need for 5,032 new EMS Station square feet to accommodate future demands. By applying the average cost of a station ($329 per square feet), the total expenditure for the growth is calculated (5,032 square feet x $329 = $1,655,528).

Figure 40. 10-Year EMS Station Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Cost / Sq. Ft.
EMS Stations	Residential	113.3	Square Feet	per 1,000 persons	$329
	Nonresidential	25.0		per 1,000 trips	

Growth-Related Need for EMS Stations						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2020	48,885	62,488	5,538	1,562	7,100
Year 1	2021	53,579	65,066	6,070	1,626	7,696
Year 2	2022	58,273	67,664	6,602	1,691	8,293
Year 3	2023	62,967	70,283	7,134	1,757	8,891
Year 4	2024	68,184	71,520	7,725	1,788	9,513
Year 5	2025	73,401	72,783	8,316	1,819	10,135
Year 6	2026	78,618	74,071	8,907	1,851	10,758
Year 7	2027	81,350	75,385	9,217	1,884	11,101
Year 8	2028	84,083	76,726	9,526	1,918	11,444
Year 9	2029	86,816	78,094	9,836	1,952	11,788
Year 10	2030	89,549	79,489	10,145	1,987	12,132
Ten-Year Increase		40,664	17,001	**4,607**	**425**	**5,032**
			Projected Expenditure	**$1,515,703**	**$139,825**	**$1,655,528**

Growth-Related Expenditures for EMS Stations	$1,655,528

To estimate the 10-year growth needs for EMS vehicles, the current level of service (0.082 vehicles per 1,000 persons and 0.018 units per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Great Panhandle. The service area is projected to increase by

40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed Figure 41, there will be a need for 3.6 new EMS vehicles to accommodate future demands. By applying the average cost of a vehicle ($380,000), the total expenditure for the growth is calculated (3.6 vehicles x $380,000 = $1,368,000).

Figure 41. 10-Year EMS Vehicle Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Unit Cost
EMS Vehicles	Residential	0.082	Units	per 1,000 persons	$380,000
	Nonresidential	0.018		per 1,000 trips	

Growth-Related Need for EMS Vehicles						
Year		Population	Nonres. Vehicle Trips	Residential Units	Nonresidential Units	Total Units
Base	2020	48,885	62,488	4.0	1.1	5.1
Year 1	2021	53,579	65,066	4.3	1.1	5.4
Year 2	2022	58,273	67,664	4.7	1.2	5.9
Year 3	2023	62,967	70,283	5.1	1.2	6.3
Year 4	2024	68,184	71,520	5.5	1.2	6.7
Year 5	2025	73,401	72,783	6.0	1.3	7.3
Year 6	2026	78,618	74,071	6.4	1.3	7.7
Year 7	2027	81,350	75,385	6.6	1.3	7.9
Year 8	2028	84,083	76,726	6.8	1.3	8.1
Year 9	2029	86,816	78,094	7.1	1.4	8.5
Year 10	2030	89,549	79,489	7.3	1.4	8.7
Ten-Year Increase		40,664	17,001	**3.30**	**0.30**	**3.6**
			Projected Expenditure	**$1,254,000**	**$114,000**	**$1,368,000**

Growth-Related Expenditures for EMS Vehicles	$1,368,000

To estimate the 10-year growth needs for EMS administration and training facilities, the current level of service (36.7 square feet per 1,000 persons and 8.1 square feet per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Greater Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed in Figure 42, there will be a need for 1,629 new EMS administration and training square feet to accommodate future demands. By applying the average cost ($312 per square feet), the total expenditure for the growth is calculated (1,629 square feet x $312 = $508,821).

Figure 42. 10-Year EMS Administration and Training Facility Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Cost / Sq. Ft.
EMS Administration	Residential	36.7	Square Feet	per 1,000 persons	$312
	Nonresidential	8.1		per 1,000 trips	

Growth-Related Need for EMS Administration						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2020	48,885	62,488	1,794	506	2,300
Year 1	2021	53,579	65,066	1,966	527	2,493
Year 2	2022	58,273	67,664	2,138	548	2,686
Year 3	2023	62,967	70,283	2,310	569	2,879
Year 4	2024	68,184	71,520	2,502	579	3,081
Year 5	2025	73,401	72,783	2,693	589	3,282
Year 6	2026	78,618	74,071	2,885	599	3,484
Year 7	2027	81,350	75,385	2,985	610	3,595
Year 8	2028	84,083	76,726	3,085	621	3,706
Year 9	2029	86,816	78,094	3,186	632	3,818
Year 10	2030	89,549	79,489	3,286	643	3,929
Ten-Year Increase		40,664	17,001	**1,492**	**137**	**1,629**
			Projected Expenditure	**$466,029**	**$42,792**	**$508,821**

Growth-Related Expenditures for EMS Administration	$508,821

Maximum Supportable EMS Development Impact Fee

Figure 43 shows the maximum supportable EMS Development Impact Fee. Development impact fees for EMS are based on household sizes for residential development and vehicle trips per 1,000 square feet for nonresidential development. Differentiating the fee by housing type allows the results to be more exact about the level of demand (persons per housing unit) a residential development will place on the current infrastructure based on level of service standards. For residential development, the total cost per person is multiplied by the household size to calculate the proposed fee. For nonresidential development, the total cost per vehicle trip is multiplied by the trips per 1,000 square feet to calculate the proposed fee.

The fees represent the highest amount supportable for each type of development, which represents new growth's fair share of the cost for capital facilities. The County may adopt fees that are less than the amounts shown. However, a reduction in development impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 43. Maximum Supportable EMS Development Impact Fee

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trip
EMS Stations	$37	$8
EMS Vehicles	$31	$7
EMS Administration	$11	$3
Gross Total	$79	$18
Credit for Debt Payments	($3)	($2)
Credit for One-Cent Sales Tax	($21)	($11)
Net Total	**$55**	**$5**

Residential

Housing Type	Persons per Housing Unit	Maximum Supportable Fee per Unit
Single Family Detached	2.52	**$139**
Single Family Attached	2.14	**$118**
Multifamily	1.79	**$98**

Nonresidential

Development Type	Trips per 1,000 Sq Ft	Maximum Supportable Fee per 1,000 Sq Ft
Retail	14.35	**$72**
Office	4.87	**$24**
Industrial	2.48	**$12**
Warehouse	0.87	**$4**
Healthcare	5.36	**$27**
Institutional	9.76	**$49**

Revenue from EMS Development Impact Fee

Revenue from the EMS Development Impact Fee is estimated in Figure 44. There is projected to be 17,178 new housing units and 2,614,000 new nonresidential square feet in the service area by 2029. To find the revenue, the fee is multiplied by the growth. For example, single family development is estimated to generate $2 million in revenue ($137 x 14,371 units = $1,965,548). The revenue is projected to cover 66 percent of the growth-related capital costs. It is expected that the County's will need to supplement a portion of the growth-related cost because of the credit being included to prevent development from double paying.

As mentioned, at the time of this study, Lancaster County is providing the building permits for the Town of Van Wyck, so an intergovernmental agreement is not necessary to ensure impact fees are being collected. In this case, future growth and impact fee revenue from the Town is included in the projection.

Figure 44. Estimated Revenue from EMS Development Impact Fee

Infrastructure Costs for EMS Facilities

	Total Cost	Growth Cost
EMS Stations	$1,655,528	$1,655,528
EMS Vehicles	$1,368,000	$1,368,000
EMS Administration	$508,821	$508,821
Total Expenditures	**$3,532,349**	**$3,532,349**

Projected Development Impact Fee Revenue

		Single Family $137 per unit	Multifamily $98 per unit	Retail $72 per KSF	Office $24 per KSF	Industrial $12 per KSF	Warehouse $4 per KSF	Healthcare $27 per KSF	Institutional $49 per KSF
Year		**Housing Units**	**Housing Units**	**KSF**	**KSF**	**KSF**	**KSF**	**KSF**	**KSF**
Base	2020	18,374	1,853	2,119	1,896	2,527	1,273	402	1,365
Year 1	2021	19,956	2,284	2,170	2,177	2,566	1,292	449	1,376
Year 2	2022	21,538	2,714	2,222	2,457	2,605	1,312	496	1,388
Year 3	2023	23,120	3,145	2,275	2,738	2,645	1,332	543	1,400
Year 4	2024	25,119	3,290	2,330	2,768	2,685	1,352	556	1,413
Year 5	2025	27,117	3,436	2,386	2,798	2,726	1,373	570	1,425
Year 6	2026	29,116	3,581	2,443	2,829	2,768	1,394	583	1,437
Year 7	2027	30,023	3,851	2,502	2,860	2,811	1,415	598	1,450
Year 8	2028	30,930	4,121	2,562	2,892	2,854	1,437	612	1,462
Year 9	2029	31,838	4,390	2,623	2,924	2,897	1,459	627	1,475
Year 10	2030	32,745	4,660	2,686	2,956	2,942	1,481	642	1,488
Ten-Year Increase		14,371	2,807	567	1,060	414	209	240	123
Projected Revenue =>		$1,965,548	$275,099	$40,828	$25,434	$4,973	$835	$6,490	$6,050

Projected Revenue =>	**$2,325,256**
Total Expenditures =>	**$3,532,349**
Non-Impact Fee Funding =>	**$1,207,093**

PUBLIC SAFETY CIP AND DEVELOPMENT IMPACT FEE: FIRE

Methodology

Section 6-1-920(18f) of the South Carolina Development Impact Fee Act states that a development impact fee may be imposed on public facilities including:

> *"…public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities."*

The Fire Development Impact Fee includes components:

- Fire stations
- Fire vehicles
- Fire administration and training facilities

An incremental expansion methodology is applied to each component. Costs are allocated to both residential and nonresidential development using different demand indicators for each type of development.

Section 6-1-960(1) of the South Carolina Development Impact Fee Act requires:

> *"a general description of all existing facilities and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage."*

Section 6-1-960(2) of the South Carolina Development Impact Fee Act requires:

> *"an analysis of total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by qualified a professional using generally accepted principles and professional standards."*

Residential development impact fees are calculated on a per capita basis, then converted to an appropriate amount for each type of housing unit based on persons per housing unit factors. Nonresidential development impact fees are calculated using nonresidential vehicle trips. Trip generation rates are highest for commercial/retail development and lowest for industrial development, whereas trip rates for office and institutional development fall between the other two categories. Using vehicle trip rates ensures that development impact fees are consistent with the relative demand for fire services from nonresidential development.

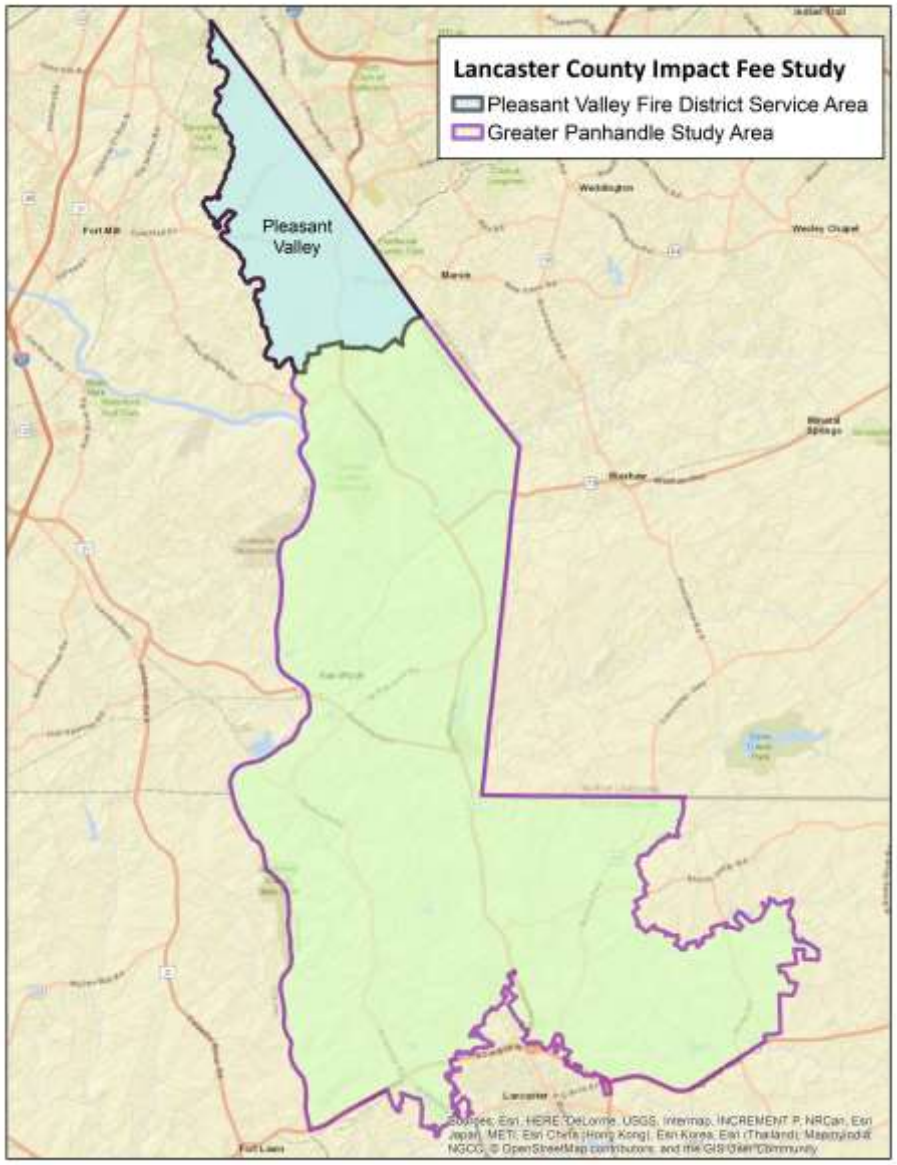
There is one incorporated community in the Greater Panhandle, Town of Van Wyck. At the time of the study, the Town does not provide fire and rescue services and relies on the County to serve the demand from its residents. Thus, Town residents are included in the level of service calculations. Additionally, the County plans on collecting impact fees from new development within the Town of Van Wyck.

Fire Service Area

To ensure there is no double payment for capital facilities, there are two service areas for the Fire Development Impact Fee. A credit is included for development in the Pleasant Valley Fire District to offset capital expenditures funded by the annual property assessment in the fire district. The level of service is calculated for the whole Greater Panhandle; however, the credit is only for the Pleasant Valley.

Recently, the Van Wyck community incorporated. However, the Town of Van Wyck does not fire services and does not have plans to in the future. In this case, the existing population and future growth has been included in the level of service and revenue projections. At the time of this study, Lancaster County provides building permits for new developments in the Town, so an intergovernmental agreement to ensure that impact fees are being collected is not necessary.

Figure 45. Fire Service Area



Fire Service Units

Section 6-1-960(4) of the South Carolina Development Impact Fee Act requires:

> *"a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate."*

The "service unit" used for residential development is persons per housing unit (PPHU). This is a measure of, on average, the number of persons residing in each housing unit. As shown in Figure 46, there are 2.52 persons per single family detached unit, 2.14 persons per single family attached unit, and 1.79 persons per multifamily unit. Factors have been calculate based on data provided by the U.S. Census Bureau's 2018 American Community Survey and Public Use Microdata (further discussed in Appendix B).

Figure 46. Residential Service Units

Housing Type	Persons per Housing Unit
Single Family Detached [1]	2.52
Single Family Attached	2.14
Multifamily [2]	1.79

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates; PUMS 2018 5-Year Estimate, SC PUMA 700
[1] Includes single family detached and mobile homes
[2] Includes dwellings in structures with two or more units

TischlerBise recommends using nonresidential vehicle trips as the nonresidential "service unit" for Fire infrastructure. Average weekday vehicle trip ends for nonresidential development are from the 10th edition of the reference book, Trip Generation, published in 2017 by the Institute of Transportation Engineers. A "trip end" represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). Trip ends for nonresidential development are calculated per thousand square feet.

Trip generation rates are used for nonresidential development because vehicle trips are highest for retail developments, such as shopping centers, and lowest for industrial development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for public safety services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, fire development impact fees would be disproportionately high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, the development fees would be disproportionately high for industrial development.

The standard 50 percent adjustment is applied to office, industrial, and institutional land uses. A lower vehicle trip adjustment factor is used for retail uses because this type of development attracts vehicles as they pass-by on arterial and collector roads. For example, when someone stops at a convenience store on their way home from work, the convenience store is not their primary destination. Further detail on vehicle trip factors can be found in Appendix B: Land Use Assumptions.

Figure 47. Nonresidential Service Units

Land Use Type	ITE Codes	Adj. Veh. Trips per 1,000 Sq. Ft.
Retail	820	14.35
Office	710	4.87
Industrial	110	2.48
Warehouse	150	0.87
Healthcare	610	5.36
Institutional	520	9.76

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey, 2009

Fire Proportionate Share

Both residential and nonresidential developments increase the demand on Fire facilities. To calculate the proportional share between residential and nonresidential demand on facilities, the county's functional population split is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the County through the 24 hours in a day. Based on available data, the functional population calculation includes countywide totals.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in Lancaster County are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the County are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the County working. Inflow commuters are assigned 10 hours to nonresidential development. Based on 2017 functional population data, residential development accounts for 78 percent of the functional population, while nonresidential development accounts for 22 percent, see Figure 48.

Figure 48. Lancaster County Functional Population

Lancaster County, SC (2017)				
Residential			*Demand*	*Person*
Population*	93,385		*Hours/Day*	*Hours*
Residents Not Working	57,744		20	1,154,880
Employed Residents	35,641			
Employed in Lancaster County		9,587	14	134,218
Employed outside Lancaster County		26,054	14	364,756
			Residential Subtotal	1,653,854
			Residential Share =>	**78%**
Nonresidential				
Non-working Residents	57,744		4	230,976
Jobs Located in Lancaster County	24,636			
Residents Employed in Lancaster County		9,587	10	95,870
Non-Resident Workers (inflow commuters)		15,049	10	150,490
			Nonresidential Subtotal	477,336
			Nonresidential Share =>	**22%**
			TOTAL	2,131,190

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2017 (countywide population)

Furthermore, only a share of Fire facilities can be attributed to demand in the Greater Panhandle Service Area. To attribute facilities to the service area, fire calls for service are analyzed. Calls for service data is available for each fire station and the location of the call by fire district. This level of detail allows for Fire facilities to be attributed to the Greater Panhandle by fire station. Shown in **Error! Not a valid bookmark self-reference.**, the level of service to the Greater Panhandle ranges from 0-99 percent. Only the fire stations that have over three percent of their calls to the service area are included in the analysis.

Figure 49. Lancaster County Fire Calls for Service

Station No.	Station Name	% of calls to Study Area
1	Antioch	8%
2	Bell Town	0%
3	Buford	3%
4	Camp Creek	71%
5	Charlotte Rd/Van Wyck	96%
6	Elgin	0%
7	Flat Creek	1%
	Flat Creek Substation	1%
8	Gooches	6%
9	Heath Springs	0%
10	Indian Land	99%
11	Kershaw	1%
12	McDonald Green	0%
14	Pleasant Valley	99%
14	Pleasant Valley Substation	99%
15	Rich Hill	1%
16	Riverside	91%
17	Shiloh Zion	94%
18	Tradesville	0%
19	Unity	32%

Source: Fire Protection Master Planning, 2019, Fitch & Associates

Fire Facilities Level of Service & Cost Analysis

As shown in Figure 50, there are ten fire stations that regularly provide service to the Greater Panhandle. To determine the level of service factors for the development impact fee, the calls for service percentages are applied to station floor areas, resulting in 44,195 square feet attributed to the service area. Furthermore, the attributed floor area is allocated to residential and nonresidential demand based on the functional population analysis. Of the attributed floor area, 34,472 square feet is allocated to residential demand and 9,723 square feet is allocated to nonresidential demand.

The current level of service is found by dividing the allocated floor area by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 705.2 square feet of 1,000 per persons and 155.6 square feet per 1,000 nonresidential vehicle trips.

Based on the recent construction of the Pleasant Valley Fire Station, the average construction cost for a station is $432 per square foot. That cost factor is used to determine the current replacement cost of the stations. To find the capital cost per person or per nonresidential vehicle trip, the level of service standards are applied to the average cost per square foot. For example, the residential cost per person is $305 (705.2 square feet per 1,000 persons x $432 per square foot = $305 per person, rounded).

Figure 50. Fire Station Level of Service and Cost Factors

Fire Station	Total Square Feet	Study Area Calls for Service	Study Area Square Feet	Study Area Replacement Cost
Antioch	4,660	8%	392	$169,455
Camp Creek	1,536	71%	1,084	$468,221
Charlotte Rd/Van Wyck	3,000	96%	2,876	$1,242,372
Gooches	2,748	6%	174	$75,033
Indian Land	14,000	99%	13,920	$6,013,489
Pleasant Valley	14,576	99%	14,466	$6,249,273
Pleasant Valley Substation	1,250	99%	1,241	$535,921
Riverside	3,040	91%	2,768	$1,195,673
Shiloh Zion	4,386	94%	4,107	$1,774,276
Unity	9,810	32%	3,168	$1,368,495
Total	**59,006**		**44,195**	**$19,092,209**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Floor Area	34,472	9,723
2020 Population/Nonres. Trips	48,885	62,488
Square Feet per 1,000 Persons/Nonres. Trips	**705.2**	**155.6**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres. Trips	705.2	155.6
Replacement Cost per Square Foot [1]	$432	$432
Capital Cost per Person/Nonres. Trip	**$305**	**$67**

[1] Cost per square foot is from the recent construction of Pleasant Valley FD Station 1

To determine the level of service factors for fire vehicles, the Fire calls for service percentages for each fire station are applied to the station's fleet to attribute the vehicles to the service area demand. Of the attributed total, 18.65 vehicles are allocated to residential demand and 5.26 vehicle are allocated to nonresidential demand.

The level of service is found by dividing the allocated vehicles by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 0.381 vehicles per 1,000 persons and 0.84 vehicles per 1,000 nonresidential vehicle trips.

From the Fire Department, the replacement cost of a vehicle is $382,000. To find the capital cost per person and per nonresidential vehicle trip, the level of service standards are applied to the average cost per vehicle. For example, the residential cost per person is $146 (0.381 vehicles per 1,000 persons x $382,000 = $146 per person, rounded).

Figure 51. Fire Vehicle Level of Service and Cost Factors

Fire Vehicles	Total Units	Study Area Units	Unit Replacement Cost	Study Area Replacement Cost
Engine	33	10.65	$476,300	$5,074,864
Tanker	22	6.29	$264,326	$1,662,893
Squad	18	5.97	$272,337	$1,625,348
Ladder	2	0.99	$778,462	$772,582
Total	**33**	**23.91**		**$9,135,687**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Fleet	18.65	5.26
2020 Population/Nonres. Trips	48,885	62,488
Units per 1,000 Persons/Nonres. Trips	**0.381**	**0.084**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres. Trips	0.4	0.1
Replacement Cost per Unit [1]	$382,000	$382,000
Capital Cost per Person/Nonres. Trip	**$146**	**$32**

[1] Source: Lancaster County Fire Department

As shown in Figure 52, based on the calls for service data 3,888 square feet of Fire administration and training facilities is attributed to the service area. Of the attributed floor area, 3,033 square feet is allocated to residential demand and 855 square feet is allocated to nonresidential demand.

The current level of service is found by dividing the allocated floor area by the 2020 residential and nonresidential demand units (population and nonresidential vehicle trips) for the service area. Specifically, 62.0 square feet of 1,000 per persons and 13.7 square feet per 1,000 nonresidential vehicle trips.

Based on data in the recent Facilities Space Needs Study, the average construction cost for an administration/operation facility is $312 per square foot. That cost factor is used to determine the current replacement cost. To find the capital cost per person and per nonresidential vehicle trip, the level of

service standards are applied to the average cost per square foot. For example, the residential cost per person is $19 (62.0 square feet per 1,000 persons x $312 per square foot = $10 per person, rounded).

Figure 52. Fire Admin and Training Facility Level of Service and Cost Factors

Facility	Total Square Feet	Study Area Calls for Service	Study Area Square Feet	Study Area Replacement Cost
Emergency Operations Center	9,500	41%	3,888	$1,214,549
Total	**9,500**		**3,888**	**$1,214,549**

Level of Service Analysis	Residential	Nonresidential
Proportionate Share	78%	22%
Share of Floor Area	3,033	855
2020 Population/Nonres. Trips	48,885	62,488
Square Feet per 1,000 Persons/Nonres. Trips	**62.0**	**13.7**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres. Trips	62.0	13.7
Replacement Cost per Square Foot [1]	$312	$312
Capital Cost per Person/Nonres. Trip	**$19**	**$4**

[1] County Facilities Space Needs Study, 2020 Draft

Credit for Pleasant Valley Fire District Debt Payment

In the Pleasant Valley Fire District, households and nonresidential development pay an annual fee to help fund fire operations. The fee is $75 per household and per 2,500 square feet of nonresidential floor area. Currently, a portion of the revenue from the fee is used to pay off existing debt that was used to fund the construction of the fire station. In this case, along with the impact fee, a future development is at risk of double payment because they will be paying both the impact fee and the annual operations fee that are both going towards capital improvements.

A credit is included in the Fire Development Impact Fee to ensure there is no double payment. This is done by attributing the future bond payments to residential and nonresidential in the Pleasant Valley Fire District with the functional population split. Population and nonresidential vehicle trips are applied to the bond payments to find an annual per capita and per vehicle trip payment. To account for the time value of money, annual payments are discounted using a net present value formula based on the applicable discount (interest) rate. This results in a credit of $66 per person and $8 per nonresidential vehicle trip rounded.

Figure 53. Pleasant Valley Fire District Credit for Future Debt Payments

Year	2009 GO Bond Refunding
2020	$270,000
2021	$285,000
2022	$300,000
2023	$315,000
2024	$335,000

Year	Residential 78%	Projected Population	Payment/ Capita
2020	$210,600	13,344	$15.78
2021	$222,300	14,623	$15.20
2022	$234,000	15,901	$14.72
2023	$245,700	17,179	$14.30
2024	$261,300	18,603	$14.05
Total	**$1,173,901**		**$74.05**
		Discount Rate	4.00%
	Total Credit per Person		**$66**

Year	Nonresidential 22%	Projected Nonres. Vehicle Trips	Payment/ Trip
2020	$59,400	31,325	$1.90
2021	$62,700	33,215	$1.89
2022	$66,000	35,115	$1.88
2023	$69,300	37,025	$1.87
2024	$73,700	37,665	$1.96
Total	**$331,100**		**$9.50**
		Discount Rate	4.00%
	Total Credit per Nonrs. Trip		**$8**

Note: There is a similar fee for the Indian River Fire District, but the fee is currently not funding debt service, so no development impact fee credit is necessary.

Projection of Fire Facility Growth-Related Facility Needs

Section 6-1-960(5) of the South Carolina Development Impact Fee Act requires:

> *"a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration."*

Section 6-1-960(7) of the South Carolina Development Impact Fee Act requires:

> *"the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years."*

To estimate the 10-year growth needs for fire stations, the current level of service (705.2 square feet per 1,000 persons and 155.6 square feet per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Greater Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed in Figure 54, there will be a need for 31,321 new fire station square feet to accommodate future demands. By applying the average cost of a station ($432 per square feet), the total expenditure for the growth is calculated (31, 321 square feet x $432 = $13,530,672).

Figure 54. 10-Year Fire Station Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Cost / Sq. Ft.
Fire Stations	Residential	705.2	Square Feet	per 1,000 persons	$432
	Nonresidential	155.6		per 1,000 trips	

Growth-Related Need for Fire Stations						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2020	48,885	62,488	34,473	9,723	44,196
Year 1	2021	53,579	65,066	37,783	10,124	47,907
Year 2	2022	58,273	67,664	41,094	10,528	51,622
Year 3	2023	62,967	70,283	44,404	10,936	55,340
Year 4	2024	68,184	71,520	48,083	11,128	59,211
Year 5	2025	73,401	72,783	51,762	11,325	63,087
Year 6	2026	78,618	74,071	55,441	11,525	66,966
Year 7	2027	81,350	75,385	57,368	11,729	69,097
Year 8	2028	84,083	76,726	59,295	11,938	71,233
Year 9	2029	86,816	78,094	61,222	12,151	73,373
Year 10	2030	89,549	79,489	63,149	12,368	75,517
Ten-Year Increase		40,664	17,001	**28,676**	**2,645**	**31,321**
			Projected Expenditure	**$12,388,032**	**$1,142,640**	**$13,530,672**

Growth-Related Expenditures for Fire Stations	$13,530,672

To estimate the 10-year growth needs for Fire vehicles, the current level of service (0.38 vehicles per 1,000 persons and 0.08 units per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Great Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed Figure 55, there will be a need for 16.9 new vehicles to accommodate future demands. By applying the average cost of a vehicle ($382,000), the total expenditure for the growth is calculated (16.9 vehicles x $382,000 = $6,455,800).

Figure 55. 10-Year Fire Vehicle Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Unit Cost
Fire Vehicles	Residential	0.38	Units	per 1,000 persons	$382,000
	Nonresidential	0.08		per 1,000 trips	

Growth-Related Need for Fire Vehicles						
Year		Population	Nonres. Vehicle Trips	Residential Units	Nonresidential Units	Total Units
Base	2020	48,885	62,488	18.6	5.2	23.8
Year 1	2021	53,579	65,066	20.4	5.4	25.8
Year 2	2022	58,273	67,664	22.2	5.6	27.8
Year 3	2023	62,967	70,283	23.9	5.9	29.8
Year 4	2024	68,184	71,520	25.9	6.0	31.9
Year 5	2025	73,401	72,783	27.9	6.1	34.0
Year 6	2026	78,618	74,071	29.9	6.2	36.1
Year 7	2027	81,350	75,385	30.9	6.3	37.2
Year 8	2028	84,083	76,726	32.0	6.4	38.4
Year 9	2029	86,816	78,094	33.0	6.5	39.5
Year 10	2030	89,549	79,489	34.1	6.6	40.7
Ten-Year Increase		40,664	17,001	**15.5**	**1.4**	**16.9**
			Projected Expenditure	**$5,921,000**	**$534,800**	**$6,455,800**

Growth-Related Expenditures for Fire Vehicles	**$6,455,800**

To estimate the 10-year growth needs for Fire administration and training facilities, the current level of service (62.0 square feet per 1,000 persons and 13.7 square feet per 1,000 nonresidential vehicle trips) is applied to the residential and nonresidential growth projected for the Greater Panhandle. The service area is projected to increase by 40,664 residents and 17,001 nonresidential vehicle trips over the next ten years (see Appendix B). Listed in Figure 56, there will be a need for 2,755 new Fire administration and training square feet to accommodate future demands. By applying the average cost ($312 per square feet), the total expenditure for the growth is calculated (2,755 square feet x $312 = $860,529).

Figure 56. 10-Year Fire Administration and Training Facility Needs to Accommodate Growth

Infrastructure Type	Level of Service			Demand Unit	Cost / Sq. Ft.
Fire Administration	Residential	62.0	Square Feet	per 1,000 persons	$312
	Nonresidential	13.7		per 1,000 trips	

Growth-Related Need for Fire Administration						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2020	48,885	62,488	3,030	856	3,886
Year 1	2021	53,579	65,066	3,321	891	4,212
Year 2	2022	58,273	67,664	3,612	926	4,538
Year 3	2023	62,967	70,283	3,903	962	4,865
Year 4	2024	68,184	71,520	4,227	979	5,206
Year 5	2025	73,401	72,783	4,550	997	5,547
Year 6	2026	78,618	74,071	4,874	1,014	5,888
Year 7	2027	81,350	75,385	5,043	1,032	6,075
Year 8	2028	84,083	76,726	5,213	1,051	6,264
Year 9	2029	86,816	78,094	5,382	1,069	6,451
Year 10	2030	89,549	79,489	5,552	1,089	6,641
Ten-Year Increase		40,664	17,001	**2,522**	**233**	**2,755**
			Projected Expenditure	**$787,751**	**$72,778**	**$860,529**

Growth-Related Expenditures for Fire Administration	$860,529

Maximum Supportable Fire Development Impact Fee

Figure 57 shows the maximum supportable Fire Development Impact Fee. Development impact fees for Fire are based on household sizes for residential development and vehicle trips per 1,000 square feet for nonresidential development. Differentiating the fee by housing type allows the results to be more exact about the level of demand (persons per housing unit) a residential development will place on the current infrastructure based on level of service standards. For residential development, the total cost per person is multiplied by the household size to calculate the proposed fee. For nonresidential development, the total cost per vehicle trip is multiplied by the trips per 1,000 square feet to calculate the proposed fee.

The fees represent the highest amount supportable for each type of development, which represents new growth's fair share of the cost for capital facilities. The County may adopt fees that are less than the amounts shown. However, a reduction in development impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 57. Maximum Supportable Fire Development Impact Fee

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trip
Fire Stations	$305	$67
Fire Vehicles	$146	$32
Fire Administration	$19	$4
Gross Total	$470	$103
Net Total	**$470**	**$103**

Residential

Housing Type	Persons per Housing Unit	Maximum Supportable Fee per Unit
Single Family Detached	2.52	**$1,184**
Single Family Attached	2.14	**$1,006**
Multifamily	1.79	**$841**

Nonresidential

Development Type	Trips per 1,000 Sq Ft	Maximum Supportable Fee per 1,000 Sq Ft
Retail	14.35	**$1,478**
Office	4.87	**$502**
Industrial	2.48	**$255**
Warehouse	0.87	**$90**
Healthcare	5.36	**$552**
Institutional	9.76	**$1,005**

Figure 58. Maximum Supportable Fire Development Impact Fee – Pleasant Valley Fire District

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trip
Fire Stations	$305	$67
Fire Vehicles	$146	$32
Fire Administration	$19	$4
Gross Total	$470	$103
Credit for Debt Payments	($66)	($8)
Net Total	**$404**	**$95**

Residential

Housing Type	Persons per Housing Unit	Maximum Supportable Fee per Unit
Single Family Detached	2.52	**$1,018**
Single Family Attached	2.14	**$865**
Multifamily	1.79	**$723**

Nonresidential

Development Type	Trips per 1,000 Sq Ft	Maximum Supportable Fee per 1,000 Sq Ft
Retail	14.35	**$1,363**
Office	4.87	**$463**
Industrial	2.48	**$236**
Warehouse	0.87	**$83**
Healthcare	5.36	**$509**
Institutional	9.76	**$927**

Revenue from Fire Development Impact Fee

Revenue from the Fire Development Impact Fee is estimated in Figure 59. There is projected to be 17,178 new housing units and 2,614,000 new nonresidential square feet in the service area by 2029. To find the revenue, the fee is multiplied by the growth. For example, single family development is estimated to generate $16.1 million in revenue ($1,120 x 14,371 units = $16,101,848). The credit included to ensure no double payment results in a slight funding gap. As a result, the revenue is estimated to cover 96 percent of the estimated future capital costs.

As mentioned, at the time of this study, Lancaster County is providing the building permits for the Town of Van Wyck, so an intergovernmental agreement is not necessary to ensure impact fees are being collected. In this case, future growth and impact fee revenue from the Town is included in the projection.

Figure 59. Estimated Revenue from Fire Development Impact Fee

Infrastructure Costs for Fire Facilities

	Total Cost	Growth Cost
Fire Stations	$13,530,672	$13,530,672
Fire Vehicles	$6,455,800	$6,455,800
Fire Administration	$860,529	$860,529
Total Expenditures	**$20,847,001**	**$20,847,001**

Projected Development Impact Fee Revenue

Year		Single Family $1,120 per unit	Multifamily $810 per unit	Retail $1,421 per KSF	Office $463 per KSF	Industrial $247 per KSF	Warehouse $87 per KSF	Healthcare $535 per KSF	Institutional $988 per KSF
		Housing Units	Housing Units	KSF	KSF	KSF	KSF	KSF	KSF
Base	2020	18,374	1,853	2,119	1,896	2,527	1,273	402	1,365
Year 1	2021	19,956	2,284	2,170	2,177	2,566	1,292	449	1,376
Year 2	2022	21,538	2,714	2,222	2,457	2,605	1,312	496	1,388
Year 3	2023	23,120	3,145	2,275	2,738	2,645	1,332	543	1,400
Year 4	2024	25,119	3,290	2,330	2,768	2,685	1,352	556	1,413
Year 5	2025	27,117	3,436	2,386	2,798	2,726	1,373	570	1,425
Year 6	2026	29,116	3,581	2,443	2,829	2,768	1,394	583	1,437
Year 7	2027	30,023	3,851	2,502	2,860	2,811	1,415	598	1,450
Year 8	2028	30,930	4,121	2,562	2,892	2,854	1,437	612	1,462
Year 9	2029	31,838	4,390	2,623	2,924	2,897	1,459	627	1,475
Year 10	2030	32,745	4,660	2,686	2,956	2,942	1,481	642	1,488
Ten-Year Increase		14,371	2,807	567	1,060	414	209	240	123
Projected Revenue =>		$16,101,848	$2,272,667	$805,754	$491,066	$102,188	$18,053	$128,668	$121,967

Projected Revenue =>	**$20,042,210**
Total Expenditures =>	**$20,847,001**
Non-Impact Fee Funding =>	**$804,791**

IMPLEMENTATION AND ADMINISTRATION

Annual Fee Adjustment

The development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for facilities. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New Record (ENR). ENR is a trade journal which uses generally accepted engineering and accounting methods to produce a construction cost index. 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. This is a generally accepted methodology of annually adjusting development impact fees to ensure that the fee is proportionate to the demand from future growth.

Applicability of Fee for Approved Developments

It is common practice for a community to provide that previously approved development projects are not subject to development impact fees that are later enacted. If a development project has reached certain development approval milestones and undertaken significant investment in the development process a new fee may render the project unviable, however, significant non-recoupable investments have already been made in reliance of previous development approvals.

It has been determined that if development of a property has achieved the following development approval milestones prior to the effective date of the development impact fee ordinance, the project is not subject to the development impact fee:

- Single family residential: preliminary plat approval
- Multifamily/nonresidential: civil construction plan approval

Credits and Reimbursements

A general requirement that is common to development impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time development impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the development impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the development impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against development impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

Service Areas

A development impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single family, commercial, etc.) is assessed at the same development impact fee rate. Land use assumptions and development impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Development impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of many small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis, TischlerBise determined that one service area, the Greater Panhandle region was needed for the Parks & Recreation, Sheriff, and EMS Development Impact Fees. The level of service for Parks & Recreation facilities was calculated at a countywide basis, however, the service area for the development impact fee is only the Greater Panhandle region. Calls for service data allowed the level of service calculations for the public safety impact fee categories to be calculated at a service area level. The public safety development impact fees will only be collected and spent in the service area.

There are two service areas for the Fire Development Impact Fee. A credit is necessary for the Pleasant Valley Fire District to ensure the annual property assessment revenue funding capital projects is being offset. However, the level of service is calculated for the whole Greater Panhandle area and the credit is applied to only the Pleasant Valley Fire District.

Lastly, there is one incorporated community in the Greater Panhandle, Town of Van Wyck. At the time of the study, the Town does not provide Parks & Recreation and public safety services and relies on the County to serve the demand from its residents. Thus, Town residents are included in the level of service calculations. Additionally, the County plans on collecting impact fees from new development within the Town of Van Wyck.

APPENDIX A: HOUSING AFFORDABILITY ANALYSIS

Section 6-1-930(2) of the South Carolina Development Impact Fee Act requires:

> *"Before imposing a development impact fee on residential units, a governmental entity shall prepare a report which estimates the effect of recovering capital costs through impact fees on the availability of affordable housing within the political jurisdiction of the governmental entity."*

In accordance with South Carolina Development Impact Fee Act, this chapter estimates the effects of imposing the maximum supportable development impact fees on the affordability of housing in the Lancaster County. The analysis will examine the current household income and housing expenses that burden an average household in the County. Next, the maximum supportable development impact fee will be included in the cost burden analysis to identify the effect the proposed development impact fees will have on affordable housing.

South Carolina Development Impact Fee Act

Affordable housing is defined in South Carolina Development Impact Fee Act as housing to families whose incomes do not exceed 80 percent of the median income for the service area or areas within the jurisdiction of the governmental entity. The Act does not mention a preferred methodology to examine the household's whose income does not exceed 80 percent of the median income. Therefore, the analysis uses the US Housing and Urban Development's (HUD) criteria that housing should be 30 percent or less of a household's income. The cost of housing is "moderately burdensome" if its cost burden is over 30 percent and "severely burdensome" if the ratio is over 50 percent.

Maximum Supportable Development Impact Fee

The development impact fees found in Figure 60 represent the highest amount supportable for housing units by housing type, which represents new growth's fair share of the cost for capital facilities. The County may adopt fees that are less than the amounts shown. However, a reduction in development impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service. The housing affordability analysis will assume a conservative condition for assessing the effect of the development impact fee on affordable housing in Lancaster County (i.e., the maximum supportable development impact fee amount). If the County Council were to choose a lower development impact fee amount, the results presented in this report would improve.

A conservative approach is taken, and the fee schedule for the area outside of the Pleasant Valley Fire District is included in the analysis. This fee schedule is slightly higher than the Pleasant Valley Fire District schedule.

Figure 60. Maximum Supportable Development Impact Fee

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Maximum Supportable Fee
Residential (per housing unit)					
Single Family Detached	$784	$126	$139	$1,184	**$2,233**
Single Family Attached	$666	$107	$118	$1,006	**$1,897**
Multifamily	$557	$90	$98	$841	**$1,586**
Nonresidential (per 1,000 square feet)					
Retail	$0	$158	$72	$1,478	**$1,708**
Office	$0	$54	$24	$502	**$580**
Industrial	$0	$27	$12	$255	**$294**
Warehouse	$0	$10	$4	$90	**$104**
Healthcare	$0	$59	$27	$552	**$638**
Institutional	$0	$107	$49	$1,005	**$1,161**

Housing Stock

Listed in Figure 61, the majority of housing in the service area is single family units. Additionally, the majority of owner-occupied units are single family, while renter-occupied units are a mix of the three housing types.

Figure 61. Housing Stock Characteristics

Units in Structure	Owner-Occupied		Renter-Occupied		Renter & Owner Combined				
	Persons	Hsehlds	Persons	Hsehlds	Persons	Hsehlds	Hsg Units	PPHH	PPHU
Single family [1]	28,959	11,250	2,142	664	31,101	11,914	12,522	2.61	2.48
2 to 4	38	38	30	30	68	68	68	1.00	1.00
5 or more	40	21	604	266	644	287	329	2.24	1.96
Total	**29,037**	**11,309**	**2,776**	**960**	**31,813**	**12,269**	**12,919**	**2.59**	**2.46**

Vacant HU	650
Occupancy Rate	95%

Summary by Type of Housing	Totals						
	Persons	Hsehlds	Hsg Units	PPHH	PPHU	Hhld Mix	Hsg Mix
Single Family [1]	31,101	11,914	12,522	2.61	2.48	97%	97%
Multifamily [2]	712	355	397	2.01	1.79	3%	3%
Total	**31,813**	**12,269**	**12,919**	**2.59**	**2.46**	**100%**	**100%**

[1] Includes attached and detached single family homes and mobile homes
[2] Includes all other types
Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Household Income

The purchasing power of residents to secure housing is represented by personal income. Personal income includes all wages, tips, and bonuses from employment, as well as retirement income earned from a pension plan or retirement account. In the analysis, household income represents all residents living in the housing unit, no matter relationship. From the US Census Bureau American Community Survey, in 2018 the median annual household income for owner-occupied household in the Greater Panhandle Service Area was $82,294. By using the US Bureau of Labor Statistics' CPI Calculator, the current household

income is estimated at $84,616. The annual income for a household making 80 percent of the area's median is $67,693, or $5,641 per month. This is done for renter-occupied households as well.

Figure 62. Median Household Income

Tenure	Median Annual Hsehold Income (2018)	Median Annual Hsehold Income (2020)	80% of Median Annual Income	Monthly Income
Owner-occupied	$82,294	$84,616	$67,693	**$5,641**
Renter-occupied	$52,868	$54,360	$43,488	**$3,624**

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates; U.S.
Note: American Community Survey data represents information as of June, 2018. CPI calculator calculates median income to July, 2020 dollars.

Cost of Homeownership

The analysis uses eight categories to calculate the baseline cost of homeownership: purchase price; mortgage payment; property tax; fire district fee; solid waste collection fee; water, sewer and electric utilities; telephone, cable and internet utilities; and homeowners insurance.

The following section details the costs included.

Purchase Price

The median home value is used to estimate the purchase price of a home. The American Community Survey estimates that the median value of a home in the service area in 2018 was $263,543 (US Census Bureau, 2014-2018 American Community Survey 5-Year Estimates). With the US Bureau of Labor Statistics' CPI Calculator, the current home value is estimated to be $270,981.

Mortgage Payment

A conventional, fixed-rate 30-year mortgage is assumed to estimate monthly costs of principal and interest on a home loan. The down payment for a loan is assumed to be 20 percent of the purchase price ($270,981 x 20% = $54,196). The loan amount for the mortgage is determined by subtracting the down payment from the purchase price ($270,981 - $54,196 = $216,785). As of October 7th, 2020, an interest rate of 3.00 percent is assumed for the home purchase based on a survey of competitive interest rates in Lancaster County (www.nerdwallet.com). The monthly mortgage payment is $914.

Property Tax

To calculate annual property tax, homes in Lancaster County that are permanent residences are subject to 4 percent assessment ratio and a property tax millage rate. Depending on their location, residents are subject to a property tax for municipal services, school services, and fire services. The average total millage rate is 338.15. Furthermore, there is a credit for sales tax in Lancaster County which reduces resident's property tax bill. The credit is 0.072 percent of the home value. For an average valued home in Lancaster County, the credit is $196.

As a result, the analysis assumes an annual property tax for the average valued home is $3,469 ($279,981 x 4% x 338.15 / 1,000 = $3,665 [gross property tax bill] - $196 [sales tax credit] = $3,469).

Fire District Fee

In the Pleasant Valley and Indian Land Fire Districts there is an annual fee of $75 that each household pays which helps fund debt service and operations. Although, this fee does not exist throughout the Impact Fee Service Area, a conservative approach is taken, and the fee included in the affordability analysis.

Solid Waste Collection Fee

A weekly pick-up service for trash and recycling was researched online. The service was found to cost an average of $28 per month (Active Waste Solutions).

Water, Sewer, and Electric Utilities

Based on a 2019 survey by South Carolina Rural Infrastructure Authority Office of Local Government, residential customers in Lancaster County Water and Sewer District averaged $43 per month for water and $35.93 per month for sewer.

Additionally, for an average household that uses 1,000 kilowatts of electricity per month, Dominion Energy charges $108.

As a result, there is an estimated monthly bill of $187 per month for these utilities.

Telephone, Cable, and Internet Utilities

Spectrum is a provider of telephone, cable, and internet in Lancaster County. From their website, the three services costs $100 per month.

Homeowner's Insurance

Homeowner's insurance provides protection for the home and is generally required when a home has a mortgage. Conservatively, monthly insurance is estimated to be 10 percent of the monthly mortgage payment or $91.

Monthly Payment

By compiling the month obligations, it is estimated that the monthly cost for homeownership is $1574. At the end of this chapter the monthly costs are listed in Figure 65.

Cost of Renting

The cost of renting a home in the Greater Panhandle Service area is estimated with data provided by the US Census Bureau. In 2018, the median gross rent (including all utilities and rental insurance) is estimated to be $1,255. With the US Bureau of Labor Statistics' CPI Calculator, the current cost of renting is estimated to be $1,290.

Cost Burden Analysis

The cost burden for affordable housing is measured as the ratio between monthly payments for housing (including property tax, fee, utilities, and insurance) and monthly gross household income. An analysis was conducted for residents that purchase a home and residents that rent a home. A cost burden ratio of 30 percent is used as the threshold to determine housing affordability in the service area.

Scenario 1: Baseline Conditions

Figure 63 summarizes the cost burden analysis for residents purchasing or renting a median valued home without the proposed maximum supportable development impact fee included. Based on the results, owner-occupied housing costs are below the affordability cost burden for households whose income is 80 percent of the area's median income. Renter-occupied housing costs are above the threshold.

Figure 63. Scenario 1: Cost Burden Analysis without Maximum Supportable Development Impact Fee

Tenure	Monthly Income (80% of Median)	Monthly Cost	Cost Burden
Owner-Occupied	$5,641	$1,616	**28.6%**
Renter-Occupied	$3,624	$1,290	**35.6%**

Scenario 2: Baseline Condition + Proposed Development Impact Fee

In the second scenario, the maximum supportable development impact fee is included into the cost burden analysis to highlight the effects the fee has on housing affordability. Indicated in Figure 61, owner-occupied housing units are predominately single family units and renter-occupied housings is mixed between the three categories (single family, 2 to 4 units, and 5 or more). Since the development impact fee is calculated by housing size, the owner-occupied housing unit will be assessed the fee for a single family detached unit ($2,233) and the renter-occupied housing unit will be assessed the fee for an average sized multifamily unit ($1,586).

The analysis takes a conservative approach and assumes the purchase price of the median home is raised by the development impact fee. This ultimately increases the household's mortgage payment and property tax, see Figure 65. For renter-occupied housing units, the analysis assumes that the development impact fee will be recouped by the landlord through an increase in monthly rent and will be recouped over 30 years.

Listed in Figure 64, the monthly costs for owners and renters only marginally increases with the maximum supportable development impact fee. The cost burden for owner-occupied housing only increases by 0.2 percentage points while the increase in costs for renter-occupied housing increases by 0.1 percentage points.

Figure 64. Scenario 2: Cost Burden Analysis with Proposed Development Impact Fee

Tenure	Monthly Income (80% of Median)	Monthly Cost	Cost Burden
Owner-Occupied	$5,641	$1,626	**28.8%**
Renter-Occupied	$3,624	$1,294	**35.7%**

Conclusion

The South Carolina Development Impact Fee Act requires preparation of a report that estimates the effect of imposing development impact fees on affordability of housing in the jurisdiction. To calculate the effect, a household that earns 80 percent of the median income should have a cost burden ratio of 30 percent or less for housing. Currently, home ownership is below the affordability threshold, but renting is above the threshold. **This analysis has concluded that the maximum supportable development impact fee**

results in a marginal increase to the monthly cost for residents and that the increase is low enough that the existing cost burdens are unaffected. As noted, this analysis takes a conservative approach and assumes that the development impact fees are absorbed entirely by the home occupants. If the County Council were to choose a lower development impact fee amount, the results presented in this report would improve.

Figure 65. Cost of Homeownership

	Monthly Payment Calculation	
	Scenario 1 Baseline Condition	**Scenario 2 Baseline Condition + Impact Fee**
Purchase Price	$270,981	$273,214
Down Payment	$54,196	$54,643
Loan Amount	$216,785	$218,571
Loan Length (Years)	30	30
Loan Length (Months)	360	360
Yearly Interest Rate	3.00%	3.00%
Monthly Interest Rate	0.25%	0.25%
Monthly Payment	$914	$922
Property Tax (per month)	$289	$292
Fire District Residential Fee	$6	$6
Stormwater Fee	$28	$28
Water, Sewer & Electric Utilities	$187	$187
Telephone, Cable & Internet Utilities	$100	$100
Homeowners Insurance	$91	$91
Monthly Cost	**$1,616**	**$1,626**

APPENDIX B: LAND USE ASSUMPTIONS

As part of our Work Scope, TischlerBise has prepared documentation on demographic data and development projections that will be used in the Lancaster County Development Impact Fee Study. The data estimates and projections are used in the study's calculations and to illustrate the possible future pace of service demands on the County's infrastructure. Furthermore, this chapter demonstrates the history of development and base year development levels in Lancaster County. The base year assumptions are used in the impact fee calculations to determine current levels of service.

This chapter includes discussion and findings on:

- Household/housing unit size
- Current housing unit and population estimates
- Residential projections
- Current nonresidential floor area and employment estimates
- Nonresidential projections
- Functional population
- Current and projected daily vehicle trips

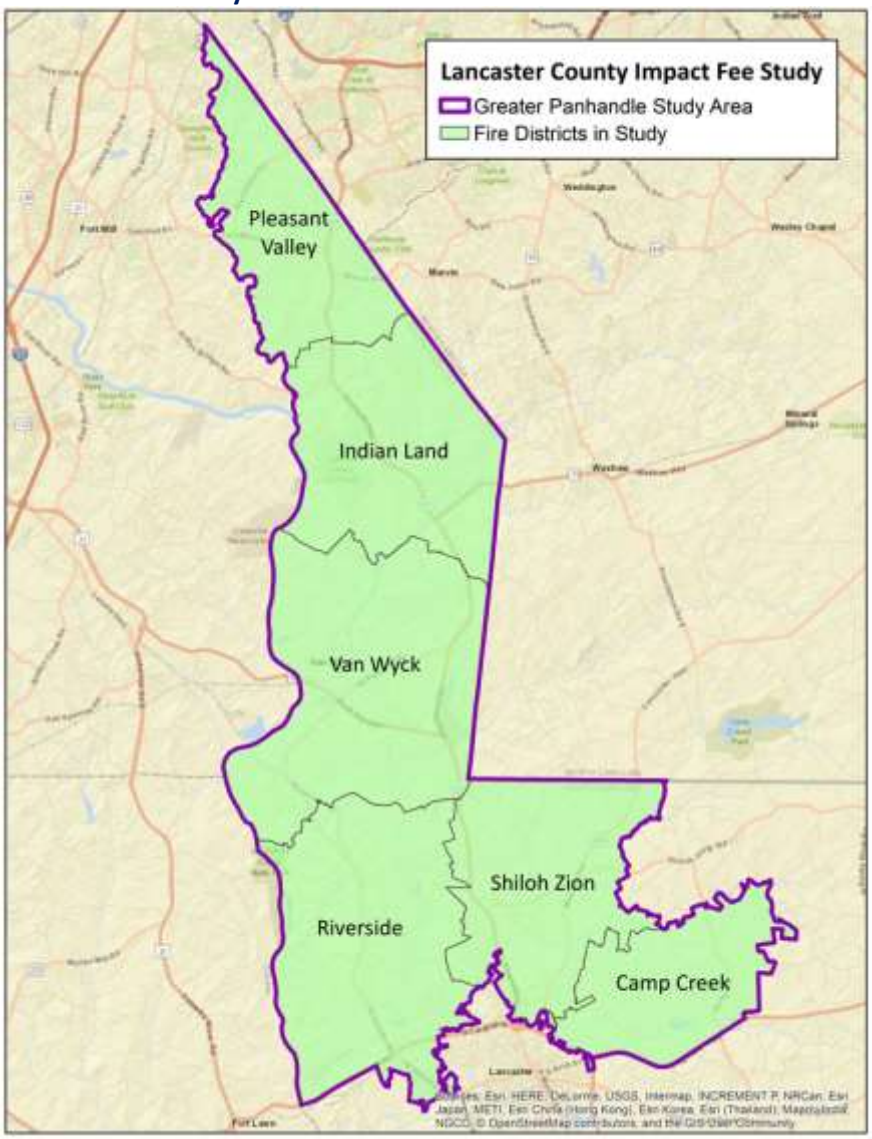
Study Area

It is essential for an impact fee study to have an appropriate study area. The study area defines the level of service calculations, capacity needs, and benefit zones. A previous impact fee study conducted in Lancaster County (Catawba Regional COG, 2019) included the three northern most fire districts: Pleasant Valley, Indian Land, and Charlotte Road. However, from initial interviews with the County's Fire Rescue Department, there are facility improvements and expansions necessary in three other fire districts: Riverside, Shiloh Zion, and Camp Creek. These six fire districts are shown in Figure 66.

From an initial interview with the County's EMS Department, the area of Lancaster County that is served by these fire districts is consistent with the EMS Department's future facility improvements. Furthermore, new Parks & Recreation facilities in the northern panhandle area of the County are assumed to be serving a wider catchment area of residents.

An initial boundary for the impact fee study is defined below as the Greater Panhandle.

Figure 66. Greater Panhandle Study Area



Population and Housing Characteristics

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on County infrastructure and services. Thus, it is important to differentiate between housing types and size.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends that fees for residential development in Lancaster be imposed according to persons per housing unit.

Figure 67 shows the US Census American Community Survey 2018 5-Year Estimates data for the two census tracts that represent most of the Greater Panhandle (census tracts 112.01 and 112.02). Single family units have a household size of 2.48 persons per unit and multifamily units have a household size of 1.79 persons per unit.

The figure below illustrates the **PPHU factors that will be used to project population**. The figure is used solely to calculate the PPHU factors, base year housing stock and population estimates are detailed in the following section.

Figure 67. Greater Panhandle Persons per Housing Unit

Housing Type	Persons	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix	Vacancy Rate
Single Family [1]	31,101	11,914	2.61	12,522	**2.48**	97%	5%
Multifamily [2]	712	355	2.01	397	**1.79**	3%	11%
Total	31,813	12,269	2.59	12,919	**2.46**	100%	5%

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates
[1] Includes detached and attached single family homes and mobile homes.
[2] Includes dwellings in structures with two or more units.

Housing types have different characteristics which results in a different demand on County facilities and services. In the development impact fee schedule, there will be three housing types included: single family detached (includes mobile home), single family attached, and multifamily. Using Public Use Microdata (PUM) available through the U.S. Census Bureau, a PPHU factor is able to be calculated for single family attached units, while the single family detached housing type factor in Figure 67 is adjusted without the attached units. The multifamily PPHU is consistent with the factor in Figure 67. Those PPHU factors are listed below in Figure 68.

Figure 68. Persons per Housing Unit by Housing Type

Housing Type	Persons per Housing Unit
Single Family Detached [1]	2.52
Single Family Attached	2.14
Multifamily [2]	1.79

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates; PUMS 2018 5-Year Estimate, SC PUMA 700
[1] Includes single family detached and mobile homes
[2] Includes dwellings in structures with two or more units

Base Year Housing Units and Population

There has been a relatively high and consistent annual housing grow in Lancaster County. Shown in Figure 69, over the past five years there has been an annual average of 1,074 single family housing units and 320 multifamily units, a total of nearly 1,400 housing units. According to County staff, the majority of the recent housing growth has been in the panhandle areas as well. It is estimated that 84 percent of the building permits were for development in the study area.

Figure 69. Lancaster County Building Permit Historical Totals

Housing Type	2015	2016	2017	2018	2019	Total	Average
Single Family [1]	1,107	929	944	985	1,407	5,372	1,074
Multifamily	N/A	117	312	589	260	1,278	320
Total	1,107	1,046	1,256	1,574	1,667	6,650	1,394

Source: Planning Department, Lancaster County, SC
[1] Single family housing type includes townhouses

Base Year Housing Units

Based on a parcel level database provided by the Lancaster County Assessor's Office, there are 18,374 single family housing units in the Greater Panhandle. Multifamily units are not tracked in the parcel database. Lancaster County staff provided a database of multifamily developments to estimate units, 1,853 multifamily units are estimated in the study area. In total, there are 20,227 housing units.

Figure 70. Greater Panhandle Base Year Housing Units

Housing Type	Base Year 2020	Percent
Single Family [1]	18,374	91%
Multifamily [2]	1,853	9%
Total	20,227	100%

[1] Source: Lancaster County Assessor's Office Parcel Database; TischlerBise analysis
[2] Estimate of multifamily units is provided by a database of developments from Lancaster County

Base Year Population

The base year population is found by applying the PPHU factors to the base year housing stock estimates. As a result, there is an estimate of 48,885 residents in the Greater Panhandle.

Figure 71. Greater Panhandle Base Year Population

Housing Type	Base Year Housing Units	Persons per Housing Unit [1]	Base Year Population
Single Family	18,374	2.48	45,568
Multifamily	1,853	1.79	3,317
Total	20,227		48,885

[1] Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates

Population and Housing Projections

Based on the County's database of single family pipeline projects in the Panhandle, there is an estimated 4,746 single family units to be constructed in the next three years (Years 1-3). Additionally, there are 5,996 single family units anticipated to be constructed in the following three years (Years 4-6). Overall, 10,742 single family units are projected over the next six years. In the following years (Years 7-10), the 5-year annual average for single family building permits (907 units) is projected. This results in 14,371 single family units over the next ten year.

Based on the County's database of multifamily pipeline projects in the Panhandle, there is an estimated 1,292 multifamily units to be constructed in the next three years (Years 1-3). Additionally, there are 436 multifamily units anticipated to be constructed in the following three years (Years 4-6). Overall, 1,728 multifamily units are projected over the next six years. In the following years (Years 7-10), the 5-year annual average for multifamily building permits (270 units) is projected. This results in 2,807 multifamily units over the next ten year.

Furthermore, population projections are estimated based on the new housing growth and PPHU factors. For example, the annual growth in single family units is multiplied by the PPHU for the single family housing type to project new residents. Overall, there is a projected increase of 40,664 residents, an 83 percent increase from the base year.

Although the housing projections are significant (1,717 new homes per year), it is consistent with the high and increasing rate of new building permits in Lancaster County.

Figure 72. Greater Panhandle Residential Development Projections

Lancaster County Greater Panhandle	Base Year 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Increase
Population [2]	48,885	53,579	58,273	62,967	68,184	73,401	78,618	81,350	84,083	86,816	89,549	40,664
Housing Units [1]												
Single Family	18,374	19,956	21,538	23,120	25,119	27,117	29,116	30,023	30,930	31,838	32,745	14,371
Multifamily	1,853	2,284	2,714	3,145	3,290	3,436	3,581	3,851	4,121	4,390	4,660	2,807
Total	20,227	22,240	24,252	26,265	28,409	30,553	32,697	33,874	35,051	36,228	37,405	17,178

[1] Source: Housing growth in the first six years is based off of current and pipeline projects. Growth projections after Year 6 is the 5-year average of building permits. Data provided by Lancaster County.

[2] Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates

Current Nonresidential Floor Area and Employment

Available through the County's Assessor's Office parcel database, nonresidential floor area was summed into six industries: retail, office, industrial, warehouse, healthcare, and institutional. In total, there are 9.6 million square feet in the Greater Panhandle. The retail, office, and industrial sectors have a similar presence in the study area.

Figure 73. Greater Panhandle Nonresidential Floor Area

Industry Sector	Floor Area (sq. ft.)	%
Retail	2,119,174	22%
Office	1,896,043	20%
Industrial	2,527,149	26%
Warehouse	1,272,502	13%
Healthcare	401,619	4%
Institutional	1,364,501	14%
Total	9,580,988	100%

Source: Lancaster County Assessor's Office Parcel Database; TischlerBise analysis

Base year employee estimates are calculated by applying employee density factors to the base year floor area. Those density factors are provided in the Institute of Transportation Engineers (ITE) Trip Generation (2017) and listed in Figure 74.

Figure 74. Institute of Transportation Engineers Employee Density Factors

ITE Code	Land Use	Demand Unit	Emp Per Dmd Unit	Sq Ft Per Emp
820	Shopping Center (avg size)	1,000 Sq Ft	2.34	427
710	General Office (avg size)	1,000 Sq Ft	2.97	337
110	Light Industrial	1,000 Sq Ft	1.63	615
150	Warehousing	1,000 Sq Ft	0.34	2,902
610	Hospital	1,000 Sq Ft	2.83	354
520	Elementary School	1,000 Sq Ft	0.93	1,076

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

Listed in Figure 75, from applying employee density factors there are a total of 17,549 employees in the Greater Panhandle study area. A majority of the jobs are in the office, retail, and industrial sectors.

Figure 75. Greater Panhandle Base Year Employees

Industry Sector	Floor Area (sq. ft.) [1]	Sq. Ft. per Emp. [2]	Base Year Employees
Retail	2,119,174	427	4,966
Office	1,896,043	337	5,630
Industrial	2,527,149	615	4,110
Warehouse	1,272,502	2,902	438
Healthcare	401,619	354	1,136
Institutional	1,364,501	1,076	1,268
Total	9,580,988		17,549

[1] Source: Lancaster County Assessor's Office Parcel Database; TischlerBise analysis

[2] Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

Nonresidential Floor Area and Employment Projections

Available from the South Carolina Department of Employment & Workforce are employment projections for the Catawba Workforce Development Area. The Development Area includes Lancaster, York, and Chester Counties. It is assumed that Lancaster County's Greater Panhandle will be a growing employment center for the Development Area and the annual growth rate for the study area will be consistent with the Development Area's projected growth rate.

Figure 76. Nonresidential Growth Rate

Industry Sector	Annual Growth Rate
Retail	2.40%
Office	1.10%
Industrial	1.53%
Warehouse	1.53%
Healthcare	2.42%
Institutional	0.87%

Source: SC Dept of Employment & Workforce projections for the Catawba Workforce Development Area

Additionally, there are office development projects in the pipeline that are estimated to generate a total of 2,500 jobs. Also, a new hospital is anticipated to be constructed in the panhandle and will generate 400 jobs. These projects are anticipated to be complete within the next three years and are included in the projections.

By applying the growth rates, pipeline projects, and the employee density factors the ten-year projections are calculated in Figure 77. The office industry is projected to have the largest increase in jobs (3,147), while the retail industry is projected to increase by 1,100 jobs. Overall employment in the Greater Panhandle is projected to increase by 6,016, which is a 34 percent increase from the base year.

Over the next ten years, it is projected that the study area will grow by 2.6 million nonresidential square feet. The office industry is projected to have the largest increase of 1,060,000 square feet. Overall, this is an increase of 27 percent from the base year floor area total.

Figure 77. Employment and Nonresidential Floor Area Projections

Lancaster County Greater Panhandle	Base Year 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Increase
Jobs												
Retail	4,966	5,085	5,207	5,332	5,460	5,591	5,725	5,862	6,003	6,147	6,295	1,329
Office	5,630	6,464	7,297	8,130	8,220	8,310	8,402	8,494	8,587	8,682	8,777	3,147
Industrial	4,110	4,173	4,236	4,301	4,367	4,434	4,502	4,571	4,641	4,712	4,784	674
Warehouse	438	445	452	459	466	473	480	488	495	503	510	72
Healthcare	1,136	1,269	1,403	1,536	1,573	1,611	1,650	1,690	1,731	1,773	1,816	680
Institutional	1,268	1,279	1,291	1,302	1,313	1,324	1,336	1,348	1,359	1,371	1,383	115
Total	17,549	18,715	19,885	21,060	21,399	21,744	22,095	22,452	22,816	23,187	23,565	6,016
Floor Area (1,000 square feet)												
Retail	2,119	2,170	2,222	2,275	2,330	2,386	2,443	2,502	2,562	2,623	2,686	567
Office	1,896	2,177	2,457	2,738	2,768	2,798	2,829	2,860	2,892	2,924	2,956	1,060
Industrial	2,527	2,566	2,605	2,645	2,685	2,726	2,768	2,811	2,854	2,897	2,942	414
Warehouse	1,273	1,292	1,312	1,332	1,352	1,373	1,394	1,415	1,437	1,459	1,481	209
Healthcare	402	449	496	543	556	570	583	598	612	627	642	240
Institutional	1,365	1,376	1,388	1,400	1,413	1,425	1,437	1,450	1,462	1,475	1,488	123
Total	9,581	10,030	10,480	10,934	11,104	11,278	11,455	11,635	11,818	12,005	12,195	2,614

Source: SC Dept of Employment & Workforce employment growth rate for Catawba Workforce Development Area; Lancaster County Assessor's Office Parcel Database; Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

Functional Population

Both residential and nonresidential developments increase the demand on County services and facilities. To calculate the proportional share between residential and nonresidential demand on service and facilities, a functional population approach is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the County through the 24 hours in a day. Based on available data, the functional population calculation includes countywide totals.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in Lancaster County are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the County are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the County working. Inflow commuters are assigned 10 hours to nonresidential development. Based on 2017 functional population data, residential development accounts for 78 percent of the functional population, while nonresidential development accounts for 22 percent, see Figure 78.

Figure 78. Lancaster County Functional Population

Lancaster County, SC (2017)				
Residential			*Demand*	*Person*
Population*	93,385		*Hours/Day*	*Hours*
Residents Not Working		57,744	20	1,154,880
Employed Residents		35,641		
Employed in Lancaster County		9,587	14	134,218
Employed outside Lancaster County		26,054	14	364,756
			Residential Subtotal	1,653,854
			Residential Share =>	**78%**
Nonresidential				
Non-working Residents		57,744	4	230,976
Jobs Located in Lancaster County		24,636		
Residents Employed in Lancaster County		9,587	10	95,870
Non-Resident Workers (inflow commuters)		15,049	10	150,490
			Nonresidential Subtotal	477,336
			Nonresidential Share =>	**22%**
			TOTAL	2,131,190

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2017 (countywide population)

Vehicle Trip Generation

Residential Vehicle Trips

A customized trip rate is calculated for the single family and multifamily units in the Greater Panhandle. In Figure 79, the most recent data from the U.S. Census American Community Survey is inputted into equations provided by the ITE to calculate the trip ends per housing unit factor. A single family household is estimated to generate 9.90 trip ends on an average weekday and a multifamily household is estimated to generate 5.20 trip ends on an average weekday.

Figure 79. Customized Residential Trip End Rates

		Households (2)			Vehicles per
	Vehicles Available (1)	Single Family*	Multifamily Units	Total HHs	Household by Tenure
Owner-occupied	21,758	11,250	59	11,309	1.92
Renter-occupied	1,533	664	296	960	1.60
TOTAL	**23,291**	**11,914**	**355**	**12,269**	**1.90**
Housing Units (6) =>		12,522	397	12,919	
Persons per Housing Unit =>		2.48	1.79	2.46	

	Persons (3)	Trip Ends (4)	Vehicles by Type of Housing	Trip Ends (5)	Average Trip Ends	**Trip Ends per Housing Unit**	**ITE Trip Ends Per Unit**	**Difference from ITE**
Single Family*	31,101	98,363	22,705	148,767	123,565	**9.90**	9.44	5%
Multifamily	712	1,549	586	2,603	2,076	**5.20**	5.44	-4%
TOTAL	**31,813**	**99,913**	**23,291**	**151,370**	**125,641**	**9.70**		

** Includes Single Family Detached, Attached, and Manufactured Homes*

(1) Vehicles available by tenure from Table B25046, 2014-2018 American Community Survey 5-Year Estimates.

(2) Households by tenure and units in structure from Table B25032, American Community Survey, 2014-2018.

(3) Persons by units in structure from Table B25033, American Community Survey, 2014-2018.

(4) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2017). For single family housing (ITE 210), the fitted curve equation is EXP(0.89*LN(persons)+1.72). To approximate the average population of the ITE studies, persons were divided by 286 and the equation result multiplied by 286. For multifamily housing (ITE 221), the fitted curve equation is (2.29*persons)-81.02.

(5) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2017). For single family housing (ITE 210), the fitted curve equation is EXP(0.99*LN(vehicles)+1.93). To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 485 and the equation result multiplied by 485. For multifamily housing (ITE 220), the fitted curve equation is (3.94*vehicles)+293.58 (ITE 2012).

(6) Housing units from Table B25024, American Community Survey, 2014-2018.

Residential Vehicle Trips Adjustment Factors

A vehicle trip end is the out-bound or in-bound leg of a vehicle trip. As a result, so to not double count trips, a standard 50 percent adjustment is applied to trip ends to calculate a vehicle trip. For example, the out-bound trip from a person's home to work is attributed to the housing unit and the trip from work back home is attributed to the employer.

However, an additional adjustment is necessary to capture County residents' work bound trips that are outside of the County. The trip adjustment factor includes two components. According to the National Household Travel Survey (2009), home-based work trips are typically 31 percent of out-bound trips (which are 50 percent of all trip ends). Also, utilizing the most recent data from the Census Bureau's web application "OnTheMap", 73 percent of Lancaster County workers travel outside the County for work. In combination, these factors account for 11 percent of additional production trips (0.31 x 0.50 x 0.73 = 0.11). Shown in Figure 80, the total adjustment factor for residential housing units includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (11 percent of production trips) for a total of 61 percent.

Figure 80. Trip Adjustment Factor for Commuters

Employed Lancaster County Residents (2017)	35,641
Residents Working in the County (2017)	9,587
Residents Commuting Outside of the County for Work	26,054
Percent Commuting Out of the County	73%
Additional Production Trips	**11%**

Standard Trip Adjustment Factor	**50%**
Residential Trip Adjustment Factor	**61%**

Source: U.S. Census, OnTheMap Application, 2017

Nonresidential Vehicle Trips

Vehicle trip generation for nonresidential land uses are calculated by using ITE's average daily trip end rates and adjustment factors found in their recently published 10th edition of *Trip Generation*. To estimate the trip generation in Lancaster County, the weekday trip end per 1,000 square feet factors listed in Figure 81 are used.

Figure 81. Institute of Transportation Engineers Nonresidential Factors

ITE Code	Land Use	Demand Unit	Wkdy Trip Ends Per Dmd Unit	Wkdy Trip Ends Per Employee
820	Shopping Center (avg size)	1,000 Sq Ft	37.75	16.11
710	General Office (avg size)	1,000 Sq Ft	9.74	3.28
110	Light Industrial	1,000 Sq Ft	4.96	3.05
150	Warehousing	1,000 Sq Ft	1.74	5.05
610	Hospital	1,000 Sq Ft	10.72	3.79
520	Elementary School	1,000 Sq Ft	19.52	21.00

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

For nonresidential land uses, the standard 50 percent adjustment is applied to all industries except for retail. A lower vehicle trip adjustment factor is used for retail because this type of development attracts vehicles as they pass-by on arterial and collector roads. For example, when someone stops at a convenience store on their way home from work, the convenience store is not their primary destination.

In Figure 82, the ITE land use code, daily vehicle trip end rate, trip adjustment factor, and daily vehicle trip rate is listed for each land use.

Figure 82. Daily Vehicle Trip Factors

Land Use	ITE Codes	Daily Vehicle Trip Ends	Trip Adj. Factor	Daily Vehicle Trips
Residential (per housing unit)				
Single Family	210	9.90	61%	6.04
Multifamily	220	5.20	61%	3.17
Nonresidential (per 1,000 square feet)				
Retail	820	37.75	38%	14.35
Office	710	9.74	50%	4.87
Industrial	110	4.96	50%	2.48
Warehouse	150	1.74	50%	0.87
Healthcare	610	10.72	50%	5.36
Institutional	520	19.52	50%	9.76

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017); National Household Travel Survey, 2009

Vehicle Trip Projection

The base year vehicle trip totals and vehicle trip projections are calculated by combining the vehicle trip end factors, the trip adjustment factors, and the residential and nonresidential assumptions for housing stock and floor area. In the Greater Panhandle, residential land uses account for 116,853 vehicle trips and nonresidential land uses account for 62,488 vehicle trips in the base year (Figure 83).

By applying the growth projections to the vehicle trip rates, through 2030, it is estimated that there will be an increase of 112,700 daily vehicle trips with the majority of the growth being generated by residential development (82 percent).

Figure 83. Greater Panhandle Daily Vehicle Trip Projections

Lancaster County Greater Panhandle	Base Year 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Increase
Residential Trips												
Single Family	110,979	120,534	130,090	139,645	151,717	163,789	175,861	181,340	186,820	192,299	197,779	**86,800**
Multifamily	5,874	7,239	8,604	9,970	10,430	10,891	11,352	12,207	13,062	13,917	14,773	**8,899**
Subtotal	116,853	127,773	138,694	149,614	162,147	174,680	187,212	193,547	199,882	206,217	212,551	**95,699**
Nonresidential Trips												
Retail	30,410	31,140	31,887	32,652	33,436	34,238	35,059	35,901	36,762	37,644	38,547	**8,137**
Office	9,234	10,600	11,967	13,334	13,480	13,629	13,779	13,930	14,083	14,238	14,395	**5,161**
Industrial	6,267	6,363	6,461	6,559	6,660	6,762	6,865	6,970	7,077	7,185	7,295	**1,028**
Warehouse	1,107	1,124	1,141	1,159	1,176	1,194	1,213	1,231	1,250	1,269	1,289	**182**
Healthcare	2,153	2,405	2,658	2,911	2,981	3,053	3,127	3,203	3,280	3,360	3,441	**1,288**
Institutional	13,318	13,433	13,550	13,668	13,787	13,907	14,028	14,150	14,273	14,397	14,523	**1,205**
Subtotal	62,488	65,066	67,664	70,283	71,520	72,783	74,071	75,385	76,726	78,094	79,489	**17,001**
Vehicle Trips												
Grand Total	179,341	192,840	206,358	219,897	233,667	247,463	261,283	268,932	276,608	284,310	292,041	**112,700**

Source: Trip Generation, Institute of Transportation Engineers, 10th Edition (2017)

APPENDIX D: SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

https://www.scstatehouse.gov/code/title6.php

CHAPTER 1

General Provisions

ARTICLE 9

Development Impact Fees

SECTION 6-1-910. Short title.

This article may be cited as the "South Carolina Development Impact Fee Act".

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-920. Definitions.

As used in this article:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Capital improvements" means improvements with a useful life of five years or more, by new construction or other action, which increase or increased the service capacity of a public facility.

(3) "Capital improvements plan" means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

(4) "Connection charges" and "hookup charges" mean charges for the actual cost of connecting a property to a public water or public sewer system, limited to labor and materials involved in making pipe connections, installation of water meters, and other actual costs.

(5) "Developer" means an individual or corporation, partnership, or other entity undertaking development.

(6) "Development" means construction or installation of a new building or structure, or a change in use of a building or structure, any of which creates additional demand and need for public facilities. A building or structure shall include, but not be limited to, modular buildings and manufactured housing. "Development" does not include alterations made to existing single-family homes.

(7) "Development approval" means a document from a governmental entity which authorizes the commencement of a development.

(8) "Development impact fee" or "impact fee" means a payment of money imposed as a condition of development approval to pay a proportionate share of the cost of system improvements needed to serve the people utilizing the improvements. The term does not include:

(a) a charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) connection or hookup charges;

(c) amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements;

(d) fees authorized by Article 3 of this chapter.

(9) "Development permit" means a permit issued for construction on or development of land when no subsequent building permit issued pursuant to Chapter 9 of Title 6 is required.

(10) "Fee payor" means the individual or legal entity that pays or is required to pay a development impact fee.

(11) "Governmental entity" means a county, as provided in Chapter 9, Title 4, and a municipality, as defined in Section 5-1-20.

(12) "Incidental benefits" are benefits which accrue to a property as a secondary result or as a minor consequence of the provision of public facilities to another property.

(13) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a ten-year period.

(14) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(15) "Local planning commission" means the entity created pursuant to Article 1, Chapter 29, Title 6.

(16) "Project" means a particular development on an identified parcel of land.

(17) "Proportionate share" means that portion of the cost of system improvements determined pursuant to Section 6-1-990 which reasonably relates to the service demands and needs of the project.

(18) "Public facilities" means:

(a) water supply production, treatment, laboratory, engineering, administration, storage, and transmission facilities;

(b) wastewater collection, treatment, laboratory, engineering, administration, and disposal facilities;

(c) solid waste and recycling collection, treatment, and disposal facilities;

(d) roads, streets, and bridges including, but not limited to, rights-of-way and traffic signals;

(e) storm water transmission, retention, detention, treatment, and disposal facilities and flood control facilities;

(f) public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities;

(g) capital equipment and vehicles, with an individual unit purchase price of not less than one hundred thousand dollars including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and storm water management and control;

(h) parks, libraries, and recreational facilities;

(i) public education facilities for grades K-12 including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary for the proper public education of the state's children.

(19) "Service area" means, based on sound planning or engineering principles, or both, a defined geographic area in which specific public facilities provide service to development within the area defined. Provided, however, that no provision in this article may be interpreted to alter, enlarge, or reduce the service area or boundaries of a political subdivision which is authorized or set by law.

(20) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(21) "System improvements" means capital improvements to public facilities which are designed to provide service to a service area.

(22) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering, and other costs attributable to the improvements, and also including the costs of providing additional public facilities needed to serve new growth and development. System improvement costs do not include:

(a) construction, acquisition, or expansion of public facilities other than capital improvements identified in the capital improvements plan;

(b) repair, operation, or maintenance of existing or new capital improvements;

(c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(e) administrative and operating costs of the governmental entity; or

(f) principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

HISTORY: 1999 Act No. 118, Section 1; 2016 Act No. 229 (H.4416), Section 2, eff June 3, 2016.

Effect of Amendment

2016 Act No. 229, Section 2, added (18)(i), relating to certain public education facilities.

SECTION 6-1-930. Developmental impact fee.

(A)(1) Only a governmental entity that has a comprehensive plan, as provided in Chapter 29 of this title, and which complies with the requirements of this article may impose a development impact fee. If a governmental entity has not adopted a comprehensive plan, but has adopted a capital improvements plan which substantially complies with the requirements of Section 6-1-960(B), then it may impose a development impact fee. A governmental entity may not impose an impact fee, regardless of how it is designated, except as provided in this article. However, a special purpose district or public service district which (a) provides fire protection services or recreation services, (b) was created by act of the General Assembly prior to 1973, and (c) had the power to impose development impact fees prior to the effective date of this section is not prohibited from imposing development impact fees.

(2) Before imposing a development impact fee on residential units, a governmental entity shall prepare a report which estimates the effect of recovering capital costs through impact fees on the availability of affordable housing within the political jurisdiction of the governmental entity.

(B)(1) An impact fee may be imposed and collected by the governmental entity only upon the passage of an ordinance approved by a positive majority, as defined in Article 3 of this chapter.

(2) The amount of the development impact fee must be based on actual improvement costs or reasonable estimates of the costs, supported by sound engineering studies.

(3) An ordinance authorizing the imposition of a development impact fee must:

(a) establish a procedure for timely processing of applications for determinations by the governmental entity of development impact fees applicable to all property subject to impact fees and for the timely processing of applications for individual assessment of development impact fees, credits, or reimbursements allowed or paid under this article;

(b) include a description of acceptable levels of service for system improvements; and

(c) provide for the termination of the impact fee.

(C) A governmental entity shall prepare and publish an annual report describing the amount of all impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area.

(D) Payment of an impact fee may result in an incidental benefit to property owners or developers within the service area other than the fee payor, except that an impact fee that results in benefits to property owners or developers within the service area, other than the fee payor, in an amount which is greater than incidental benefits is prohibited.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-940. Amount of impact fee.

A governmental entity imposing an impact fee must provide in the impact fee ordinance the amount of impact fee due for each unit of development in a project for which an individual building permit or certificate of occupancy is issued. The governmental entity is bound by the amount of impact fee specified in the ordinance and may not charge higher or additional impact fees for the same purpose unless the number of service units increases or the scope of the development changes and the amount of additional impact fees is limited to the amount attributable to the additional service units or change in scope of the development. The impact fee ordinance must:

(1) include an explanation of the calculation of the impact fee, including an explanation of the factors considered pursuant to this article;

(2) specify the system improvements for which the impact fee is intended to be used;

(3) inform the developer that he may pay a project's proportionate share of system improvement costs by payment of impact fees according to the fee schedule as full and complete payment of the developer's proportionate share of system improvements costs;

(4) inform the fee payor that:

(a) he may negotiate and contract for facilities or services with the governmental entity in lieu of the development impact fee as defined in Section 6-1-1050;

(b) he has the right of appeal, as provided in Section 6-1-1030;

(c) the impact fee must be paid no earlier than the time of issuance of the building permit or issuance of a development permit if no building permit is required.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-950. Procedure for adoption of ordinance imposing impact fees.

(A) The governing body of a governmental entity begins the process for adoption of an ordinance imposing an impact fee by enacting a resolution directing the local planning commission to conduct the studies and to recommend an impact fee ordinance, developed in accordance with the requirements of this article. Under no circumstances may the governing body of a governmental entity impose an impact fee for any public facility which has been paid for entirely by the developer.

(B) Upon receipt of the resolution enacted pursuant to subsection (A), the local planning commission shall develop, within the time designated in the resolution, and make recommendations to the governmental entity for a capital improvements plan and impact fees by service unit. The local planning commission shall prepare and adopt its recommendations in the same manner and using the same procedures as those used for developing recommendations for a comprehensive plan as provided in Article 3, Chapter 29, Title 6, except as otherwise provided in this article. The commission shall review and update the capital improvements plan and impact fees in the same manner and on the same review cycle as the governmental entity's comprehensive plan or elements of it.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-960. Recommended capital improvements plan; notice; contents of plan.

(A) The local planning commission shall recommend to the governmental entity a capital improvements plan which may be adopted by the governmental entity by ordinance. The recommendations of the commission are not binding on the governmental entity, which may amend or alter the plan. After reasonable public notice, a public hearing must be held before final action to adopt the ordinance approving the capital improvements plan. The notice must be published not less than thirty days before the time of the hearing in at least one newspaper of general circulation in the county. The notice must advise the public of the time and place of the hearing, that a copy of the capital improvements plan is available for public inspection in the offices of the governmental entity, and that members of the public will be given an opportunity to be heard.

(B) The capital improvements plan must contain:

(1) a general description of all existing public facilities, and their existing deficiencies, within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources, including existing sources of revenues, related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage;

(2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of existing public facilities, which must be prepared by a qualified professional using generally accepted principles and professional standards;

(3) a description of the land use assumptions;

(4) a definitive table establishing the specific service unit for each category of system improvements and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, agricultural, and industrial, as appropriate;

(5) a description of all system improvements and their costs necessitated by and attributable to new development in the service area, based on the approved land use assumptions, to provide a level of service not to exceed the level of service currently existing in the community or service area, unless a different or higher level of service is required by law, court order, or safety consideration;

(6) the total number of service units necessitated by and attributable to new development within the service area based on the land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(7) the projected demand for system improvements required by new service units projected over a reasonable period of time not to exceed twenty years;

(8) identification of all sources and levels of funding available to the governmental entity for the financing of the system improvements; and

(9) a schedule setting forth estimated dates for commencing and completing construction of all improvements identified in the capital improvements plan.

(C) Changes in the capital improvements plan must be approved in the same manner as approval of the original plan.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-970. Exemptions from impact fees.

The following structures or activities are exempt from impact fees:

(1) rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;

(2) remodeling or repairing a structure that does not result in an increase in the number of service units;

(3) replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;

(4) placing a construction trailer or office on a lot during the period of construction on the lot;

(5) constructing an addition on a residential structure which does not increase the number of service units;

(6) adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;

(7) all or part of a particular development project if:

(a) the project is determined to create affordable housing; and

(b) the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees;

(8) constructing a new elementary, middle, or secondary school; and

(9) constructing a new volunteer fire department.

HISTORY: 1999 Act No. 118, Section 1; 2016 Act No. 229 (H.4416), Section 1, eff June 3, 2016.

Effect of Amendment

2016 Act No. 229, Section 1, added (8) and (9), relating to certain schools and volunteer fire departments.

SECTION 6-1-980. Calculation of impact fees.

(A) The impact fee for each service unit may not exceed the amount determined by dividing the costs of the capital improvements by the total number of projected service units that potentially could use the capital improvement. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee for each service unit must be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to the projected new service units by the total projected new service units.

(B) An impact fee must be calculated in accordance with generally accepted accounting principles.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-990. Maximum impact fee; proportionate share of costs of improvements to serve new development.

(A) The impact fee imposed upon a fee payor may not exceed a proportionate share of the costs incurred by the governmental entity in providing system improvements to serve the new development. The proportionate share is the cost attributable to the development after the governmental entity reduces the amount to be imposed by the following factors:

(1) appropriate credit, offset, or contribution of money, dedication of land, or construction of system improvements; and

(2) all other sources of funding the system improvements including funds obtained from economic development incentives or grants secured which are not required to be repaid.

(B) In determining the proportionate share of the cost of system improvements to be paid, the governmental entity imposing the impact fee must consider the:

(1) cost of existing system improvements resulting from new development within the service area or areas;

(2) means by which existing system improvements have been financed;

(3) extent to which the new development contributes to the cost of system improvements;

(4) extent to which the new development is required to contribute to the cost of existing system improvements in the future;

(5) extent to which the new development is required to provide system improvements, without charge to other properties within the service area or areas;

(6) time and price differentials inherent in a fair comparison of fees paid at different times; and

(7) availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1000. Fair compensation or reimbursement of developers for costs, dedication of land or oversize facilities.

A developer required to pay a development impact fee may not be required to pay more than his proportionate share of the costs of the project, including the payment of money or contribution or dedication of land, or to oversize his facilities for use of others outside of the project without fair compensation or reimbursement.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1010. Accounting; expenditures.

(A) Revenues from all development impact fees must be maintained in one or more interest-bearing accounts. Accounting records must be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees must be considered funds of the account on which it is earned, and must be subject to all restrictions placed on the use of impact fees pursuant to the provisions of this article.

(B) Expenditures of development impact fees must be made only for the category of system improvements and within or for the benefit of the service area for which the impact fee was imposed as shown by the capital improvements plan and as authorized in this article. Impact fees may not be used for:

(1) a purpose other than system improvement costs to create additional improvements to serve new growth;

(2) a category of system improvements other than that for which they were collected; or

(3) the benefit of service areas other than the area for which they were imposed.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1020. Refunds of impact fees.

(A) An impact fee must be refunded to the owner of record of property on which a development impact fee has been paid if:

(1) the impact fees have not been expended within three years of the date they were scheduled to be expended on a first-in, first-out basis; or

(2) a building permit or permit for installation of a manufactured home is denied.

(B) When the right to a refund exists, the governmental entity shall send a refund to the owner of record within ninety days after it is determined by the entity that a refund is due.

(C) A refund must include the pro rata portion of interest earned while on deposit in the impact fee account.

(D) A person entitled to a refund has standing to sue for a refund pursuant to this article if there has not been a timely payment of a refund pursuant to subsection (B) of this section.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1030. Appeals.

(A) A governmental entity which adopts a development impact fee ordinance shall provide for administrative appeals by the developer or fee payor.

(B) A fee payor may pay a development impact fee under protest. A fee payor making the payment is not estopped from exercising the right of appeal provided in this article, nor is the fee payor estopped from receiving a refund of an amount considered to have been illegally collected. Instead of making a

payment of an impact fee under protest, a fee payor, at his option, may post a bond or submit an irrevocable letter of credit for the amount of impact fees due, pending the outcome of an appeal.

(C) A governmental entity which adopts a development impact fee ordinance shall provide for mediation by a qualified independent party, upon voluntary agreement by both the fee payor and the governmental entity, to address a disagreement related to the impact fee for proposed development. Participation in mediation does not preclude the fee payor from pursuing other remedies provided for in this section or otherwise available by law.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1040. Collection of development impact fees.

A governmental entity may provide in a development impact fee ordinance the method for collection of development impact fees including, but not limited to:

(1) additions to the fee for reasonable interest and penalties for nonpayment or late payment;

(2) withholding of the certificate of occupancy, or building permit if no certificate of occupancy is required, until the development impact fee is paid;

(3) withholding of utility services until the development impact fee is paid; and

(4) imposing liens for failure to pay timely a development impact fee.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1050. Permissible agreements for payments or construction or installation of improvements by fee payors and developers; credits and reimbursements.

A fee payor and developer may enter into an agreement with a governmental entity, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services. That agreement may provide for the construction or installation of system improvements by the fee payor or developer and for credits or reimbursements for costs incurred by a fee payor or developer including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one development project. An impact fee may not be imposed on a fee payor or developer who has entered into an agreement as described in this section.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1060. Article shall not affect existing laws.

(A) The provisions of this article do not repeal existing laws authorizing a governmental entity to impose fees or require contributions or property dedications for capital improvements. A development impact fee adopted in accordance with existing laws before the enactment of this article is not affected until termination of the development impact fee. A subsequent change or reenactment of the development impact fee must comply with the provisions of this article. Requirements for developers to pay in whole

or in part for system improvements may be imposed by governmental entities only by way of impact fees imposed pursuant to the ordinance.

(B) Notwithstanding another provision of this article, property for which a valid building permit or certificate of occupancy has been issued or construction has commenced before the effective date of a development impact fee ordinance is not subject to additional development impact fees.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1070. Shared funding among units of government; agreements.

(A) If the proposed system improvements include the improvement of public facilities under the jurisdiction of another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public service district, an agreement between the governmental entity and other unit of government must specify the reasonable share of funding by each unit. The governmental entity authorized to impose impact fees may not assume more than its reasonable share of funding joint improvements, nor may another unit of government which is not authorized to impose impact fees do so unless the expenditure is pursuant to an agreement under Section 6-1-1050 of this section.

(B) A governmental entity may enter into an agreement with another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public service district, that has the responsibility of providing the service for which an impact fee may be imposed. The determination of the amount of the impact fee for the contracting governmental entity must be made in the same manner and is subject to the same procedures and limitations as provided in this article. The agreement must provide for the collection of the impact fee by the governmental entity and for the expenditure of the impact fee by another unit of government including, but not limited to, a special purpose district that does not provide water and wastewater utilities, a school district, and a public services district unless otherwise provided by contract.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1080. Exemptions; water or wastewater utilities.

The provisions of this chapter do not apply to a development impact fee for water or wastewater utilities, or both, imposed by a city, county, commissioners of public works, special purpose district, or nonprofit corporation organized pursuant to Chapter 35 or 36 of Title 33, except that in order to impose a development impact fee for water or wastewater utilities, or both, the city, county, commissioners of public works, special purpose district or nonprofit corporation organized pursuant to Chapter 35 or 36 of Title 33 must:

(1) have a capital improvements plan before imposition of the development impact fee; and

(2) prepare a report to be made public before imposition of the development impact fee, which shall include, but not be limited to, an explanation of the basis, use, calculation, and method of collection of the development impact fee; and

(3) enact the fee in accordance with the requirements of Article 3 of this chapter.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-1090. Annexations by municipalities.

A county development impact fee ordinance imposed in an area which is annexed by a municipality is not affected by this article until the development impact fee terminates, unless the municipality assumes any liability which is to be paid with the impact fee revenue.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-2000. Taxation or revenue authority by political subdivisions.

This article shall not create, grant, or confer any new or additional taxing or revenue raising authority to a political subdivision which was not specifically granted to that entity by a previous act of the General Assembly.

HISTORY: 1999 Act No. 118, Section 1.

SECTION 6-1-2010. Compliance with public notice or public hearing requirements.

Compliance with any requirement for public notice or public hearing in this article is considered to be in compliance with any other public notice or public hearing requirement otherwise applicable including, but not limited to, the provisions of Chapter 4, Title 30, and Article 3 of this chapter.

HISTORY: 1999 Act No. 118, Section 1.

Fees Comparison Sheet (Fort Mill and York County)

Building Permits

(Includes Building Plan Review Fee)

(Real Live Lancaster County Example Projects- IN RED)

Development Type

	Lancaster County	Fort Mill	York County
-Multifamily (Parkstone Apts.- Building #1) (Area: 40,958 sq.ft./Job Valuation: $4,618,425)	38,103.00	$13,632.31	$28,700.55
-Retail (Mercantile) (Aldi Grocery store) (Area: 21,720 sq.ft./ Job Valuation: $1,681,515)	$13,874.00	$6,290.04	$11,079.09
-Office (Business) (CrossRidge One) (Area: 121,155 sq.ft./Job Valuation: $17,192,380)	$141,838.00	$36,076.00	$104,144.28
-Industrial (Factory) (Nutramax Expansion) (Area: 110,000 sq.ft./Job Valuation: $15,128,638)	$124,812.00	$33,497.05	$91,761.83
-Warehouse (Storage) (Unique Loom Addition) (Area: 99,935 sq.ft./ Job Valuation: $9,462,846)	$78,070.00	$5,929.14	$57,767.07
-Healthcare (Business) (Fort Mill Dental) (Area: 8,302/ Job Valuation: $1,036,668)	$8,553.00	$4,677.93	$7,210.01
Institutional (Assist.Living/I-1) (Gardens at Avondale) (Area: 42,158/Job Valuation: $6,273,415)	$51,757	$17,769.79	38,630.49
-Educational (Child Daycare) (Goddard School) (Area: 10,698/ Jon Valuation: $1,575,281)	$12,997.00	$6,024.45	$10,441.68
Assembly (Church) (Pleasant Hill UMC Life Center) (Area: 10,373/ Job Valuation: 2,004,161)	$16,536.00	$7,096.65	$13,014.96
Assembly (Clubhouse) (Overlook@ Barber Rock) (Area: 1,582/ Job Valuation: $272,658)	$2,250.00	$1,574.54	$2,284.94

Assembly (Restaurant) (Chili's Restaurant) (Area: 4,488 sq.ft./Job Valuation: $653,947)	$5,396.00	$3,288.55	$4,913.69

Additional Information

1. Enterprise versus Non-Enterprise Communities: Both Fort Mill and York County have significant Enterprise services with their utility programs. In some communities lower permit fees can help drive the utility growth.

2. Fort Mill Fee Increases: At the time Building Inspections staff collected their data, Fort Mill was in the processes of researching fees to propose a substantive increase. This would be part of the proposed budget for next fiscal year and is not final.

3. Civil Plan Review: Civil plan reviews in the two comparable communities were significantly higher than Lancaster County. This is not reflected in the data.

Other Fees-Business License

Business License Fees:

Neither York County nor Mecklenburg County impose business license fees.

Town of Fort Mill does have a business license in place and the fee schedule is below:

Rate Class	Minimum Fee (Up to $2,000 in Gross Revenue)	Rate Per Additional $1,000 in Revenue over $2,000 (or fraction thereof)
1	$25.00	$1.00
2	$30.00	$1.05
3	$35.00	$1.10
4	$40.00	$1.15
5	$45.00	$1.20
6	$50.00	$1.25
7	$55.00	$1.30
8.1	$35.00	$1.10
8.1A	$70.00	$2.20
8.2	$235.00 (Statute)	N/A
8.3	MASC Telecomm.	N/A
8.4	$60.00	$1.75
8.5	$25.00	$1.00
8.6	$150.00	$1.75
8.6A	$5.00	$1.75
8.7	MASC Insurance	N/A
8.8A	$12.50 + 12.50/machine	N/A
8.8B	$70.00	$2.10
8.8C	$12.50 + $180.00/machine	N/A
8.9	$150.00	$1.75
8.10	$60.00 + $5.00/table	$1.35

The Lancaster News

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NOTICE OF PUBLIC HEARING
Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, April 26, 2021, at 6:00 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on Ordinance No. 2021-1705, an ordinance titled **"AN ORDINANCE ADOPTING PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS; PROVIDING FOR THE APPROPRIATION OF IMPACT FEE FUNDS; PROVIDING FOR REFUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."** Public comments may be made in person at the hearing or submitted in written format to be provided to County Council at the public hearing. Comments made in person or in writing should be limited to three (3) minutes in duration if read aloud. Written comments may be submitted either by online submission by selecting the "public hearing comments" quick link located on the county website homepage (https://www.mylancastersc.org/), by email to ssimpson@lancastersc.net, or by mail addressed to Clerk to Council at Post Office Box 1809, Lancaster, SC 29721 with the Ordinance number or other appropriate identifier clearly referenced in the communication. At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee or by submission of written comments.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of April 7, 2021

Benita G Crumbs
Notary Public of South Carolina

My Commission Expires
January 13, 2031

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1725
Contact Person / Sponsor: Steve Willis/County Administrator and John DuBose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to Impose a Parks and Recreation Development Impact Fee.

Points to Consider:
The Parks & Recreation 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 Parks & Recreation facility system improvement needs.

The proposed residential parks and recreation development impact fee schedule is as follows:

Development Type	Parks & Recreation
Residential (per housing unit)	
Single Family Detached	$784
Single Family Attached	$666
Multifamily	$557

The proposed 3rd reading version of the ordinance incorporates a October 1, 2021 effective date and provides that projects that have received approval of a site specific development plan prior to the effective date are not subject to imposition of the impact fee. This revised proposed development approval milestone provides greater clarity as to applicability of the effective date for a wider variety of pending development projects and is easier to administer for staff. Amendment of the proposed development milestone is the only change in the proposed 3rd reading version.

If the 3rd reading version of the ordinance meets with the approval of County Council it should be adopted by a motion to amend the present version of the ordinance.

Funding and Liability Factors:
Impact fees are proposed to be paid at issuance of a building permit.

Impact fees must be paid within three (3) years of their scheduled expenditure date on a first in first out basis or they must be refunded.

Council Options:
Approve or Disapprove imposition of a Parks and Recreation Impact Fee

Recommendation:
Not Applicable

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1725 Parks and Recreation Development Impact Fee	4/7/2021	Ordinance
Ordinance 2021-1725 proposed 3rd reading version	4/20/2021	Ordinance

STATE OF SOUTH CAROLINA	**)**	
	)	**ORDINANCE NO. 2021-1725**
COUNTY OF LANCASTER	**)**	

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A PARKS & RECREATION DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT PARKS & RECREATION FACILITIES WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR PARKS & RECREATION FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH PARKS & RECREATION FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT.

The County Council finds and determines that:

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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Parks & Recreation facility system improvements (park land, park improvements, and recreation centers) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Parks & Recreation facilities (park land, park improvements, and recreation centers); and

WHEREAS, this defined level of service standard and the projected population growth within the Greater Panhandle region results in an identified need for Parks & Recreation facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Parks & Recreation facility system improvement needs as

identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new Parks & Recreation facility system improvements (park land, park improvements, and recreation centers) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Parks & Recreation facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Parks & Recreation facility system improvements, in part, through a proportionate share Parks & Recreation development impact fee; and

WHEREAS, County Council finds the Parks & Recreation development impact fee will be imposed uniformly on all similar residential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Parks & Recreation facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Parks & Recreation development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Parks & Recreation facility system improvements needed to maintain levels of service for Parks & Recreation facilities to accommodate new development in the Greater Panhandle region of the County; and

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

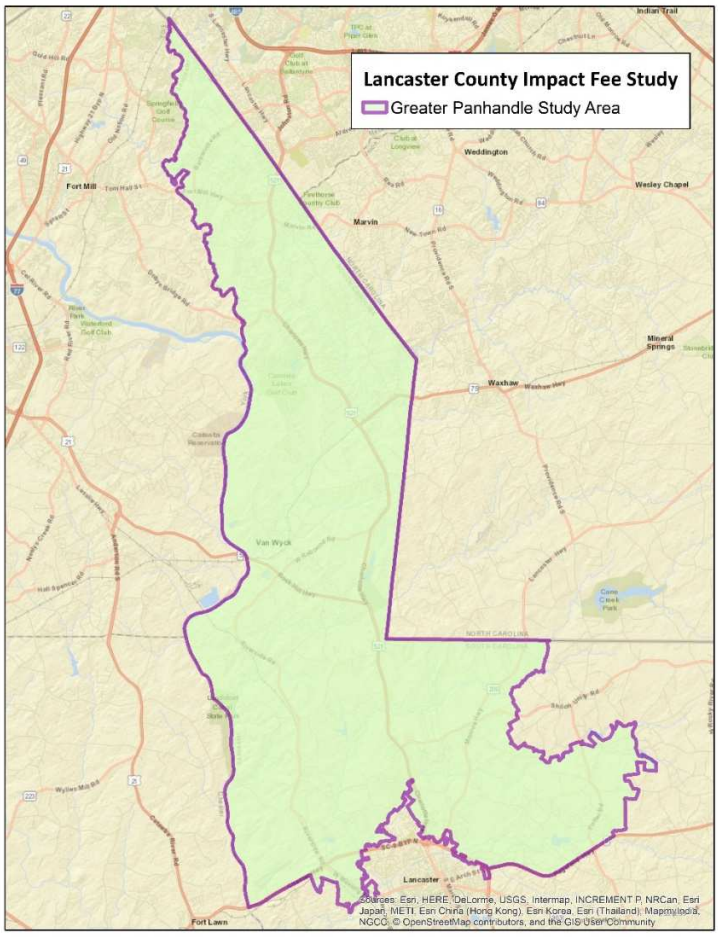
SECTION I. ADOPTION AND IMPOSITION OF PARKS & RECREATION IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in the Code of Ordinances, Lancaster County, South Carolina ("County Code"), Chapter 17, this Parks & Recreation development impact fee shall be adopted and imposed on all new development in the Parks & Recreation Service Area.

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for Parks & Recreation development impact fees. The service area includes the entire Greater Panhandle and is known as the "Parks & Recreation Service Area".

A. Map of Parks & Recreation Service Area



SECTION III. 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 Parks & Recreation development impact fees, and the capital improvement plan (CIP) for Parks & Recreation facility system improvements set out in *Development Impact Fee Study* prepared by Tischler Bice, dated March 31, 2021 (hereinafter "Parks & Recreation development impact fee study"). The Parks & Recreation 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 Parks & Recreation facility system improvement needs.

SECTION IV. IMPOSITION OF PARKS & RECREATION IMPACT FEES.

A. The Parks & Recreation development impact fee shall be imposed on all new development in the Parks & Recreation Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to the Code of Ordinances, Lancaster County, South Carolina ("County Code"), Section 17-9 of the County Code.

B. The Parks & Recreation 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 V. PARKS & RECREATION 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 Parks & Recreation development impact fee study and CIP, Parks & Recreation impact development fees shall be imposed in the Parks & Recreation Service Area.

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 Residential Parks & Recreation Development Impact Fee Schedule;

i. Residential Parks & Recreation Development Impact Fee Schedule

Development Type	Parks & Recreation
Residential (per housing unit)	
Single Family Detached	$784
Single Family Attached	$666
Multifamily	$557

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 16, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Parks & Recreation development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Parks & Recreation 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 Parks & Recreation facility system improvements used in the Parks & Recreation development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Parks & Recreation 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 Parks & Recreation development impact fee study and CIP and reflected in the Parks & Recreation 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 Parks & Recreation 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 Parks & Recreation facility system improvements created by the proposed new development than the applicable fees in the Parks & Recreation Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Parks & Recreation development impact fee under this section may apply for credit against Parks & Recreation development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Parks & Recreation facility system improvements that are accepted by the County Council for Parks & Recreation facility systems improvements identified in the CIP.

C. Valuation of Credits

(1) Credit for land dedication for Parks & Recreation facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Parks & Recreation facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Parks & Recreation facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

D. When Credits Become Effective

(1) Credits for land dedication for Parks & Recreation facility system improvements shall

become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Parks & Recreation facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Parks & Recreation facility system improvements shall be transferable within the same development for Parks & Recreation 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Parks & Recreation development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Parks & Recreation facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Parks & Recreation development impact fees the feepayer shall receive for the contribution or construction of Parks & Recreation buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct Parks & Recreation facility system improvements in the CIP, to the extent the fair market value of the construction of those Parks & Recreation facility system improvements exceed the obligation to pay Parks & Recreation 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 Parks & Recreation facility system improvements constructed.

SECTION VIII. TRUST FUND FOR PARKS & RECREATION DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Parks & Recreation Development Impact Fee Trust Fund Account. All Parks & Recreation development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Parks & Recreation development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Parks & Recreation development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter 17 of the County Code, solely and exclusively for Parks & Recreation facility system improvements as set forth in the Parks & Recreation development impact fee study and CIP. System improvements generally include the following: buildings that expand the capacity of the Parks & Recreation system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures 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 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 Parks & Recreation development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Parks & Recreation 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, from requesting a refund, or 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 of the County Code.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Parks & Recreation development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Section 17-7 of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County Development Impact Fee Procedures Chapter 17 of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised

individually or collectively, but only in accordance with the impact fee procedures in Section 17-8 of the County Code;

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Parks & Recreation development impact fees due, pursuant to the impact fee procedures 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 Parks & Recreation development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required Parks & Recreation 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Parks & Recreation development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Parks & Recreation facility system improvements by each governmental unit; and

B. Provide for the collection of the Parks & Recreation development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Parks & Recreation development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the Parks & Recreation development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE PARKS & RECREATION IMPACT FEES.

The Parks & Recreation development impact fees shall terminate upon the completion/conclusion/purchase of all the Parks & Recreation development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Parks & Recreation development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on October 1, 2021.

B. If a development project has achieved the following development approval milestones prior to the effective date of this Ordinance, the development project is not subject to a development impact fee:

Single family residential projects: preliminary plat approval

Multifamily/nonresidential projects: civil construction plan approval

ADOPTED this _____day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading:	March 22, 2021
Second Reading	April 12, 2021
Third and Final Reading	April 26, 2021 (tentative)
Public Hearing	April 26, 2021 (tentative)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1725

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A PARKS & RECREATION DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT PARKS & RECREATION FACILITIES WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR PARKS & RECREATION FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH PARKS & RECREATION FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT.

The County Council finds and determines that:

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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Parks & Recreation facility system improvements (park land, park improvements, and recreation centers) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Parks & Recreation facilities (park land, park improvements, and recreation centers); and

WHEREAS, this defined level of service standard and the projected population growth within the Greater Panhandle region results in an identified need for Parks & Recreation facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Parks & Recreation facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new Parks & Recreation facility system improvements (park land, park improvements, and recreation centers) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Parks & Recreation facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Parks & Recreation facility system improvements, in part, through a proportionate share Parks & Recreation development impact fee; and

WHEREAS, County Council finds the Parks & Recreation development impact fee will be imposed uniformly on all similar residential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Parks & Recreation facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Parks & Recreation development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Parks & Recreation facility system improvements needed to maintain levels of service for Parks & Recreation facilities to accommodate new development in the Greater Panhandle region of the County; and

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

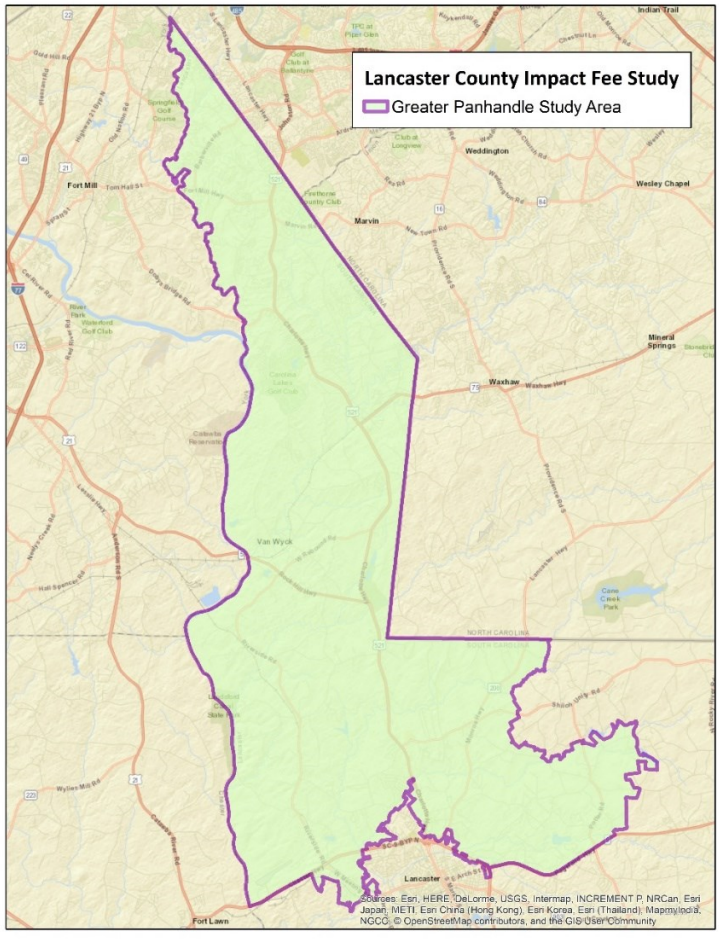
SECTION I. ADOPTION AND IMPOSITION OF PARKS & RECREATION IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in the Code of Ordinances, Lancaster County, South Carolina ("County Code"), Chapter 17, this Parks & Recreation development impact fee shall be adopted and imposed on all new development in the Parks & Recreation Service Area. The Parks and Recreation development impact fee is governed by the Development Impact Fee Procedures in Chapter 17 of the County Code and those procedures are incorporated by reference as if set forth verbatim herein

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for Parks & Recreation development impact fees. The service area includes the entire Greater Panhandle and is known as the "Parks & Recreation Service Area".

A. Map of Parks & Recreation Service Area



SECTION III. 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 Parks & Recreation development impact fees, and the capital improvement plan (CIP) for Parks & Recreation facility system improvements set out in *Development Impact Fee Study* prepared by Tischler Bice, dated March 31, 2021 (hereinafter "Parks & Recreation development impact fee study"). The Parks & Recreation 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 Parks & Recreation facility system improvement needs.

SECTION IV. IMPOSITION OF PARKS & RECREATION IMPACT FEES.

A. The Parks & Recreation development impact fee shall be imposed on all new development in the Parks & Recreation Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to the Code of Ordinances, Lancaster County, South Carolina ("County Code"), Section 17-9 of the County Code.

B. The Parks & Recreation 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 V. PARKS & RECREATION 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 Parks & Recreation development impact fee study and CIP, Parks & Recreation impact development fees shall be imposed in the Parks & Recreation Service Area.

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 Residential Parks & Recreation Development Impact Fee Schedule;

i. Residential Parks & Recreation Development Impact Fee Schedule

Development Type	Parks & Recreation
Residential (per housing unit)	
Single Family Detached	$784
Single Family Attached	$666
Multifamily	$557

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 16, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Parks & Recreation development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Parks & Recreation 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 Parks & Recreation facility system improvements used in the Parks & Recreation development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Parks & Recreation 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 Parks & Recreation development impact fee study and CIP and reflected in the Parks & Recreation 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 Parks & Recreation 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 Parks & Recreation facility system improvements created by the proposed new development than the applicable fees in the Parks & Recreation Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Parks & Recreation development impact fee under this section may apply for credit against Parks & Recreation development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Parks & Recreation facility system improvements that are accepted by the County Council for Parks & Recreation facility systems improvements identified in the CIP.

C. Valuation of Credits

(1) Credit for land dedication for Parks & Recreation facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Parks & Recreation facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Parks & Recreation facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

D. When Credits Become Effective

(1) Credits for land dedication for Parks & Recreation facility system improvements shall

become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Parks & Recreation facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Parks & Recreation facility system improvements shall be transferable within the same development for Parks & Recreation 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Parks & Recreation development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Parks & Recreation facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Parks & Recreation development impact fees the feepayer shall receive for the contribution or construction of Parks & Recreation buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct Parks & Recreation facility system improvements in the CIP, to the extent the fair market value of the construction of those Parks & Recreation facility system improvements exceed the obligation to pay Parks & Recreation 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 Parks & Recreation facility system improvements constructed.

SECTION VIII. TRUST FUND FOR PARKS & RECREATION DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Parks & Recreation Development Impact Fee Trust Fund Account. All Parks & Recreation development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Parks & Recreation development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Parks & Recreation development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter 17 of the County Code, solely and exclusively for Parks & Recreation facility system improvements as set forth in the Parks & Recreation development impact fee study and CIP. System improvements generally include the following: buildings that expand the capacity of the Parks & Recreation system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures 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 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 Parks & Recreation development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Parks & Recreation 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, from requesting a refund, or 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 of the County Code.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Parks & Recreation development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Section 17-7 of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County Development Impact Fee Procedures Chapter 17 of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section

17-8of the County Code;

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Parks & Recreation development impact fees due, pursuant to the impact fee procedures 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 Parks & Recreation development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required Parks & Recreation 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Parks & Recreation development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Parks & Recreation facility system improvements by each governmental unit; and

B. Provide for the collection of the Parks & Recreation development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Parks & Recreation development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the Parks & Recreation development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE PARKS & RECREATION IMPACT FEES.

The Parks & Recreation development impact fees shall terminate upon the completion/conclusion/purchase of all the Parks & Recreation development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Parks & Recreation development impact fee pursuant to

the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on October 1, 2021.

B. If a development project has received approval of a site-specific development plan as set forth in Chapter 9.2.17 of the Lancaster County Unified Development Ordinance and as defined in S.C. Code §6-29-1510 *et. seq.* prior to the effective date of this Ordinance, the development project is not subject to the development impact fee.

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ADOPTED this _____day of _____, 2021

COUNTY COUNCIL OF
LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading:	March 22, 2021
Second Reading	April 12, 2021
Third and Final Reading	April 26, 2021
Public Hearing	April 26, 2021

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1722
Contact Person / Sponsor: Steve Willis/County Administrator and John DuBose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to impose a Fire Development Impact Fee

Points to Consider:
There is an existing assessment district for the Pleasant Valley Fire District located within the Greater Panhandle Service Area that would receive a credit on the proposed fire impact fees.

The proposed residential fire development impact fees are as follows:

Greater Panhandle:

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,184
Single Family Attached	$1,006
Multifamily	$841

Pleasant Valley:

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,018
Single Family Attached	$865
Multifamily	$723

The non-residential fire development impact fees are as follows:

Greater Panhandle

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,478
Office	$502
Industrial	$255
Warehouse	$90
Healthcare	$552
Institutional	$1,005

Pleasant Valley

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,363
Office	$463
Industrial	$236
Warehouse	$83
Healthcare	$509
Institutional	$927

County Council must decide upon an effective date for the imposition of development impact fees.

The proposed 2nd reading version of the ordinance incorporates a October 1, 2021 effective date and provides that projects that have received approval of a site specific development plan prior to the effective date are not subject to imposition of the impact fee. This revised proposed development approval milestone provides greater clarity as to applicability of the effective date for a wider variety of pending development projects and is easier to administer for staff. Refinement of the proposed development milestone is the only change in the current proposed 2nd reading version and the proposed 2nd reading version that was presented to County Council on April 12, 2021.

If the 2nd reading version of the ordinance meets with the approval of County Council it should be adopted by a motion to amend the present version of the ordinance.

Funding and Liability Factors:
Impact fees are proposed to be paid at issuance of a building permit.

Impact fees must be paid within three (3) years of their scheduled expenditure date on a first in first out basis or they must be refunded.

Council Options:
Approve or disapprove imposition of the fire development impact fee.

Recommendation:
Not Applicable.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1722 Fire Impact Fee	3/16/2021	Ordinance
Ordinance 2021-1722 proposed 2nd reading version	4/20/2021	Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1722

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN FIRE DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT FIRE FACILITIES (FIRE STATIONS AND FIRE VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR FIRE FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH FIRE FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT.

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Fire facility system improvements (fire stations and fire vehicles) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Fire facilities (fire stations and fire vehicles); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for Fire facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Fire facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the

new Fire facility system improvements (fire stations and fire vehicles) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Fire facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Fire facility system improvements, in part, through a proportionate share Fire development impact fee; and

WHEREAS, County Council finds the Fire development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Fire facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Fire development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Fire facility system improvements needed to maintain levels of service for Fire facilities to accommodate new development in the Greater Panhandle region of the County; and

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

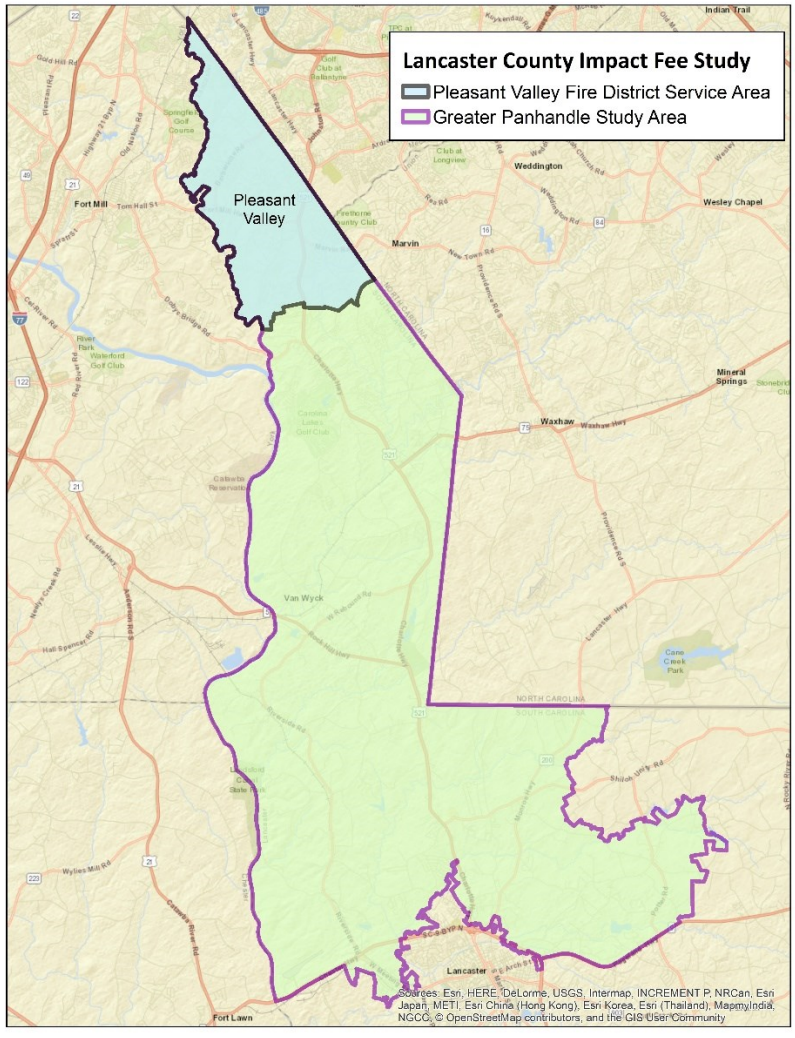
SECTION I. ADOPTION AND IMPOSITION OF FIRE IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in the Code of Ordinances, Lancaster County, South Carolina ("County Code"), Chapter ___, Article ____, this Fire development impact fee shall be adopted and imposed on all new development in the Fire Service Area.

SECTION II. ESTABLISHMENT OF SERVICE AREAS.

There are two service areas for Fire development impact fees. The larger service area includes the Greater Panhandle expect for the Pleasant Valley Fire District. The Pleasant Valley Fire District is a second service area as a result of a credit included in the Fire development impact fee to ensure the current property assessment by the fire district does not create a double payment scenario.

A. Map of Fire Service Area



SECTION III. 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 Fire development impact fees, and the capital improvement plan (CIP) for Fire facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March ___, 2021 (hereinafter "Fire development impact fee study"). The Fire 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 Fire facility system improvement needs.

SECTION IV. IMPOSITION OF FIRE IMPACT FEES.

A. The Fire development impact fee shall be imposed on all new development in the Fire Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Chapter _____, Article ___ of the County Code.

A. The Fire 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 V. FIRE DEVELOPMENT IMPACT FEE SCHEDULE.

A. Pursuant to this Ordinance and in accordance with the impact fee procedures in Chapter ___, Article ___ of the County Code, the State Development Impact Fee Act, and the Fire development impact fee study and CIP, Fire impact development fees shall be imposed in the fire service areas.

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 Residential Fire Development Impact Fee Schedule;

i. Residential Fire Development Impact Fee Schedule Greater Panhandle Service Area

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,184
Single Family Attached	$1,006
Multifamily	$841

ii. Residential Fire Development Impact Fee Schedule Pleasant Valley Fire District

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,018
Single Family Attached	$865
Multifamily	$723

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential Fire Development Impact Fee Schedule;

i. Nonresidential Fire Development Impact Fee Schedule Greater Panhandle Service Area

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,478
Office	$502
Industrial	$255
Warehouse	$90
Healthcare	$552
Institutional	$1,005

ii. Nonresidential Fire Development Impact Fee Schedule Pleasant Valley Fire District

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,363
Office	$463
Industrial	$236
Warehouse	$83
Healthcare	$509
Institutional	$927

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 _____. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Fire development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Fire 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 Fire facility system improvements used in the Fire development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Fire 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 Fire development impact fee study and CIP and reflected in the Fire 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 Fire 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 Fire facility system improvements created by the proposed new development than the applicable fees in the Fire Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Fire development impact fee under this section may apply for credit against Fire development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Fire facility system improvements that are accepted by the County Council for Fire facility system improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for Fire facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Fire facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Fire facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for Fire facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Fire facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and

accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Fire facility system improvements shall be transferable within the same development for Fire 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Fire development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Fire facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Fire development impact fees the feepayer shall receive for the contribution or construction of Fire buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct Fire facility system improvements in the CIP, to the extent the fair market value of the construction of those Fire facility system improvements exceed the obligation to pay Fire 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 Fire facility system improvements constructed.

SECTION VIII. TRUST FUND FOR FIRE DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Fire Development Impact Fee Trust Fund Account. All Fire development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Fire development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Fire development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter ___, Article ____ of the County Code, solely and exclusively for Fire facility system improvements as set forth in the Fire development impact fee study and CIP. System improvements generally include the following: buildings and emergency vehicles that expand the capacity of the Fire system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures in Chapter ____, Article ____ 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 in Chapter ____, Article ____ 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 Fire development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure in Chapter ____, Article ____ 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Fire development impact fees under protest, pursuant to the County impact fee procedures as set forth in Chapter ___, Article ____ the County Code. Payment under protest does not preclude the developer/applicant from filing an administrative appeal, from requesting a refund, or 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 Chapter ___, Article _____.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Fire development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Chapter _____, Article _____ of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County impact fee procedure Chapter __, Article__ of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Chapter ___, Article ___ of the County Code:

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Fire development impact fees due, pursuant to the impact fee procedures in Chapter ____, Article _____ 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 Fire development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Chapter _____, Article _____ of the County Code, for failure of the developer/applicant to timely pay the required Fire 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Fire development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Fire facility system improvements by each governmental unit; and

B. Provide for the collection of the Fire development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Fire development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the Fire development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE Fire IMPACT FEES.

The Fire development impact fees shall terminate upon the completion/conclusion/purchase of all the Fire development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Fire development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. 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 XVI. EFFECTIVE DATE

A. The Ordinance shall become effective on ___, 2021.

B. Applications for new development filed after the effective date as set forth in this section shall be subject to the Fire development impact fee.

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ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading:	March 22, 2021
Second Reading	April 12, 2021 (tentative)
Third and Final Reading	April 26, 2021 (tentative)
Public Hearing	April 26, 2021 (tentative)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1722

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A FIRE DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT FIRE FACILITIES (FIRE STATIONS AND FIRE VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR FIRE FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH FIRE FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT.

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Fire facility system improvements (fire stations and fire vehicles) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Fire facilities (fire stations and fire vehicles); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for Fire facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Fire facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new Fire facility system improvements (fire stations and fire vehicles) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Fire facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Fire facility system improvements, in part, through a proportionate share Fire development impact fee; and

WHEREAS, County Council finds the Fire development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Fire facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Fire development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Fire facility system improvements needed to maintain levels of service for Fire facilities to accommodate new development in the Greater Panhandle region of the County; and

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

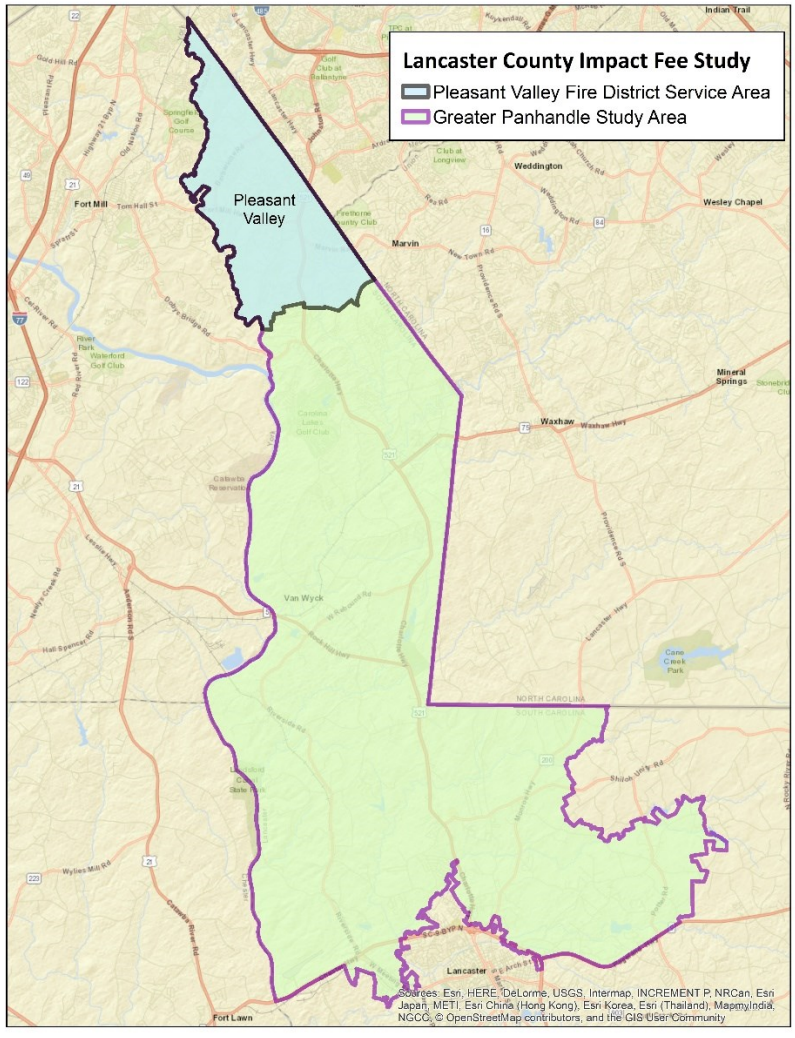
SECTION I. ADOPTION AND IMPOSITION OF FIRE IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the Development Impact Fee Procedures in Chapter 17 of the Code of Ordinances, Lancaster County, South Carolina ("County Code"), this Fire development impact fee shall be adopted and imposed on all new development in the Fire Service Area. The Fire development impact fee is governed by the Development Impact Fee Procedures in Chapter 17 of the County Code and those procedures are incorporated by reference as if set forth verbatim herein.

SECTION II. ESTABLISHMENT OF SERVICE AREAS.

There are two service areas for Fire development impact fees. The larger service area includes the Greater Panhandle expect for the Pleasant Valley Fire District. The Pleasant Valley Fire District is a second service area as a result of a credit included in the Fire development impact fee to ensure the current property assessment by the fire district does not create a double payment scenario.

A. Map of Fire Service Area



SECTION III. 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 Fire development impact fees, and the capital improvement plan (CIP) for Fire facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 31, 2021 (hereinafter "Fire development impact fee study"). The Fire 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 Fire facility system improvement needs.

SECTION IV. IMPOSITION OF FIRE IMPACT FEES.

A. The Fire development impact fee shall be imposed on all new development in the Fire Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Section 17-9 of the County Code.

A. The Fire 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 V. FIRE DEVELOPMENT IMPACT FEE SCHEDULE.

A. Pursuant to this Ordinance, and in accordance with the Development Impact Fee Procedures Chapter 17 of the County Code, the State Development Impact Fee Act, and the Fire development impact fee study and CIP, Fire impact development fees shall be imposed in the fire service areas.

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 Residential Fire Development Impact Fee Schedule;

i. Residential Fire Development Impact Fee Schedule Greater Panhandle Service Area

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,184
Single Family Attached	$1,006
Multifamily	$841

ii. Residential Fire Development Impact Fee Schedule Pleasant Valley Fire District

Development Type	Fire
Residential (per housing unit)	
Single Family Detached	$1,018
Single Family Attached	$865
Multifamily	$723

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential Fire Development Impact Fee Schedule;

i. Nonresidential Fire Development Impact Fee Schedule Greater Panhandle Service Area

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,478
Office	$502
Industrial	$255
Warehouse	$90
Healthcare	$552
Institutional	$1,005

ii. Nonresidential Fire Development Impact Fee Schedule Pleasant Valley Fire District

Development Type	Fire
Nonresidential (per 1,000 square feet)	
Retail	$1,363
Office	$463
Industrial	$236
Warehouse	$83
Healthcare	$509
Institutional	$927

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 16, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Fire development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Fire 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 Fire facility system improvements used in the Fire development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Fire 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 Fire development impact fee study and CIP and reflected in the Fire 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 Fire 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 Fire facility system improvements created by the proposed new development than the applicable fees in the Fire Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Fire development impact fee under this section may apply for credit against Fire development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Fire facility system improvements that are accepted by the County Council for Fire facility system improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for Fire facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Fire facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Fire facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for Fire facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Fire facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Fire facility system improvements shall be transferable within the same development for Fire 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Fire development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Fire facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Fire development impact fees the feepayer shall receive for the contribution or construction of Fire buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct Fire facility system improvements in the CIP, to the extent the fair market value of the construction of those Fire facility system improvements exceed the obligation to pay Fire 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 Fire facility system improvements constructed.

SECTION VIII. TRUST FUND FOR FIRE DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Fire Development Impact Fee Trust Fund Account. All Fire development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Fire development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Fire development impact fee funds shall be used by the County in accordance with the Development Impact Fee Procedures in Chapter 17 of the County Code, solely and exclusively for Fire facility system improvements as set forth in the Fire development impact fee study and CIP. System improvements generally include the following: buildings and emergency vehicles that expand the capacity of the Fire system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the Lancaster County Development Impact Fee Procedures 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 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 Fire development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Fire 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, from requesting a refund, or 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 of the County Code.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Fire development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Section 17-7 of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County Development Impact Fee Procedures Chapter 17 of the County Code, and to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section 17-8 of the County Code:

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Fire development impact fees due, pursuant to the impact fee procedures 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 Fire development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required Fire 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Fire development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Fire facility system improvements by each governmental unit; and

B. Provide for the collection of the Fire development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Fire development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the Fire development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE FIRE IMPACT FEES.

The Fire development impact fees shall terminate upon the completion/conclusion/purchase of all the Fire development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Fire development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out it purposes in

the interest of furthering, promoting, and protecting the public health, safety, and welfare.

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on October 1, 2021.

B. If a development project has received approval of a site-specific development plan as set forth in Chapter 9.2.17 of the Lancaster County Unified Development Ordinance and as defined in S.C. Code §6-29-1510 *et. seq.* prior to the effective date of this Ordinance, the development project is not subject to the development impact fee.

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ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading: March 22, 2021
Second Reading: April 26, 2021
Third and Final Reading:
Public Hearing:

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1723
Contact Person / Sponsor: Steve Willis/County Administrator and John DuBose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to impose an EMS development impact fee.

Points to Consider:
The EMS 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 EMS facility system improvement needs.

The proposed Residential impact fees are as follows:

Development Type	EMS
Residential (per housing unit)	
Single Family Detached	$139
Single Family Attached	$118
Multifamily	$98

The proposed non-residential EMS impact fees are as follows:

Development Type	EMS
Nonresidential (per 1,000 square feet)	
Retail	$72
Office	$24
Industrial	$12
Warehouse	$4
Healthcare	$27
Institutional	$49

The impact fees have been calculated so that new development pays for its proportionate share of the cost of maintaining current levels of service for EMS services.

County Council must decide upon an effective date for the imposition of development impact fees. Staff and legal counsel suggest October 1, 2021 as the effective date. County Council must also consider whether to provide that projects that have reached certain development milestones are subject to imposition of development impact fees.

The proposed 2nd reading version of the ordinance incorporates a October 1, 2021 effective date and provides that projects that have received approval of a site specific development plan prior to the effective date are not subject to imposition of the impact fee. This revised proposed development approval milestone provides greater clarity as to applicability of the effective date for a wider variety of pending development projects and is easier to administer for staff. Refinement of the proposed development milestone is the only change in the current proposed 2nd reading version and the proposed 2nd reading version that was presented to County Council on April 12, 2021.

If the 2nd reading version of the ordinance meets with the approval of County Council it should be adopted by a motion to amend the present version of the ordinance.

Funding and Liability Factors:
Impact fees are proposed to be paid at issuance of a building permit.

Impact fees must be paid within three (3) years of their scheduled expenditure date on a first in first out basis or they must be refunded.

Council Options:
Approval or disapproval of imposition of an EMS development impact fee

Recommendation:
Not applicable.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1723	3/15/2021	Ordinance
Ordinance 2021-1723 proposed 2nd reading version	4/20/2021	Ordinance

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1723

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Emergency Medical Services ("EMS") facility system improvements (EMS stations and emergency vehicles) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for EMS facilities (EMS stations and ambulances); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for EMS facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these EMS facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new EMS facility system improvements (EMS stations and emergency vehicles) needed to accommodate the demand generated by new development in the Greater Panhandle region of

the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the EMS facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new EMS facility system improvements, in part, through a proportionate share EMS development impact fee; and

WHEREAS, County Council finds the EMS development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of EMS facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of EMS development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the EMS facility system improvements needed to maintain levels of service for EMS facilities to accommodate new development in the Greater Panhandle region of the County; and

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

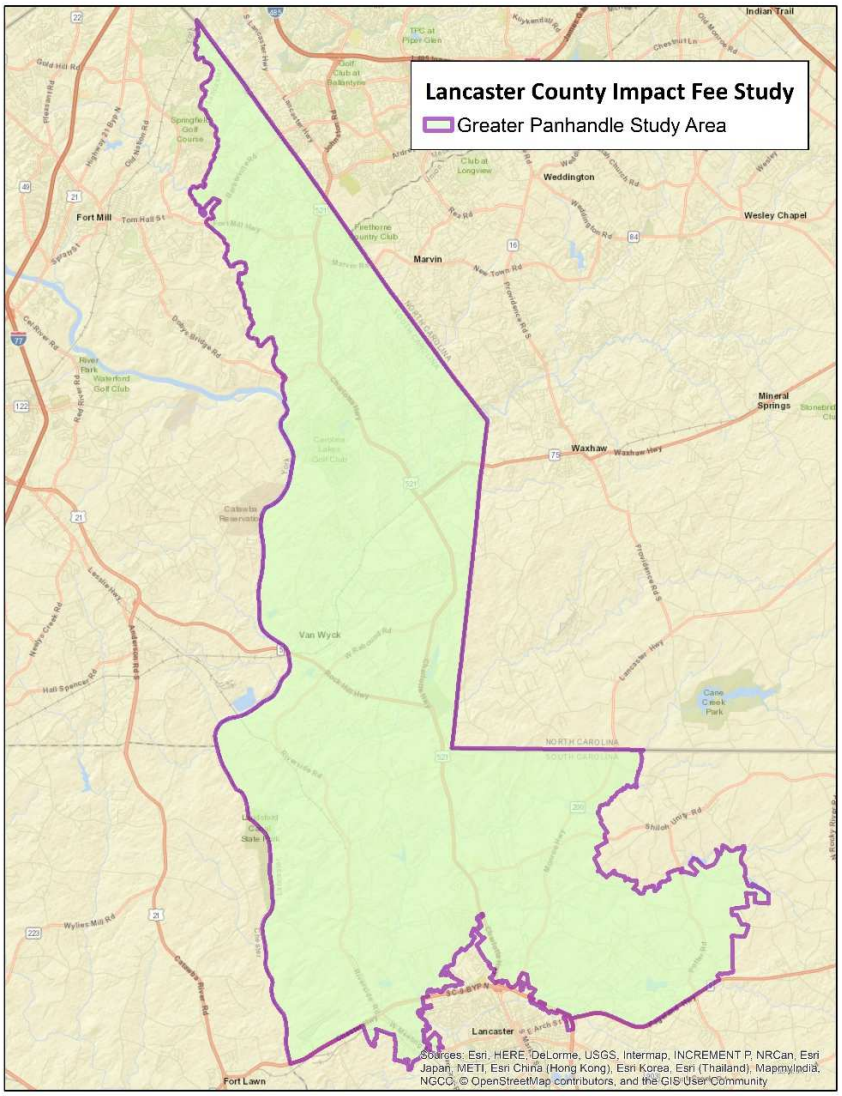
SECTION I. ADOPTION AND IMPOSITION OF EMS IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in the Code of Ordinances, Lancaster County, South Carolina, Chapter ____, Article ____, this EMS development impact fee shall be adopted and imposed on all new development in the EMS Service Area.

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for EMS development impact fees. The service area includes the entire Greater Panhandle and is known as the "EMS Service Area".

A. Map of EMS Service Area



SECTION III. 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 EMS development impact fees, and the capital improvement plan (CIP) for EMS facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 3, 2021 (hereinafter "EMS development impact fee study"). The EMS 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 EMS facility system improvement needs.

SECTION IV. IMPOSITION OF EMS IMPACT FEES.

A. The EMS development impact fee shall be imposed on all new development in the EMS Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Chapter _, Article ___ of the County Code.

A. The EMS 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 V. EMS DEVELOPMENT IMPACT FEE SCHEDULE.

A. Pursuant to this Ordinance and in accordance with the impact fee procedures in Chapter ___, Article___ __ of the County Code, the State Development Impact Fee Act, and the EMS development impact fee study and CIP, EMS impact development fees shall be imposed in the EMS Service Area.

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 Residential EMS Development Impact Fee Schedule;

i. Residential EMS Development Impact Fee Schedule

Development Type	EMS
Residential (per housing unit)	
Single Family Detached	$139
Single Family Attached	$118
Multifamily	$98

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential EMS Development Impact Fee Schedule;

i. Nonresidential EMS Development Impact Fee Schedule

Development Type	EMS
Nonresidential (per 1,000 square feet)	
Retail	$72
Office	$24
Industrial	$12
Warehouse	$4
Healthcare	$27
Institutional	$49

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_____. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the EMS development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required EMS 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 EMS facility system improvements used in the EMS development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the EMS 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 EMS development impact fee study and CIP and reflected in the EMS 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 EMS 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 EMS facility system improvements created by the proposed new development than the applicable fees in the EMS Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay an EMS development impact fee under this section may apply for credit against EMS development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for EMS facility system improvements that are accepted by the County Council for EMS facility systems improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for EMS facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of an EMS facility buildings shall be valued by the County

Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for EMS facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for EMS facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of EMS facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for EMS facility system improvements shall be transferable within the same development for EMS 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the EMS development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for EMS facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the EMS development impact fees the feepayer shall receive for the contribution or construction of EMS buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct EMS facility system improvements in the CIP, to the extent the fair market value of the construction of those EMS facility system improvements exceed the obligation to pay EMS 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 EMS facility system improvements constructed.

SECTION VIII. TRUST FUND FOR EMS DEVELOPMENT IMPACT FEES.

The County hereby establish segregated EMS Development Impact Fee Trust Fund Account. All EMS development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 EMS development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

EMS development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter ____Article _____of the County Code, solely and exclusively for EMS facility system improvements as set forth in the EMS development impact fee study and CIP. System improvements generally include the following: buildings and emergency vehicles that expand the capacity of the EMS system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures in Chapter _____, Article _____ 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 in Chapter____, Article____ 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 an EMS development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure in Chapter ___ , Article _____ 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated EMS development impact fees under protest, pursuant to the County impact fee procedures as set forth in Chapter ___, Article___ of the County Code. Payment under protest does not preclude the developer/applicant from filing an administrative appeal, from requesting a refund, or 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 Chapter___, Article_____.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the EMS development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Chapter ___, Article_____of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County impact fee procedure, Chapter ____, Article___ of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Chapter___, Article_____ of the County Code:

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated EMS development impact fees due, pursuant to the impact fee procedures in Chapter _____, Article ____ 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 EMS development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Chapter ____, Article ____ of the County Code, for failure of the developer/applicant to timely pay the required EMS 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the EMS development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for EMS facility system improvements by each governmental unit; and

B. Provide for the collection of the EMS development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of EMS development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the EMS development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE EMS IMPACT FEES.

The EMS development impact fees shall terminate upon the completion/conclusion/purchase of all the EMS development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated EMS development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on _____, 2021.

B. Applications for new development filed after the effective date as set forth in this section shall be subject to the EMS development impact fee.

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ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, Lancaster County Attorney

First Reading:	March 22, 2021
Second Reading	April 12, 2021 (tentative)
Third and Final Reading	April 26, 2021 (tentative)
Public Hearing	April 26, 2021 (tentative)

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1723

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING AN EMERGENCY MEDICAL SERVICES ("EMS") DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT EMS FACILITIES (EMS STATIONS AND EMERGENCY VEHICLES) WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR EMS FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH EMS FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Emergency Medical Services ("EMS") facility system improvements (EMS stations and emergency vehicles) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for EMS facilities (EMS stations and ambulances); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for EMS facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these EMS facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new EMS facility system improvements (EMS stations and emergency vehicles) needed to

accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the EMS facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new EMS facility system improvements, in part, through a proportionate share EMS development impact fee; and

WHEREAS, County Council finds the EMS development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of EMS facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of EMS development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the EMS facility system improvements needed to maintain levels of service for EMS facilities to accommodate new development in the Greater Panhandle region of the County; and

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

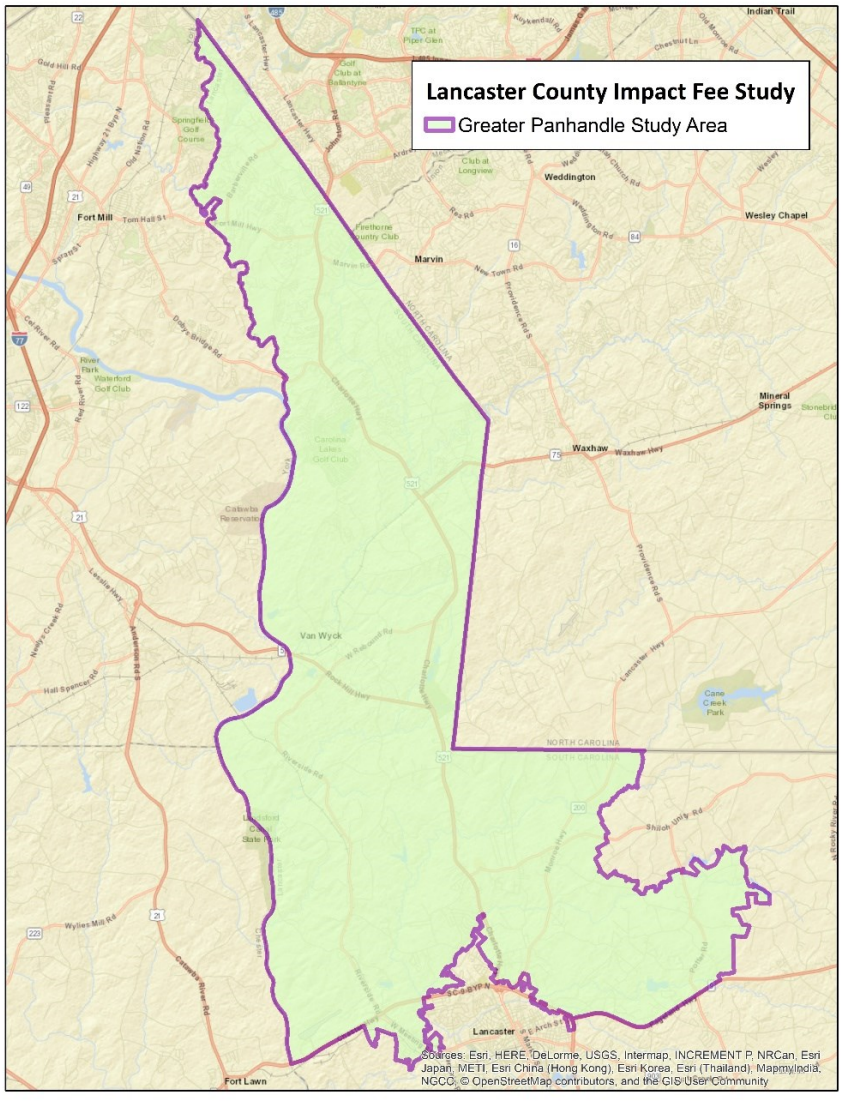
SECTION I. ADOPTION AND IMPOSITION OF EMS IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the Development Impact Fee Procedures in the Code of Ordinances, Lancaster County, South Carolina, Chapter 17, this EMS development impact fee shall be adopted and imposed on all new development in the EMS Service Area. The EMS development impact fee is governed by the Development Impact Fee Procedures in Chapter 17 of the County Code and those procedures are incorporated by reference as if set forth verbatim herein

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for EMS development impact fees. The service area includes the entire Greater Panhandle and is known as the "EMS Service Area".

A. Map of EMS Service Area



SECTION III. 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 EMS development impact fees, and the capital improvement plan (CIP) for EMS facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 31, 2021 (hereinafter "EMS development impact fee study"). The EMS 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 EMS facility system improvement needs.

SECTION IV. IMPOSITION OF EMS IMPACT FEES.

A. The EMS development impact fee shall be imposed on all new development in the EMS Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Section 17-9 of the County Code.

A. The EMS 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 V. EMS 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 EMS development impact fee study and CIP, EMS impact development fees shall be imposed in the EMS Service Area.

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 Residential EMS Development Impact Fee Schedule;

i. Residential EMS Development Impact Fee Schedule

Development Type	EMS
Residential (per housing unit)	
Single Family Detached	$139
Single Family Attached	$118
Multifamily	$98

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential EMS Development Impact Fee Schedule;

i. Nonresidential EMS Development Impact Fee Schedule

Development Type	EMS
Nonresidential (per 1,000 square feet)	
Retail	$72
Office	$24
Industrial	$12
Warehouse	$4
Healthcare	$27
Institutional	$49

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 16, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the EMS development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required EMS 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 EMS facility system improvements used in the EMS development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the EMS 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 EMS development impact fee study and CIP and reflected in the EMS 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 EMS 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 EMS facility system improvements created by the proposed new development than the applicable fees in the EMS Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay an EMS development impact fee under this section may apply for credit against EMS development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for EMS facility system improvements that are accepted by the County Council for EMS facility systems improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for EMS facility system improvements, at the feepayer' 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 in an

appraisal paid for by the feepayer.

(2) Credit for construction of an EMS facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for EMS facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for EMS facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of EMS facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for EMS facility system improvements shall be transferable within the same development for EMS 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the EMS development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for EMS facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the EMS development impact fees the feepayer shall receive for the contribution or construction of EMS buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct EMS facility system improvements in the CIP, to the extent the fair market value of the construction of those EMS facility system improvements exceed the obligation to pay EMS 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 EMS facility system improvements constructed.

SECTION VIII. TRUST FUND FOR EMS DEVELOPMENT IMPACT FEES.

The County hereby establish segregated EMS Development Impact Fee Trust Fund Account. All EMS development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 EMS development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

EMS development impact fee funds shall be used by the County in accordance with the Development Impact Fee Procedures in Chapter 17of the County Code, solely and exclusively for EMS facility system improvements as set forth in the EMS development impact fee study and CIP. System improvements generally include the following: buildings and emergency vehicles that expand the capacity of the EMS system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures 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 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 an EMS development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated EMS 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, from requesting a refund, or 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 of the County Code.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the EMS development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County

impact fee procedures in Section 17-7 of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County Development Impact Fee Procedures, Chapter 17 of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section 17-8 of the County Code:

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated EMS development impact fees due, pursuant to the impact fee procedures 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 EMS development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required EMS 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the EMS development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for EMS facility system improvements by each governmental unit; and

B. Provide for the collection of the EMS development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of EMS development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the EMS development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE EMS IMPACT FEES.

The EMS development impact fees shall terminate upon the completion/conclusion/purchase of all the EMS development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated EMS development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on October 1, 2021.

B. If a development project has received approval of a site-specific development plan as set forth in Chapter 9.2.17 of the Lancaster County Unified Development Ordinance and as defined in S.C. Code §6-29-1510 *et. seq.* prior to the effective date of this Ordinance, the development project is not subject to the development impact fee.

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ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, Lancaster County Attorney

First Reading: March 22, 2021
Second Reading April 26, 2021
Third and Final Reading
Public Hearing

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1724
Contact Person / Sponsor: Steve Willis/Administration and John Dubose/County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to impose a Sheriff Development Impact Fee.

Points to Consider:
The Sheriff 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 Sheriff facility system improvement needs.

The proposed residential Sheriff development impact fee is as follows:

Development Type	Sheriff
Residential (per housing unit)	
Single Family Detached	$126
Single Family Attached	$107
Multifamily	$90

The proposed non-residential Sheriff development impact fee schedule is as follows:

Development Type	Sheriff
Nonresidential (per 1,000 square feet)	
Retail	$158
Office	$54
Industrial	$27
Warehouse	$10
Healthcare	$59
Institutional	$107

County Council must decide upon an effective date for the imposition of development impact fees.

The proposed 2nd reading version of the ordinance incorporates a October 1, 2021 effective date and provides that projects that have received approval of a site specific development plan prior to the effective date are not subject to imposition of the impact fee. This revised proposed development approval milestone provides greater clarity as to applicability of the effective date for a wider variety of pending development projects and is easier to administer for staff. Refinement of the proposed development milestone is the only change in the current proposed 2nd reading version and the proposed 2nd reading version that was presented to County Council on April 12, 2021.

If the 2nd reading version of the ordinance meets with the approval of County Council it should be adopted by a motion to amend the present version of the ordinance.

Funding and Liability Factors:
Impact fees are proposed to be paid at issuance of a building permit.

Impact fees must be paid within three (3) years of their scheduled expenditure date on a first in first out basis or they must be

refunded.

Council Options:
Approval or disapproval of the Sheriff Development impact fee

Recommendation:
Not applicable.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1724	3/16/2021	Ordinance
Ordinance 2021-1724 proposed 2nd reading version	4/20/2021	Ordinance

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021-1724**
COUNTY OF LANCASTER)

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A SHERIFF DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT SHERIFF FACILITIES WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR SHERIFF FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH SHERIFF FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Sheriff facility system improvements (Sheriff stations) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Sheriff facilities (Sheriff stations); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for Sheriff facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Sheriff facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the new Sheriff facility system improvements (Sheriff stations) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Sheriff facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Sheriff facility system improvements, in part, through a proportionate share Sheriff development impact fee; and

WHEREAS, County Council finds the Sheriff development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Sheriff facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Sheriff development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Sheriff facility system improvements needed to maintain levels of service for Sheriff facilities to accommodate new development in the Greater Panhandle region of the County; and

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

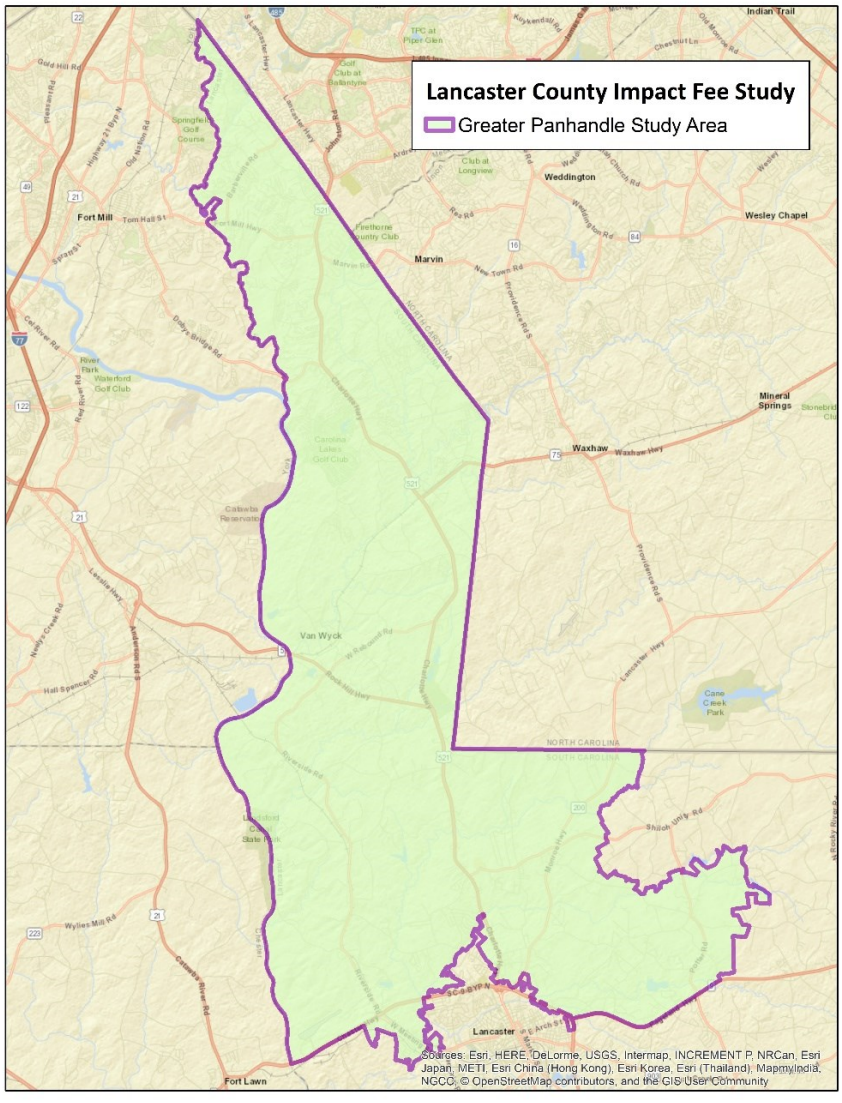
SECTION I. ADOPTION AND IMPOSITION OF SHERIFF IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the impact fee procedures in Code of Ordinances, Lancaster County, South Carolina ("County Code") Chapter ___, Article ____ in the County Code, this Sheriff development impact fee shall be adopted and imposed on all new development in the Sheriff Service Area.

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for Sheriff development impact fees. The service area includes the entire Greater Panhandle and is known as the "Sheriff Service Area".

A. Map of Sheriff Service Area



SECTION III. 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 Sheriff development impact fees, and the capital improvement plan (CIP) for Sheriff facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March _____, 2021 (hereinafter "Sheriff development impact fee study"). The Sheriff 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 Sheriff facility system improvement needs.

SECTION IV. IMPOSITION OF SHERIFF IMPACT FEES.

A. The Sheriff development impact fee shall be imposed on all new development in the Sheriff Service Area, unless the development is exempted, or an exception or waiver is

granted pursuant to Chapter ____, Article ___ of the County Code.

A. The Sheriff 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 V. SHERIFF DEVELOPMENT IMPACT FEE SCHEDULE.

A. Pursuant to this Ordinance and in accordance with the impact fee procedures in Chapter __, Article ___ of the County Code, the State Development Impact Fee Act, and the Sheriff development impact fee study and CIP, Sheriff impact development fees shall be imposed in the Sheriff Service Area.

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 Residential Sheriff Development Impact Fee Schedule;

i. Residential Sheriff Development Impact Fee Schedule

Development Type	Sheriff
Residential (per housing unit)	
Single Family Detached	$126
Single Family Attached	$107
Multifamily	$90

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential Sheriff Development Impact Fee Schedule;

i. Nonresidential Sheriff Development Impact Fee Schedule

Development Type	Sheriff
Nonresidential (per 1,000 square feet)	
Retail	$158
Office	$54
Industrial	$27
Warehouse	$10
Healthcare	$59
Institutional	$107

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 _____2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Sheriff development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Sheriff 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 Sheriff facility system improvements used in the Sheriff development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Sheriff 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 Sheriff development impact fee study and CIP and reflected in the Sheriff 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 Sheriff 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 Sheriff facility system improvements created by the proposed new development than the applicable fees in the Sheriff Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Sheriff development impact fee under this section may apply for credit against Sheriff development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Sheriff facility system improvements that are accepted by the County Council for Sheriff facility systems improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for Sheriff facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Sheriff facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Sheriff facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for Sheriff facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Sheriff facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Sheriff facility system improvements shall be transferable within the same development for Sheriff 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Sheriff development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Sheriff facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Sheriff development impact fees the feepayer shall receive for the contribution or construction of Sheriff buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with

any developer/feepayer who proposes to construct Sheriff facility system improvements in the CIP, to the extent the fair market value of the construction of those Sheriff facility system improvements exceed the obligation to pay Sheriff 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 Sheriff facility system improvements constructed.

SECTION VIII. TRUST FUND FOR SHERIFF DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Sheriff Development Impact Fee Trust Fund Account. All Sheriff development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Sheriff development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Sheriff development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter ____, Article ___ of the County Code, solely and exclusively for Sheriff facility system improvements as set forth in the Sheriff development impact fee study and CIP. System improvements generally include the following: buildings that expand the capacity of the Sheriff system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures in Chapter _____, Article ____ 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 in Chapter ___, Article ___ 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 Sheriff development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure in Chapter ___, Article ____ 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Sheriff development impact fees under protest, pursuant to the County impact fee procedures as set forth in Chapter ___, Article ___ of the County Code. Payment under protest does not preclude the developer/applicant from filing an administrative appeal, from requesting a refund, or 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 Chapter ____, Article ____.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Sheriff development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Chapter ____, Article ____ of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County impact fee procedure Chapter ___, Article ___ of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Chapter __, Article ___ of the County Code;

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Sheriff development impact fees due, pursuant to the impact fee procedures in Chapter ____, Article ___ 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 Sheriff development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Chapter ____, Article ___ of the County Code, for failure of the developer/applicant to timely pay the required Sheriff 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Sheriff development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Sheriff facility system improvements by each governmental unit; and

B. Provide for the collection of the Sheriff development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Sheriff development impact fee funds from the

municipality to the County; and

D. Provide for the timely expenditure of the Sheriff development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE SHERIFF IMPACT FEES.

The Sheriff development impact fees shall terminate upon the completion/conclusion/purchase of all the Sheriff development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Sheriff development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. 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 XVI. EFFECTIVE DATE

A. The Ordinance shall become effective on ___, 2021.

B. Applications for new development filed after the effective date as set forth in this section shall be subject to the Sheriff development impact fee.

ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading:	March 22, 2021
Second Reading	April 12, 2021 (tentative)
Third and Final Reading	April 26, 2021 (tentative)
Public Hearing	April 26, 2021 (tentative)

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021-1724**
COUNTY OF LANCASTER)

AN ORDINANCE

OF THE COUNTY COUNCIL OF LANCASTER COUNTY, SOUTH CAROLINA ("COUNCIL") ESTABLISHING AND ADOPTING A SHERIFF DEVELOPMENT IMPACT FEE ("IMPACT FEE") TO BE IMPOSED ON ALL NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY; TO ENSURE THAT SHERIFF FACILITIES WILL BE AVAILABLE AND ADEQUATE TO ACCOMMODATE THE NEED EXPECTED TO BE GENERATED FROM NEW DEVELOPMENT IN THE GREATER PANHANDLE REGION OF LANCASTER COUNTY BASED ON THE COUNTY'S LEVEL OF SERVICE STANDARDS FOR SHERIFF FACILITIES AND CAPITAL IMPROVEMENTS PLAN (CIP), AND TO ASSIGN THE COSTS OF SUCH SHERIFF FACILITIES ON A PROPORTIONATE SHARE BASIS TO NEW DEVELOPMENT

WHEREAS, Lancaster County ("County") has experienced population and employment 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 impacts on public facilities resulting from this growth and development; and

WHEREAS, growth and development estimates for the County over the next 10 years indicate there will be a need for additional Sheriff facility system improvements (Sheriff stations) due to the growth and development; and

WHEREAS, the County has defined a level of service standard for Sheriff facilities (Sheriff stations); and

WHEREAS, this defined level of service standard and the projected population and employment growth within the Greater Panhandle region results in an identified need for Sheriff facility system improvement needs over the next 10 years as set forth in the capital improvement plan (CIP); and

WHEREAS, the cost of these Sheriff facility system improvement needs as identified in the CIP is significant and expensive; and

WHEREAS, if property taxes, or bonds (backed only by property taxes) are used to finance the

new Sheriff facility system improvements (Sheriff stations) needed to accommodate the demand generated by new development in the Greater Panhandle region of the County, these taxes would be paid largely by existing residents and businesses that have already paid for much of the Sheriff facility system improvements they utilize; and

WHEREAS, County Council finds that it is fair and equitable for new development in the Greater Panhandle region of the County to fund new Sheriff facility system improvements, in part, through a proportionate share Sheriff development impact fee; and

WHEREAS, County Council finds the Sheriff development impact fee will be imposed uniformly on all similar residential and nonresidential use types; and

WHEREAS, County Council having given consideration to the provision and financing of Sheriff facility system improvements necessary to maintain levels of service, hereby finds and declares that the establishment and adoption of Sheriff development impact fee to imposed on new development is necessary and desired, that the fee is proportionate and the fee is based on a CIP that sets forth the Sheriff facility system improvements needed to maintain levels of service for Sheriff facilities to accommodate new development in the Greater Panhandle region of the County; and

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

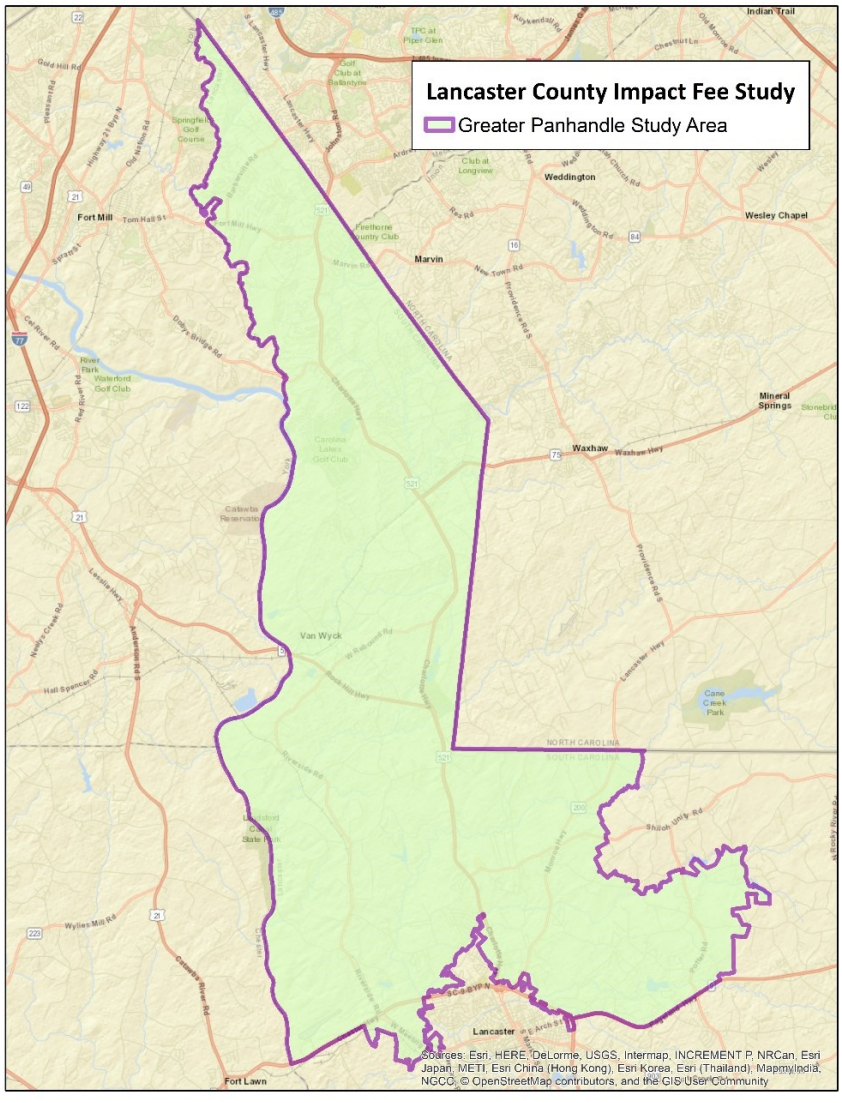
SECTION I. ADOPTION AND IMPOSITION OF SHERIFF IMPACT FEES.

Pursuant to Ordinance No. 2021-1705 and the Development Impact Fee Procedures in Code of Ordinances, Lancaster County, South Carolina ("County Code") Chapter 17 of the County Code, this Sheriff development impact fee shall be adopted and imposed on all new development in the Sheriff Service Area. The Sheriff development impact fee is governed by the Development Impact Fee Procedures in Chapter 17 of the County Code and those procedures are incorporated by reference as if set forth verbatim herein

SECTION II. ESTABLISHMENT OF SERVICE AREA.

There is one service area for Sheriff development impact fees. The service area includes the entire Greater Panhandle and is known as the "Sheriff Service Area".

A. Map of Sheriff Service Area



SECTION III. 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 Sheriff development impact fees, and the capital improvement plan (CIP) for Sheriff facility system improvements set out in *Development Impact Fee Study* prepared by TischlerBise, dated March 31, 2021 (hereinafter "Sheriff Development Impact Fee Study"). The Sheriff 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 Sheriff facility system improvement needs.

SECTION IV. IMPOSITION OF SHERIFF IMPACT FEES.

A. The Sheriff development impact fee shall be imposed on all new development in the Sheriff Service Area, unless the development is exempted, or an exception or waiver is granted pursuant to Section 17-9 of the County Code.

A. The Sheriff 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 V. SHERIFF 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 Sheriff Development Impact Fee Study and CIP, Sheriff impact development fees shall be imposed in the Sheriff Service Area.

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 Residential Sheriff Development Impact Fee Schedule;

i. Residential Sheriff Development Impact Fee Schedule

Development Type	Sheriff
Residential (per housing unit)	
Single Family Detached	$126
Single Family Attached	$107
Multifamily	$90

(2) For nonresidential development, identify the type of nonresidential development and the square feet of the nonresidential development, then calculate the fee based on the Nonresidential Sheriff Development Impact Fee Schedule;

i. Nonresidential Sheriff Development Impact Fee Schedule

Development Type	Sheriff
Nonresidential (per 1,000 square feet)	
Retail	$158
Office	$54
Industrial	$27
Warehouse	$10
Healthcare	$59
Institutional	$107

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 16, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering New 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 update 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 VI. INDIVIDUAL ASSESSMENT OF DEVELOPMENT IMPACT.

A. In-lieu of calculating the Sheriff development impact fees by reference to the fee schedule, a feepayer may request that the amount of the required Sheriff 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 Sheriff facility system improvements used in the Sheriff development impact fee study and CIP, shall use the formula for calculating the development impact fee used in the Sheriff 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 Sheriff development impact fee study and CIP and reflected in the Sheriff 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 Sheriff 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 Sheriff facility system improvements created by the proposed new development than the applicable fees in the Sheriff Development Impact Fee Schedule, then the development impact fees due under this Ordinance shall be calculated according to such assessment.

SECTION VII. CREDITS

A. Any developer/feepayer obligated pay a Sheriff development impact fee under this section may apply for credit against Sheriff development impact fees otherwise due, up to but not to exceed the full obligation for the fees proposed to be paid pursuant to the provisions of this Ordinance for any contribution or construction for Sheriff facility system improvements that are accepted by the County Council for Sheriff facility systems improvements identified in the CIP.

B. Valuation of Credits

(1) Credit for land dedication for Sheriff facility system improvements, at the feepayer' 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 in an appraisal paid for by the feepayer.

(2) Credit for construction of a Sheriff facility buildings shall be valued by the County Council based on construction costs estimates submitted by the feepayer. The County Council 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.

(3) Credit for contributions for Sheriff facility system improvements shall be based on the value of the contribution at the time it is made by the feepayer.

C. When Credits Become Effective

(1) Credits for land dedication for Sheriff facility system improvements shall become effective after the credit is approved by County Council pursuant to this section, and a Credit Agreement/Development Agreement is entered into, and (a) the land has been conveyed to the County in a form established by the County at no cost to the County, and (b) the dedication of land has been accepted by the County.

(2) Credits for construction of Sheriff facility buildings shall become effective after the credit is approved by County Council pursuant to this section, (a) a Credit Agreement/Development Agreement is entered into, (b) a suitable maintenance and warranty bond has been received and approved by the County Council, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County requirements.

(3) Credits for contributions shall become effective after the contribution is approved by the County Council pursuant to this section, and the contribution is provided to and accepted by the County Council.

(4) Credits for dedication of land, construction, or contributions for Sheriff facility system improvements shall be transferable within the same development for Sheriff 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 for registration.

(5) The total amount of the credit shall not exceed the amount of the Sheriff development impact fees due and payable for the project.

(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. The Credit Agreement/Development Agreement shall specifically outline the contribution or construction of buildings for Sheriff facility system improvements, the time by which they shall be completed or dedicated, and any extensions thereof, and the value (in dollars) of the credit against the Sheriff development impact fees the feepayer shall receive for the contribution or construction of Sheriff buildings.

(7) The County Council may enter into a Capital Contribution Front-Ending Agreement with any developer/feepayer who proposes to construct Sheriff facility system improvements in the CIP, to the extent the fair market value of the construction of those Sheriff facility system improvements exceed the obligation to pay Sheriff 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 Sheriff facility system improvements constructed.

SECTION VIII. TRUST FUND FOR SHERIFF DEVELOPMENT IMPACT FEES.

The County hereby establish segregated Sheriff Development Impact Fee Trust Fund Account. All Sheriff development impact fees collected by the County shall be placed in their respective Trust Fund Account. Each Trust Account 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 Sheriff development impact fee funds.

SECTION IX. EXPENDITURE OF FEES FOR SYSTEM IMPROVEMENTS.

Sheriff development impact fee funds shall be used by the County in accordance with the development impact fee procedures in Chapter 17 of the County Code, solely and exclusively for Sheriff facility system improvements as set forth in the Sheriff development impact fee study and CIP. System improvements generally include the following: buildings that expand the capacity of the Sheriff system.

SECTION X. DEVELOPER RIGHTS.

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures 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 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 Sheriff development impact fee at any time; provided, however, that such appeal must comply with the provisions and requirements the County impact fee procedure 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 development fees as calculated by the County.

B. Payment under Protest. The developer/applicant may pay the County-calculated Sheriff 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, from requesting a refund, or 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 of the County Code.

C. Mediation. The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (feepayer) as well as the County and only to address a disagreement related to the Sheriff development impact fees, as calculated by the County, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (feepayer) from pursuing other developer rights and/or remedies, as set forth in this Ordinance, the County impact fee procedures in Section 17-7 of the County Code, or other remedies available by law.

SECTION XI. COUNTY REMEDIES.

A. The County pursuant the State Development Impact Fee Act and the County Development Impact Fee Procedures Chapter 17 of the County Code, to the extent authorized pursuant to the intergovernmental agreements entered into with the County pursuant to this Ordinance, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures in Section 17-8 of the County Code;

(1) Interest and Penalties. The County may, in its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated Sheriff development impact fees due, pursuant to the impact fee procedures 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 Sheriff development impact fees due.

(3) Lien. The County may impose a lien on the developer's property, pursuant to the impact fee procedures in Section 17-8 of the County Code, for failure of the developer/applicant to timely pay the required Sheriff 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 XII. INTERGOVERNMENTAL AGREEMENTS.

Prior to imposition of the Sheriff development impact fee pursuant to this Ordinance, the County shall enter into intergovernmental agreements with the participating municipalities, which intergovernmental agreements shall:

A. Specify the reasonable share of funding of joint system improvements for Sheriff facility system improvements by each governmental unit; and

B. Provide for the collection of the Sheriff development impact fee by the municipality within its corporate limits and by the County within the unincorporated County; and

C. Provide for the timely transfer of Sheriff development impact fee funds from the municipality to the County; and

D. Provide for the timely expenditure of the Sheriff development impact fee funds by the County in accordance with the CIP.

SECTION XIII. TERMINATION OF THE SHERIFF IMPACT FEES.

The Sheriff development impact fees shall terminate upon the completion/conclusion/purchase of all the Sheriff development impact fee-funded facility system improvements as set forth in the CIP unless:

A. The County adopts a CIP for a subsequent time; or

B. The County adopts an updated Sheriff development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

SECTION XIV. LIBERAL CONSTRUCTION.

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

SECTION XV. CONFLICT

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

SECTION XVI. 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 XVII. EFFECTIVE DATE

A. The Ordinance shall become effective on October 1, 2021.

B. If a development project has received approval of a site-specific development plan as set forth in Chapter 9.2.17 of the Lancaster County Unified Development Ordinance and as defined in S.C. Code §6-29-1510 *et. seq.* prior to the effective date of this Ordinance, the development project is not subject to the development impact fee.

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ADOPTED this __day of _____, 2021

COUNTY COUNCIL OF LANCASTER COUNTY

By:_____
Steve Harper, Chairman

By:_____
Billy Mosteller, Secretary

ATTEST:

_____
Sherrie Simpson, Clerk to Council

Approved as to form:

_____
John K. DuBose, III, County Attorney

First Reading: March 22, 2021
Second Reading April 26, 2021
Third and Final Reading
Public Hearing

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1728 / Planning Case Number: UDO-TA-2020-2957
Contact Person / Sponsor: Robert Tefft, Senior Planner
Department: Planning
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Amend Unified Development Ordinance (UDO) Section 2.5.3, Section 5.5.12, Section 5.12.3 and Section 5.12.4 to modify those zoning districts in which an outdoor shooting range is a permissible use and to modify those regulations concerning how an outdoor shooting range may be permitted, as well as providing for turkey shoots as a temporary use in certain zoning districts and the standards by which turkey shoots may be approved.

The intent of the proposed ordinance is to expand opportunities where shooting may occur and to specifically address turkey shoots, which had been omitted from the 2016 UDO.

Points to Consider:
The following sections of the UDO are proposed to be amended:

Section 2.5.3, Use Table: Amend to allow Shooting Range, Outdoor as a permissible use in the Rural Residential (RR), Rural Neighborhood (RN) and Open Space Preservation (OSP) Districts, subject to approval of a special exception permit, and to remove the use from the Light Industrial (LI) and Heavy Industrial (HI) Districts.

Section 5.5.12, Shooting Range, Outdoor: Amend to revise the various standards for the use, including: expanding upon how the use may be approved in certain zoning districts; replacing the existing buffering and separation requirements with an enhanced setback requirement; and providing greater clarity to the other various provisions.

Section 5.12.3, Temporary Uses Limited to Specific Districts: Amend to allow Turkey Shoots as an allowable temporary use all zoning districts other than the PDD unless specifically allowed for as part of the PDD Ordinance or associated Development Agreement. There would be no maximum duration for each turkey shoot temporary use.

Section 5.12.4, Temporary Uses with Specific Requirements: Amend to state that turkey shoots shall be subject to compliance with S.C. Code Section 16-23-440, as amended, regarding discharging firearms. No further requirement or regulation is proposed.

Funding and Liability Factors:
N/A

Council Options:
To approve or deny the proposed text amendment.

Recommendation:
At its meeting of March 16, 2021, the Planning Commission voted 5-2 (Neely and Jones against) to recommend **approval** of the proposed text amendment. The Commission did suggest that further fine tuning of the ordinance may be needed by County Council. Several member of the public spoke on the proposed amendment with comments including, but not limited to, the 1/2 mile setback being excessive; that the hours of operation needing to be adjusted; reference to external documents; and separation distance needing to be clarified. The version of the text amendment attached addresses the concerns of the Planning Commission, as well as those expressed concerns of the public.
Staff recommends approval of the text amendment.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1728	4/6/2021	Ordinance
Ex 1: Text Amendment	4/6/2021	Exhibit
Staff Report	3/9/2021	Planning Staff Report
Ex 2: Repealed UDO Section 4.2.6	2/10/2021	Exhibit

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021-1728

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ("UDO") SECTION 2.5.3, USE TABLE; SECTION 5.5.12, SHOOTING RANGE, OUTDOOR; SECTION 5.12.3, TEMPORARY USES LIMITED TO SPECIFIC DISTRICTS; AND SECTION 5.12.4, TEMPORARY USES WITH SPECIFIC REQUIREMENTS; TO MODIFY THOSE ZONING DISTRICTS IN WHICH AN OUTDOOR SHOOTING RANGE IS A PERMISSIBLE USE AND TO MODIFY THOSE REGULATIONS CONCERNING HOW AN OUTDOOR SHOOTING RANGE MAY BE PERMITTED, AS WELL AS PROVIDING FOR TURKEY SHOOTS AS A TEMPORARY USE IN CERTAIN ZONING DISTRICTS AND THE STANDARDS BY WHICH TURKEY SHOOTS MAY BE APPROVED.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lancaster County made application to amend Chapters 2 and 5 of the Unified Development Ordinance (UDO) concerning modifying the zoning districts in which the Outdoor Shooting Range use may be allowable, as well as modifying the specific use regulations by which the use may be allowed. Additionally, the proposal would amend the allowable temporary uses to include turkey shoots and provide for specific requirements whereby the temporary use would be allowable.
(b) The proposed text amendment has been found to be consistent with all applicable provisions of the Comprehensive Plan as required by Section 9.2.15.B.3. Further, the proposed text amendment has been reviewed for compliance with applicable provisions of SC Code Title VI and has been found to be consistent with those provisions.
(c) The proposed amendment will provide for this common use type to be allowed is to expand opportunities where shooting may occur and to specifically address turkey shoots, which are not addressed in the 2016 UDO.
(d) Lancaster County Planning Commission considered the proposed text amendment at its meeting on March 16, 2021, and by a 5-2 vote recommended approval of the text amendment.

Section 2. Amendment of Ordinance 2016-1442 (Unified Development Ordinance)

Ordinance 2016-1442 (Unified Development Ordinance) Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited to Specific Districts; and Section 5.12.4, Temporary Uses with Specific Requirements, are amended as set forth in "Exhibit 1" attached hereto and incorporated herein by reference.

The amendments are generally described as follows:

a) Section 2.5.3., Use Table: Amend to allow Shooting Range, Outdoor as a permissible use in the Rural Residential (RR), Rural Neighborhood (RN) and Open Space Preservation (OSP) Districts, subject to approval of a special exception permit, and to remove the use from the Light Industrial (LI) and Heavy Industrial (HI) Districts.

b) Section 5.5.12, Shooting Range, Outdoor: Amend to revise the various standards for the use, including: expanding upon how the use may be approved in certain zoning districts; replacing the existing buffering and separation requirements with an enhanced setback requirement; and providing greater clarity to the other various provisions.

c) Section 5.12.3, Temporary Uses Limited to Specific Districts: Amend to allow Turkey Shoots as an allowable temporary use all zoning districts other than the PDD unless specifically allowed for as part of the PDD Ordinance or associated Development Agreement. There would be not maximum duration for each turkey shoot temporary use.

d) Section 5.12.4, Temporary Uses With Specific Requirements: Amend to state that turkey shoots shall be subject to compliance with S.C. Code Section 16-23-440, as amended, regarding discharging firearms. No further requirement or regulation is proposed.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

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AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: April 12, 2021
Public Hearing: April 12, 2021
Second Reading: April 26, 2021
Third Reading: May 10, 2021

Approved as to form:

_____
John DuBose, County Attorney

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

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D. COMMERCIAL/ENTERTAINMENT	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF
Alcoholic Beverage Sales Store	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P	-	
Amusements, Indoor	-	-	-	P	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	P	P	
Amusements, Outdoor	-	-	-	PR	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.5.1
Bar/Tavern/Brew Pub	-	-	-	CU	-	-	-	-	-	CU	PR	-	-	-	-	-	-	-	-	PR	-	5.5.2
Billiard/Pool Hall	-	-	-	CU	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	
Brewery	-	-	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	P	
Distillery	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-	
Food Truck	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	PR	PR	-	-	-	-	PR	PR	5.5.3
General Commercial	-	-	-	PR	-	-	-	-	PR-	PR	PR	-	-	-	-	-	-	-	-	PR	PR	5.5.4
Night Club	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	-	-	
Outside Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.5
Outside Sales, Sidewalk Sales	-	-	-	PR	-	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.6
Pawnshops	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	-	-	-	-	-	-	-	-	5.5.7
Racetrack	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	-	5.5.8
Restaurant	-	-	-	PR	-	-	-	-	CU	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.5.9
Riding Stables	P	P	P	P	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	
Sexually Oriented Business/Adult Entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	5.5.10
Shooting Range, Indoor	-	-	-	PR	-	-	-	-	-	PR	PR	-	-	PR	PR	-	-	-	-	-	-	5.5.11
Shooting Range, Outdoor	SE	SE	SE	-	-	-	-	-	-	-	-	-	SE	~~SE~~	~~SE~~	-	-	-	-	-	-	5.5.12
Theater, Indoor Movie or Live Performance	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	P	
Theater, Outdoor (Amphitheater)	PR	-	-	PR	-	-	-	-	-	-	PR	PR	PR	-	-	-	-	-	-	PR	PR	5.5.13

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5.5.12 SHOOTING RANGE, OUTDOOR [AR, RR, RN, OSP ~~LI, HI~~]

A. Applicability: This use ~~includes~~ may include the shooting of firearms, bows, and crossbows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.

1. In the AR and OSR Districts, the shooting of any firearms, bows and crossbows is allowable as a principal use pursuant to a Special Exception permit.

2. In the RR District, the shooting of only shotguns, bows and crossbows is allowable as a principal use pursuant to a Special Exception permit.

3. In the RN District, the shooting of only shotguns, bows and crossbows is allowable as an accessory use to an Event Venue/Banquet Hall use.

~~**B. Buffering**: A minimum 60-foot buffer, undisturbed except for fence installation and vegetative planting, must be provided around the entire perimeter of the subject property and be delineated on the site plan.~~

~~**C. Separation Requirement**: Outdoor shooting ranges shall be located no closer than 2,640 feet (or ½ mile) to all Residential uses, all Civic uses, and all Educational/Institutional uses per the Use Table in Section 2.5.3. measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range, itself, may not cross or penetrate any public utility easement.~~

B. Enhanced Setback Requirement: The functional area of outdoor shooting ranges shall be located no closer than as described below from any property containing a single-family dwelling, place of assembly, or Educational/Institutional use. In addition, the outdoor shooting range, itself, may not cross or penetrate any public utility easement.

With regard to the above, the functional area of outdoor shooting ranges shall be considered that area of the overall property where the shooting activity of the outdoor shooting range occurs. These areas include, but are not limited to, the range floor, firing positions (points), movable barricades, firing line covers, benchrests, backstop/bullet impact berms, baffles, bullet catchers and targets. The functional area of outdoor shooting ranges shall not include required landscaped areas, open space, parking areas, or habitable buildings.

1. Firearms: 2,640 feet (½ mile).

2. Bows and Crossbows: 900 feet.

3. Exceptions: The above enhanced setback requirements may be reduced by the Board of Zoning Appeals as part of the review of the Special Exception Permit when the Board finds that the applicant has met or exceeded any of the following criteria:

a. The outdoor shooting range has been designed by, or in consultation with an individual whom has completed the National Rifle Association (NRA) Range Development and Operations Course;

b. The applicant can provided indisputable evidence that the site geography or topography is such that the full enhanced setback is unnecessary;

c. The incorporation of improved design features over and above what is established in paragraph F, below, or the implementation of other substantial measures that would mitigate the reduced setback.

~~D~~C. Noise Mitigation: ~~The facility shall be designed such that sound~~ Sound generated at the ~~facility~~ outdoor shooting range shall not exceed the following levels (in decibels) measured at ~~any off-site~~ the property line of the subject property relative to the adjacent use:

Use	Decibel Level
~~Residential Use~~	~~55 db~~
~~Industrial Use~~	~~75 db~~
~~Commercial Use~~	~~65 db~~
~~Public Use~~	~~65 db~~

~~Public Right-of-Way~~	~~65 db~~
~~Institutional Use~~	~~55 db~~
Agriculture, Automotive, Industry/Wholesale/Storage and Infrastructure uses	75 db
Civic and Educational/Institutional uses	55 db
Commercial and Office/Service uses	65 db
Lodging and Residential uses	55 db

~~E~~D. **Shot Containment**: ~~The range~~ All outdoor shooting ranges shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility in a manner consistent with the applicable standards set forth in the 2020 edition of *The Range Source Book* as published by the National Rifle Association (NRA).

~~F. **Hours of Operation**: The Board of Zoning Appeals may regulate these as necessary as a condition of the Special Exception.~~

E. Hours of Operation: All outdoor shooting ranges may be open between the hours of sunrise or 7:00 AM (whichever is later) and sunset or 7:00 PM (whichever is earlier).

~~G~~F. **Design**: ~~The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted with the application.~~

~~1. A site plan sealed by a South Carolina registered engineer must be submitted attesting that the proposed shooting range plan complies with all applicable safety and design standards for outdoor firing range provisions and live fire shoot houses set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the Range Design Criteria (June 2012) as published by the U.S. Department of Energy's Office of Health, Safety, and Security for the type of shooting range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7), and Section 6.a(1) do not apply to outdoor shooting ranges under this ordinance.~~

1. The design of an outdoor shooting range shall be consistent with the applicable provisions of the June 4, 2012 edition of the *Range Design Criteria* document published by the U.S. Department of Energy Office of Health, Safety and Security.

2. The design of an outdoor shooting range shall be consistent with the design standards set forth in the 2020 edition of *The Range Source Book* published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section, or conflict with those provisions set forth in the June 4, 2012 edition of the *Range Design Criteria* document published by the U.S. Department of Energy Office of Health, Safety and Security.

~~2. The detailed site plan must show the boundary of the subject property in its entirety and depict all discernible, existing uses and structures within 300 feet of the subject property's boundary.~~

~~3. Surface danger zones must be located entirely on the subject property and must be designed to contain all projectiles and debris caused by the type of ammunition, targets, and activities to be used or to occur on the property. The layout of the proposed range with the accompanying safety fans must be delineated on the required site plan. All firing stations must be set back at least 180 feet from all boundaries of the subject property.~~

~~H~~G. **Security**: The ~~facility~~ outdoor shooting range shall be enclosed with ~~a minimum 6-foot high security fence with locking gates~~ fencing. A sign, at least 2 square feet in size but not greater than 6 square feet, warning that ~~a firing~~ an outdoor shooting range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against any sign allotment as provided in Chapter 7.

H. **Specific Submittal Requirements:**

1. A site plan, sealed by a South Carolina registered engineer, attesting that the proposed outdoor shooting range plan complies with all applicable safety and design standards as set forth in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the June 4, 2012 edition of the *Range Design Criteria* published by the U.S. Department of Energy Office of Health, Safety, and Security, with the following exceptions that shall not apply to outdoor shooting ranges:

a. Section 4.b(10);

b. The words "or administrative" in the first sentence of Section 4.c(7);

c. The second sentence of Section 4.c(7); and

d. Section 6.a(1).

2. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted as part of the application.

I. Expiration: If there has been no shooting activity at an outdoor shooting range for a period of two years, then the resumption of shooting shall be considered the establishment of a new outdoor shooting range for purposes of this section, and require the approval of a new special exception.

****

5.12.3 TEMPORARY USES LIMITED TO SPECIFIC DISTRICTS

Use	Maximum Duration for Each Use or Event (per site)	Permitted Districts
Annual fairs, festivals, carnivals, or similar types of events	14 days – no renewal within 1 year	NB, GB, RB, INS, and MX
Special recreational or entertainment events	1 day – no renewal within 1 month	NB, GB, RB, INS, and MX
Outdoor bazaars and tent sales	3 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Temporary food vendors on private property	90 days – no renewal within 1 month	NB, GB, RB, INS, and MX
Special sales or seasonal flea	5 days – no renewal within 6 months	NB, GB, RB, INS, and MX
Weekend flea markets**	Fridays, Saturdays, and Sundays only – annual renewal required	RB and LI only
Turkey shoots	N/A	All Districts other than PDD unless specifically allowed for as part of the PDD Ordinance or associated Development Agreement

* *When conducted exclusively as part of the permanent business or industrial use on the same lot, a Temporary Use Permit is not required. See additional standards in Section 5.12.4.C.*

** *See additional standards in Section 5.12.4.C.*

5.12.4 TEMPORARY USES WITH SPECIFIC REQUIREMENTS

****

G. Turkey Shoots: Shall be subject to compliance with S.C. Code Section 16-23-440, as amended, regarding discharging firearms.

PROPOSAL: Amend Unified Development Ordinance Section 2.5.3, Use Table; Section 5.5.12, Shooting Range, Outdoor; Section 5.12.3, Temporary Uses Limited To Specific Districts; and Section 5.12.4, Temporary Uses With Specific Requirements, to modify those zoning districts in which an outdoor shooting range is a permissible use and to modify those regulations concerning how an outdoor shooting range may be permitted, as well as providing for turkey shoots as a temporary use in certain zoning districts and the standards by which turkey shoots may be approved.

APPLICABLE CHAPTER(S): Chapters 2 and 5

APPLICANT: Lancaster County

BACKGROUND

The proposed text amendment was originally heard at the Planning Commission's meeting of February 16, 2021. At that meeting, the Planning Commission voted to table the amendment until their meeting of March 16, 2021, so as to give the public an opportunity to give input on the proposed amendment.

While staff has not received any subsequent input from the public, based upon the discussions held at the prior Planning Commission meeting and further consideration, that portion of the proposed text amendment addressing turkey shoots has been modified and simplified from the original proposal and it is this new version which is discussed in this staff report.

PROJECT SUMMARY & PROPOSAL:

Lancaster County is proposing to amend Chapters 2 and 5 of the Unified Development Ordinance (UDO) modifying the zoning districts in which the Outdoor Shooting Range use may be allowable, as well as modifying the specific use regulations by which the use may be allowed. Additionally, the proposal would amend the allowable temporary uses to include turkey shoots and provide for specific requirements whereby the temporary use would be allowable.

OUTLINE OF TEXT AMENDMENT:

The proposed text amendment concerns modifying the zoning districts applicable to the Outdoor Shooting Range use, as well as the specific use regulations for Outdoor Shooting Ranges. The proposed text amendment also expands upon the list of allowable temporary uses to include Turkey Shoots and provides specific requirements for Turkey Shoots.

The following sections of the UDO are proposed to be amended:

Section 2.5.3, Use Table: Amend to allow Shooting Range, Outdoor as a permissible use in the Rural Residential (RR), Rural Neighborhood (RN) and Open Space Preservation (OSP) Districts, subject to approval of a special exception permit, and to remove the use from the Light Industrial (LI) and Heavy Industrial (HI) Districts.

Section 5.5.12, Shooting Range, Outdoor: Amend to revise the various standards for the use, including: expanding upon how the use may be approved in certain zoning districts; replacing the existing buffering and separation requirements with an enhanced setback requirement; and providing greater clarity to the other various provisions.

Section 5.12.3, Temporary Uses Limited to Specific Districts: Amend to allow Turkey Shoots as an allowable temporary use all zoning districts other than the PDD unless specifically allowed for as part of the PDD Ordinance or associated Development Agreement. There would be no maximum duration for each turkey shoot temporary use.

Section 5.12.4, Temporary Uses with Specific Requirements: Amend to state that turkey shoots shall be subject to compliance with S.C. Code Section 16-23-440, as amended, regarding discharging firearms. No further requirement or regulation is proposed.

Based on staff's findings, we offer the modifications attached to the Draft Ordinance for the Commission's consideration. For ease of reference, new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font. The proposed language is found in Attachment 1.

OUTSIDE AGENCIES:

Lancaster County Sheriff's Office:
A copy of the original draft of the text amendment considered at the Planning Commission meeting of February 16, 2021, was provided to the Lancaster County Sheriff's Office for their review and comment prior to that meeting. Lancaster County Sheriff Barry Faile spoke at the meeting and provided comments on the proposed text amendment.

Existing Outdoor Ranges in Lancaster County:
Staff has attempted to identify and contact existing outdoor shooting ranges within Lancaster County in order to provide them with a copy of the proposed text amendment and obtain comments regarding said text amendment, if any. Staff has not received any comment to date.

FINDINGS AND CONCLUSIONS:

The proposed text amendment has been found to be consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as with the applicable provisions of SC Code Title VI. The proposed text amendment will provide for an improved and more appropriate assortment of zoning districts for the Outdoor Shooting Range use, as well as

for specific regulations that are clearer and more appropriate for the use. The amendment will also reintroduce Turkey Shoots as an allowable temporary use (it was previously allowed in the UDO prior to 2016).

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendment.

ATTACHMENTS:

1. Application
2. Proposed Text Amendment
3. Repealed UDO Section 4.2.6

STAFF CONTACT:

Robert G. Tefft, Senior Planner
rtefft@lancastersc.net

3. The site shall have direct access to either a collector or arterial street.

Section 4.2.6 Pistol, Rifle, Skeet Range or Turkey Shoot (Commercial or Fund Raiser).

All such uses shall meet the following requirements:

1. No such use shall be located within one (1) mile from any residential use, church, school or day care facility.

2. The use shall be oriented away from inhabited areas.

3. The site upon which the use is proposed shall be suitable in size and topography to insure the safety of area residents.

4. The range shall have a natural earth embankment a minimum of 10 feet in height placed behind all targets within the shooting range.

5. The hours of operation shall be as follows:

   Monday through Saturday: 9:00 a.m. until sunset.

   Sunday 1:30 p.m. until 6:00 p.m. or as stated on a request for a special event as outlined below.

   Up to two times per calendar year, such businesses may be permitted to operate prior to 1:30 p.m. on Sundays for special events (i.e. state tournament). If such a business wants to hold a special event which would require the business to open before 1:30 p.m. on Sundays, the owner shall submit a written request to the Planning Director. This request shall include the name of the business, the business address, name of owner, what would be opening and closing time, and the date of the event. Additionally, the owner shall submit a list of all adjacent property owners so each can be sent a notice of which Sunday the business will open during hours other than between 1:30 p.m. and 6:00 p.m. Accompanying this list shall be an addressed, stamped envelope for each person on the list of adjacent property owners. Such businesses shall only be permitted to hold two special events per calendar year which require them to operate prior to 1:30 p.m. on Sunday.

   The hours of operation listed in this subsection are the maximum hours such an operation shall be allowed to operate. During the special exception process, if the Board of Zoning Appeals determines the surrounding conditions warrant more restrictive hours of operation, the Board shall have the right to set such hours of operation. (Ord. # 323, 2/1/99)

6. Turkey shoots which are operated as a fund raiser for non-profit organizations shall be allowed two (2), thirty (30) day permits per calendar year.

Section 4.2.7 Sanitary Landfills.

Due to consideration for the public health and safety and potential pollution to the environment resulting from sanitary landfills, any such use shall meet the following requirements:

1. A letter of need shall be obtained from County Council prior to any other review of the proposal taking place. If the letter of need is not obtained the operation shall not be permitted.

2. A letter of consistency with the County's Solid Waste Management Plan shall be obtained from the County Council prior to any other review of the proposal taking place. If the letter of consistency is not obtained the operation shall not be permitted. As part of the process to obtain a letter of consistency the county shall:

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021 -1732
Contact Person / Sponsor: John DuBose / County Attorney
Department: Attorney
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to amend the Bylaws of the Historical Commission.

Points to Consider:
These requested bylaw amendments were initiated by the Historical Commission. The Historical Commission has proposed amendment of their Bylaws to reflect the modern day realities of the Commission's operation and to address difficulty in achieving a quorum. The Historical Commission Bylaws have not been amended since 1999.

The primary points of the proposed revisions are as follows:
1) clarification of purpose;
2) reduction of the quorum to three (3) members;
3) allows a Commissioner to serve for more than two (2) consecutive terms of four (4) year, with County Council approval, if there is a lack of willing/qualified candidates to fill a seat vacancy;
4) sets forth and clarifies the current duties of the Commission; and
5) amends the annual audit processes.

Funding and Liability Factors:
Not Applicable.

Council Options:
Approval or disapproval of the Ordinance amending the Historical Commission Bylaws.

Recommendation:
Not Applicable.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2021-1732	4/15/2021	Ordinance

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021-1732**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND CHAPTER 2, ARTICLE XI, DIVISION 2 OF THE LANCASTER COUNTY CODE OF ORDINANCES ENTITLED, "HISTORICAL COMMISSION," TO PROVIDE NECESSARY UPDATES TO THE LANGUAGE OF VARIOUS APPLICABLE ORDINANCES.

WHEREAS, the South Carolina General Assembly enacted South Carolina Act No. 48 in 1953, which provided the statutory authority for the creation of the Lancaster County Historical Commission; and

WHEREAS, the Lancaster County Historical Commission plays an important benefit to Lancaster County and undertakes numerous duties throughout the County; and

WHEREAS, the Lancaster County Historical Commission, amongst other important duties, is charged with preserving and identifying places and things of historical significance in Lancaster County; and

WHEREAS, the applicable Lancaster County Ordinance pertaining to the Lancaster County Historical Commission has not been amended since 1999 and is in need updating;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

Section 1. Chapter 2, Article XI, Division 2, of the Lancaster County Code of Ordinances is amended as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

DIVISION 2. HISTORICAL COMMISSION

_____

Sec. 2-311.Purpose

The purpose of the Lancaster County Historical Commission shall be to preserve and identify places and things of historical significance in Lancaster County and to collect and store historical artifacts in a secure and archival manner. Objectives include but are not be limited to:

- Promote an appreciation of events, people and places from the county's past
- Provide educational programs
- Maintain and operate a public museum

(Ord. No. 241, 7-25-94, Ord. No. 2021-1732, 5-24-21)

Sec. 2-312. Composition and meetings.

(a)The commission shall be composed of seven (7) members appointed by the county council. Potential members must reside in Lancaster County. Each council member shall recommend one (1) member to represent his/her district; however, residency in the council member's district is not required. Two members of the same household cannot serve as Commissioners, although one may serve as an at-large advisor. Upon adoption of this ordinance ~~(July 25, 1994)~~, (5-24-2021), ~~appointments shall be for four-year terms for members whose terms expired June 30 1994. Those members who remain on the commission will serve until their terms expire~~ future Commissioners or current Commissioners in future appointed terms must meet these requirements. As terms expire, a recommendation will be made by the council member in whose district the term had expired and appointments will be made by the entire county council for four-year terms. Commissioners may serve two (2) consecutive terms, but will then be ineligible for reappointment for a period of four (4) years. In the absence of willing and/or qualified applicants for Commissioner, individuals may be granted additional terms with approval of County Council.

In addition to the seven (7) members appointed by county council representing each of their districts, six (6) at-large members shall be appointed by the Lancaster County Council. At-large members will serve in an advisory capacity and have no voting privileges. ~~Upon adoption of this ordinance [Ord. No. 24, adopted March 29, 1999], three (3) at-large members shall be appointed for two (2) years and three (3) at-large members shall be appointed for four-year terms.~~ All appointments ~~thereafter~~ shall be for four (4) years. At-large members may serve two (2) consecutive ~~full~~ four-year terms. . In the absence of willing and/or qualified applicants for at-large advisor, individuals may be granted additional terms with approval of County Council.

(b)The commission shall meet monthly unless the Commission votes otherwise, but at least quarterly and at other times at the call of the chair. The commission shall annually elect a chair~~man~~, vice-chair and secretary. Three commissioners, one of whom must be the Chair, the Vice-Chair or the Secretary, will constitute a quorum. All members are expected to attend each regular and special meeting of the commission except for valid cause upon prior notice to the chair~~person or secretary~~ or vice-chair. Should any member be absent for three (3) ~~consecutive~~ meetings during the year without a valid excuse being presented prior to the meeting, unless an emergency, in writing or by email to the chair~~man~~ or vice-

chair of the commission, the chair~~man~~ will notify the clerk to council, in writing, of the vacancy. The meeting absence requirement also applies to at-large advisors. If a commissioner or at-large advisor resigns or becomes unable to serve during his/her term, the County Council shall appoint a qualified individual to fill the unexpired term.

(c)All members will serve without compensation, but will be reimbursed for actual expenses and mileage per Lancaster County policy ~~after approval by the commission chairman and the county administrator~~ from the existing Commission budget if the Commission approves the reimbursement prior to its incurrence.
(Ord. No. 241, 7-25-94; Ord. No. 324, 3-29-99; Ord. No. 2021-1732, 5-24-21)

Sec. 2-313. Duties.

The commission shall select, design and designate locations for historical markers and be responsible for ~~the~~ their upkeep. ~~of historical sites in the county, and shall work with the State Park Commission in maintenance of the state park at the Andrew Jackson birthplace~~. The commission shall make application for historic markers to the state or assist interested groups in making application for historic markers.

The commission shall be responsible for the operation of the county historical museum and the acquisition, conservation and maintenance of the collection. The collection will be inventoried and stored in a secure and archival manner.

The commission is authorized to receive and disburse funds within its budget, accept donations, compile, print and seal historical pamphlets and books. The commission may stage or promote events, or work with other groups, agencies, or organizations in promoting events of an historical nature.
(Ord. No. 241, 7-25-94, Ord. No. 2021-1732, 5-24-21)

Sec. 2-314. Financial controls; audit.

(a)The commission is subject to the purchasing rules and financial procedures of Lancaster County as adopted by the county council. The commission shall designate a person on the commission as liaison with the offices of the county administrator and county finance director to ensure compliance with these regulations.

(b)The commission's financial records shall annually be reviewed as part of the county's standard financial practices and information provided to the county administrator upon request ~~have an independent audit of the financial records of the commission. The audit shall be furnished to the county finance office within four (4) months of end of the fiscal year, but not later than February first. The audit shall be performed by an auditor to be selected by county council. All audits shall include all revenues received by the historical commission and shall include an accounting of all revenues received and all expenses of operation.~~ All records in connection with activity of the historical commission are subject to review by the council, the auditors of the county, and the office of the administrator or finance director upon request.
(Ord. No. 241, 7-25-94, Ord. No. 2021-1732, 5-24-21)

Sec. 2-315. Records and reports.

The commission shall maintain records of its meetings and shall forward copies of the minutes of each meeting to the county council within thirty (30) days of each meeting. The minutes shall reflect the date of the meetings, the members present and the business considered and decided. The secretary of the commission will transcribe the minutes of each meeting and the secretary or the chair forward them to the office of the county administrator. The commission shall report annually to the council, or upon request, concerning its activities. Council shall designate the time for the annual report.
(Ord. No. 241, 7-25-94, Ord. No. 2021-1732, 5-24-21)

Sec. 2-316. Freedom of information.

The county historical commission is a public body within the meaning of Section 30-4-10 et seq. of the Code of Laws of South Carolina of 1976, as amended, also known as the Freedom of Information Act, and, as such, is required to give public notice of its meetings and agendas and attempt to notify the press thereof as required by the Act. Meetings may be closed only in accordance with the Act.
(Ord. No. 241, 7-25-94)

Sec. 2-317 Legal counsel.

In the event the commission requires the advice of legal counsel, the commission shall first contact the county attorney. If for any reason the country attorney is unable to represent the commission, the county attorney shall so advise the commission and the council. The council, upon recommendation of the commission, may provide substitute counsel if deemed necessary by council.
(Ord. No. 241, 7-25-94)

Sec. 2-318. Inventory.

The commission shall keep an inventory of all equipment, furnishings, and facilities owned or on loan, operated, leased or used by the commission. The inventory shall clearly identify each item. The commission shall clearly mark for identification all county-owned equipment. The commission shall furnish a copy of the inventory to the county ~~council~~ administrator annually with the annual report.
(Ord. No. 241, 7-25-94, Ord. No. 2021-1732, 5-24-21)

Section 2. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in

this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 4. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: April 26, 2021
Second Reading: May 10, 2021
Third Reading: May 24, 2021

Approved as to form:

_____
John DuBose, County Attorney

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Sherrie Simpson/Clerk to Council
Department: County Clerk
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Whether to appoint Sheresa Ingram to the Board of Zoning Appeals as the District 5 representative. If appointed, she will be filling an unexpired term that will end on 06/30/2021 and also serving her first four year term that will expire on 06/30/2025.

Whether to appoint Michael Brian Elliott to the Airport Advisory Board as the District 6 representative. If appointed, he will be replacing Donald Faile and serving an unexpired term that will end on 06/30/2023.

Points to Consider:
Sheresa Ingram's and Michael Brian Elliott's applications are attached for Council's review and consideration.

Funding and Liability Factors:
N/A

Council Options:
Approve or deny the appointments.

Recommendation:
Approve the appointments.

ATTACHMENTS:

Description	Upload Date	Type
Application from Sheresa Ingram for the Board of Zoning Appeals	4/16/2021	Backup Material
Application from Michael Brian Elliott for the Airport Advisory Board	4/16/2021	Backup Material

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name SHERESA INGRAM **County Council District** 5

Mailing Address _____ **City/Zip** LANCASTER, 29720

Street Address _____ **Registered Voter** yes X no____

Tel. Number (home) _____ **(work)** _____ **(other)** _____

Email: sheresa.ingram@gmail.com

Occupation Retired **Place of employment** n/a

Address n/a **Normal working hours** _____

(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Planning Commission **2nd choice** Local Emergency Planning Committee

3rd choice _____

Reason for interest

As a lifelong citizen, I am very excited about the economic growth and opportunities in the Indian Land area and would like to work with a group of individuals to help set in motion the growth and development in the southern area of the county.
LECP - From previous employment, I know the dangers of hazardous materials and would like to help keep Lancaster County safe from industrial hazards (air pollutants and contaminated ground water).

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

A strong advocate for economic growth along Highway 200 South.
Regarding the LECP, experience includes a position as the Corporate Safety Specialist for a manufacturing company (safety audits, new employee orientation, and investigating accidents and incidents, etc.)

Do you presently serve any State, County or Municipal Boards? Yes **If yes, list** Recently appointed to

Have you ever served on a county board? No **If yes, list** _____

Additional pertinent information

Applicant's signature eSigned via SeamlessDocs.com Sheresa Ingram Key: 349d8b47d83d0e87ae264bd1c81dd951 **Date** April 5, 2021

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721

Form Revised 1-20-17

LANCASTER COUNTY BOARDS & COMMISSIONS
APPLICATION FOR SERVICE

Name Michael Brian Elliott *County Council District* _____

Mailing Address _____ *City/Zip* Kershaw SC 29067

Street Address _____ *Registered Voter yes* ✓ *no* ___

Tel. Number (home) _____ *(work)* _____ *(other)* _____

Email: brianelliott@comporium.net

Occupation Landscaper/Farmer *Place of employment* Landscape Designs and Elliott's Nursery

Address 1966 Nature Reserve Road Kershaw SC 29067 *Normal working hours* 7 to 5 5 days a week

(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Airport Advisory Board *2nd choice* _____

3rd choice _____

Reason for interest

Im interested because I love to fly but also my grandfather had the first Airport in Kershaw. Its always been an interest of mine

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

I feel Im qualfied because, I run two businesses and I have 2 college degrees and years of management experience. I feel I can have an impact on any board Im on.

Do you presently serve any State, County or Municipal Boards? NO *If yes, list* _____

Have you ever served on a county board? NO *If yes, list* _____

Additional pertinent information

Applicant's signature _____ *Date* 4/16/21

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721
Form Revised 1-20-17

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Steve Willis/Administration and Jamie Gilbert/Economic Development
Department: Administration
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Additional funds needed for the extension of Mount Nebo Road at the Air Rail Park.

Points to Consider:
Council had previously approved this project with an estimated cost for the project. At the time of that Agenda Item Summary we had not yet bid the project.

The project has now been bid out and bids received.

Not surprisingly given current market conditions, the bid price was higher than the estimated costs.

Funding and Liability Factors:
Jamie was still finalizing the project cost reports at the time this was written. He will have a final report at the County Council meeting.

The additional grant match amount will be approximately thirty three thousand ($33,000) dollars.

Council Options:
Approve or reject the additional cost.

Recommendation:
Approve the cost.

Agenda Item Summary

Ordinance # / Resolution #: Ordinance 2021-1726 - HELD
Contact Person / Sponsor: Kimberly Belk/Administration and Steve Willis/Administration
Department: Administration
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Update to the County Capital Improvement Plan beginning July 2021-June 2031.

Points to Consider:
Historically the revised plan has included items over $100,000 and been adopted every five years. The last one was adopted in 2017.

This will be an active CIP with budget staff planning to post it online and give bi-annual status updates. Budget staff also recommends revisiting the plan annually with Council.

We need to update the CIP to include impact fee items as well as Capital Project Sales Tax 3 items. This version does not include the airport any longer, as FAA regulations require us to pass an annual airport CIP that makes necessary changes. After talking with the County's airport consultant, the decision was made to remove it from the county-wide CIP and track it separately.

This document has been amended since the version previously presented to Council at the Jan. 19 Committee of the Whole Meeting to include: office space for the Coroner's office and the recreation bond projects which were approved by referendum and the majority of construction will take place in next fiscal year.

Funding and Liability Factors:
This document serves as a financial plan for capital expenditures.

Council Options:
Approve or deny the Ordinance.

Recommendation:
Planning Commission recommended approval.
Staff recommends approval.

Agenda Item Summary

Ordinance # / Resolution #: N/A
Contact Person / Sponsor: Steve Willis / Administration
Department: Administration
Date Requested to be on Agenda: 4/26/2021

Issue for Consideration:
Attached is the Request for Proposals to select the Owner's Representative for the Detention Center/ Magistrates Court project.

Points to Consider:
Procurement has worked with attorney Wade Mullins of the Bruner Powell Robbins Wall & Mullins law firm to prepare the Request for Proposals for the Owner's Representative for the Detention Center/ Magistrate's Court project.

The RFP still needs to be updated with dates and bid ID before going out but is essentially in its final form.

I wanted to make sure that Council saw this prior to it being published.

Funding and Liability Factors:
N/A

Council Options:
None at this point. The selection committee once bids are received will consist of Chairman Harper, Vice-Chairman Carnes, Sheriff Faile, Chief Magistrate Ingram, and CFO/ Financial Services Division Director Thompson. Scoring will be coordinated by Procurement Director McDaniel per County Code.

Recommendation:
N/A

ATTACHMENTS:

Description	Upload Date	Type
RFP	4/14/2021	Exhibit

REQUEST FOR PROPOSAL

Lancaster County Procurement
PO Box 1809, 101 N. Main St.
Lancaster, SC 29721

Lancaster County Owner's Representative Construction Services Contract RFP

Set forth the term "Offer" shall also mean "Bid" or "Proposal" or "Qualifications". All sealed Offers from responding participants are subject to all conditions and provisions herein. Offers shall only be submitted through the Lancaster County Procurement webpage. All submitted Offers shall be publicly acknowledged by the Procurement Director or an approved designee.

LANCASTER COUNTY, SC

Cathy McDaniel
Director, Procurement

Solicitation No:	_____
Date Issued:	April 14, 2021
By:	Cathy McDaniel
Phone:	803-416-9963
E-Mail:	cdmcdaniel@lancastersc.net
Announcements:	Bid documents and notifications for this solicitation, including addenda and award, can be located on the County website at Open Solicitations/Vendor Registration.

INQUIRIES DUE:	Tuesday	March __	12:00 AM
SUBMIT OFFER:	Tuesday	April __	2:00 PM

ATTENTION: DUE TO COVID-19, PROVISIONS ARE BEING MADE TO COMPLY WITH SOCIAL DISTANCING MEASURES. ALL SOLICITATIONS ARE REQUIRED TO BE SUBMITTED ONLINE AND ALL OPENINGS AND EVALUATIONS WILL TAKE PLACE THROUGH ONLINE MEETINGS VIA ZOOM. ALL BID TABS AND AWARDS WILL CONTINUE TO BE POSTED ONLINE.

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1.0 OVERVIEW
2.0 GENERAL CONDITIONS AND PROVISIONS
3.0 SCOPE AND SPECIFICATIONS
4.0 OFFER SUBMITTAL INSTRUCTIONS
5.0 VENDOR INFORMATION/ACKNOWLEDGEMENT
6.0 ADDENDA ACKNOWLEDGEMENT
7.0 ADDITIONAL FORMS (IF APPLICABLE)

1. OVERVIEW.

1.1. INTENT

The County of Lancaster, South Carolina ("County") is requesting sealed Offers from qualified firms ("Vendor") for **Lancaster County Owner's Representative Construction Services Contract**; Solicitation No. _____.

The County intends to engage a Vendor to provide Owner's Representative Construction Services for the design and construction of a new County Detention Center and Magistrate's Office Complex (the "Project"). The selected Vendor will assist the County in the capacity of a representative during the planning, design and construction of all aspects of the Project. The Owner's Representative shall serve under the direct supervision of the County Administrator. The Vendor shall have no authority to obligate the County to any financial obligation, liability, expenditure or contractual obligation without the express approval of the County Administrator and County Council. The Owner's Representative shall serve as the County's main point of contact and liaison between the architect, engineer, construction manager, general contractor, and/o other consultants and vendors throughout the duration of the Project. The Owner's Representative shall advocate for the County's best interests to ensure completion of the Project on time, within budget and quality of design and construction while maintaining professional relationships with all contractors, consultants, partners and vendors. The Owner anticipates it will engage an architect/engineer, construction manager, general contractor and/or other consultants and contractors for the Project and the Owner's Representative will not assume the risks of obligations of those separate vendors; however, the Owner's Representative may provide consultation, evaluations, and recommendations on the selection of same.

The Owner's Representative shall be able to perform all services list in Section 3.0 Scope of Work and Services of the RFP for the Project.

Lancaster County Procurement, located at 101 N. Main St., Lancaster, South Carolina 29720, shall receive offers until the date and time listed on the cover page of this solicitation. A public announcement of all offers to this solicitation shall follow by reading thereafter. Responses to this solicitation will be used to determine which Vendor is capable of performing this solicitation's scope of work in a manner determined that best meets the needs of the County for this individual solicitation.

Each Offer must meet all terms, conditions, and specifications of this solicitation in order to obtain contract award. By virtue of submission, Vendor acknowledges agreement and acceptance of all provisions except as those expressly consented in this solicitation. Non-substantial deviations may be considered, provided Vendor submits a full explanation and justification of proposed deviations. Whether any such proposed deviation is deemed non-substantial will be determined by the County in its sole discretion.

1.2. AWARD OF CONTRACT

All submitted Offers are to be opened on the designated date and time listed on the front page. All Offers will be publicly acknowledged, recorded, and thereafter evaluated for appropriate levels of responsiveness and responsibility. Based on the selection criteria in Section 4.4, Lancaster County shall make award to the Offer deemed most advantageous to the County. Upon determination of a winning Offer, a Notice of Award shall be issued and the successful Offer will be publicly posted on the County website and the successful Vendor will receive a contract substantially similar to the agreement attached hereto

1.3. RIGHT TO DECLINE

Lancaster County reserves the right to reject any or all Offers, to cancel a solicitation, to negotiate specific terms, conditions, and/or provisions on any contract that may arise from this solicitation or, to waive any informalities or irregularities therein as in the best interest of Lancaster County. No contractual obligation or liability on the part of the County shall exist unless and until a final contract is executed.

Ambiguous bids, which are uncertain as to terms, delivery quantity or compliance with specifications may be rejected or disregarded if such action is in the best interest of the county.

1.4 COMPETITION

This solicitation is intended to promote competition. If any language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation to a single source, it shall be the responsibility of the interested vendor to notify the Procurement Department in writing within ten (10) days prior to the opening date. The solicitation may or may not be changed but a review of such notification will be made.

2.0 GENERAL CONDITIONS AND PROVISIONS.

2.1 CERTIFICATE(S) OF INSURANCE

Once awarded, the successful Vendor(s) may be required to provide valid proof of insurance within ten (10) days from Notice of Award and prior to commencing any work, including the following: Worker's Compensation, General Liability, Professional Liability (Errors and Omissions) and Auto Liability.

2.2 IRS FORM W-9 AND MBE/WBE AFFIDAVIT

If selected for award, the successful Vendor(s) will be required to submit a completed IRS Form W-9, or to resubmit IRS Form W-9 if form on file is not current with the County. If applicable, a Lancaster County MBE/WBE Affidavit should be completed (see Section 5.0, Forms).

2.3 PRIME CONTRACTOR RESPONSIBILITIES

The successful Vendor(s) will be required to assume sole responsibility for the complete efforts as they pertain to this solicitation. The obligations of this contract may not be assigned or subcontracted without the written consent of the County.

2.4 HOLD HARMLESS AGREEMENT

The selected Vendor shall hold County harmless for any loss, damage, claims arising from, or related to the performance of the awarded contract. The selected Vendor(s) must exercise all reasonable and customary precautions to prevent any harm or loss to all persons and property related to awarded contract. The selected Vendor(s) agree to indemnify and hold the County and County employees harmless from all claims, demands, causes of action or suits of whatever nature arising out of the goods, services, labor, or materials furnished by contractors or subcontractors alike under the provisions of the solicitation documents.

2.5 NON-COLLUSIVE AGREEMENT

By submitting an Offer, any Vendor(s) or any authorized agent(s) of any Vendor(s), certifies under penalty of perjury that, to their best knowledge and belief, the validity of statements within their submission have been arrived at independently without collusion, consultation, communication, or pre-arranged agreement for the purposes of restricting solicitation competition. Further, no attempt has been made nor will be made by any Vendor(s) to induce any other Vendor(s) to submit or not submit Offers based on the purpose of restricting solicitation competition.

2.6 NON-DISCRIMINATION

For the duration of the eventual contract, the successful Vendor(s) shall not discriminate against any employee or program applicant because of age, race, creed, color, nationality, ancestry, marital status, sexual orientation, gender identity or expression, disability, or sex. In addition, accordant to equal employment opportunities, the successful bidder shall also consider all qualified applicants for employment without regard to age, race, creed, color, nationality, ancestry, marital status, sexual orientation, gender identity or expression, disability, or sex. Such equal employment opportunities include, but are not limited to employment, promotion, demotion, transfer, recruitment, layoff, termination, rate of pay, selection for training, or apprenticeship.

2.7 DRUG FREE WORKPLACE

During the performance of the scope of work covered within this solicitation, the successful Vendor(s) agrees to provide a drug-free workplace for employees. Vendors will post in conspicuous places (available to employees and applicants alike) a statement notifying the unlawful nature of the manufacture, sale, distribution, dispensation, possession, or use of any controlled substances as prohibited in the workplace, and to specify the actions to be taken against employees for the violations of such prohibited actions.

2.8 LAWFUL COMPLIANCE

The successful Vendor(s) shall comply with all laws relating to practice as they pertain to the state of South Carolina as well as federal regulations. Upon award of contract under this solicitation, any Vendor(s) to whom award is made must be authorized and/or licensed to do business within the state of South Carolina.

2.9 OWNERSHIP OF MATERIAL

Ownership of all data, material, and documentation originated and prepared for the County pursuant to this solicitation shall belong exclusively to Lancaster County.

2.10 LOCAL VENDOR

The lowest local responsible and responsive Vendor who is within three (3) percent, with a cap of six thousand dollars ($6,000.00), of the lowest non-local responsible and responsive Vendor, may match the Offer submitted by the non-local responsible and responsive Vendor and thereby be awarded the contract. The local preference as set forth in this section shall only be applied to responses to solicitations of written quotes and invitations to bid in excess of ten thousand dollars ($10,000.00). The local preference, as set forth in this section, shall only be given to local responsible and responsive Vendors who have a physical business address located and operating within Lancaster County for a minimum of six (6) months prior to the solicitation of quotes and/or Offer. Vendor shall also have met all other requirements of the solicitations, including, without limitation, payment of all duly assessed state and local taxes. If state or federal guidelines prohibit or otherwise limit local preference, then the County shall not use local preference in awarding the contract. If there are multiple responsible and responsive Vendors who meet the local preference guidelines as set forth in the section, the County shall use standard procurement practice and procedure as set forth in the article to determine the priority of selection. The local preference as set forth in this section does not waive or otherwise abrogate the County's unqualified right to reject any and all bids or proposals or accept such Offers, as appears in the County's best interest.

2.11 TERMINATION

The Contract for this solicitation must be valid from date of signature or initial Purchase Order issuance and must remain valid until all services are rendered complete. Rates specified are for the duration of the Project. Breach or non-performance of any Contract term will constitute cause upon which the County may terminate the contract in accordance with the contract:

2.12 CHOICE OF LAW

All agreements shall be governed by and construed in accordance with Laws of the State of South Carolina and parties irrevocably submit to the nonexclusive jurisdiction of the courts of, or the federal courts in, South Carolina.

2.13 SOUTH CAROLINA FREEDOM OF INFORMATION ACT

All submissions of responding Vendors are subject to the South Carolina Freedom of Information Act, S.C. Code Annotated Sections, 3-4-10, et seq. Any commercial or financial information that is deemed as privileged and confidential must be visibly and clearly marked as “CONFIDENTIAL” by Vendor and must be applied to each specific part of an Offer deemed as such. Failure to do so may result in disclosure of submitted information as a determinant to uphold compliance to Federal and State information laws as they pertain to the access of public procurement information. The county reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the county or its agents for its determination in this regard.

2.14 NO CONTACT

Vendors are prohibited from contacting any appointed official, elected official, or employee of Lancaster County, directly or indirectly, concerning any active or future solicitations. Any communication concerning solicitations are to

be through the Procurement Office. Any vendor found in violation of this clause shall be suspended or debarred from participating in this or future Lancaster County solicitations.

2.15 **CONTRACT ADMINISTRATION AND ASSIGNMENT**

Questions or problems arising after award of this contract shall be directed to the Procurement Director, located at 101 N. Main St., Lancaster, SC 29720, or by calling (803) 416-9963. The County Administrator or authorized designee must approve all change orders in writing. No contract or its provisions may be assigned, sublet, or transferred without the written consent of the County. Lancaster County shall not be bound to any change in the original contract unless approved by the County Administrator or authorized designee.

2.16 IMMIGRATION REFORM AND CONTROL

By submitting an Offer, any Vendor or any authorized agent of any Vendor, is expected to comply with the Immigration and Reform Control Act of 1986 (IRCA). This act, with certain limitations, requires the verification of the employment status of all individuals who were hired on or after November 6, 1986 by the Vendor, as well as any subcontractors. The usual method of verification for this information would be through the Employment Verification (I-9) Form. With any submitted Offer, Vendor hereby certifies without exception that they have complied with all federal and state laws relating to immigration and reform and will continue to comply throughout the duration of any awarded contract(s). Any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach and, in Lancaster County's discretion, may subject any contract to termination and applicable damages. At the County's request, Vendor may be requested to produce any documentation or other such evidence to verify the Vendor's compliance with any provision, duty, certification, or like while under contract.

2.17 PROHIBITION OF GRATUITIES

Section 8-13-705 of the Code of Laws of South Carolina states: offering, giving, soliciting, or receiving anything of value to influence action of public employee, member or official, or to influence testimony of witness; exceptions; penalty for violation; shall be subject to punishment provided by section 16-9-210 and section 16-9-220.

2.18 WAIVER

The County reserves the right to waive any instruction to bidders, general or special provisions, general or special conditions or specifications deviation if deemed in the best interest of the county.

2.19 PUBLICITY RELEASES

Contractor agrees not to refer to award of this contract in commercial advertising in such a manner as to state or imply that the products or services provided are endorsed or preferred.

3.0 Scope and Specifications

3.1 Scope of Work and Services. It is anticipated that the Vendor may provide hourly or daily consulting services to the County in connection with the Project, which include but are not limited to:

3.1.1 PRECONSTRUCTION PHASE SERVICES.

a. The Owner's Representative may consult with and assist the County in selecting, retaining and coordinating the professional services of all architects, engineers and other design consultants, construction managers at risk (CMAR), general contractors or other contractors in direct privity with the County, surveyors, special consultants and testing laboratories to the extent required by the County Administrator .

b. The Owner's Representative may consult with and advise the County concerning appropriate construction delivery methods for the project, including CMAR, Design-Build and Design-Bid-Build separate as well as sequenced solicitation packages to the extent required by the County Administrator.

c. The Owner's Representative may consult with and advise the County on strategies for the procurement of all required professional services and may be asked to provide assistance with the negotiation of all professional service contracts to the extent required by the County Administrator.

d. The Owner's Representative may assist the architect in obtaining permits for the project; coordinate with the various governmental agencies having permit responsibilities for the project; represent the County at meetings of the applicable governmental units; recommend to the County appropriate policies or decisions to be followed on public matters affecting the project; direct the architect to ascertain whether there are any significant building code or other governmental compliance issues; coordinate with the contractor the obtaining of necessary building permits or other necessary construction approvals for the project; and advise the County as to any material issues noted by the architect to the extent required by the County Administrator.

e. The Owner's Representative may attend regular meetings with the design team and owner during design development.

f. The Owner's Representative may provide recommendations to the County and architect regardingconstruction feasibility, value engineering, availability of materials and labor, time requirements for installation and construction, and factors relating to costs, including costs of alternative designs or materials in a manner consistent with the project program, budget and schedule, and possible cost reductions and economies if and when necessary to reconcile the project program, budget and schedule to the extent required by the County Administrator .

g. The Owner's Representative may review and comment on the drawings and specifications for the project as they are prepared by the architect to the extent required by the County Administrator. The Owner's Representative may assist the County inthe evaluation and recommendation of appropriate design alternatives in light of the County's project program,

budget and schedule to the extent required by the County Administrator, provided the Owner's Representative shall not assume any of the architect's responsibilities for design or any of the general contractor's responsibilities for construction means, methods or costs.

h. The Owner's Representative may review and advise the County on revisions of project budget from time to time as the design ofthe project is finalized, the working drawings are prepared, construction contracts for the project are negotiated, awarded and executed and shall provide a variance summary with each update, includingrecommendations on any necessary corrective action for unfavorable variances from the thencurrent project budget to the extent required by the County Administrator.

i. The Owner's Representative may recommend modifications to the project design, project budget, project schedule and project program to reconcile each with the others, for final decision by the County to the extent required by the County Administrator.

j. The Owner's Representative, along with the architect, may assist in the preparation of the solicitation documents for the contractor selection and may assist in certain aspects of the bid process and negotiation of construction contracts in accordance with the County's requirements to the extent required by the County Administrator.

k. The Owner's Representative may make recommendations for prequalification criteria for bidders, including bonding capabilities of any bidder if selected as a contractor, and develop a bid list for prospective contractors and subcontractors to the extent required by the County Administrator.

l. The Owner's Representative may assist with pre-bid conferences to familiarize bidders with the bid documents and any special or unique systems, materials or methods to the extent required by the County Administrator.

m. The Owner's Representative may review bids or proposals submitted in connection with the project. Said assistance may include, serving on evaluation committees or serving as a subject matter expert to prepare analyses and otherwise provide assistance to theCounty for the award of a contract for the project to the extent required by the County Administrator.

n. The Owner's Representative may assist with the design, procurement and coordination of FF&E (Furniture, Fixtures and Equipment) Information Technology, Security, Audio/Visual, Signage, Testing Services, Temporary Facilities and other County directly procured building systems to the extent required by the County Administrator.

3.1.2 CONSTRUCTION PHASE SERVICES.

a. The Owner's Representative may assist and represent owner in construction phase, whether under CMAR, Design-Build or Design-Bid-Build construction delivery system selected to the extent required by the County Administrator.

b. The Owner's Representative may provide recommendations regarding contractor's proposed mobilization schedule, temporary project facilities, equipment, materials and services during construction and the assignment of responsibilities relating to the same to the extent required by the County Administrator.

c. The Owner's Representative may conduct pre-award conferences with the highest ranked respondent for a project construction contract; advise the County regarding the negotiation of businessterms of each project construction contract and advise the County on the acceptability of contractors for the project to the extent required by the County Administrator. The Procurement Code regulates all pre-contract communications with vendors and Procurement personnel must manage and/or witness pre-contract communications.

d. The Owner's Representative may review and process vendor insurance certificates, surety bonds, sworn statements and waivers for contract compliance to the extent required by the County Administrator.

e. The Owner's Representative may represent the County in its communications with the architect, contractor, and consultant(s); schedule, attend and conduct progress meetings, regular on-site meetings to review construction progress and pay requests and to provide appropriate recommendations to the County concerning the County's decisions on construction matters, including, where necessary, alternative designs or materials; and coordinate, review and advise the County concerning, change orders, submittals and requests for information to the extent required by the County Administrator. Provided, however, that Owner's Representative shall have no authority to obligate the County to any financial obligation, liability, expenditure or contractual obligation without the express approval of the County Administrator and County Council

f. Owner's Representative may (a) assist and review the processing of change orders, (b) advise the County concerning the change orders necessity and recommended cost of change orders and (c) negotiate, on the County's behalf, all change orders with the contractor to the extent required by the County Administrator. Provided however that Owner's Representative shall have no authority to obligate the County to any financial obligation, liability, expenditure or contractual obligation without the express approval of the County Administrator and County Council. The final project budget and/or project schedule, as applicable, will be revised to reflect approved change orders.

g. The Owner's Representative may review applications for payment by the contractor and make written recommendations to the County concerning the payment to the extent required by the County Administrator.

h. The Owner's Representative may review and advise the County on a critical path schedule for completion of the applicable work and any revisions thereto to the extent required by

the County Administrator. In the event of delays affecting the critical path schedule, the Owner's Representative may advise to the County for corrective action by the contractor and review the contractor's recommendations for corrective action.

i. The Owner's Representative may coordinate the architect's review and approval of shop drawings, product data and other submittals by the contractor to the extent required by the County Administrator.

j. In conjunction with the contractor who has prime contractual responsibility, the Owner's Representative may review and advise the County concerning the adequacy of the contractor's personnel and equipment, and the availability of materials and supplies to meet the contractor's schedules in relation to the project schedule to the extent required by the County Administrator.

k. Although the Owner's Representative shall not guarantee the performance by contractor, the Owner's Representative shall recommend courses of action to the County when the County or the Owner's Representative becomes aware that requirements of any project construction contract are not being fulfilled, or when the contractor falls behind in its schedule; shall communicate recommendations, as directed by the County, to the contractor on behalf of the County; shall monitor the contractor's performance of such recommendations; and shall report the contractor's progress to the County on at least a monthly basis.

l. The Owner's Representative shall notify the County in writing, with photos and supporting documentation if the Owner's Representative becomes aware that the work of the contractor is notbeing performed in accordance with the requirements of the contract documents. The Owner'sRepresentative shall notify the County, the architect and the contractor, as appropriate, of deficiencies in the work of which the Owner's Representative becomes aware.

m. The Owner's Representative may advise the County concerning the procurement of building materials by the contractor regarding budget and schedule implications to the extent required by the County Administrator.

n. The Owner's Representative may attend the on-site review of the project to confirm substantialand final completion of the construction of the project and notify the County when the Owner's Representative believes the work under a project construction contract is substantially complete and that a punch list should be prepared to the extent required by the County Administrator.

o. The Owner's Representative may coordinate with the architect in its review of the work to enable the architect to determine the date of substantial completion and completion of the punch list. The Owner's Representative may consult with the County and/or architect in

connection with recommendations for the rejection and replacement of all nonconforming work, as appropriate to the extent required by the County Administrator.

p. The Owner's Representative shall obtain from contractor record drawings or, if required by the applicable project construction contract, "as-built" drawings, as construction completes.

q. Together with the architect and the County, the Owner's Representative may monitor and observethe testing and start-up of all utilities, systems and equipment for the project and review test reports to the extent required by the County Administrator.

r. To the extent required by the County Administrator, the Owner's Representative may complete the final close-out of the project by (a) obtaining, or causing the contractor to obtain, all government approvals required for the legal use and occupancy of the project, (b) obtaining all warranties, guarantees, bonds, insurance certificates, installation manuals, and other items required pursuant to the project construction contracts, (c) obtaining all affidavits, waivers, and releases the contractors are required to provide pursuant to the project construction contacts to achieve final completion of the project, (d) analyzing all claims (including change order disputes and other claims for extra compensation) asserted by the contractors and the architect, (e) collecting and/or otherwise resolving any and all back charge claims that the County may assert against any architect or contractor, including assistance with any legal proceedings instituted by the County and/or any architect or contractor and/or (f) representing the County at meetings and/or inspections scheduled by the County and held to resolve problems relating to design, physical condition or operation of the project to seek enforcement of warranties.

3.2 **MINIMUM AND PREFERRED QUALIFICATIONS**

The County expects each responding Vendor to meet at least the following minimum qualifications:

a. The owner's representative must have demonstrated experience as an owner's representative, architect, general contractor or construction manager in the completion of at least two (2) public projects, with a budget of ten (10) dollars million or more, in the last ten (10) years.

b. The owner's representative must have demonstrated experience in providing owner's representative, design, contractor or construction management services to public owners, including state agencies, county and municipal governments and other political subdivisions of the state.

c. The owner's representative must have demonstrated strong owner's representative and project management skills including, but not limited to, extensive design and construction

experience, change order evaluation, critical path scheduling and budget oversight. The selected firm must demonstrate the ability to work collaboratively with public entities, architects, engineers, general contractors and construction managers.

d. Preference will be given to demonstrated experience with providing such services in projects with new construction or renovation of detention centers.

3.3 **COMPENSATION AND PAYMENT PROCEDURES.**

a. County shall compensate Vendor for services billed pursuant to its procedure for payment of Accounts Payable within thirty (30) days from the date of County Administrator's verification that the services have been satisfactorily performed.

b. For all services performed by Vendor on the Project, the County agrees to pay the Vendor on a monthly basis for the hours worked within that month unless the parties negotiate an alternative fee agreement that may include monthly flat fees and/or a not-to-exceed amount for fulfilling all services required under the Contract.

    i. Invoices shall be prepared without cost to the County and shall be accompanied by appropriate documentation of services rendered with enough specificity to verify services performed to include a detailed description of the time expended and the identity of the timekeeper.

c. **RECORDS.**

    i. Vendor shall keep full and accurate records of all date, documents or other things or information provided to Vendor by the County, Architect, Engineers, Construction Manager, General Contractor or other third parties in connection with the Project as well as all records supporting requests for payment.
    ii. Vendor shall maintain all records for a minimum of three (3) years. All time, cost and employment records of Vendor shall be subject to review, audit and verification within seven days written notice, by the County, its attorneys or outside accountant or auditor.
    iii. Records shall be available for inspection at any time, upon request by County Administrator or designee.

3.4 Bidders Responsibility

Each bidder shall fully acquaint himself with conditions relating to the scope and restrictions attending the execution of work under the conditions of this bid. It is expected that this will sometimes require on-site observation. The failure or omission of a bidder to acquaint himself with existing conditions shall in no way relieve him of any obligation with respect to this bid or to the contract.

4. Offer Submittal Instructions

4.1. Submittal Instructions.

- Please submit **ONE (1) SIGNED, CLEARLY IDENTIFIED ORIGINAL**;
- Offers shall be delivered online, prior to deadline, and ONLY to Lancaster County Procurement Online Bid Portal located on the Open Solicitations page of the Lancaster County website.
- All Offers should be complete and carefully worded and must convey ALL information requested by the County. If errors are found in the Vendor's Offer, or if the Offer fails to conform to the requirements of this solicitation, Lancaster County will be the sole judge as to whether that variance is significant enough to reject the Offer.
- Offer should be prepared simply and economically; there is a twenty-page count limit for this solicitation. The cover page, table of contents, and all required documents do not count against the page count. All data, materials and documentation shall be available in a clear, concise format.
- Late or improperly formatted submissions will not be considered.
- Each Vendor may submit only one (1) Offer.
- Offer must be made in the official name of the individual, firm, or corporation under which the business is conducted (showing official business address).
- The County accepts no responsibility for any expense incurred by Vendors to this solicitation.
- Any vendors wishing to participate in the online opening must contact the Procurement Director by email at least 48 (forty-eight) hours prior to time and date posted for this opening. An online invitation will be sent out to anyone who would like to participate.

4.2. Inquiries.

All questions regarding this solicitation shall be addressed ONLY to Lancaster County Procurement via the designated email listed on the front page of this solicitation. The deadline for inquiries will be the date and time listed on the front page of this solicitation. All responses will be publicly available following the inquiry period via the solicitation listing on the Lancaster County website as an addendum. The County reserves the right to decline to respond to any questions if, in the County's assessment, the information cannot be obtained and shared with all Vendors in a timely manner.

4.3. Proposal Information

Please provide the following information along with Offer:

A. TECHNICAL

i. **Executive Summary** – The Vendor shall provide an Executive Summary containing the respondents interesting in providing owner's representative services and any otherinformation that would assist the County in making a selection. The Executive Summary should also provide a general understanding of the needs of the County and how the firm intends to fulfill them. Describe in general the structure of the operations of the Vendor and the method by which the Vendor intends to fulfill the objectives of the County with full or part-time coverage on-site and/or remote sites.

ii. **Technical Approach and Methodology**- The Vendor shall provide a detailed description of Vendor's demonstrated approach and competences for all aspects of services outlined in Section 3.0 (Scope of Services) of this solicitation. In so doing, the Vendor response should provide a description of the proposed technical approach to the project, including the identification of any unusual circumstances or anticipated problems and proposed solutions. The information will be used by the County, to assess the consultant's understanding ofthe project and its methodology.

B. QUALIFICATIONS AND EXPERIENCE

i. Company Information- The Vendor shall provide a brief summary of itself, including the following information:

a. Name of company and parent company, if any;
b. Name of company primary areas of service;
c. Address of principal office and office from which project will be managed;
d. Name, address, telephone number and email address of the principal contact person to receive notifications and to reply to inquiries from the County;
e. Legal form of ownership;
f. Years engaged in above services under your present name and all prior names by which firm was known.
g. Licenses and professional qualifications
h. Memberships in Professional and Trade Organizations

ii. Relevant Experience.

a. List the owners and projects for which the firm has provided complete owner's representative, design, general contracting or construction management services. Include only current projects or projects completed within the last ten (10) years. Include specific information onprojects (i.e. description, size, value, schedule, type of Owner's Representative Agreement), organizational structure with owner and current owner references, project's budget at start of project and completion of project, and project's anticipated completion date at start of project and when the project was completed.
b. Describe experience working with community and government on the local andstate level, particularly in the context of detention center or courthouse projects. Include experience in delivery methods such as CMAR, Design-Build, Design-Bid-Build, etc.

iii. Experience of Key Personnel- Provide a list of the key personnel to be assigned to this project (including consultants, if applicable) and a brief description of the work they willperform. Resumes of the key personnel (including consultants) who will be directly involved in the project shall be included and be specific to the type of project and include at a minimum:

a. Current job title, responsibilities, and type of work performed, and time at current firm;
b. Educational background, academic degrees, and professional associations;

c. Experience on projects similar to that described in this RFP;

d. Proposed hourly and daily (not to exceed rate)

iv. References- List no less than three (3) client references (name, address, e-mail address,telephone number and affiliation to identified project) for which the has performed services within the past five (5) years that are similar to the requirements as outlined in Section 3.0 (Scope of Services).

v. Default- Have you ever failed to complete any work awarded to you? Have you ever been declared to be in default of a contract? If so, where, when, why and what was theultimate outcome?

vi. Workload Statement- Provide details on your firm's current and future workload andability to provide this project the attention we feel it requires between now and the scheduled completion date.

vii. Litigation- Describe any pending litigation, arbitration or mediation proceedings inwhich your firm is currently involved or has been involved in the preceding ten (10)years.

viii. Principals- Names, titles, reporting relationships, background and experience of the principal members of your organization including officers. Indicate which individuals are authorized to bind the organization in negotiations, with the County

C. COST

i. A clearly marked detailed Cost Proposal shall be submitted. The Cost Proposal shall provide an hourly fee schedule for each proposed provider and a daily not to exceed amount (For example $50.00 per hour subject to a daily maximum of $400.00 per day) and method of calculating reimbursable expenses or any other proposed fees for the Project. The County is seeking the best value, prioritizing capability and expertise but will consider cost and methods of calculating fees and fee schedules as part of its value-based evaluation. Vendors are encouraged to provide alternative additional information (including discounts or incentives, lump sum or monthly fee approaches) that address the best value of Offer presented. Rates will remain fixed for the duration of the Project. Selection of any contractor as Owner's Representative will disqualify the selected firm or its affiliates as the Architect or Construction Contractor for the project.

4.4 Evaluation Criteria

Offers will be evaluated by a selection committee comprised of County officials and personnel with experience and knowledge of services of this scope and nature. Vendors past performance, experience, and qualifications submittal, in addition to the cost proposal, will be the basis of the evaluation criteria.

Offers will be evaluated based on the following criteria:

Technical Approach: Vendors technical competence and ability to meet the needs of the County as demonstrated by its response to the requirements as stated in the RFP.

Qualifications and Experience: Vendors qualifications and experience of firm and project team members, i.e., full-service competences within this solicitation's scope as shown by key staff members' knowledge and experience., references and specific experience identified by Vendor that reflect specialized experience and technical competence of the Vendor and past record of performance of the Vendor with respect to such factors as control of costs, quality of work and ability to meet schedules.

Cost: Vendor's cost proposal.

Presentation/Interview Score (if applicable)

4.5 Presentations.

After initial review and ranking of Offers, the County may invite the highest scored Vendors for oral and visual presentation and interviews. These presentations shall be conducted at the County's sole discretion when it feels further evaluation of materials may be beneficial to the evaluation process.

4.6 Selection Process.

Following initial review of the Offers received, the County intends to evaluate responses based on the listed criteria for final award of this solicitation. After evaluations are complete, the successfully selected Vendor will then enter into formal negotiations on contract conditions and fees based upon the attached terms and conditions. If a reasonable agreement cannot be achieved with the highest evaluated Vendor of choice, negotiations shall proceed with next highest ranked Vendor(s) in succession until a mutually agreed contract is reached.

5.0 Vendor Information/Acknowledgement

THIS PAGE MUST BE COMPLETED AND RETURNED WITH YOUR OFFER

PLEASE SUBMIT A SIGNED COPY OF THIS FORM WITH YOUR OFFER. BY SUBMITTING AN OFFER, YOU ARE AGREEING TO ALL CONDITIONS AND PROVISIONS OF THIS SOLICITATION AND YOU AGREE TO HOLD OFFER OPEN FOR A MINIMUM OF NINETY (90) CALENDAR DAYS AFTER OFFER'S OPENING DATE.

(Please print legibly or type in spaces below)

COMPANY NAME: _____

COMPANY ADDRESS: _____

COUNTY, STATE, ZIP:

_____

PHONE NUMBER: _____EMAIL: _____

TAXPAYER IDENTIFICATION #: _____

STATE OF INCORPORATION (If applicable): _____

PLEASE CHECK ALL THAT APPLY (As defined via MBE/WBE affidavit, see section 7.0):

- ○ MINORITY OWNED (If checked, must submit MBE/WBE affidavit: Section 7.0)
- ○ WOMAN OWNED (If checked, must submit MBE/WBE affidavit: Section 7.0)
- ○ NOT MINORITY OR WOMAN OWNED

COMPANY OFFICER'S NAME (Please print): _____

AUTHORIZED SIGNATURE: _____DATE SIGNED: _____

6.0 Addenda.

THIS PAGE MUST BE COMPLETED AND RETURNED WITH YOUR OFFER

6.1 Acknowledgement of Addenda.

Notifications for this solicitation, including addenda, can be found via the Lancaster County Bid Portal.

Vendor hereby acknowledges all addenda, up through and including number _____.

INITIALS_____

7. Additional Forms (If Applicable)

COUNTY OF LANCASTER, SOUTH CAROLINA AFFIDAVIT OF CERTIFICATION:

Small and Disadvantaged Business Enterprises

Lancaster County requires vendors that claim SBE/MBE/WBE status to provide either proof of current SBE/MBE/WBE certification or to attest that they meet the qualifications for MBE/WBE certification. Vendors are to complete this form to attest that their company is certified as a MBE/WBE, and it meets the qualifications for SBE/MBE/WBE certification as defined by Lancaster County Procurement Code, Sec. 2-301:

LANCASTER COUNTY QUALIFICATIONS FOR SBE/MBE/WBE CERTIFICATION:

Certified classification – A Certified firm is a firm that has been accepted by Lancaster County as certified. The business or business owner must be able to show evidence of:

(1) Existence as a "for profit" business;
(2) Operations for at least one (1) year;
(3) U.S. citizenship or legal resident alien status; and either:
   a. Be determined as an eligible SBE/MBE/WBE in accordance with this subchapter, subject to the provisions of "small business enterprise (SBE), minority business enterprise (MBE)" and "woman-owned business enterprise (WBE)" as defined in this subsection; or
   b. The business holds current registration of SBE/MBE/WBE status with a reciprocal agency deemed acceptable to the county.

Small business enterprise (SBE) classification is a business:

(1) Which is at least fifty-one (51) percent owned by a US Citizen.
(2) Qualifying individual(s) must unconditionally and directly own and control at least 51% of the business. Control means that both the long-term decision making and the day-to-day management of the business are controlled by qualifying individual(s).
(3) The 51% ownership may not be through another business entity.
(4) Which is a for-profit entity which performs a commercially useful function; and
(5) Which is a certified firm through a State or Federal program.

Minority business enterprise (MBE) classification is a business:

(1) Which is at least fifty-one (51) percent owned by one (1) or more minority individuals, or in the case of a publicly owned business, at least fifty-one (51) percent of all classes of the stock of which is owned by one (1) or more such minority individuals;
(2) Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one (1) or more minority individuals;
(3) Which performs a commercially useful function; and
(4) Which is a certified firm through a State or Federal program.

Minority individual is classified as a natural person of at least twenty-five (25) percent minimum (documentation may be required) in one (1) of the following groups:

(1) African-Americans/Black;
(2) Hispanic-Americans, which includes persons who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
(3) Native-Americans, which includes persons who are American-Indians, Eskimos, Aleuts, or Native-Hawaiians;
(4) Asian-Americans, which includes persons who are individuals of Far East Asia, Southeast Asia, the islands of the Pacific, or the Indian subcontinent;
(5) Arab-Americans.

Woman-owned business enterprise (WBE) classification is a business:

Which is at least fifty-one (51) percent owned by one (1) or more women, or in the case of a publicly owned business, at least fifty-one (51) percent of all classes of the stock of which is owned by one (1) or more such women;

(1) Whose management, policies, major decisions, and daily business operations are independently managed and controlled by one (1) or more such women;
(2) Which performs a commercially useful function; and
(3) Which is a certified firm through a Federal or State program.

COMPANY INFO (Required):

Legal Name of Company:_____
Tax ID (EIN):_____
Company Address:_____
Company Phone Number:_____
Company Email Address:_____

Enterprise Status: (check all that apply): a. MBE_____b. WBE_____ c. SBE _____

STATE OF SOUTH CAROLINA)
County of Lancaster)

I CERTIFY THAT I AM A MINORITY OR A WOMAN WHO IS AN OWNER OF THE ABOVE-REFERENCED FIRM CLAIMING STATUS AS A SMALL BUSINESS ENTERPRISE (SBE), MINORITY-OWNED BUSINESS ENTERPRISE (MBE), OR WOMAN-OWNED BUSINESS ENTERPRISE (WBE). I DECLARE, UNDER PENALTY OF PERJURY, THAT THE INFORMATION PROVIDED IN THIS SUBMISSION AND ALL SUPPORTING DOCUMENTS IS TRUE AND CORRECT AND I UNDERSTAND THAT IT IS MATERIAL TO THE PROCEEDINGS OF LANCASTER COUNTY.

Signature:_____ Dated:_____

Printed Name:_____ Title:_____

Certification must be documented. Please either attach a copy of your firm's certification or have this document notarized. You are not required to do both.

SUBSCRIBED AND SWORN TO before me this_____day of_____, 20_____, by

_____.

_____
NOTARY PUBLIC (seal)
Commission expires: