RICHLAND COUNTY

DEVELOPMENT AND SERVICES COMMITTEE

AGENDA

TUESDAY OCTOBER 22, 2024

5:00 PM

COUNCIL CHAMBERS

Richland County Council
2024

Jason Branham
District 1

Derrek Pugh
District 2
Vice Chair

Jesica Mackey
District 9
Chair

Overture E. Walker
District 8

Gretchen D. Barron
District 7

Yvonne McBride
District 3

Chakisse Newton
District 11

Paul Livingston
District 4

Allison Terracio
District 5

Don Weaver
District 6

Cheryl D. English
District 10

Richland County
Development and Services Committee

AGENDA

October 22, 2024 05:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Jason Branham	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 1	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. CALL TO ORDER — The Honorable Chakisse Newton

2. APPROVAL OF MINUTES — The Honorable Chakisse Newton

a. July 23, 2024 **[PAGES 5-12]**

3. ADOPTION OF AGENDA — The Honorable Chakisse Newton

4. ITEMS FOR DISCUSSION — The Honorable Chakisse Newton

a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County." [MALINOWSKI/NEWTON, January 3, 2023] **[PAGES 13-47]**

5. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED — The Honorable Chakisse Newton

a. I move that County Council direct the County Administrator to research and provide to Council (1) ways to secure title to subdivision roads that were developed but never had ownership transferred to the County and (2) to recommend changes to county ordinances and/or protocols to better assure that future development of subdivision roads includes conveyance of title to the county (unless there is an understanding between the developer and the County that the subdivision roads will intentionally remain privately owned and maintained). [BRANHAM, ENGLISH, and NEWTON (July 2, 2024)] **[PAGES 48-49]**

b. I move to direct the County Administrator to commission an analysis of the County's residential development permitting processes and standards related to noise, flooding, air pollution, and other environmental impacts, in order to ensure that the County has adopted and is following the most current industry best practices to reduce negative environmental impacts. This may include recommendations for improving and enhancing the County's Land Development Code, Land Development Design Manual, Comprehensive Plan, Zoning Map, and related documents. [NEWTON, PUGH, and BARRON (September 10, 2024)]

c. I move that the Administrator explore the possibility and present a draft ordinance to place a moratorium on demolition and new construction in the Olympia area of Richland County [TERRACIO (September 17, 2024)]

6. ADJOURNMENT

The Honorable Chakisse Newton

Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County
Development and Services Committee
MINUTES
July 23, 2024 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Jason Branham, Allison Terracio, Gretchen Barron (via Zoom), and Cheryl English (via Zoom)

OTHERS PRESENT: Don Weaver, Angela Weathersby, Anette Kirylo, Jackie Hancock, Aric Jensen and Patrick Wright

1. **CALL TO ORDER** –Chairwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.

   She stated that Ms. Barron and Ms. English would be attending tonight's meeting virtually.

2. **APPROVAL OF MINUTES** – Ms. Terracio moved to approve the minutes as distributed, seconded by Mr. Branham.

   In Favor: Branham, Terracio, Barron, English, and Newton

   The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Terracio moved to adopt the agenda as presented, seconded by Mr. Branham.

   In Favor: Branham, Terracio, Barron, English and Newton

   The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

   a. Department of Public Works – Engineering – Dominion Energy Easement Request at 1403 Jim Hamilton Blvd.

      Ms. Terracio moved to forward to Council with a recommendation to provide an easement to Dominion Energy for the location of power at 1403 Jim Hamilton Blvd. (R13702-01-30), seconded by Mr. Branham.

      In Favor: Branham, Terracio, Barron, English and Newton

      The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

   a. I move that County Council direct the County Administrator to research and provide to Council (1) ways to secure title to subdivision roads that were developed but never had ownership transferred to the County and (2) to recommend changes to county ordinances and/or protocols to better assure that future development of subdivision roads includes conveyance of title to the county (unless there is an understanding between the developer and the County that the subdivision roads will intentionally remain privately owned and maintained.) [Branham (District 1), English (District 10), Newton (District 11)]

      Mr. Weaver stated this is needed because developers do a poor job of turning over roads once a subdivision is finished. He suggested developers post bonds; therefore, if they do not turn over the roads in a timely manner, they will forfeit their bond.

      Assistant County Administrator Aric Jensen stated that he contacted the County Attorney's office and asked a staff member to join us. He is putting together a team and is moving forward. He noted he has thoughts and ideas concerning what can be accomplished. He pointed out we had already improved the bonding process last year by updating and renewing old bonds.

      Ms. Newton pointed out on page 15 of the agenda packet, it states the first draft recommendations will come before the body in January 2025.

      Mr. Jensen stated that is the staff's goal.

Ms. Terracio inquired if there could be any updates throughout this process.

Mr. Jensen stated that updates would be provided at every committee meeting.

Ms. Barron stated that it is critically important as Council moves forward to obtain information concerning ownership of roads and how the county could obtain possession of those roads in an expeditious manner.

Mr. Branham stated that he has communicated with his peers, Administration, and other staff members concerning the origins of the motion and the issue at hand. He noted the motion was intentionally broken down into two parts to ensure the committee can recognize and distinguish that some roads have already been developed and have not been deeded to the county. There are residents of those roads who perceive that the county is obligated to maintain those roads. He stated that Part II is meant to be more forward-thinking to prevent the title to these roads from being conveyed to the county, which makes it difficult for us to have the right to go in and maintain the roads.

Ms. Newton stated for the record, for any citizens who may be listening, not only can the county not maintain roads that do not belong to it, but due to those roads being private, they have to be up to county standard before being turned over to the county. Often, communities hold ownership for such a long time and complete little to no maintenance during that time, which creates an issue when the roads are conveyed to the county.

6. **ADJOURNMENT** – Ms. Terracio moved to adjourn the meeting, seconded by Ms. Newton.

   In Favor: Branham, Terracio, Barron, English and Newton

   The vote in favor was unanimous.

   The meeting adjourned at approximately 5:13 PM.

RICHLAND COUNTY ADMINISTRATION
2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050

Agenda Briefing

Prepared by:	Shirani W Fuller	**Title**:	County Engineer
Department:	Public Works	**Division:**	Engineering
Date Prepared:	July 2, 2024	**Meeting Date:**	July 23, 2024
Legal Review	Elizabeth McLean via email	**Date:**	July 5, 2024
Budget Review	Maddison Wilkerson via email	**Date:**	July 5, 2024
Finance Review	Stacey Hamm vi email	**Date:**	July 15, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Meeting/Committee	Development & Services		
Subject	Dominion Energy Easement Request at 1403 Jim Hamilton Blvd		

RECOMMENDED/REQUESTED ACTION:

Staff recommends providing an easement to Dominion Energy for the location of power at 1403 Jim Hamilton Blvd (R13702-01-30), Richland County owned property.

Request for Council Reconsideration: ☒ Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	☐	Yes	☒	No
If not, is a budget amendment necessary?	☐	Yes	☒	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to the County.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

Dominion Energy requests an easement at 1403 Jim Hamilton Blvd., at the Richland County property commonly known as Owens Field Park. The park is leased by the City of Columbia who has enlisted Dominion to install new underground cable to power a new restrooms and irrigation.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

Goal: Foster Good Governance

Objective: Collaborate with other governments

ATTACHMENTS:

1. Easement document with exhibit
2. Ordinance

INDENTURE, made this _____ day of _____, **2024** by and between **RICHLAND COUNTY,** of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar ($1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Richland**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing **62.89** acres, more or less, and being the same lands conveyed to Grantor, dated or recorded **1/1/1962**, and filed in the Register of Deeds office for **Richland** County in Deed book **330** at Page **131**.

The property is located at 1403 Jim Hamilton Blvd., Richland County, SC.

The right of way granted herein is for the installation, operation and maintenance of DESC facilities. These facilities are more fully shown on Exhibit "A" attached hereto, which is by reference only made a part hereof. Thee actual final Right of Way to be determined by the final location of the facilities as installed in accordance with the easement.

TMS: **R13702-01-30**

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.
Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines.
Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.
The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.
IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.
WITNESS:

RICHLAND COUNTY

_____
1st Witness

By: _____(SEAL)

_____
2nd Witness

Print: _____

Title: _____

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF **RICHLAND**

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named, _____, for **RICHLAND COUNTY,** personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, **2024**

_____
Signature of Notary Public State of SC

My commission expires: _____

_____
Print Name of Notary Public

RIGHT OF WAY GRANT TO
DOMINION ENERGY SOUTH CAROLINA, INC.

Line: **Owens Field Ball Park - Bathroom**

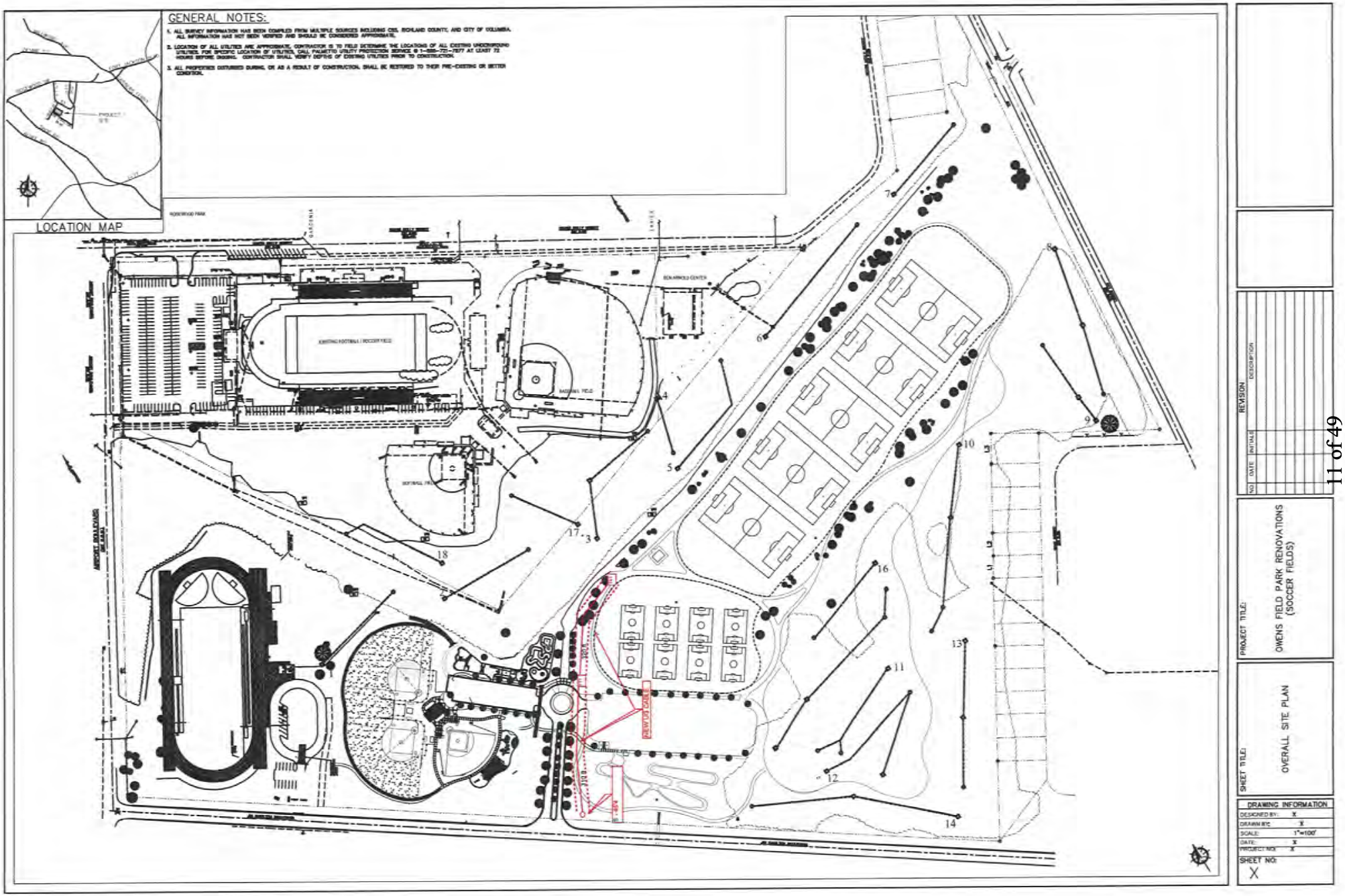
County: **RICHLAND**

R/W File Number: **27333**

Grantor(s): **RICHLAND COUNTY**

Return to: DESC

EXHIBIT "A"



REVISION			
NO.	DATE	INITIALS	DESCRIPTION

PROJECT TITLE:
OWENS FIELD PARK RENOVATIONS
(SOCCER FIELDS)

SHEET TITLE:
OVERALL SITE PLAN

DRAWING INFORMATION	
DESIGNED BY:	X
DRAWN BY:	X
SCALE:	1"=100'
DATE:	X
PROJECT NO:	X

SHEET NO:
X

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-24HR

AN ORDINANCE AUTHORIZING EASEMENT TO DOMINION ENERGY SOUTH CAROLINA, INC. FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF DESC FACILITIES AT 1403 JIM HAMILTON BOULEVARD; RICHLAND COUNTY TMS #13702-01-30(P).

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement for the installation, operation, and maintenance of DESC facilities to DOMINION ENERGY SOUTH CAROLINA, INC., located at 1403 Jim Hamilton Boulevard; a portion of Richland County TMS #13702-01-30, as specifically described in the Easement, which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Jesica Mackey, Chair

Attest this _____ day of

_____, 2024.

_____
Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

_____
Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

RICHLAND COUNTY ADMINISTRATION
2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050

Informational Agenda Briefing

Prepared by:	Aric Jensen	**Title**:	Assistant County Administrator
Department:	Administration	**Division:**	
Date Prepared:	September 17, 2024	**Meeting Date:**	October 22, 2024
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services		
Subject:	"Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County." [Malinowski/Newton, January 03, 2023]		

In South Carolina, local jurisdictions may implement an impact fee program to collect fees that offset the cost of infrastructure directly attributable to new development. The attached feasibility report from Tischler Bise identifies seven potential impact fee categories and recommends that the Council consider six of them.

The recommendations and a brief summary of each category are found on pages 2-3 of the feasibility report and include: Sheriff, Fire, EMS, Solid Waste, Transportation, and Water and Sewer. The only category not recommended for further consideration is Stormwater as the consultant found that the County does not yet have a masterplan that adequately defines future needs.

Preparation of an impact fee program is a costly and substantial undertaking. Additionally, impact fee programs have both positives and negatives. Staff recommends that Council consider anticipated growth and related capital infrastructure needs during its discussion. As a reminder, in South Carolina capital equipment and vehicles are defined as items valued at $100,000 or more with a life span of at least 5 years. Fire trucks, ambulances, and similar equipment are potentially eligible costs within impact fee program. A copy of the South Carolina Impact Fee Act is found on page 16 of the feasibility report.

Also attached are a copy of the York County Impact Fee Schedule and the York County 2023 Impact Fee Revenue Report. York County was selected for comparison because the fee schedule and report were concise and straight-forward and could be easily analyzed in a work session format. The two school districts in York County (Clover and Fort Mill) also have impact fees ranging from $4,000 to $18,158 per detached residential dwelling unit, and $1,976 to $12,020 per attached residential dwelling unit.

Presently, staff recommends the Committee:

1. Discuss the feasibility report;
2. Discuss future capital infrastructure needs related to growth;
3. Identify the impact fees that warrant further study;
4. Place the item on a future D&S agenda for action.

ATTACHMENTS:

1. Impact Fee Feasibility Report from Tischler Bise
2. York County Impact Fee Schedule
3. York County 2023 Impact Fee Revenue Report

DEVELOPMENT IMPACT FEE FEASIBILITY STUDY

Prepared for:

Richland County, South Carolina

May 20, 2024

Prepared by:

TischlerBise
FISCAL | ECONOMIC | PLANNING

4701 Sangamore Road
Suite S240
Bethesda, Maryland 20816
800.424.4318
www.tischlerbise.com

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TABLE OF CONTENTS

I. EXECUTIVE SUMMARY

Richland County is interested in examining the feasibility of implementing development impact fees as a way to deal with infrastructure needs resulting from new growth. The County hired TischlerBise, Inc., to evaluate the feasibility of implementing development impact fees as a way to finance these infrastructure needs. TischlerBise, a fiscal, economic, and planning consulting firm, is the national leader in infrastructure financing, specifically impact fees, having prepared over 1,100 impact fees nationally.

OVERVIEW OF IMPACT FEES

Development impact fees are one-time payments used to fund capital improvements necessitated by new growth. Development impact fees have been utilized by local governments in various forms for at least sixty years. Development impact fees are not without limitations and should not be regarded as the total solution for infrastructure financing needs. Rather, they should be considered one component of a comprehensive revenue portfolio to ensure adequate provision of public facilities and maintenance of current levels of service in a community. Any community considering development impact fees should note the following limitations:

- Development impact fees can only be used to finance capital infrastructure and cannot be used to finance ongoing operations and/or maintenance and rehabilitation costs; and
- Development impact fees cannot be deposited in the local government's General Fund. The funds must be accounted for separately in individual accounts and earmarked for the capital expenses for which they were collected; and
- Development impact fees cannot be used to correct existing infrastructure deficiencies unless there is a funding plan in place to correct the deficiency for all current residents and businesses in the community.

SUMMARY OF FINDINGS

A summary of findings from our evaluation is listed below:

- The County has seen steady and increasing development. From 2017 to 2022, the was an average of 1,761 new homes constructed in the County annually. The annual average in the unincorporated parts of the County was 1,038 units. This rate of growth is expected to continue.
- Conversations with County staff indicate that, like most communities across the country, Richland County is finding it harder and harder to keep pace with the rapid growth and fund County services and facilities at desirable levels. The demand on County services and facilities is likely to continue into the foreseeable future. Additionally, 68 percent of existing residents live in the unincorporated areas, placing a higher service burden than residents living in incorporated areas.

During interviews with County staff, it was indicated that there is a need for additional staff and capital facilities in order to maintain the current level of service as growth occurs in the County.

- Like many counties in South Carolina, Richland County's revenue structure lacks diversity. Taxes (property and other) fund approximately 64% of the County's General Fund operations. The next largest source for government operations are Charges for Service and Intergovernmental revenues. Unfortunately, the costs of energy, health, as well as construction materials have increased dramatically and are likely to exceed the rate of housing values in the future. As a result, the County will have to either raise existing rates, find new revenue sources, and/or face deterioration in levels of service and quality of life.

RECOMMENDATIONS

A summary of recommendations from our evaluation is listed below: It should be noted that the County does not provide Parks and Recreation or Library infrastructure. They are provided through independent Districts.

- **Sheriff:** The Richland County Sheriff's Department is one of the largest law enforcement agencies in the state. The Sheriff's Office has experienced an increasing number of calls for service. As the County grows, the volume of demand and types of call will be expanding, placing demand on existing facilities and creating need for new facilities. Conversations with staff indicate the County is currently making improvements to the Detention Center. We also understand the Sheriff's Office will most likely build additional substations to accommodate future development in the unincorporated County. Finally, conversations with staff indicate the County will likely build up to three additional Magistrate facilities throughout the County. Given this level of investment, TischlerBise **recommends that a Sheriff impact fee be prepared**.

- **Fire:** Richland County provides fire service to unincorporated County residents through the Columbia-Richland Fire Department, which was established through an Intergovernmental Agreement in 2012 and renewed again in 2018. Under this Agreement, the County is responsible for all existing County-owned and operated fire stations, while the City is responsible for City-owned and operated fire stations. Additional growth-related fire stations may be constructed by either the City or County at its own expense. The 2018 Agreement lays out the need to identify new locations for 3 to 5 new stations, and the current Capital Improvement Plan has several new pierces of apparatus. **To help support the provision Fire services throughout the unincorporated County, an impact fee that includes components for both station space and apparatus is recommended,** and has the potential to generate significant revenue. However, it would also most likely have the biggest impact on the County's operating budget, as fire suppression is provided through a combination of volunteer and paid positions. This impact fee would be assessed against both residential and nonresidential development.

- **EMS:** Richland County provides EMS protection to residents both in municipalities and in unincorporated areas. EMS is anticipating higher call volumes as the County grows and will need to expand both the floor area of its stations and its fleet. Additionally, the County has plans to construct a new Emergency Operations Center, at an estimated cost of $28 million. Based on future needs, TischlerBise **recommends that an EMS impact fee be prepared**.

- **Stormwater:** Stormwater is perhaps the most difficult impact fee to implement because the majority of the stormwater infrastructure needs in most communities are a result of inadequate regulatory standards that existed 30-40 years ago. Therefore, a stormwater utility, or a dedicated property tax (as Richland County has) is usually a better solution. It is also recommended that any impact fee be based on a Stormwater master plan with hydrologic modeling by drainage basin. The County is currently developing such a Master Plan. We are hesitant to recommend an impact fee for stormwater until we have a chance to review the Master Plan's findings.

- **Solid Waste:** Richland County currently operates two drop-off centers and a recycling site. Conversations with County staff indicate the County is in the process of actively identifying and acquiring sites for future drop centers. The appropriate methodology will need to be determined to understand growth's share of capital projects, but **TischlerBise recommends that a Solid Waste impact fee be prepared to mitigate growth's capital impacts.**

- **Transportation:** There is little doubt that continued growth will generate an increase in vehicular and person trips on the County's transportation network. The County currently has a voter approved Transportation Penny Tax Program, which uses a 1 percent sales tax to provide transportation projects throughout the County. The County's Transportation Penny Tax Program opens up several opportunities as it relates to transportation infrastructure, especially if the program were to be renewed. If the County chose not to go to the voters to renew the Transportation Penny, the County would be without a dedicated transportation funding source and certainly would need a transportation impact fee to offset growth-related demands for infrastructure. **Therefore, TischlerBise recommends that a transportation impact fee be prepared.**

- **Water and Sewer:** Richland County residents are provided water and sewer service through several service providers. Richland County doesn't have an impact fee or similar system development/capacity charge for the water or sewer system. There is a connection charge, which covers the cost of piping inspections, etc. **TischlerBise recommends County consider an impact fee for its water and sewer systems.** Depending on the availability of excess capacity, the fee(s) could be developed using either a system buy-in approach or a plan-based approach.

- Lastly, the cost for an impact fee study can be included in the impact fee calculation, allowing the County to, over time, recover the cost which was necessitated by growth.

II. FIRM QUALIFICATIONS

TischlerBise, Inc. is a fiscal, economic, and planning consulting firm that specializes in impact fees, fiscal impact analyses, and revenue strategies. Our firm has been providing consulting services to both the public and private sectors for over 45 years. In this time, TischlerBise has prepared over 1,000 impact fee studies – more than any other firm in the country. The table below demonstrates our firm's experience conducting impact fee analyses in the State of South Carolina.

CLIENT	Roads/Transportation	Sewer	Water	Stormwater	Law Enforcement	Fire/EMS	Parks and Recreation	Trails/Open Space	Libraries	General Government	Schools
Aiken County	◆				◆	◆					
Anderson School District 1											◆
Beaufort County	◆						◆		◆		◆
Clemson		◆	◆			◆	◆				
Clinton		◆	◆		◆	◆	◆				
Clover School District											◆
Easley	◆				◆	◆	◆				
Fort Mill School District					◆	◆	◆				◆
Georgetown County	◆				◆	◆			◆		
Greer	◆										
Horry County					◆	◆	◆		◆		
Jasper County					◆	◆	◆				
Jasper County School District											◆
Lancaster County					◆	◆	◆				
Lancaster County School District											◆
Lexington County, SC					◆	◆					
Pageland		◆	◆		◆	◆	◆				
Summerville	◆					◆	◆			◆	
Tega Cay		◆			◆		◆				
Woodruff					◆	◆	◆				
York School District 1											◆
York County	◆					◆	◆			◆	

Our project manager for this assignment, Carson Bise, AICP, has thirty-three years of fiscal, economic, and planning experience and has conducted fiscal, economic and impact fee evaluations in over forty states. Mr. Bise is a leading national figure in the calculation of impact fees, having completed over 350 impact fee studies for the following categories: parks and recreation, open space, police, fire, schools, water, sewer, roads, municipal power, and general government facilities. Mr. Bise is a past Board of Director for the Growth and Infrastructure Finance Consortium and Chaired the American Planning Association's Paying for Growth Task Force.

III. OVERVIEW OF IMPACT FEES

DEFINITION

Development impact fees are one-time payments used to fund capital improvements necessitated by new growth. Development impact fees have been utilized by local governments in various forms for at least sixty years. Development impact fees are not without limitations and should not be regarded as the total solution for infrastructure financing needs. Rather, they should be considered one component of a comprehensive revenue portfolio to ensure adequate provision of public facilities and maintenance of current levels of service in a community. Any community considering impact fees should note the following limitations:

- Development impact fees can only be used to finance capital infrastructure and cannot be used to finance ongoing operations and/or maintenance and rehabilitation costs; and
- Development impact fees cannot be deposited in the local government's General Fund. The funds must be accounted for separately in individual accounts and earmarked for the capital expenses for which they were collected; and
- Development impact fees cannot be used to correct existing infrastructure deficiencies unless there is a funding plan in place to correct the deficiency for all current residents and businesses in the community.

LEGAL FRAMEWORK

***U. S. Constitution*.** Like all land use regulations, development exactions, including impact fees, are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring that development is not detrimental to the quality of essential public services.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (See *Nollan v. California Coastal Commission,* 1987). In a more recent case (*Dolan v. County of Tigard, OR,* 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

REQUIRED FINDINGS

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of development impact fees under the U. S. Constitution, we prefer a more rigorous formulation that recognizes three elements: "impact or need" "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case.

The reasonable relationship language of the statute is considered less strict than the rational nexus standard used by many courts. We will use the nexus terminology in this feasibility report because it is more concise and descriptive. Individual elements of the nexus standard are discussed further in the following paragraphs.

Demonstrating a Need. All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the supply of facilities is not increased to satisfy that additional demand, the quality, or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on improvement needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

Demonstrating a Benefit. A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or South Carolina law requires that facilities funded with impact fee revenues be available *exclusively* to development paying the fees. In other words, existing development may benefit from these improvements as well.

Procedures for the earmarking and expenditure of fee revenues are typically mandated by the State enabling act, as are procedures to ensure that the fees are expended expeditiously or refunded. All of these requirements are intended to ensure that developments benefit from the impact fees they are required to pay. Thus, an adequate showing of benefit must address procedural as well as substantive issues.

Demonstrating Proportionality. The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case (although the relevance of that decision to impact fees has been debated) and is logically necessary to establish a proper nexus.

Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development. For example, the need for road improvements is measured by the number of vehicle trips generated by development.

SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

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 development 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. The government entity 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.

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 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.

Furthermore, communities are restricted to collecting and funding public facilities which fall within one of the following infrastructure categories:

- Water supply production, treatment, laboratory, engineering, administration, storage, and transmission facilities;
- Wastewater collection, treatment, laboratory, engineering, administration, and disposal facilities;
- Solid waste and recycling collection, treatment, and disposal facilities;
- Roads, streets, and bridges including, but not limited to, rights-of-way and traffic signals;
- Storm water transmission, retention, detention, treatment, and disposal facilities and flood control facilities;
- Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities;
- Parks, libraries, and recreational facilities;
- 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;
- 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.

For reference, the South Carolina Development Impact Fee enabling legislation is provided at the end of this report in the appendix.

METHODOLOGIES AND CREDITS

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 increments 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, typically through a development agreement.

IV. GROWTH/REVENUE ISSUES

BACKGROUND AND SETTING

Richland County is a growing County located in central part of South Carolina, and is part of the Columbia, SC Metropolitan Statistical Area. As of the 2020 census, its population was 416,147,[2] making it the second-most populous county in South Carolina, behind only Greenville County. The City of Columbia, with a population of 136,632 according to the 2020 census, is the center of population and employment within the County.

DEVELOPMENT TRENDS

According to conversations with County staff, there is quite a bit of development occurring throughout the County. This is illustrated in the table below, which shows new residential construction from 2017 to 2022 in unincorporated Richland County, as well as municipalities. This data was provided by the Central Midlands Council of Governments. Over the six-year span from 2017 to 2022, there were almost 10,570 housing units constructed, with the majority (6,225) in the unincorporated County. On an average annual basis, this equates to 1,761 housing units annually throughout the County. From a Municipal perspective, the City of Columbia experienced an increase of over 3,600 units. This rate of housing unit growth is projected to continue into the future.

Area	2017	2018	2019	2020	2021	2022	Increase	Avg Annual
Arcadia Lakes	5	7	1	2	2	1	**18**	**3**
Blythwood	94	183	87	61	75	16	**516**	**86**
Columbia	383	462	430	548	817	986	**3,626**	**604**
Eastover	0	0	1	1	0	0	**2**	**0**
Forest Acres	13	20	39	15	7	12	**106**	**18**
Unincorporated County	952	907	1,023	1,025	1,322	996	**6,225**	**1,038**
Irmo	10	5	2	58	0	0	**75**	**13**
Total	**1,457**	**1,584**	**1,583**	**1,710**	**2,223**	**2,011**	**10,568**	**1,761**

Source: Central Midlands Council of Governments

REVENUE/LEVEL OF SERVICE ISSUES

Conversations with County staff indicate that like most communities across the country, Richland County is finding it harder and harder to fund County services and facilities at desirable levels. As discussed previously, the demand on County services and facilities is likely to continue into the foreseeable future, especially if the commercial and residential pipeline projects reach their anticipated buildouts.

Like many counties in South Carolina, Richland County's revenue structure lacks diversity. Taxes (property and other) fund approximately 64% of the County's General Fund operations. The County's current budget includes $88 million from the Local Option Sales Tax that is dedicated to transportation infrastructure. The County's next largest source for government operations are Charges for Service and Intergovernmental revenues, which comprise 10.6% and 9.7% of total General Fund revenue, respectively. As a strategic budget initiative, the County intends to evaluate its current fee schedules to align Richland

County with neighboring counties relative in size and demographics. However, any increases in rates will be de minimis in terms of increasing total revenue for General Fund operations. Unfortunately, not all Intergovernmental revenue are growth-related, so increases to this source will be di minimis as well. Unfortunately, the costs of energy, health, as well as construction materials have increased dramatically and are likely to exceed the rate of housing values in the future. As a result, the County will have to either raise existing rates, find new revenue sources, and/or face deterioration in levels of service and quality of life.

During interviews with County staff, it was indicated that there is a need for additional staff and capital facilities in order to maintain the current level of service as growth occurs in the County. As discussed previously, the County's revenue structure lacks diversity and it is having a hard time meeting service level expectations from new and existing residents. This situation is likely to increase as service expectations of newer residents in the unincorporated County tend to be greater than existing residents since many of these new residents previously resided in more urban areas of the Country.

To the extent the County can supplement its current revenue structure with impact fees there will be more money available to fund operating costs and deferred maintenance on existing capital facilities. To illustrate the amount of revenue an impact fee program could generate for the Richland County, the figure below lists hypothetical impact fee amounts, as well as hypothetical housing unit numbers. It is impractical to estimate an actual fee amount for the County based on the preliminary interviews held as part of this analysis. However, the table below illustrates revenue over a ten-year period with a fee per housing unit ranging from $500 per unit to $8,000 per unit, with total residential units ranging from 500 over the ten-year period to 2,000. *Added to these amounts would be the revenues paid by new nonresidential development.* The amount of revenue generated ranges from a low of $250,000 to a high of $16 million. This is a substantial amount of money, which would otherwise have to be paid out of other County revenue sources.

Impact Fee per Housing Unit	Total Revenue 500 Units over 10-Year Period	Total Revenue 1,000 Units over 10-Year Period	Total Revenue 2,000 Units over 10-Year Period
$500	$250,000	$500,000	$1,000,000
$1,000	$500,000	$1,000,000	$2,000,000
$2,000	$1,000,000	$2,000,000	$4,000,000
$3,000	$1,500,000	$3,000,000	$6,000,000
$4,000	$2,000,000	$4,000,000	$8,000,000
$5,000	$2,500,000	$5,000,000	$10,000,000
$6,000	$3,000,000	$6,000,000	$12,000,000
$7,000	$3,500,000	$7,000,000	$14,000,000
$8,000	$4,000,000	$8,000,000	$16,000,000

V. IMPACT FEE FEASIBILITY ANALYSIS

The results of our onsite discussions with Richland County staff and representatives are discussed below. TischlerBise only met with the County departments that fall within the impact fee eligible infrastructure categories.

SHERIFF

The Richland County Sheriff's Department employs more than 700 uniformed officers and 140 non-sworn personnel, making it one of the largest law enforcement agencies in the state. The Sheriff's Office has experienced an increasing number of calls for service. As the County grows, the volume of demand and type of call will be expanding, placing additional demand on existing facilities and creating need for new facilities.

The Sheriff conducts its law enforcement operations out of a main Headquarters facility. The Sheriff is also responsible for the County's Detention Center, the Regional E-911 Center, as well as the Magistrate's Office. Conversations with staff indicate the County is making currently making improvements to the Detention Center. If enough capacity is being added, and/or additional bed space will likely be constructed in the future, an impact fee may be feasible/desirable for this component of Public Safety infrastructure. We also understand the Sheriff's Office will most likely build additional substations to accommodate future development in the unincorporated County. Finally, conversations with staff indicate the County would like to build up to three additional Magistrate facilities throughout the County.

This level of potential investment in public safety infrastructure suggests that a Public Safety impact fee should be pursued. This impact fee would be assessed against both residential and nonresidential development. Further discussions would provide guidance as to whether the plan-based or incremental expansion approach would be best. Lastly, under South Carolina impact fee enabling legislation, impact fees cannot be used to fund capital expenses less than $100,000. Under this limitation, public safety vehicles are not included in the impact fee calculations.

FIRE

The Columbia-Richland Fire Department serves the City of Columbia, as well as a 660-square-mile area of Richland County. This joint City/County Department was created by Intergovernmental Agreement in 2012 and was renewed in 2018. The Agreement is to be reviewed and amended periodically. Under this Agreement, the County is responsible for all existing County-owned and operated fire stations, while the City is responsible for City-owned and operated fire stations. Additional growth-related fire stations may be constructed by either the City or County at its own expense.

As of the 2018 Agreement, Richland County owns and operates 21 stations with 64 pieces of apparatus. The 2018 Agreement lays out the need to identify new locations for 3 to 5 new stations. While the County's current Capital Improvement Plan (CIP) does not contain any future fire stations, it is clear that additional growth in the incorporated areas will necessitate the need for additional station construction

if current levels of service are to be maintained. The current CIP does identify several million dollars in new fire apparatus.

To help support the provision of Fire services throughout the unincorporated County, an impact fee that includes components for both station space and apparatus has the potential to generate significant revenue. It would also most likely have the biggest impact on the County's operating budget, as fire suppression is provided through a combination of volunteer and paid positions. This impact fee would be assessed against both residential and nonresidential development. The appropriate methodology would be determined during the fee study.

EMERGENCY MEDICAL SERVICES (EMS)

Emergency medical services (EMS) are provided by Richland County's award-winning EMS Department. The County's EMS Department responds to more than 74,000 calls each year, and serves both the unincorporated County and the municipalities. The County currently has 14 Emergency Medical stations across the County. Conversations with staff indicate that if the County continues to grow there may be additional stations needed. Regardless of whether new stations are constructed, there will surely be a need for additional ambulances. Additionally, the County has plans to construct a new Emergency Operations Center, at an estimated cost of $28 million. TischlerBise recommends that an EMS impact fee be prepared. This impact fee would be assessed against both residential and nonresidential development. The appropriate methodology would be determined during the fee study.

STORMWATER

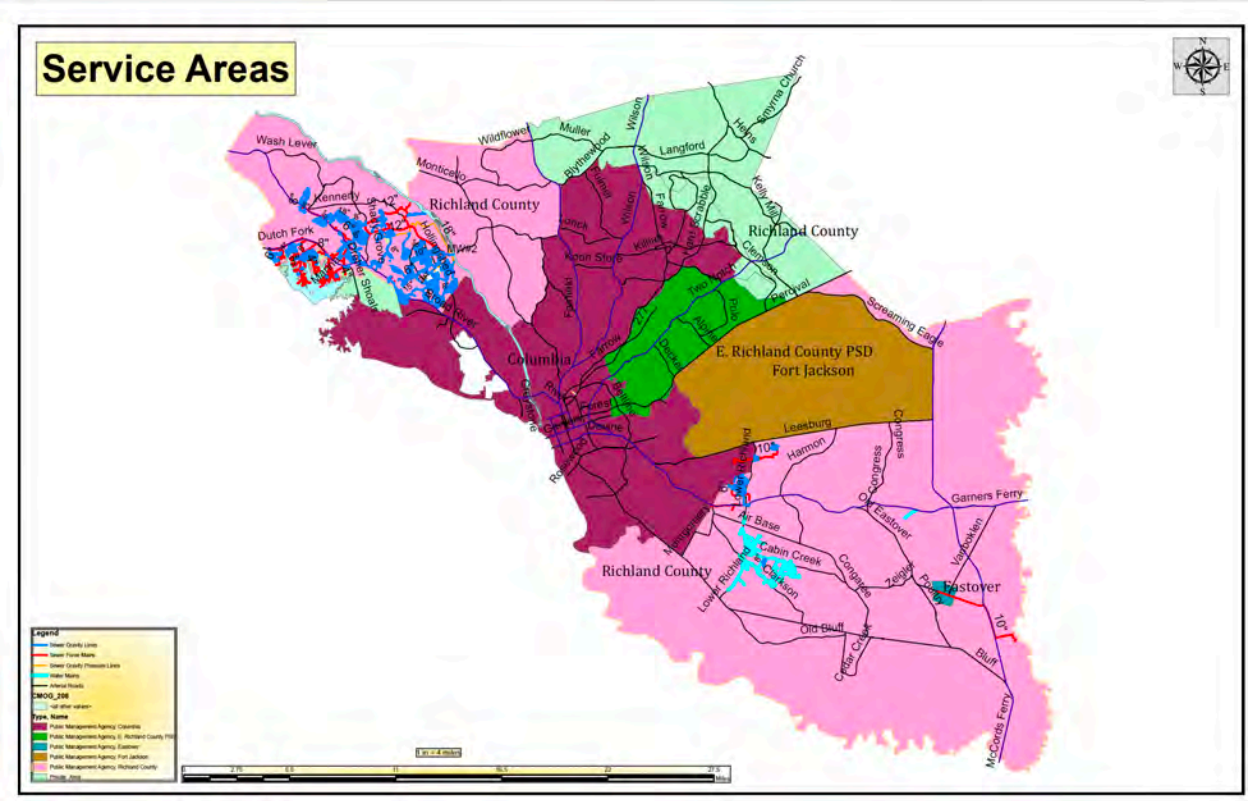
Stormwater is perhaps the most difficult impact fee to implement. One reason is that in the majority of communities TischlerBise work, most of the stormwater infrastructure needs are a result of inadequate regulatory standards that existed 30-40 years ago. New development is typically being required to retain/detain to a standard that shouldn't exacerbate existing problems. Therefore, a stormwater utility fee is usually a better solution. Or, as is the case in Richland County, a dedicated property tax. Additionally, stormwater impact fees are usually implemented by drainage basin in order to satisfy the "benefit" test for those paying the fee, with specific projects identified in a Stormwater Master Plan supported by hydrologic modeling to identify percentage of projects that are benefitting new growth. The County is currently developing a Stormwater Master Plan. We are hesitant to recommend an impact fee for stormwater until we have a chance to review the Master Plan's findings.

SOLID WASTE

Richland County provides solid waste and recycling service to residents and businesses. Current facilities include two drop-off centers and a recycling site. Conversations with County staff indicate the County is in the process of actively identifying and acquiring sites for future drop centers. Associated with future drop off sites will be the need for additional equipment and associated infrastructure. The appropriate methodology will need to be determined to understand growth's share of capital projects, but TischlerBise recommends that a Solid Waste impact fee be prepared to mitigate growth's capital impacts.

WATER AND SEWER

Water and Sewer service is provided to Richland County residents through several service providers. This is illustrated in the map below, where the Richland County service area is shown in pink. Water service providers include Richland County, City of Columbia, Chapin Utilities, and Blue Granite Water Company. Sewer service providers include Richland County, City of Columbia, Chapin Utilities, Blue Granite Water Company, East Richland County Public Service District, Palmetto Utilities, and Synergy Utilities. Richland County doesn't have an impact fee or similar system development/capacity charge for the water system. There is a connection charge, which covers the cost of piping inspections, etc. For the sewer system, there is a connection fee of $4,000 per residential equivalent unit (REU) for industrial connections. TischlerBise feels the County should consider an impact fee for its water and sewer systems. Depending on the availability of excess capacity, the fee(s) could be developed using either a system buy-in approach or a plan-based approach.



TRANSPORTATION

In 2012, Richland County residents voted to approve a referendum for the Transportation Penny Tax Program, which uses a 1 percent sales tax to provide transportation projects throughout the County. The maximum revenue using the Penny program is $1.07 billion, which will be collected for 22 years or until the maximum revenue is received, whichever comes first. It is forecasted that the maximum revenue will be accrued in late 2026.

The County's Transportation Penny Tax Program focuses on three areas. There is $656 million budgeted for roadways, which includes widening and intersection improvements, dirt road paving and resurfacing and special projects. Bikeway, pedestrian improvements and greenways have a budgeted amount of $80.8 million, and $300 million is budgeted to improve mass transit.

The County's Transportation Penny Tax Program opens up several opportunities as it relates to transportation infrastructure, especially if the program were to be renewed. First, since many of the County's transportation projects alleviate existing problems while providing capacity for future growth, having a dedicated revenue source makes it much easier for the County to fund the non-growth share of necessary improvements. Second, the County could choose to dedicate sales tax to certain projects and identify impact fee specific projects. This would eliminate the need to include a sales tax credit in the fee methodology, as there would be no danger of "double payment" for the impact fee projects. If the County chose not to go to the voters to renew the Transportation Penny, the County would be without a dedicated transportation funding source and certainly would need a transportation impact fee to offset growth-related demands for infrastructure. Therefore, TischlerBise recommends that a transportation impact fee be prepared. This impact fee would be assessed against both residential and nonresidential development. The appropriate methodology would be determined during the fee study.

VI. SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

https://www.scstatehouse.gov/code/title6.php

March 22, 2019

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.

Exhibit A

General Development Impact Fee Schedule

		10%	50%	50%	
Land Use Category	Unit of Analysis	Parks & Recreation	Fire Protection	Municipal Facilities & Equipment	Total
Residential					
Single Family Home	dwelling unit	$2,267	$568	$788	$3,623
Apartment	dwelling unit	$1,408	$353	$489	$2,250
Condominium/Townhome	dwelling unit	$1,408	$353	$489	$2,250
Mobile Home	dwelling unit	$1,485	$372	$516	$2,373
Hotel/Motel					
Hotel	room	—	$117	$170	$287
All Suites Hotel	room	—	$18	$26	$44
Business Hotel	room	—	$24	$35	$59
Motel	room	—	$26	$38	$64
Resort Hotel	room	—	$388	$562	$950
Recreational					
Golf Driving Range	tee	—	$51	$73	$124
Movie Theater	1,000 s.f.	—	$297	$431	$728
Multiplex Movie Theater	1,000 s.f.	—	$273	$395	$668
Amusement Park	acre	—	$1,939	$2,812	$4,751
Water Slide Park	acre	—	$1,816	$2,633	$4,449
Recreation Community Center	1,000 s.f.	—	$214	$310	$524
Institutional					
School District Office	1,000 s.f.	—	$572	$829	$1,401
Junior/Community College	1,000 s.f.	—	$281	$407	$688
University/College	1,000 s.f.	—	$592	$858	$1,450
Daycare	1,000 s.f.	—	$451	$653	$1,104
Cemetry	acre	—	$24	$35	$59
Prison	1,000 s.f.	—	$3,384	$4,906	$8,290
Museum	1,000 s.f.	—	$63	$91	$154
Library	1,000 s.f.	—	$261	$378	$639
Medical					
Hospital	1,000 s.f.	—	$572	$829	$1,401
Nursing Home	1,000 s.f.	—	$461	$668	$1,129
Clinic	1,000 s.f.	—	$834	$1,210	$2,044
Animal Hospital/Veterinary Clinic	1,000 s.f.	—	$341	$495	$836
Medical/Dental Office	1,000 s.f.	—	$808	$1,172	$1,980
General Office					
General Office Building	1,000 s.f.	—	$600	$870	$1,470
Small Office Building	1,000 s.f.	—	$410	$595	$1,005
Corporate Headquarters	1,000 s.f.	—	$695	$1,008	$1,703
Single Tenant Office Building	1,000 s.f.	—	$602	$873	$1,475
Government Office Building	1,000 s.f.	—	$612	$888	$1,500
US Post Office	1,000 s.f.	—	$364	$527	$891
State Motor Vehicles Department	1,000 s.f.	—	$826	$1,198	$2,024
Government Office Complex	1,000 s.f.	—	$517	$750	$1,267
Office Park	1,000 s.f.	—	$632	$917	$1,549
Research and Development Center	1,000 s.f.	—	$691	$1,002	$1,693
Business Park	1,000 s.f.	—	$622	$902	$1,524
General Retail					
Building Materials/Lumber	1,000 s.f.	—	$150	$217	$367
Variety Store	1,000 s.f.	—	$133	$193	$326
Free Standing Discount Store	1,000 s.f.	—	$436	$633	$1,069
Hardware Paint Store	1,000 s.f.	—	$51	$73	$124
Nursery (Garden Center)	1,000 s.f.	—	$630	$914	$1,544
Nursery (Wholesale)	1,000 s.f.	—	$337	$489	$826
Shopping Center	1,000 s.f.	—	$473	$685	$1,158
Auto Sales (New)	1,000 s.f.	—	$503	$729	$1,232
Auto Sales (Used)	1,000 s.f.	—	$438	$636	$1,074
Recreation Vehcile Sales	1,000 s.f.	—	$127	$185	$312
Automobile Parts Sales	1,000 s.f.	—	$331	$480	$811
Tire Store	1,000 s.f.	—	$313	$454	$767
Supermarket	1,000 s.f.	—	$287	$416	$703
Convenience Market	1,000 s.f.	—	$315	$457	$772
Convenience Market with Gas Pumps	1,000 s.f.	—	$517	$750	$1,267
Discount Superstore	1,000 s.f.	—	$455	$659	$1,114
Discount Club	1,000 s.f.	—	$263	$381	$644
Sporting Goods Superstore	1,000 s.f.	—	$1,309	$1,898	$3,207
Pharmacy with Drive-Through Window	1,000 s.f.	—	$319	$463	$782
Furniture Store	1,000 s.f.	—	$117	$170	$287
Berverage Container Recycling Depot	1,000 s.f.	—	$180	$261	$441
Liquor Store	1,000 s.f.	—	$578	$838	$1,416
Industrial					
Intermodal Truck Terminal	1,000 s.f.	—	$531	$770	$1,301
General Light Industrial	1,000 s.f.	—	$329	$477	$806
Industrial Park	1,000 s.f.	—	$234	$340	$574
Manufacturing	1,000 s.f.	—	$321	$466	$787
Warehousing	1,000 s.f.	—	$69	$100	$169
Utility	1,000 s.f.	—	$651	$943	$1,594
Speciality Trade Contractor	1,000 s.f.	—	$556	$806	$1,362
Services					
Walk-In Bank	1,000 s.f.	—	$863	$1,251	$2,114
Drive-In Bank	1,000 s.f.	—	$636	$923	$1,559
Copy, Print, and Express Ship Store	1,000 s.f.	—	$376	$545	$921
Quality Restaurant	1,000 s.f.	—	$935	$1,356	$2,291
High-Turnover Restaurant	1,000 s.f.	—	$1,067	$1,547	$2,614
Fast Food without Drive-Through Window	1,000 s.f.	—	$1,047	$1,517	$2,564
Fast Food with Drive-Through Window	1,000 s.f.	—	$2,091	$3,032	$5,123
Fast Foot with Drive-Through (No Seating)	1,000 s.f.	—	$2,699	$3,913	$6,612
Quick Lubrication Vehicle Shop	1,000 s.f.	—	$879	$1,274	$2,153
Automobile Care Center	1,000 s.f.	—	$495	$718	$1,213
Automobile Parks and Service Center	1,000 s.f.	—	$303	$439	$742
Gas/Service Station	1,000 s.f.	—	$881	$1,277	$2,158
Gas/Service Station with Convenience	1,000 s.f.	—	$1,194	$1,731	$2,925
Super Convenience with Gas	1,000 s.f.	—	$733	$1,063	$1,796

Effective Date: March 7, 2022

York County Impact Fee Annual Report

As required under York County Code of Ordinances §153.57(B), the following information relating to impact fees is submitted to York County Council:

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

- County Council adopted Ordinance #6322 on December 19, 2022, to account for amended capital improvement plans in the appropriation of impact fee funds under §153.59(B).
- There are no recommendations for other procedural amendments.

(b) Proposed changes to the 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;

- County Council adopted Ordinance #XXX on December 22, 2022, to adopt an amended capital improvements plan for the Fort Mill School District, which is partially funded with public education facility impact fees pursuant to §153.75-82.
- No other changes are proposed.

(c) Proposed changes to the boundaries of impact fee districts or subdistricts, as appropriate;

- No changes proposed.

(d) Proposed changes to impact fee schedules as set forth in the ordinances imposing and setting specific impact fees;

- As required by SC Code of Laws § 6-1-950, impact fees shall be reviewed and updated by the Planning Commission on the same review cycle as the Comprehensive Plan (every 5 years). As the current Fort Mill School District public education facilities impact fee was adopted in 2018, the Planning Commission should review the impact fee schedule for the district and provide a recommendation for an update to County Council in 2023.

(e) Proposed changes to level of service standards;

- No changes proposed.

(f) Proposed changes in the impact fee calculation methodology;

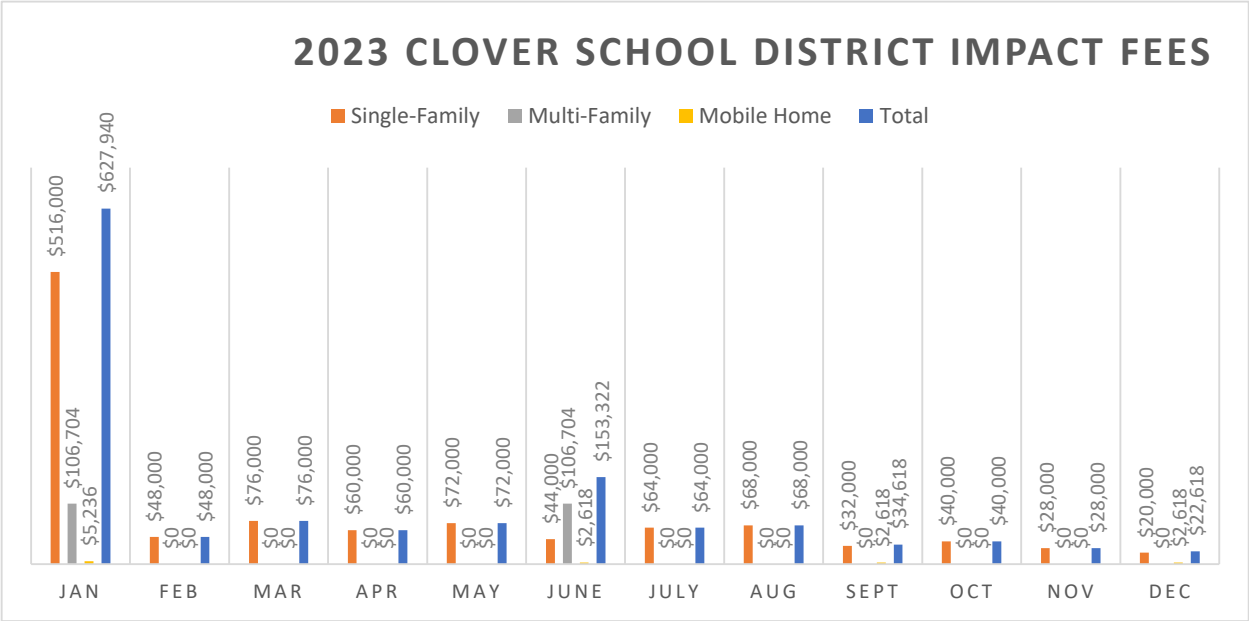
- No changes proposed.

(g) Other data, analysis or recommendations as the County Manager or a designee may deem appropriate, or as may be requested by the County Council.

- The following data are submitted as information on the collection of the FMSD impact fee in 2023:
    - Total Fee Amount Collected: $7,220,734
    - Total Single-Family Buildings: 303
    - Total Multi-Family Buildings: 143
        - Total Multi-Family Units: 143
    - Number of Fee Refunds (expired permits): 9
    - Number of Fee Waivers (retiree housing): 1
    - Number of Fee Exemptions (rebuilds): 6

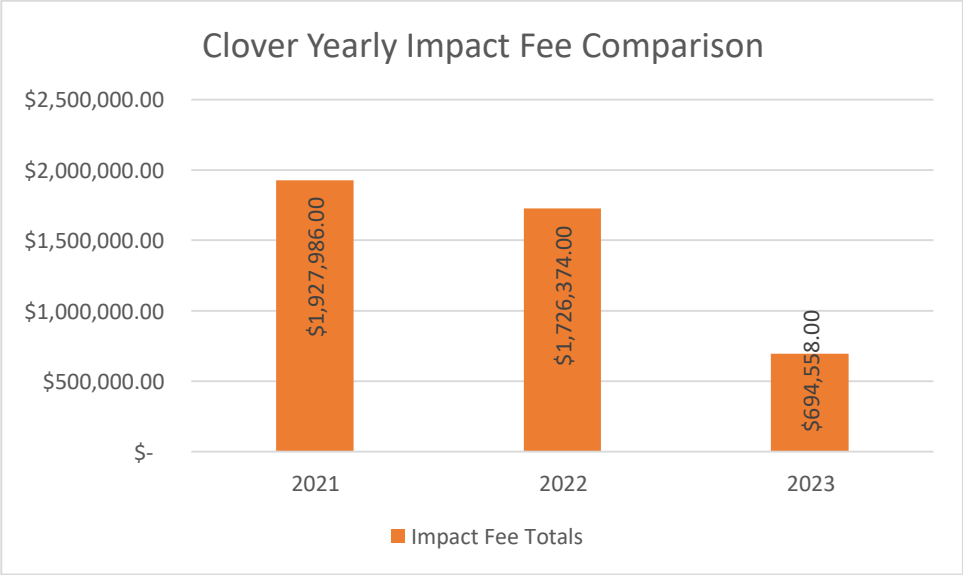
- The following data are submitted as information on the collection of the CSD impact fee in 2023:
    - Total Fee Amount Collected: $694,558
    - Total Single-Family Buildings: 145
    - Total Multi-Family Buildings: 54
        - Total Multi-Family Units: 54
    - Total Manufactured Home Units: 3
    - Number of Fee Refunds (expired permits): 1
    - Number of Fee Waivers (retiree housing): 47
    - Number of Fee Exemptions (rebuilds): 31

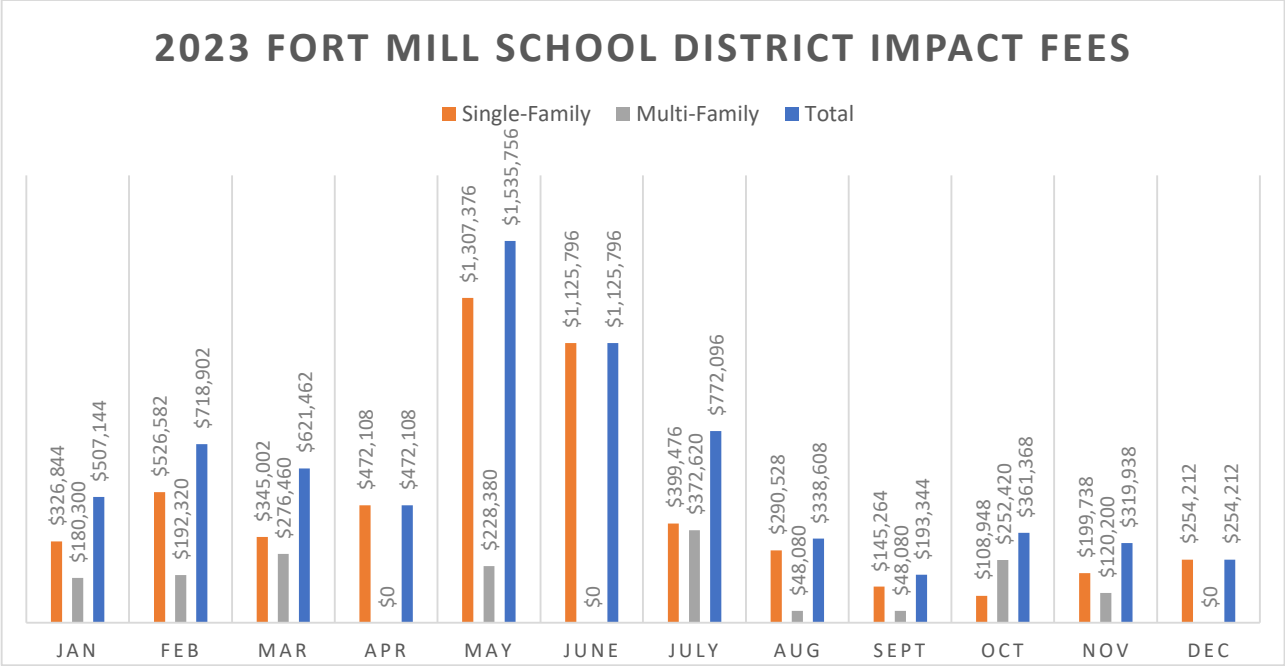
- The following data are submitted as information on the collection of all school district impact fees in 2023:
    - Total Fee Amount Collected: $7,915,292
    - Total Single-Family Buildings: 448
    - Total Multi-Family Buildings: 197
        - Total Multi-Family Units: 197
    - Total Manufactured Home Units: 3
    - Number of Fee Refunds (expired permits): 10
    - Number of Fee Waivers (retiree housing): 48
    - Number of Fee Exemptions (rebuilds): 37



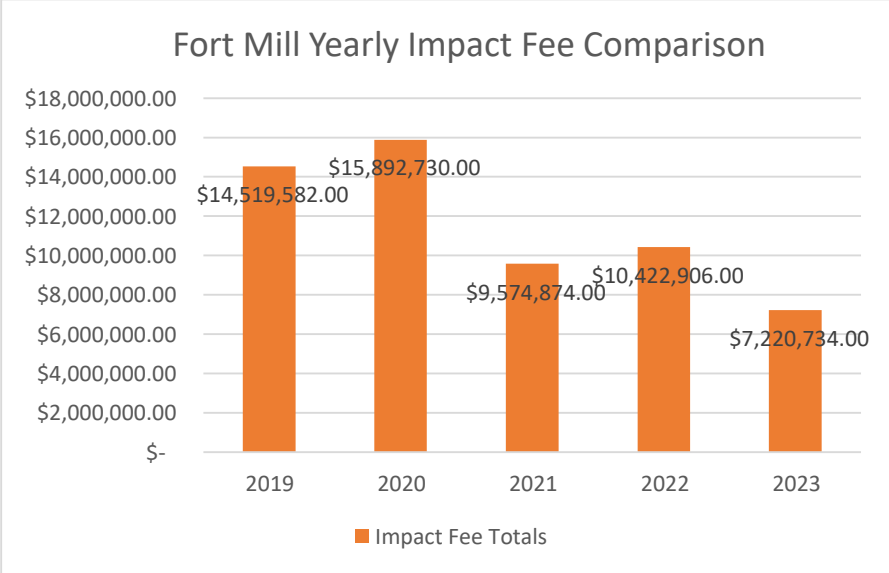
Clover School District

Year	Impact Fee Totals
2021	$ 1,927,986.00
2022	$ 1,726,374.00
2023	$ 694,558.00





Fort Mill School District	
Year	**Impact Fee Totals**
2019	$ 14,519,582.00
2020	$ 15,892,730.00
2021	$ 9,574,874.00
2022	$ 10,422,906.00
2023	$ 7,220,734.00



RICHLAND COUNTY ADMINISTRATION
2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050

Informational Agenda Briefing

Prepared by:	Synithia Williams	**Title**:	Director
Department:	Community Planning & Development	**Division:**	
Date Prepared:	October 1, 2024	**Meeting Date:**	October 22, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject:	I move that County Council direct the County Administrator to research and provide to Council (1) ways to secure title to subdivision roads that were developed but never had ownership transferred to the County and (2) to recommend changes to county ordinances and/or protocols to better assure that future development of subdivision roads includes conveyance of title to the county (unless there is an understanding between the developer and the County that the subdivision roads will intentionally remain privately owned and maintained). [Branham (District 1), English (District 10), Newton (District 11)]		

At the 02 July 2024 Regular Session Council meeting, the following motion was made and assigned to the Development & Services committee:

> I move that County Council direct the County Administrator to research and provide to Council (1) ways to secure title to subdivision roads that were developed but never had ownership transferred to the County and (2) to recommend changes to county ordinances and/or protocols to better assure that future development of subdivision roads includes conveyance of title to the county (unless there is an understanding between the developer and the County that the subdivision roads will intentionally remain privately owned and maintained). [Branham (District 1), English (District 10), Newton (District 11)]

An internal team consisting of staff from Community Planning and Development (CP&D), the Department of Public Works (DPW), and Government and Community Relations met with Assistant Administrator Jensen on September 11, 2024, and a subset of this group met again on October 2, 2024. The team reviewed the motion, discussed any challenges, and identified next steps.

Related to securing title to roads not properly conveyed to the County

In 2020, the Public Works Department received approval from County Council to begin the process of taking 93 roads which were not conveyed into the County's system. The Public Works Department continues to work on obtaining the deeds to these roads, but face several challenges such as locating the owners, owners requesting payment for the transfer, and varying methods presented for determining the value of the roads.

Related to changes to County ordinances and/or protocols

Several of the improperly conveyed roads were purchased at tax sales. The Department of Public Works now receives a list of properties up for tax sale and removes any roads from the list. The Department has reached out to the Forfeited Land Commission, which is responsible for any properties not sold at a tax sale, and has requested that any roads within their purview not be re-listed for auction. These roads

are not automatically transferred to the County, and an ordinance or resolution may be required. The updated Land Development Manual and Land Development Code has clear project closeout procedures which outline how roads are to be conveyed to the County and steps for roads which will remain privately owned.

NEXT STEPS

- Get an updated map and list of the remaining outstanding roads not conveyed to the County including what's left of the 93 identified in 2020 (DPW).
- Reach out to the Forfeited Land Commission and identify if the roads under their control require an ordinance or resolution to transfer ownership to the County (CP&D).
- Meet with the Legal Department to discuss options if an owner refuses to convey the road back to the County (CP&D/DPW).
- Develop a long-range plan related to lobbying for legislation related to the conveyance of roads for the public good without the need for a deed (CP&D/DPW).
- The team will meet again at the end of October.