

COUNTY COUNCIL OF BEAUFORT COUNTY  
ADMINISTRATION BUILDING  
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX  
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SPECIAL COUNSEL

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COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

AGENDA  
EXECUTIVE COMMITTEE

Monday, December 14, 2015

2:00 p.m.

Executive Conference Room, Administration Building  
Beaufort County Government Robert Smalls Complex  
100 Ribaut Road, Beaufort

Committee Members:

Jerry Stewart, Chairman  
Gerald Dawson  
Brian Flewelling  
William McBride  
Stu Rodman

1. CALL TO ORDER – 2:00 P.M.

2. DISCUSSION

- A. Legislative Update
- B. Possible Consolidation of [Burton](#) and [Lady's Island/St. Helena Island](#) Fire Districts
- C. Overview of Current Impact Fee Legislation
  - ([email 120215](#))
  - ([development impact fee procedures ordinance](#))
  - ([parks and recreation facilities ordinance](#))
  - ([library facilities ordinance](#))
  - ([fire facilities ordinance](#))
  - ([road facilities-southern ordinance](#))
  - ([road impact fee schedules](#))

3. CONSIDERATION OF CONTRACT AWARDS

- A. Request to Purchase Public Health Insecticide for Beaufort County Mosquito Control ([backup](#))
- B. Hilton Head Island Airport Runway 21 Approach Obstruction Tree Removal ([backup](#))

4. NEW BUSINESS

5. ADJOURNMENT

2015 Strategic Plan Committee Assignments

Sales Tax Referendum Preparation  
Pepper Hall Site: Direction  
Long-term County Offices / Satellite Plan / Strategy  
Solid Waste Curbside Pick-up / Recycling (Urbanized Areas)



(R54, H1001)

**No. 566**

**An Act To Create The Burton Fire District In Beaufort County; To Provide For A Board Of Fire Control For The District; To Prescribe The Powers, Duties And Membership Of The Board; To Provide For Tax Levies; And To Provide Penalties For Certain Violations.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Burton Fire District created.**—There is hereby created the Burton Fire District in Beaufort County, which shall include all of Beaufort Township except the area within the corporate municipalities of Beaufort and Port Royal.

**SECTION 2. Board of Fire Control.**—There is hereby established a board of fire control for the district, composed of five members appointed by a majority of the Beaufort County Council. Terms of office shall be for four years and until successors are appointed and qualify. *Provided*, however, that of those first appointed three shall serve for four years, and two shall serve for two years, the respective terms of office being designated by county council in its appointments. The members of the board shall serve without pay and shall file annually a report with the Beaufort County Council and the County Legislative Delegation, not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

**SECTION 3. Powers and duties.**—The board shall have the following duties and responsibilities:

(a) To buy such fire-fighting equipment as the board deems necessary for the purpose of controlling fires within the money allocated or made available to the board for such purposes.

(b) To select and procure the sites or places within the area where the fire-fighting equipment shall be kept.

(c) To provide and select, in coordination with the fire chief, the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To procure and supervise, in coordination with the fire chief, the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interests of the area.

(e) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire-fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(f) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(g) To construct, if necessary, buildings to house the equipment authorized herein.

(h) To borrow money on such terms and for such a period as to the fire control board may seem most beneficial for the fire district in anticipation of taxes. The indebtedness shall be evidenced by a note issued by the members of the board and the county treasurer. The full faith and taxing power of the fire district is hereby irrevocably pledged for the payment of the indebtedness.

**SECTION 4. Tax levy.**—The Auditor and Treasurer of Beaufort County are hereby directed to levy and collect a tax of not more than five mills, to be determined by the board of fire control, upon all taxable property of the district for the purpose of defraying the expenses incurred by the board. All monies collected from this levy shall be credited to the fire district.

**SECTION 5. Supervision of equipment.**—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

**SECTION 6. Members to enforce fire laws.**—All members of the truck company of the district may direct and control traffic at the scene of any fire in the area of the district and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for the enforcement of such laws by peace officers.

**SECTION 7. Unlawful acts—penalties.**—It is unlawful to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

**SECTION 8. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 15th day of February, 1973.

No. 1727]

OF SOUTH CAROLINA  
LOCAL AND TEMPORARY LAWS—1972

3385

(R1212, H2801)

No. 1727

**An Act To Create The Lady's Island-St. Helena Island Fire District In Beaufort County; To Provide For A Board Of Fire Control For The District; To Prescribe The Powers, Duties And Membership Of The Board; To Provide For Tax Levies; And To Provide Penalties For Certain Violations.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Fire District created.**—There is hereby created the Lady's Island-St. Helena Island Fire District in Beaufort County, which shall include the entire area of the islands.

**SECTION 2. Board of Fire Control.**—There is hereby established a board of fire control for the district, composed of five members appointed by the Governor upon the recommendation of a majority of the Beaufort County Council. Terms of office shall be for four years and until successors are appointed and qualify. Two of the members shall be residents of Lady's Island, two of the members shall be residents of St. Helena Island and one member shall be appointed from the district at large. *Provided*, however, that of those first appointed one member shall be a resident of Lady's Island and one member shall be a resident of St. Helena Island and shall serve for four years; one member shall be a resident of Lady's Island and one member shall be a resident of St. Helena Island and shall serve for three years; and the member appointed at large shall serve for two years. The members of the board shall serve without pay and shall file annually a report with the legislative delegation and the Beaufort County Council, not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

**SECTION 3. Powers and duties.**—The board shall have the following duties and responsibilities:

(a) To buy such fire-fighting equipment as the board deems necessary for the purpose of controlling fires within the money allocated or made available to the board for such purposes.

(b) To select and procure the sites or places within the area where the fire-fighting equipment shall be kept.

(c) To provide and select, in coordination with the fire chief, the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To procure and supervise, in coordination with the fire chief, the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interests of the area.

(e) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire-fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(f) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(g) To construct, if necessary, buildings to house the equipment authorized herein.

(h) To borrow money on such terms and for such a period as to the fire control board may seem most beneficial for the fire district in anticipation of taxes. The indebtedness shall be evidenced by a note issued by the members of the board and the county treasurer. The full faith and taxing power of the fire district is hereby irrevocably pledged for the payment of the indebtedness.

**SECTION 4. Tax levy.**—The Auditor and Treasurer of Beaufort County are hereby directed to levy and collect a tax of not more than five mills, to be determined by the board of fire control, upon all taxable property of the district for the purpose of defraying the expenses incurred by the board. All monies collected from this levy shall be credited to the fire district.

**SECTION 5. Supervision of equipment.**—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

**SECTION 6. Members to enforce fire laws.**—All members of the truck company of the district may direct and control traffic at the scene of any fire in the area of the district and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for the enforcement of such laws by peace officers.

**SECTION 7. Unlawful acts.**—It is unlawful to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire de-

No. 1728]

OF SOUTH CAROLINA  
LOCAL AND TEMPORARY LAWS—1972

3387

partment in the district, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

**SECTION 8. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1972.

## Kubic, Gary

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**From:** Kubic, Gary  
**Sent:** Wednesday, December 2, 2015 3:07 PM  
**To:** Sommerville, Paul  
**Cc:** #COUNCIL; Gruber, Joshua; Keaveny, Thomas; Coppage, Allison; McFee, Robert; Kinton, Colin; Larson, Eric; McBride, Ray; Marshall, Scott; Atkinson, Charles; 'Ed Boys'; 'Harry Rountree'; 'John Thompson'; Jones, Buddy; Kline, Bruce  
**Subject:** Administrative Instruction / Review of Impact Fees

Chairman Sommerville:

I am writing you to request your consideration and possible instructions to Administration to commence a complete review of the County's current impact fees.

As you know, many of these impact fees were developed and implemented by past Councils to offset emerging community needs created by the economic surges in housing development.

I believe we have reached an appropriate point in time to determine whether the impact fees (all categories) are still appropriate at their current levels.

By conducting this review, we can provide another tool to members of Council as the economic development matrix discussion continues.

gkubic

Gary Kubic  
Beaufort County Administrator  
Office: 843.255.2026  
Mobile: 843.812.7605  
Fax: 843.255.9403  
Email: [gkubic@bcgov.net](mailto:gkubic@bcgov.net)

100 Ribaut Road  
P.O. Drawer 1228  
Beaufort, SC 29901



**ARTICLE II. - DEVELOPMENT IMPACT FEE PROCEDURES<sup>(2)</sup>***Footnotes:**-- (2) --**Editor's note—Ord. No. 2006-24, adopted Oct. 23, 2006, amended Art. II, which consists of §§ 82-21—82-39, to read as herein set out. Former Art. II, pertained to similar subject matter and derived from Ord. No. 99-26, adopted Sept. 27, 1999; Ord. No. 2000-13, adopted Mar. 13, 2000; Ord. No. 2000-34, adopted Aug. 28, 2000; and Ord. No. 2005/2, adopted Jan. 10, 2002.***Sec. 82-21. - Adoption.**

On and after September 27, 1999, the development impact fee procedures for the imposition, calculation, collection, expenditure and administration of all County development impact fees shall be consistent with, and administered pursuant to, the County Development Impact Fee Procedures Ordinance as set forth in this article.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-22. - Title.**

This article shall be known and may be referred to as the County Development Impact Fee Procedures Ordinance.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-23. - Purpose and Intent.**

The purpose and intent of this article are as follows:

- (a) To establish uniform and consistent procedures for the development, implementation, imposition, calculation, collection, deposit, expenditure and administration of all development impact fees adopted by the County, pursuant to the State Development Impact Fee Act.
- (b) To be consistent with, and to facilitate the implementation of, the goals, objectives and policies of the adopted County Comprehensive Plan, and all elements thereof relating to the provision of public facilities needed to meet the demands created by new growth and development, and relating to appropriate, fair and equitable cost sharing of such public facilities.
- (c) To ensure that new development pays, at the time of development approval or issuance of a development permit, a proportionate share of the cost of system improvements needed to serve the projected new development.
- (d) To ensure that all applicable legal standards and criteria are properly incorporated and will be met by the County, with specific reference to the State Development Impact Fee Act, S.C. Code 1976, §§ 6-1-910—6-1-2010.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-24. - Definitions.**

- (a) The words, terms and phrases used in this article shall have the meanings prescribed in the State Development Impact Fee Act, S.C. Code 1976, § 6-1-920.
- (b) To the extent that the definitions of such words, terms or phrases as prescribed in S.C. Code 1976, § 6-1-920, conflict with the definition of such words, terms or phrases as may be defined in this Code, the

County land development regulations or other adopted County ordinances, plans or documents, the former shall control.

(c) The following are applicable definitions pursuant to S.C. Code 1976, § 6-1-920:

*Affordable Housing* means housing affordable to families whose incomes do not exceed 80 percent of the median income for the service area or areas within the jurisdiction of the county.

*Capital Improvements* mean improvements with a useful life of five years or more, by new construction or other action, which increases the service capacity of a public facility.

*Capital Improvements Plan* means a plan that identifies capital improvements for which development impact fees may be used as a funding source.

*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.

*Developer* means an individual or corporation, partnership, or other entity undertaking development.

*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. The term "development" does not include alterations made to existing single-family homes.

*Development Approval* means a document from a governmental entity which authorizes the commencement of a development.

*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:

- (1) A charge or fee to pay the administrative, plan review or inspection costs associated with permits required for development.
- (2) Connection or hookup charges.
- (3) 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.
- (4) Fees authorized by S.C. Code 1976, § 6-1-300 et seq.

*Development Permit* means a permit issued for construction on or development of land when no subsequent building permit issued pursuant to S.C. Code 1976, title 6, ch. 9, is required.

*Fee Payor* means the individual or legal entity that pays or is required to pay a development impact fee.

*Governmental Entity* means a county, as provided in S.C. Code 1976, title 4, ch. 9, and a municipality, as defined in S.C. Code 1976, § 5-1-20.

***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.

***Land Use Assumptions*** mean 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.

***Level of Service*** means a measure of the relationship between service capacity and service demand for public facilities.

***Local Planning Commission*** means the entity created pursuant to S.C. Code 1976, title 6, ch. 29, art. 1.

***Project*** means a particular development on an identified parcel of land.

***Proportionate Share*** means that portion of the cost of system improvements determined pursuant to S.C. Code 1976, § 6-1-990 which reasonably relates to the service demands and needs of the project.

***Public Facilities*** means:

- (1) Water supply production, treatment, laboratory, engineering, administration, storage and transmission facilities.
- (2) Wastewater collection, treatment, laboratory, engineering, administration and disposal facilities.
- (3) Solid waste and recycling collection, treatment and disposal facilities.
- (4) Roads, streets and bridges, including, but not limited to, rights-of-way and traffic signals.
- (5) Stormwater transmission, retention, detention, treatment and disposal facilities and flood control facilities.
- (6) Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities.
- (7) Capital equipment and vehicles, with an individual unit purchase price of not less than \$1,000.00 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 stormwater management and control.
- (8) Parks, libraries and recreational facilities.

***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 of this article may be interpreted to alter, enlarge or reduce the service area or boundaries of a county or other political subdivision which is authorized or set by law.

***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.

***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 improvements do not include:

- (1) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- (2) Repair, operation or maintenance of existing or new capital improvements;
- (3) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (4) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;
- (5) Administrative and operating costs of a county or a municipality participating in an impact fee program; and
- (6) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of a county or a non-county service provider pursuant to an intergovernmental agreement to finance capital improvements identified in the capital improvements plan.

*System Improvements* mean capital improvements to public facilities which are designed to provide service to a service area.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-25. - Exclusive Method to Impose Fees; Other Methods of Requiring Capital Improvements; Preexisting Fees.**

- (a) Requirements for developers to pay, as a condition of development approval or issuance of a development permit, in whole or in part, for system improvements may be imposed by the County or a participating municipality only by way of development impact fees imposed pursuant to the State Development Impact Fee Act, this article and individual public facility development impact fee ordinances adopted by the County and participating municipalities.
- (b) Notwithstanding the provisions of the State Development Impact Fee Act or this article, the County retains its power, to the extent authorized, to impose fees, to require contributions and to require dedication of land for capital improvements.
- (c) A development impact fee adopted by the County pursuant to the law existing prior to enactment of the State Development Impact Fee Act and existing on the effective date of the Act shall not be affected by the Act until its termination. Provided, however, that any proposed change, revision to, or reenactment of such development impact fee subsequent to the effective date of the Act shall comply with the provisions of this article and the Act.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-26. - Conflict.**

To the extent of any conflict between other County ordinances and this article, this article shall be deemed to be controlling; provided, however, that this article is not intended to amend or repeal any existing County ordinance, resolution or regulation, except as expressly set forth in the ordinance from which this article is derived.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-27. - Severability.**

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

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-28. - Term.**

The development impact fee procedures set forth in this article shall remain in effect unless and until repealed, amended or modified by County Council in accordance with applicable state law and County ordinances and resolutions.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-29. - Amendment of Development Impact Fee Act.**

Upon the amendment of any provision of the State Development Impact Fee Act by the State Legislature, County Council shall initiate a review of this article to determine whether it remains in full compliance with the Act; and, upon the completion of such review, County Council shall introduce any changes deemed necessary and appropriate to ensure the continued compliance of this article with the Act.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-30. - Annual Review and Report.**

The County shall prepare and publish an annual report describing the amount of all development impact fee funds collected, appropriated and spent, by public facility and by service area, during the preceding fiscal year.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-31. - Affordable Housing Report.**

Before adopting a development impact fee for a public facility which imposes the fee on residential units, the County shall prepare a report which estimates the effect of recovering capital costs for the public facility through impact fees on the availability of affordable housing within the County.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-32. - Applicability.**

- (a) ***Development Subject to Impact Fees.*** All development, both residential and nonresidential, as defined in the State Development Impact Fee Act and in Section 82-24, may be subject to the imposition of one or more development impact fees for particular public facilities; provided, however, that the type and nature of the development project must create an additional demand and need for system improvements for the public facility in order to maintain the adopted level of service (LOS) standard, and is not otherwise exempt.
- (b) ***Development not Subject to Impact Fees.*** The following structures and activities, which might otherwise be construed as development as defined by the Act, are exempt from the imposition of development 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. That portion of the project's proportionate share of system improvements is funded through a revenue source other than development impact fees;
  - (8) Any development project for which the developer has paid for the needed public facility in its entirety. However, this exemption applies only to a County development impact fee for the same category of public facility that has been provided;
  - (9) Any development project for which a valid building permit or certificate of occupancy has been issued or in which construction has commenced, before the effective date of the ordinance imposing the development impact fee, except as otherwise provided in Section 82-33(a).
- (c) ***Effect of imposition and payment of development impact fees on County land development regulations.***
- (1) The payment of development impact fees shall not entitle the fee payor to development approval nor a development permit unless all other applicable requirements, standards and conditions of the County land development regulations and all other applicable County codes, ordinances and/or procedures have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a development impact fee.
  - (2) Neither this article nor a specific development impact fee ordinance shall affect, in any manner, the permissible use of property, the permitted density/intensity of development, the applicable design and improvement standards, or any other applicable standards or requirements of this Code or land development regulations, which shall be operative and which shall remain in full force and

effect without limitation.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-33. - Imposition, Calculation and Collection.

(a) *Imposition.* A development impact fee may be imposed by the County or a participating municipality only upon development approval or issuance of a development permit. Unless otherwise provided in a development impact fee ordinance for a particular public facility, imposition, calculation and collection of a development impact fee shall occur at building permit issuance; provided, however, that if a building permit is not required for the proposed development project, or for other valid reasons, County Council or the elected body of the participating municipality may, at its discretion, impose, calculate and collect a development impact fee either at the time construction is authorized or at the time of issuance of a certificate of occupancy.

(b) *Calculation.*

- (1) Upon receipt of a request for development approval or issuance of a development permit which triggers imposition of a development impact fee, as set forth in subsection (a) of this section, the County shall determine the following:
  - a. The applicable public facilities development impact fee or fees.
  - b. The appropriate service area.
  - c. The types of land use in the proposed development project.
  - d. The amount of development (i.e., for residential, the number of dwelling units; for nonresidential, the square footage of nonresidential development) in the proposed development project.
  - e. The number and type of affordable housing units in the proposed development project.
  - f. The total number of new or additional service units created by the proposed development project.
- (2) After making the determinations set forth in subsection (b)(1) of this section in a timely manner, the County shall multiply the number of new or additional service units by the cost per service unit as set forth in the specific public facility development impact fee ordinance, to derive a total development impact fee amount due.
- (3) The County, in appropriate circumstances, shall deduct from the total development impact fee amount due:
  - a. Appropriate credits or offsets for developer contributions of money, dedication of land, construction of system improvements, or oversizing of system improvements used for, or having excess capacity to serve, other development projects;
  - b. A pro rata share of other (non-County) funding sources committed to financing system improvements for the applicable public facility, which are not required to be repaid by the County, and which were not previously considered in calculating the cost per service unit for the public facility;
  - c. A discount for affordable housing units based on the following table for "single-family units" and for "all other types of housing units":

|                          |  |
|--------------------------|--|
| Area Medium Income (AMI) |  |
|--------------------------|--|

|            | Impact Fee Discount |
|------------|---------------------|
| Under 60%  | 100%                |
| 60% to 80% | 60%                 |
| Over 80%   | 0%                  |

- (4) Impact fees must be calculated in accordance with generally accepted accounting principles.
- (5) Impact fees may be subsidized, as long as funds are available in the Beaufort County Affordable Housing Fund, up to 100 percent for housing that a person or family earning 80 percent or less of the County's median family income based on household size can afford by spending not more than 35 percent of their gross income on a case-by-case basis. Criteria approved by County Council will be used to provide guidance.
- (6) If rehabilitated property for which the impact fees have been subsidized is sold within ten years, or owner acquired/occupied property for which the impact fees have been subsidized is sold within ten years, the impact fees that would have been collected will be paid out of the proceeds of the sale and reimbursed into the Beaufort County Affordable Housing Fund. If rental property for which the impact fees have been subsidized is sold, resulting in units being rented at rates above that which falls in the affordable range based upon household income and size, a fee will be paid out of the proceeds of the sale at a rate equal to the amount of subsidy increased at a rate equal to two times the Consumer Price Index (CPI) for the years between the time of subsidy and the time of sale for each applicable year up to 30 years. The fee will be reimbursed into the Beaufort County Affordable Housing Fund.
- (7) For purposes of this section, the Consumer Price Index (CPI) is the U.S. Department of Labor, Bureau of Labor Statistics' index for "owners' equivalent rent of primary residence" for the South Urban Area, base period December, 1982 equal to 100 (Exhibit A, on file with the County Clerk).

(c) *Collection.*

- (1) The County shall collect all development impact fees imposed and due prior to, and as a condition of, issuance of the applicable development approval or development permit, as set forth in this section, unless:
  - a. The fee payor pays the development impact fee under protest or files an administrative appeal and, at his option, elects to post a bond or submit an irrevocable letter of credit, approved by the County, for the full amount of the development impact fees calculated to be due; or
  - b. The County and the fee payor agree to mediation by a qualified independent party.
- (2) The County may, at its discretion, add to the development impact fee amount due an additional amount for reasonable interest and penalties for nonpayment or late payment.

(d) *Enforcement.*

- (1) The County may withhold the requested development approval or development permit, including but not limited to a certificate of occupancy, or a building permit if no certificate of occupancy is required, until the development impact fee is paid in full.



- (2) The County may impose a lien for failure of the developer to make timely payment of a development impact fee.

(Ord. No. 2006-24, 10-23-2006; Ord. No. 2015/28, 10-26-2015)

**Sec. 82-34. - Accounts and Expenditures.**

**(a) *Accounts.***

- (1) Revenues collected from all development impact fees must be deposited into, and maintained until expenditure in, a segregated, interest-bearing County account.
- (2) Separate accounts, and appropriate accounting records, must be maintained for each public facility development impact fee (i.e., for each category of system improvements), and for each service area in which the fees are collected.
- (3) 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 otherwise placed on the use and expenditure of impact fee revenues pursuant to the State Development Impact Fee Act and this article.

**(b) *Expenditures.***

- (1) Expenditure 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 relevant capital improvements plan and as authorized in the State Development Impact Fee Act.
- (2) Development impact fees may not be used for:
  - a. A purpose other than system improvement costs to create additional improvements to serve new growth;
  - b. A category of system improvements other than that for which they were collected; or
  - c. The benefit of service areas other than the area for which they were imposed.
- (3) In accordance with all other applicable requirements as set forth in this article, development impact fees may be expended for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County or other applicable service provider, to finance system improvements.
- (4) Development impact fees may be expended only for system improvements and system improvement costs as defined in the State Development Impact Fee Act or in Section 82-24. Development impact fees may not be expended for personnel costs.

**(c) *Timing of Expenditures.***

- (1) Through the use of the annual review and report, the County shall monitor the collection and expenditure of impact fee revenues in relation to the system improvements as specified in public facility capital improvements plans.
- (2) The County shall ensure that impact fees will be expended within three years of the date they were scheduled in the capital improvements plan to be expended on a first-in, first-out basis.
- (3) The County shall ensure that sufficient impact fee funds are, or will be, available before proceeding with a system improvement project.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-35. - Refunds.**

- (a) **Eligibility.** 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 fee revenues collected from that property have not been expended within three years of the date they were scheduled to be expended, pursuant to the capital improvements plan, on a first-in, first-out accounting basis; or
  - (2) A building permit or permit for installation of a manufactured home on the property is subsequently denied.
- (b) **Payment.** When the right to a refund exists, as set forth in subsection (a) of this section, the County shall send the refund amount only to the owners of record of the subject property at the time the refund payment must be made.
- (c) **Timing.** The County shall send the refund amount to the owner of record of the subject property within 90 days after it is determined by the County that a refund is due.
- (d) **Amount.** All refund payments determined to be due shall include the pro rata portion of interest earned while on deposit in the interest-bearing development impact fee account.
- (e) **Standing.** A person entitled to a refund shall have standing to sue for payment of the refund by the County if there has not been a timely payment of the refund pursuant to this section and the State Development Impact Fee Act.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-36. - Remedies.**

If the developer or fee payor disagrees with the County with respect to any aspect of a development impact fee, including, but not limited to, the amount of the fee due, the developer or fee payor shall have the following remedies:

- (a) **Administrative Appeal.** The developer or fee payor may file an administrative appeal with the County Administrator. Such appeal shall be filed with the County Clerk within 30 days of fee payment on a form made available by the County. The County Administrator shall render a decision on the appeal within 90 days after the filing of the appeal.
- (b) **Payment under Protest.**
  - (1) The developer or fee payor may pay a development impact fee under protest. Payment under protest does not preclude the developer or fee payor from filing an administrative appeal nor does it preclude receipt of a refund pursuant to Section 82-35, if applicable.
  - (2) In lieu of paying the development impact fee under protest, the developer or fee payor may, at his option, post a bond or submit an irrevocable letter of credit for the amount of the development impact fee due, pending the outcome of an appeal.
- (c) **Mediation.**
  - (1) In order to address any disagreement between the fee payor and the County relative to the imposition of a development impact fee, the County and the fee payor may, upon voluntary agreement, enter into mediation conducted by a qualified independent party.
  - (2) Participation in mediation does not preclude the fee payor from pursuing any other available

remedies provided in this article, in the State Development Impact Fee Act, or otherwise available by law.

- (d) *Incidental Benefit.* The receipt of incidental benefit by a third party property owner or developer within the service area resulting from the payment of a development impact fee by a fee payor or developer shall not be considered grounds for exercising the remedies set forth in this article.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-37. - Development Agreements.**

- (a) In lieu of making development impact fee payments, the fee payor/developer and the County, by mutual agreement, may enter into an agreement for the provision, construction and installation of system improvements pursuant to, and in accordance with, the requirements of the State Local Government Development Agreement Act.
- (b) The agreement may additionally provide for credits or reimbursement 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.
- (c) A development impact fee for system improvements for a specific public facility category may not be imposed on a fee payor or developer who has entered into a development agreement providing for the provision of system improvements for that same public facility category. Provided, however, that development impact fees may still be imposed on the fee payor or developer for system improvements for another public facility category.
- (d) The development agreement shall include a provision addressing increases in development impact fees over the life of the development agreement as well as the applicability of subsequently adopted development impact fees for other public facilities over the life of the development agreement and the development project.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-38. - System Improvements Provided by Another Service Provider.**

- (a) *Non-County Service Provider.* If the proposed system improvements include a public facility or facilities under the jurisdiction of, and provided by, another unit of government as described in the State Development Impact Fee Act, the County and the other unit of government shall enter into an intergovernmental agreement providing for:
- (1) Determination of the development impact fee amount in the same manner and pursuant to the same procedures and limitations as provided in this article and the Act for all other development impact fees.
  - (2) Collection of the development impact fee by the County.
  - (3) Transfer of the development impact fee funds collected within the service area of the service provider to the service provider for expenditure at reasonable times.
  - (4) Expenditure of the development impact fee revenues by the service provider in accordance with the capital improvements plan.
- (b) *Cost Sharing of Joint Improvements.* The intergovernmental agreement between the County and the service provider shall specify the reasonable share of funding by each governmental unit for jointly funded improvements. The County shall not assume more than its reasonable share of funding of joint

improvements; nor may the service provider, which is not authorized to impose development impact fees, assume more than its share of funding of joint improvements, unless the expenditure is being made pursuant to a development agreement.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-39. - Effects of Annexation.**

A County Development Impact Fee Ordinance imposed in an unincorporated area which is subsequently annexed by a municipality shall remain in full force and effect, pursuant to this article and the state Development Impact Fee Act, until the development impact fee terminates, unless the annexing municipality:

- (1) Assumes responsibility for the provision of system improvements included in the capital improvements plan and to be provided, in whole or in part, via payment of development impact fees from developers in the annexed area; and
- (2) Assumes any liability which is to be paid with the impact fee revenue.

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

(Ord. No. 2006-24, 10-23-2006)

**Secs. 82-40—82-50. - Reserved.**

**ARTICLE III. - PARKS AND RECREATION FACILITIES<sup>[3]</sup>***Footnotes:**-- (3) --**Editor's note—Ord. No. 2006-24, adopted Oct. 23, 2006, amended Art. III, which consists of §§ 82-51—82-64, to read as herein set out. Former Art. III, pertained to similar subject matter and derived from Ord. No. 99-31, adopted Oct. 25, 1999.***Sec. 82-51. - Liberal Construction.**

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

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-52. - Adoption.**

After the effective date of this article, the development impact fee for parks and recreation facilities shall be imposed countywide, consistent with the requirements of the State Development Impact Fee Act, the County development impact fee procedures as set forth in Section 82-21 et seq. and the County's adopted parks and recreation impact fee support studies, and the parks and recreation capital improvements plan (CIP).

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-53. - Geographic Application.**

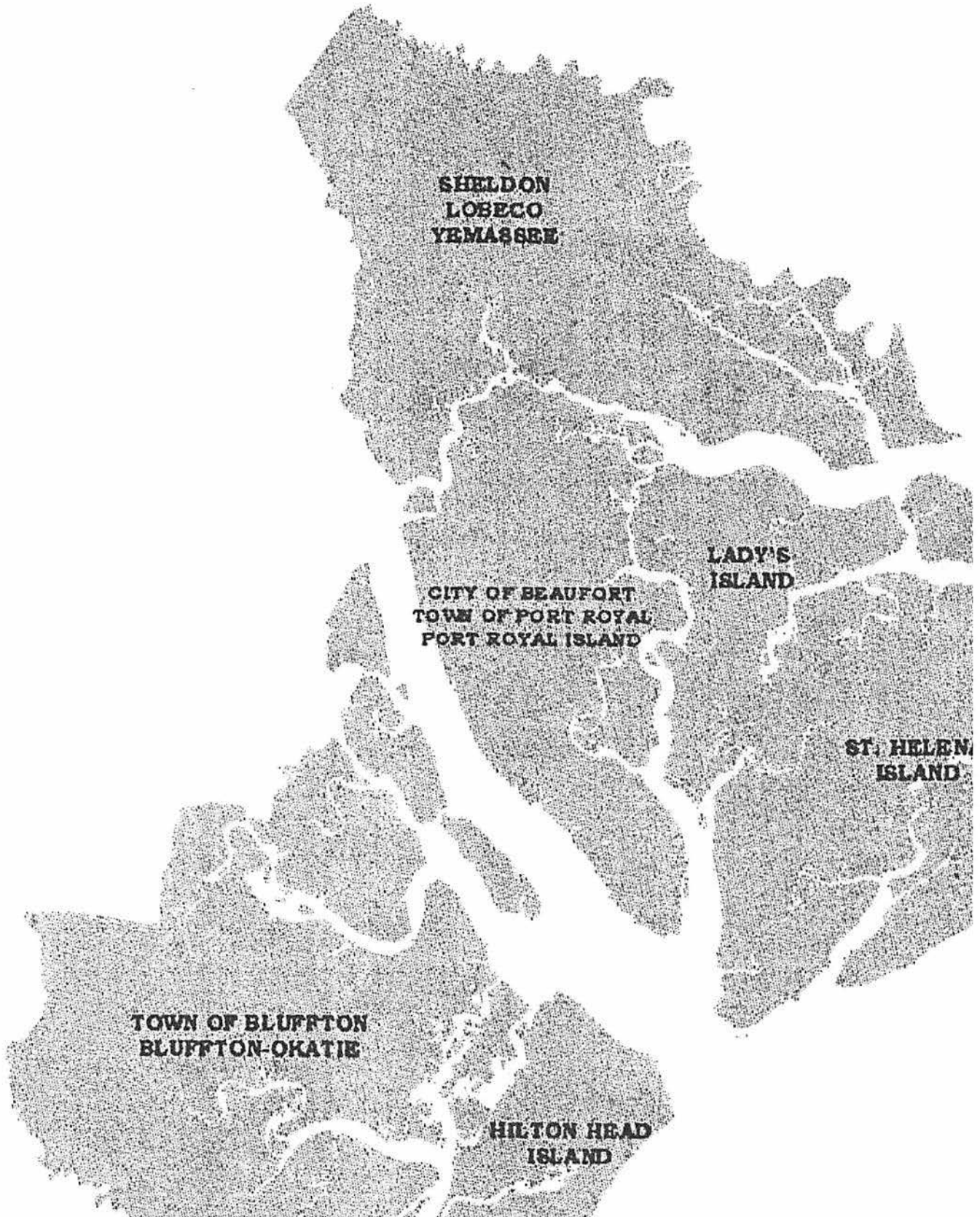
Parks and recreation facility development impact fees shall be applicable countywide, including within all unincorporated areas of the County and, via intergovernmental agreements, within all incorporated municipalities in the County, including the City of Beaufort, Town of Bluffton, Town of Port Royal, the Town of Hilton Head Island and the City of Hardeeville.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-54. - Service Areas.**

There are seven service areas established for parks and recreation facility development impact fees. They are: the Town of Hilton Head Service Area; the Daufuskie Island Service Area; the Town of Bluffton/Bluffton-Okatie Service Area; the City of Beaufort/Town of Port Royal/Port Royal Island Service Area; the Lady's Island Service Area; the St. Helena Service Area; and the Sheldon/Lobeco/Yemassee Service Area. The boundaries of the Service Areas are established in Figure 82-54: Park and Recreation Service Areas.

**FIGURE 82-54: PARK AND RECREATION SERVICE AREAS**



**FIGURE 82-54**

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-55. - Incorporation of Technical Reports.**

The County and the municipalities hereby rely on the level of service standards, land use assumptions, methodologies, service units, system improvement costs, formulae, and analyses for the park and recreation impact fees for each service area set out and explained in the following impact fee support studies. For the Daufuskie Island, City of Beaufort/Town of Port Royal/Port Royal, Lady's Island, St. Helena, and Sheldon/Lobeco/Yemassee Service Areas, the Beaufort County Proportionate Share Development Impact Fee Calculation Methodology Report dated November 3, 1999, and the County adopted parks and recreation facilities capital improvements plan (CIP) referenced therein. For the Town of Hilton Head Island and Town of Bluffton/Bluffton-Okatie Service Area, the Parks and Recreation Facilities Impact Fee Support Study and CIP: Okatie/Bluffton and Hilton Head Island Service Areas dated August 2006, and the County adopted parks and recreation facilities capital improvements plan (CIP) referenced therein. Each impact fee support study and CIP referenced in this section is incorporated herein by reference. Each support study and CIP sets forth reasonable level of service standards, land use assumptions, methodologies, service units, and system improvement costs for determining the impacts of new development on each service area's park and recreation facility needs.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-56. - Impact Fee Schedule.**

- (a) Pursuant to this article and the appropriate intergovernmental agreements between the County and municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 et seq., the State Development Impact Fee Act, and the support studies and the County adopted parks and recreation facilities capital improvements plan (CIP), incorporated in this article by reference, parks and recreation facilities development impact fees shall be imposed in the following service areas in the amounts identified in Table 82-56: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-57: Individual Assessment of Development Impact.

**TABLE 82-56: PARKS AND RECREATION FACILITIES DEVELOPMENT IMPACT FEE SCHEDULE, BY SERVICE AREA \***

|   | Fee per Dwelling Unit<br>(All Types) |
|---|--------------------------------------|
| Service Area  | For the Period<br>2006—2020          |
| Town of Hilton Head                                     | \$ 627.00                            |
| Daufuskie Island  | 0.00                                 |
| Town of Bluffton; Bluffton-Okatie                       | 1,385.00                             |
| City of Beaufort; Town of Port Royal; Port Royal Island | 81.00                                |

|                         |        |
|-------------------------|--------|
| Lady's Island           | 429.00 |
| St. Helena              | 775.00 |
| Sheldon-Lobeco-Yemassee | 0.00   |

\* All parks and recreation facility development impact fee amounts per dwelling unit estimated. All parks and recreation facility development impact fee amounts are subject to change.

- (b) The park and recreation facilities development impact fees for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas shall be adjusted annually to reflect the effects of inflation on the costs for park and recreation facilities set forth in the Parks and Recreation Facilities Impact Fee Support Study and CIP: Bluffton-Okatie and Hilton Head Island Service areas dated August 2006. Prior to December 1, 2007, and on December 1 of each following year, the development impact fee amount set forth in Table 82-56: Parks and Recreation Facilities Development Impact Fee Schedule, by Service Area, shall be adjusted for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas to account for inflationary increases in the costs of providing parks and recreation facilities using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the park and recreation development impact fees shown in Table 82-56 for the Town of Hilton Head and Town of Bluffton/Bluffton-Okatie Service Areas shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-57. - Individual Assessment of Development Impact.

- (a) In lieu of calculating the parks and recreation development impact fees by reference to the fee schedule in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule, a fee payor may request that the amount of the required parks and recreation development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for park and recreation facilities for the service areas used in the support studies, shall use the formula used in the relevant support study, and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the appropriate support study and reflected in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.



- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in Section 82-57(e) as the basis for calculating park and recreation development impact fees.
- (e) The standards for acceptance, acceptance with modifications, or rejection of the Individual Assessment of Development Impact is whether the Individual Assessment of Development Impact complies with all the requirements of this section, and if so, whether it demonstrates by competent evidence, that an alternative parks and recreation development impact fee amount more accurately reflects the demands for park and recreation facilities than the applicable fees in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule.
- (f) If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Planning Director or a designee as a more accurate measure of the demand for park and recreation facilities created by the proposed development than the applicable fee in Table 82-56, then the park and recreation development impact fees due shall be calculated according to such assessment.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-58. - Imposition and Calculation.**

- (a) The appropriate parks and recreation facilities development impact fees, as established in this article, by service area, shall be imposed on all developers (fee payors) for which authorization of commencement of a residential development (building permit or, if no subsequent building permit is required, a development permit), is sought from the County, or from a municipality in the County, in accordance with this article and the procedures set forth in the County impact fee procedures in Section 82-21 et seq.
- (b) When an application for such building permit or development permit is received by the appropriate County or municipal staff/official, the staff/official shall determine:
  - (1) The parks and recreation service area within which the proposed development project lies.
  - (2) The number of residential dwelling units proposed.
  - (3) Whether any of the proposed residential dwelling units qualify for a discount as "affordable housing" and, if so, the number and type of such units.
  - (4) Whether the applicant has applied for an Individual Assessment of Development Impact pursuant to Section 82-57.
- (c) If an Individual Assessment of Development Impact is submitted, it shall be processed and reviewed pursuant to the requirements of Section 82-57, and accepted, modified, or rejected. If it is accepted or modified, the park facilities development impact fees shall be determined pursuant to Section 82-57.
- (d) If an Individual Assessment of Development Impact is rejected, or not requested, the appropriate County or municipal staff/officials shall then multiply the number of proposed residential dwelling units to which the parks and recreation facilities development impact fee is applicable by the applicable fee per dwelling unit as set forth in Table 82-56, Parks and Recreation Facilities Development Impact Fee Schedule.
- (e) The procedure for timely processing of building permit or development applications subject to the parks and recreation facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the County's or municipality's required plans review process and to cause no

additional delay, unless developer rights (see Section 82-61) and/or County remedies (see Section 82-62) are triggered, or unless a development agreement is sought by the applicant (see Section 82-60).

| Step Order | Major Steps  | Responsible Party                        | Time  |
|------------|--|--|---|
| 1.         | Filing of application for development permit or development approval   | Developer/applicant                      | Initiates process   |
| 2.         | Determination of applicable service area   | Building official                        | Concurrent with plans review  |
| 3.         | Determination of amount of development [number of DUs]   | Building official                        | Concurrent with plans review  |
| 4.         | Determination of the number and type of affordable housing units, if any   | Referral to Planning Department          | Concurrent with plans review  |
| 5.         | Developer/applicant determines whether to request an Individual Assessment of Development Impact   | Developer/applicant                      | If request made, review occurs concurrent with plan review by Planning Director. Assessment accepted, modified, or rejected, and fee determined. Extension of time, as may be necessary |
| 6.         | If Individual Assessment of Development Impact not requested, or if rejected, multiply number of DUs by applicable parks and recreation facilities development impact fee per <u>Table 82-56</u> .<br>Alternative: development | Building official<br>Planning Department | Concurrent with plan review<br>Extension of time, as may be necessary   |

|    |   |                     |   |
|----|---|---------------------|---|
|    | agreement, if sought by applicant   |                     |   |
| 7. | Payment of total parks and recreation facilities development impact fee   | Developer/applicant | Upon issuance of building/development permit      |
| 8. | Issue receipt for parks and recreation facilities development impact fee paid   | Building official   | Upon issuance of building/development permit      |
| 9. | Transfer of parks and recreation facilities development impact fee revenues collected to County Finance Department for placement in appropriate account | Building official   | Following issuance of building/development permit |

- (f) If the proposed residential development includes affordable housing, the applicable parks and recreation facilities development impact fee shall be reduced in accordance with the discount schedule set forth in subsection 82-33(b)(3)c.; provided, however, that time share dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.
- (g) For a proposed change of use of building or structure or a renovation or rehabilitation which adds residential dwelling units, the fee is calculated as follows: Determine only the additional parks and recreation facilities demand resulting from the change of use or the additional residential dwelling units and calculate the parks and recreation facilities development impact fee due as above, but only for such additional demand, not for existing demand.
- (h) Increase in service units or change in type of development. The County or municipalities may not charge a parks and recreation facilities development impact fee at a higher rate, nor may it charge additional parks and recreation facilities development impact fees, for a proposed residential development project, as determined above, unless the number of service units or dwelling units increases or the type or characteristics of the proposed development project changes, thereby increasing the parks and recreation facilities demand. In that event, the additional parks and recreation facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of residential development by the addition of dwelling units or scope of the proposed residential development project.

**(Ord. No. 2006-24, 10-23-2006)****Sec. 82-59. - Expenditure of Fees for System Improvements.**

- (a) All parks and recreation facilities development impact fees shall be used for system improvements as set forth in the County's adopted parks and recreation facilities capital improvements plan and as summarized in the Beaufort County Proportionate Share Development Impact Fee Calculation Methodology Report, dated November 3, 1999, and the Parks and Recreation Facilities Impact Fee Support Study and CIP: Bluffton-Okatie and Hilton Head Island Service Areas, dated August 2006, as appropriate.
- (b) In all the service areas except the Town of Hilton Head Service Area, system improvements generally include the following:
  - (1) Acquisition of land for, and development of, new community and county parks, including recreational facilities;
  - (2) Expansions to existing community and county parks, including the addition of recreation facilities and park development; and
  - (3) Park and recreation equipment with a useful life of five years or more and a cost of \$100,000.00 or more.
- (c) In the Town of Hilton Head Service Area, system improvements generally include the following:
  - (1) Development of recreational facilities and equipment for parks.
  - (2) Park and recreation equipment with a useful life of five years or more and a cost of \$100,000.00 or more.

**(Ord. No. 2006-24, 10-23-2006)****Sec. 82-60. - Development Agreement Option.**

- (a) The developer may pay the parks and recreation facilities development impact fee, as calculated pursuant to Section 82-55, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations; or, in the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, providing for dedication of land, development of parks and recreation facilities and/or for payments in lieu of development impact fees for parks and recreation facilities.
- (b) The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including inter-project transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.
- (c) A development impact fee may not be imposed on a developer who has entered into a development agreement with the County.
- (d) A development agreement for parks and recreation facilities may only be entered into with the authorization and approval of both the County and the developer, and after consultation with an affected municipality, if applicable.

**(Ord. No. 2006-24, 10-23-2006)****Sec. 82-61. - Developer Rights.**

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Section 82-21 et seq., shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 82-21 et seq.

- (a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing or expenditure of a parks and recreation facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures as set forth in Section 82-21 et seq. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or municipality to be due.
- (b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fee under protest, pursuant to the County impact fee procedures set forth in Section 82-21 et seq. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures in Section 82-21 et seq.
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the parks and recreation facilities development impact fee, as calculated by the County or municipality, for the proposed residential development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, or other remedies available by law.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-62. - County Remedies.

- (a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Section 82-21 et seq., and municipalities, to the extent authorized pursuant to intergovernmental agreements with the County, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures as set forth in Section 82-21 et seq.
  - (1) *Interest and Penalties.* The County or municipality may, at its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated parks and recreation facilities development impact fee due, pursuant to the impact fee procedures as set forth in Section 82-21 et seq.
  - (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the County-calculated or municipality-calculated parks and recreation facilities development impact fee due.

- (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures set forth in Section 82-21 et seq., for failure of the developer/applicant to timely pay the required County-calculated or municipality-calculated parks and recreation facilities development impact fee in full.
- (b) The County or municipality may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy, at any time, shall not be deemed to be a waiver of County or municipality rights to pursue any remedy at such other time as may be deemed appropriate.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-63. - Intergovernmental Agreement.**

Prior to imposition of a parks and recreation facilities development impact fee within a municipality, the municipality will enter into an intergovernmental agreement with the County, as specified in this article, which intergovernmental agreement shall, inter alia:

- (a) Specify the reasonable share of funding joint system improvements by each governmental unit or entity;
- (b) Provide for the collection of the parks and recreation facilities development impact fee by the municipality within its corporate limits and by the County within the unincorporated area;
- (c) Provide for the timely transfer of parks and recreation development impact fee revenues from the municipality to the County; and
- (d) Provide for the timely expenditure of the parks and recreation facilities development impact fee revenues by the County, in accordance with its adopted capital improvements plan.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-64. - Termination of Fee.**

The parks and recreation facilities development impact fees shall be terminated upon the completion/conclusion of all of the parks and recreation facilities development impact fee-funded capital improvements as set forth in the County's capital improvements plan, unless:

- (a) The County adopts a capital improvements plan for a subsequent time period; or
- (b) The County adopts an updated parks and recreation facilities development impact fee pursuant to the substantive and procedural requirements of the State Development Impact Fee Act.

(Ord. No. 2006-24, 10-23-2006)

**Secs. 82-65—82-80. - Reserved.**

**ARTICLE V. - LIBRARY FACILITIES<sup>(5)</sup>***Footnotes:**--- (5) ---**Editor's note—Ord. No. 2006-24, adopted Oct. 23, 2006, amended Art. V, which consists of §§ 82-111—82-124, to read as herein set out. Former Art. V, pertained to similar subject matter and derived from Ord. No. 99-33, adopted Nov. 8, 1999.**Cross reference— Library, ch. 50.***Sec. 82-111. - Liberal Construction.**

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

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-112. - Adoption.**

After the effective date of this article, the development impact fee for library facilities shall be imposed, consistent with the requirements of the State Development Impact Fee Act, the County development impact fee procedures as set forth in Section 82-21 et seq., and the County's adopted library capital improvements plan (CIP).

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-113. - Geographic Application.**

Library facility development impact fees shall be applicable within all unincorporated areas of the County and, via intergovernmental agreements, within the incorporated municipalities of the Town of Bluffton, Town of Hilton Head Island and the City of Hardeeville. Library facility development impact fees shall not be applicable within the incorporated municipalities of the City of Beaufort and Town of Port Royal.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-114. - Service Area.**

The service area for the library facility development impact fees is all the unincorporated areas of the County, and the municipalities of the Town of Bluffton, and the Town of Hilton Head Island.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-115. - Incorporation of Technical Report.**

The County and the participating municipalities (the Town of Bluffton and the Town of Hilton Head Island) hereby rely on the level of service standards, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for the library facilities impact fees set out and explained in Library Facilities Impact Fee Update Support Study and CIP dated August 2006, and the County adopted library facilities capital improvements plan (CIP) referenced therein. The support study and CIP referenced in this section is incorporated herein by reference. The support study and CIP sets forth reasonable level of service standards, land use assumptions, methodologies, service units, system improvement costs, and formula for determining the impacts of new development on library facility needs.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-116. - Impact Fee Schedule.**

- (a) Pursuant to this article, and in accordance with the County impact fee procedures as set forth in Section 82-21 et seq., the appropriate intergovernmental agreements between the County and participating municipalities, the State Development Impact Fee Act, and the support study and the County's adopted library facilities capital improvements plan (CIP) incorporated in this article by reference, library facilities development impact fees shall be imposed on all new residential development (dwelling units) within the service area in the amounts identified in Table 82-116: Library Facilities Development Impact Fee Schedule, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-117: Individual Assessment of Development Impact.

TABLE 82-116:

**LIBRARY FACILITIES DEVELOPMENT  
IMPACT FEE SCHEDULE, \***

Library Impact Fee per Dwelling Unit .....\$553.00

\* All library facility development impact fee amounts are subject to the automatic annual adjustment for inflation stated in section 82-116(b).

- (b) The library facilities development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for library facilities set forth in the Library Facilities Impact Fee Update Support Study and CIP dated August 2006. Prior to December 1, 2007, and on December 1 of each following year, the development impact fee amount set forth in Table 82-116: Library Facilities Development Impact Fee Schedule, shall be adjusted to account for inflationary increases in the costs of providing library facilities using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the library facilities development impact fees shown in Table 82-116 shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-117. - Individual Assessment of Development Impact.**

- (a) In lieu of calculating the library facilities development impact fees by reference to the fee schedule in Table 82-116, Library Facilities Development Impact Fee Schedule, a fee payor may request that the amount of the required library facilities development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.
- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for library facilities used in the support study, shall use the formula used in the relevant support study, and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the



appropriate support study and reflected in Table 82-116, Library Facilities Development Impact Fee Schedule, is less accurate than the results of the Individual Assessment of Development Impact.

- (d) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in Section 82-117(e) as the basis for calculating library facility development impact fees.
- (e) The standards for acceptance, acceptance with modifications, or rejection of the Individual Assessment of Development Impact is whether the Individual Assessment of Development Impact complies with all the requirements of this section, and if so, whether it demonstrates by competent evidence, that an alternative library facilities development impact fee amount more accurately reflects the demands for library facilities than the applicable fees in Table 82-116, Library Facilities Development Impact Fee Schedule.
- (f) If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Planning Director or a designee as a more accurate measure of the demand for library facilities created by the proposed development than the applicable fee in Table 82-116, Library Facilities Development Impact Fee Schedule, then the library facilities development impact fees due shall be calculated according to such assessment.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-118. - Imposition and Calculation.**

- (a) The appropriate library facilities development impact fee, as established in this article, shall be imposed on all developers (fee payors) for which authorization of commencement of a residential development (building permit or, if no subsequent building permit is required, a development permit), is sought from the County, or from a participating municipality in the County, in accordance with this article and the procedures set forth in the County impact fee procedures in Section 82-21 et seq.
- (b) When an application for such building permit or development permit is received by the appropriate County or municipal staff/official, the staff/official shall determine:
  - (1) The number of residential dwelling units proposed.
  - (2) Whether any of the proposed residential dwelling units qualify for a discount as affordable housing and, if so, the number and type of such units.
  - (3) Whether the applicant has applied for an Individual Assessment of Development Impact pursuant to Section 82-117.
- (c) If an Individual Assessment of Development Impact is submitted, it shall be processed and reviewed pursuant to the requirements of Section 82-117, and accepted, modified, or rejected. If it is accepted or modified, the library facilities development impact fees shall be determined pursuant to Section 82-117.
- (d) If an Individual Assessment of Development Impact is rejected, or not requested, the appropriate County or city staff/official shall then multiply the number of proposed residential dwelling units to which the library facilities development impact fee is applicable by the applicable fee per dwelling unit as set forth in the schedule in Table 82-116: Library Facilities Development Impact Fee Schedule.
- (e) The procedure for timely processing of building permit or development applications subject to the library facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the County's or participating municipality's required plans review process and to cause

no additional delay, unless developer rights (see Section 82-121) and/or county remedies (see Section 82-122) are triggered, or unless a development agreement is sought by the applicant (see Section 82-120).

| Step Order | Major Steps  | Responsible Party                        | Time  |
|------------|--|--|---|
| 1.         | Filing of application for development permit or development approval   | Developer/applicant                      | Initiates process   |
| 2.         | Determination of amount of development [number of DUs]   | Building official                        | Concurrent with plans review  |
| 3.         | Determination of the number and type of affordable housing units, if any   | Referral to Planning Department          | Concurrent with plans review  |
| 4.         | Developer/applicant determines whether to request an Individual Assessment of Development Impact   | Developer/applicant                      | If request made, review occurs concurrent with plan review by Planning Director. Assessment accepted, modified, or rejected, and fee determined. Extension of time, as may be necessary |
| 5.         | If Individual Assessment not requested, or it is not accepted, multiply number of DUs by applicable library facilities development impact fee per <u>Table 82-116</u> . Alternative: development agreement, if sought by applicant | Building official<br>Planning Department | Concurrent with plans review<br>Extension of time, as may be necessary  |
| 6.         | Payment of total library facilities development  | Developer/applicant                      | Upon issuance of building/development permit  |

|    |  |                   |   |
|----|--|-------------------|---|
|    | impact fee   |                   |   |
| 7. | Issue receipt for library facilities development impact fee paid   | Building official | Upon issuance of building/development permit      |
| 8. | Transfer of library facilities development impact fee revenues collected to County Finance Department for placement in appropriate account | Building official | Following issuance of building/development permit |

- (f) If the proposed residential development includes affordable housing, the applicable library facilities development impact fee shall be reduced in accordance with the discount schedule set forth in subsection 82-33(b)(3)c.; provided, however, that time share dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.
- (g) For a proposed change of use of building or structure or a renovation or rehabilitation which adds residential dwelling units the fee is calculated as follows: Determine only the additional library facilities demand resulting from the change of use or the additional residential dwelling units and calculate the library facilities development impact fee due as above, but only for such additional demand, not for existing demand.
- (h) Increase in service units or change in type of development. The County or participating municipalities may not charge a library facilities development impact fee at a higher rate, nor may it charge additional library facilities development impact fees, for a proposed residential development project, as determined above, unless the number of service units increases or the change in the type or characteristics of the proposed development project changes, thereby increasing the library facilities demand. In that event, the additional library facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of residential development or scope of the proposed residential development project.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-119. - Expenditure of Fees for System Improvements.

- (a) *General Expenditures for Library Facilities.* All library facilities development impact fees shall be used for system improvements as set forth in the County's adopted library facilities capital improvements plan and as summarized in Library Facilities Impact Fee Update Support Study dated August 2006. System improvements generally include the following:
  - (1) Acquisition of land for, and construction of, new library buildings;
  - (2) Expansions to existing library buildings;

- (3) Furniture, capital equipment and technology with a useful life of five years or more and a cost of \$100,000.00 or more; and
- (4) Collection materials.
- (b) *Creation of Benefit Districts for Expenditure of Fees.* To ensure fee payors in the service area receive sufficient benefit in the form of library facilities that are in close proximity to their residential units, the service area is divided into the following five benefit districts: the Hilton Head/Daufuskie Benefit District; the Bluffton/Okatie Benefit District; the Unincorporated Port Royal Benefit District; the Lady's Island/St. Helena Benefit District; and the Sheldon/Lobeco/Yemassee Benefit District. The boundaries of these benefit districts are identified in Figure 82-119(b): Library Facilities Benefit Districts.

FIGURE 82-119(b):  
LIBRARY FACILITIES BENEFIT DISTRICTS

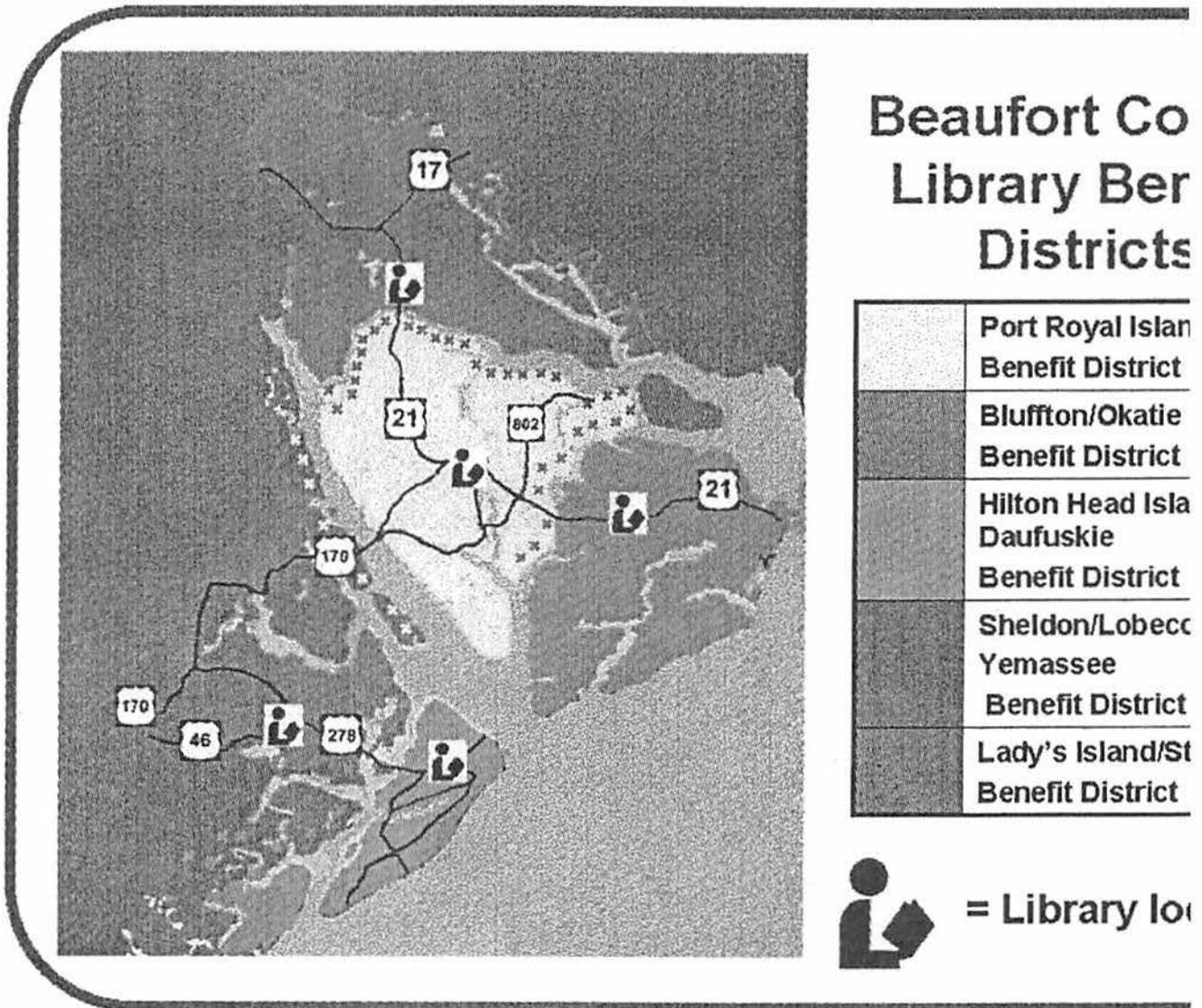


FIGURE 82-119

***Impact Fee Expenditures Only Within Benefit District Where Collected.*** Library facilities development impact fees shall only be spent within the benefit district where the fee-paying development is located.

**(Ord. No. 2006-24, 10-13-2006)**

**Sec. 82-120. - Development Agreement Option.**

- (a) The developer may pay the library facilities development impact fee, as calculated pursuant to Section 82-115, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations; or, in the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, providing for dedication of land, construction of facilities and/or for payments in lieu of development impact fees for library facilities.
- (b) The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.
- (c) A development impact fee may not be imposed on a developer who has entered into a development agreement with the County.
- (d) A development agreement for library facilities may only be entered into with the authorization and approval of both the County and the developer, and after consultation with an affected municipality, if applicable.

**(Ord. No. 2006-24, 10-23-2006)**

**Sec. 82-121. - Developer Rights.**

The developer, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Section 82-21 et seq., shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 82-21 et seq.

- (a) ***Administrative Appeal.*** The developer/applicant may file an administrative appeal with the County Administrator with respect to a municipal or County decision related to the imposition, calculation, collection, processing or expenditure of a library facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures as set forth in Section 82-21 et seq. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the County or municipality to be due.
- (b) ***Payment under Protest.*** The developer/applicant may pay the County-calculated or municipality-calculated development impact fee under protest, pursuant to the County impact fee procedures as set forth in Section 82-21 et seq. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures in Section 82-21 et seq.
- (c) ***Mediation.*** The developer/applicant may request mediation by a qualified independent party, but only

upon voluntary agreement by both the developer/applicant (fee payor) as well as the County and, if applicable, municipality and only to address a disagreement related to the library facilities development impact fee, as calculated by the County or municipality, for the proposed residential development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, or other remedies available by law.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-122. - County Remedies.**

(a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Section 82-21 et seq., and municipalities, to the extent authorized pursuant to intergovernmental agreements with the County, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures as set forth in section 82-21 et seq.

- (1) *Interest and Penalties.* The County or municipality may, at its discretion, add reasonable interest and penalties for nonpayment or late payment to the amount of the calculated library facilities development impact fees due, pursuant to the impact fee procedures as set forth in Section 82-21 et seq.
- (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the County-calculated or municipality-calculated library facilities development impact fee due.
- (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures as set forth in Section 82-21 et seq., for failure of the developer/applicant to timely pay the required County-calculated or municipality-calculated library facilities development impact fee in full.

(b) The County or municipality may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipality rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-123. - Intergovernmental Agreement.**

Prior to imposition of a library facilities development impact fee within a municipality, the municipality shall have entered into an intergovernmental agreement with the County, as specified in this article, which intergovernmental agreement shall, inter alia:

- (a) Specify the reasonable share of funding joint system improvements by each governmental unit or entity;
- (b) Provide for the collection of the library facilities development impact fee by the municipality within its corporate limits and by the County within the unincorporated area;
- (c) Provide for the timely transfer of library development impact fee revenues from the municipality to

the County; and

- (d) Provide for the timely expenditure of the library facilities development impact fee revenues by the County, in accordance with its adopted capital improvements plan.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-124. - Termination of the Fee.**

The library facilities development impact fees shall be terminated upon the completion/conclusion of all of the library facilities development impact fee-funded capital improvements as set forth in the County's capital improvements plan, unless:

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

(Ord. No. 2006-24, 10-23-2006)

**Secs. 82-125—82-130. - Reserved.**

## ARTICLE VI. - FIRE FACILITIES

## Sec. 82-131. - Fire districts development impact fee schedule.

Pursuant to this section, and in accordance with the Beaufort County Impact Fee Procedures and the South Carolina Development Impact Fee Act, fire facilities impact fees shall be imposed in the following fire districts, pursuant to appropriate intergovernmental agreements between the county and such fire districts.

| FIRE DISTRICT            | COST PER DU/EDU |
|--------------------------|-----------------|
| Lady's Island—St. Helena | \$ 633.00       |
| Sheldon Township         | 181.00          |
| Bluffton Township        | 481.00          |
| Burton                   | 479.00          |
| Daufuskie Island         | 751.00          |

(Ord. No. 99/27, § 1, 9-27-1999)

## Sec. 82-132. - Imposition of fire facilities development impact fees.

- (a) Upon the effective date of this article, the appropriate fire facilities impact fee, by district, shall be imposed on all developers (fee payers) for which authorization of commencement of a development (building permit or, if no subsequent building permit is required, a development permit), is sought from the county in accordance with this article and the procedures set forth in the Beaufort County Impact Fee Procedures Ordinance.
- (b) When an application for such building permit or development permit is received by the appropriate county staff/official, the county shall determine:
- (1) Whether the development project is within one of the applicable fire districts;
  - (2) Which fire district it is located in;
  - (3) The number of residential dwelling units proposed;
  - (4) Whether any of the proposed residential dwelling units qualify for a discount as "affordable housing" and, if so, the number and type of such units;
  - (5) The number of square feet and type of nonresidential development proposed;
  - (6) Whether the proposed nonresidential development has a low, medium or high fire hazard level; and
  - (7) Whether the proposed nonresidential development qualifies for a waiver of the fire facilities development impact fee due to the inclusion of automatic sprinklers, where otherwise not required by the applicable county fire code or fire district codes and regulations.
- (c) Fire hazard level means and refers to the extent to which a building or structure contributes to the demand for fire stations, facilities and apparatus, as set forth in the applicable capital improvements plan for the fire district, based on a variety of factors as set forth in Table 10-4A of the Fire Protection



Handbook (National Fire Protection Association, 1992). Fire hazard levels are defined as low hazard occupancies, medium hazard occupancies or high hazard occupancies.

- (d) The procedure for timely processing of building permit or development applications subject to the fire facilities impact fee is set forth below. This procedure is intended to occur concurrently with the county's required plans review process and to cause no additional delay, unless developer rights (see [section 82-136](#)) and/or county remedies (see [section 82-137](#)) are triggered, or unless a development agreement is sought by the applicant (see [section 82-135](#)).

| STEP ORDER | MAJOR STEPS  | RESPONSIBLE PARTY                       | TIME   |
|------------|--|---|--|
| 1.         | Filing of application for development permit or development approval   | Developer/<br>applicant                 | Initiates process  |
| 2.         | Determination of applicability of fire facilities impact fee, and district   | Building official                       | Concurrent with plans review   |
| 3.         | Amount of development [residential DU's, nonresidential square feet by type of development]  | Building official                       | Concurrent with plans review   |
| 4.         | If residential development, the number and type of affordable housing units, if any  | Referral to planning department         | Concurrent with plans review   |
| 5.         | If nonresidential development, low, medium or high fire hazard rating; and waiver, if applicable, for automatic sprinklers         | Referral to applicable fire district    | Concurrent with plan review  |
| 6.         | Determination of EDU total for proposed nonresidential development   | Building official                       | Concurrent with plan review  |
| 7.         | Determination of combined EDU total for residential and nonresidential portions of proposed development project                    | Building official                       | Concurrent with plan review  |
| 8.         | Multiply number of EDU's by applicable DU/EDU cost per section 83-131 (Alternative: development agreement, if sought by applicant) | Building official (planning department) | Concurrent with plan review (extension of time, as may be necessary) |
| 9.         | Payment of total fire facilities impact fee  | Developer/<br>applicant                 | Upon issuance of building/development permit                         |
|            |  |   | upon issuance of   |

|     |   |                   |                             |
|-----|---|-------------------|-----------------------------|
| 10. | Issue receipt for fire facilities impact fee paid | Building official | building/development permit |
|-----|---|-------------------|-----------------------------|

(Ord. No. 99/27, § 2, 9-27-1999)

Sec. 82-133. - Fire facilities development impact fee calculation methodology.

- (a) *Proposed residential development.* Multiply number of DU's by applicable DU/EDU amount for the particular fire district as shown in section 82-131 of this article and as may be adjusted for "affordable housing" units (see subsection (b) below).
- (b) *Affordable housing.* If the proposed residential development includes affordable housing, the applicable fire facilities development impact fee shall be reduced in accordance with the discount schedule set forth in section 6.B.(3)(c) of the Impact Fee Procedures Ordinance; provided, however, that "time share" dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.
- (c) *Proposed nonresidential development.* Multiply number of EDU's (based on type and square footage of building or structure pursuant to nonresidential EDU table set forth herein) by applicable DU/EDU amount for the particular fire district as shown in section 82-131 of this article unless the fire facilities development impact fee is waived due to the inclusion by the developer of automatic sprinklers in a development project where automatic sprinklers are not required by the county fire code or by fire district code or regulation.
- (d) *Nonresidential EDU table.*

| FIRE HAZARD LEVEL       | BUILDING AREA (SQUARE FEET) |                        |                         |                           |
|-------------------------|-----------------------------|------------------------|-------------------------|---------------------------|
|                         | Up to 1,000 sq. ft.         | 1,001 to 5,000 sq. ft. | 5,001 to 10,000 sq. ft. | 10,000 sq. ft. and larger |
|                         | Base Minimum                | Add Per 1,000 sq. ft.  | Add Per 1,000 sq. ft.   | Add Per 1,000 sq. ft.     |
| Low Hazard Occupancy    | 1.0 EDU                     | 0.8 EDU                | 0.5 EDU                 | 0.1 EDU                   |
| Medium Hazard Occupancy | 1.5 EDU                     | 1.2 EDU                | 0.75 EDU                | 0.15 EDU                  |
| High Hazard Occupancy   | 2.0 EDU                     | 1.6 EDU                | 1.0 EDU                 | 0.2 EDU                   |

- (e) *Automatic sprinklers.* If the developer of a proposed nonresidential development which is not required to be served by automatic sprinklers does, in fact, include an automatic sprinkler system approved by the appropriate fire district, the applicable fire facilities development impact fee shall be waived.
- (f) *Proposed mixed residential and nonresidential development.* Separately determine residential DU's and nonresidential development, by type and square footage; perform the calculations specified in 3A

through 3E, above, as appropriate, and combine the resultant fire facilities development impact fees to derive the total fire facilities development impact fee due for the proposed development project.

- (g) *Proposed change of use of building or structure; or renovation or rehabilitation which adds residential dwelling units or nonresidential square footage.* Determine only the additional fire facilities demand resulting from the change of use or the additional residential DU's or nonresidential square footage, and calculate fire facilities development impact fee due as above, but only for such additional demand, not for existing demand.
- (h) *Increase in service units or change in type of development.* The county may not charge a fire facilities development impact fee at a higher rate, nor may it charge additional fire facilities development impact fees, for a proposed development project, as determined above, unless the number of service units increases or the change in the type or characteristics of the proposed development project changes, thereby increasing the fire facilities demand. In that event, the additional fire facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of development or scope of the proposed development project.

(Ord. No. 99/27, § 3, 9-27-1999)

**Sec. 82-134. - Expenditure of fees for system improvements.**

All fire facilities development impact fees shall be used for the system improvements as set forth in the individual fire district five-year capital improvements plans and as summarized in the Fire Facilities Development Impact Fee Proportionate Share Fee Calculation Methodology Report (September 1999). System improvements generally include the following: new fire stations; fire station renovations and fire station expansions; and major fire apparatus and equipment, such as pumper trucks, tanker trucks, telesquirt trucks, ladder trucks and the like, which have an individual unit purchase price of not less than \$100,000.

(Ord. No. 99/27, § 4, 9-27-1999)

**Sec. 82-135. - Development agreement option.**

- (a) The developer may pay the fire facilities development impact fee, as calculated pursuant to section 82-133, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations.
- (b) In the alternative, the developer may enter into an agreement with the county pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities and services.
- (c) That agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including inter-project transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.
- (d) An impact fee may not be imposed on a developer who has entered into a development agreement with the county.
- (e) A development agreement for fire facilities may only be entered into with the authorization and approval of both the county and the developer, after consultation with the applicable fire district, and with the formal approval of its governing body.

(Ord. No. 99/27, § 5, 9-27-1999)

**Sec. 82-136. - Developer rights.**

The developer, pursuant to the act and the Beaufort County Impact Fee Procedures Ordinance, shall have the following rights, any or all of which may be exercised only in accordance with the Impact Fee Procedures Ordinance.

- (a) *Administrative appeal.* The developer/applicant may file an administrative appeal with the county administrator of any county decision related to the imposition, calculation, collection, processing or expenditure of a proposed fire facilities development impact fee, at any time, but such appeal must comply with the provisions and requirements of the Beaufort County Impact Fee Procedures Ordinance. The filing of such appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the county to be due.
- (b) *Payment under protest.* The developer/applicant may pay the county-calculated impact fee under protest, pursuant to the Beaufort County Impact Fee Procedures Ordinance. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the impact fee due, all as set forth in the Impact Fee Procedures Ordinance.
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payer) as well as the county and the applicable fire district, and only to address a disagreement related to the impact fee, as calculated by the county, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payer) from pursuing other developer rights and/or remedies, as set forth herein, or other remedies available by law.

(Ord. No. 99/27, § 6, 9-27-1999)

**Sec. 82-137. - County remedies.**

The county, pursuant to the Act and the Beaufort County Impact Fee Procedures Ordinance, and the fire districts, to the extent authorized pursuant to intergovernmental agreements with the county, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the Impact Fee Procedures Ordinance.

- (a) *Interest and penalties.* The county may, at its discretion, add to the amount of the calculated fire facilities development impact fee due, reasonable interest and penalties for nonpayment or late payment pursuant to the Impact Fee Procedures Ordinance.
- (b) *Withholding building or development permit or development approval or certificate of occupancy.* The county may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the county calculated fire facilities development impact fee due.
- (c) *Withholding of utility service.* The county may withhold the provision of utility services to a proposed development project until the required county-calculated fire facilities development impact fee has been paid in full, in accordance with the procedures set forth in the Impact Fee

Procedures Ordinance.

- (d) *Lien*. The county may impose a lien on the developer's property, pursuant to the Impact Fee Procedures Ordinance, for failure of the developer/applicant to timely pay the required county-calculated fire facilities development impact fee in full.
- (e) The County may pursue any one, two or all of the remedies described above at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of county rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

(Ord. No. 99/27, § 7, 9-27-1999)

Sec. 82-138. - Intergovernmental agreement.

Prior to imposition of a fire facilities development impact fee in a fire district, the county shall have entered into an intergovernmental agreement with that fire district, as specified herein, which intergovernmental agreement shall, *inter alia*:

- (a) Specify the reasonable share of funding joint system improvements by each governmental unit or entity;
- (b) Provide for the collection of the fire facilities development impact fee by the county; and
- (c) Provide for the timely expenditure of the fire facilities development impact fee revenues by the applicable fire district, in accordance with its adopted capital improvements plan.

(Ord. No. 99/27, § 8, 9-27-1999)

Sec. 82-139. - Termination of the fee.

The fire facilities development impact fee for each fire district shall be terminated upon the completion/conclusion of all of the impact fee-funded capital improvements as set forth in the fire district's current, adopted five-year capital improvements plan, unless:

- (a) The fire district adopts a capital improvements plan for the subsequent 5-year period;
- (b) The county adopts an updated fire facilities development impact fee for the fire district, pursuant to the substantive and procedural requirements of the act; and
- (c) The county and the fire district reenact or reaffirm the intergovernmental agreement, with appropriate revisions as may be necessary.

(Ord. No. 99/27, § 9, 9-27-1999)

Sec. 82-140. - Liberal construction.

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

(Ord. No. 99/27, § 10, 9-27-1999)

Secs. 82-141—82-150. - Reserved.

**ARTICLE IV. - ROAD FACILITIES—SOUTHERN BEAUFORT COUNTY SERVICE AREA<sup>(4)</sup>***Footnotes:**— (4) —**Editor's note—Ord. No. 2006-24, adopted Oct. 23, 2006, amended Art. IV, which consists of §§ 82-81—82-95, to read as herein set out.**Former Art. IV, pertained to similar subject matter and derived from Ord. No. 2000-17, adopted Apr. 10, 2000; and Ord. No. 2000-33, adopted Aug. 28, 2000.***Sec. 82-81. - Liberal Construction.**

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

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-82. - Adoption.**

After the effective date of this ordinance and the ordinance adopting Article VI: Road Facilities: Northern Beaufort County, the development impact fees for road facilities shall be imposed countywide, consistent with the requirements of the State Development Impact Fee Act, the County development impact fee procedures set forth in Section 82-21 et seq., the relevant support studies, and the County's adopted road capital improvements plans (CIPs) for the South Beaufort County Service Area and the North Beaufort County Service Area.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-83. - Geographic Application.**

Road facility development impact fees shall be applicable countywide, including within all unincorporated areas of the County and, via intergovernmental agreements, within all incorporated municipalities in the County, including the City of Beaufort, Town of Bluffton, Town of Port Royal, Town of Hilton Head Island and City of Hardeeville.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-84. - Service Areas.**

There are two service areas for the road facility development impact fees. They are: the South Beaufort County Service Area and the North Beaufort County Service Area. The boundaries of these services areas are identified in Figure 82-84: Road Facilities Service Areas.

**FIGURE 82-84: ROAD FACILITIES SERVICE AREAS**

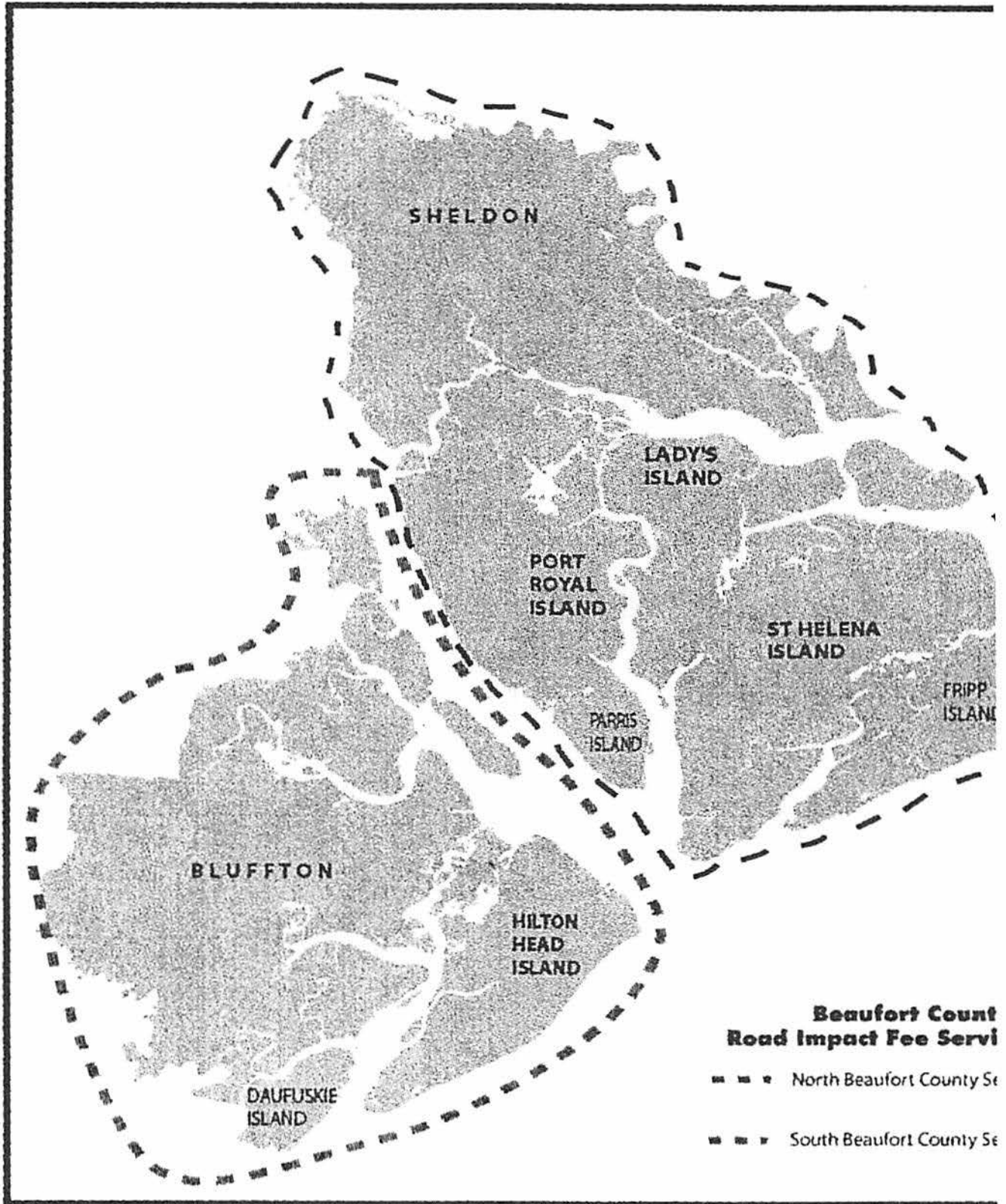


FIGURE 82-84

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-85. - Incorporation of Technical Report**

The County and the municipalities in the South Beaufort County Service Area (the Town of Port Royal, the Town of Hilton Head Island and the Town of Bluffton) hereby rely on the level of service standards, land use assumptions, methodologies, service units, system improvement costs, formula, and analyses for the road facilities development impact fees in the service area set out and explained in Road Facilities Impact Fee Support Study and CIP: South Beaufort County Service Area, dated September 2006 and the County adopted South Beaufort County Road Capital Improvement Plan (CIP) referenced therein. The impact fee support study and CIP references in this section are incorporated herein by reference. The support study and CIP sets forth reasonable level of service standards, land use assumptions, methodologies, service units, system improvement costs, and formula for determining the impacts of new development on the South Beaufort County Service Area's road facility needs.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-86. - Impact Fee Schedule.**

- (a) Pursuant to this article and the appropriate intergovernmental agreements between the County and municipalities, and in accordance with the County impact fee procedures set forth in Section 82-21 et seq., the State Development Impact Fee Act, and the support study and the CIP incorporated in this article by reference, road facility development impact fees shall be imposed in the service area in the amounts identified in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area, unless an Individual Assessment of Development Impact is accepted pursuant to Section 82-87: Individual Assessment of Development Impact.
- (b) The road facilities development impact fees for the South Beaufort County Service Area shall be adjusted annually to reflect the effects of inflation on the costs for road facilities set forth in the Road Facilities Impact Fee Support Study and CIP: South Beaufort County Service Area, dated September 2006. Prior to December 1, 2007, and on December 1 of each following year, the development impact fee amount set forth in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area, shall be adjusted to account for inflationary increases in the costs of providing road facilities using the Construction Cost Index calculated by the Engineering News Record (ENR). For each such adjustment, the road facilities development impact fees shown in Exhibit 82-86 for the service area shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-87. - Individual Assessment of Development Impact.**

- (a) In lieu of calculating the road facilities development impact fees by reference to the fee schedule in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area, a fee payor may request that the amount of the required road facilities development impact fees be determined by reference to an Individual Assessment of Development Impact for the proposed development.
- (b) If a fee payor requests the use of an Individual Assessment of Development Impact, the fee payor shall



be responsible for retaining a qualified professional to prepare the Individual Assessment of Development Impact that complies with the requirements of this section, at the fee payor's expense.

- (c) Each Individual Assessment of Development Impact shall be based on the same level of service standards and system improvement costs for road facilities used in the support study, shall use the formula for calculating the impact fee used in the support study, and shall document the relevant methodologies and assumptions used. The burden shall be on the fee payor requesting the Individual Assessment of Development Impact to demonstrate by competent evidence that the data and assumptions used in the support study and reflected in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area, is less accurate than the results of the Individual Assessment of Development Impact.
- (e) The Individual Assessment of Development Impact may attempt to demonstrate that alternate trip generation rates by land use category, alternate trip length, and/or alternate capture and diversion factors more accurately reflect the transportation impacts of the proposed development (no adjustments in the assumption of credits shall be made). Support for alternate trip generation rates by land use category, alternate trip length, and/or alternate capture and diversion factors shall only be provided through local data and surveys.
- (f) Each Individual Assessment of Development Impact shall be submitted to the Planning Director or a designee, and may be accepted, rejected, or accepted with modifications by the Planning Director or a designee based on the standards in subsection 82-87(f) as the basis for calculating road facilities development impact fees.
- (g) The standards for acceptance, acceptance with modifications, or rejection of the Individual Assessment of Development Impact is whether the Individual Assessment of Development Impact complies with all the requirements of this section, and if so, whether it demonstrates by competent evidence, that an alternative road facilities development impact fee amount more accurately reflects the demands for road facilities for the project than the applicable fees in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area.
- (h) If an Individual Assessment of Development Impact is accepted or accepted with modifications by the Planning Director or a designee as a more accurate measure of the demand for road facilities created by the proposed development than the applicable fee in Exhibit 82-86, then the road facilities development impact fees due shall be calculated according to such assessment.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-88. - Credits.**

- (a) *[Credit Against Fees Due.]* Any developer/fee payor obligated to pay a road facilities development impact fee under this section may apply for credit against road facilities development impact fees otherwise due, up to but not exceeding the full obligation for the fees proposed to be paid pursuant to the provisions of this article for any contributions, construction, or dedication of land for right-of-way (ROW) accepted by County Council for systems improvements identified in the CIP.
- (b) *Valuation of Credits.*
  - (1) Credit for land dedication for ROW, at the fee payor's option, shall be valued at either (a) 100 percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) the fair market value of the land established by a private appraiser acceptable to

the County in an appraisal paid for by the fee payor.

- (2) Credit for construction of road improvements shall be valued by the County based on complete engineering drawings, specifications, and construction costs estimates submitted by the fee payor to the County. The County shall determine the amount of credit due based on the information submitted, or, if it determines the information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the County.
  - (3) Contributions for road improvements shall be based on the value of the contribution or payment at the time it is made to the County.
- (c) *When Credits Become Effective.*
- (1) Credits for land dedication for ROW shall become effective after the credit is approved by County Council pursuant to this section, a Credit Agreement/Development Agreement is entered into, and the land has been conveyed to the County in a form established by the County at no cost to the County and the dedication of ROW has been accepted by County Council.
  - (2) Credits for construction of road improvements shall become effective after the credit is approved by County Council, a Credit Agreement/Development Agreement is entered into and (a) all required construction has been completed and has been accepted by the County, (b) a suitable maintenance and warranty bond has been received and approved by the County, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable County and State requirements. Approved credits for the construction of road improvements may become effective at an earlier date if the fee payor posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by County Council. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the County to construct the road improvements for which the credit was given, whichever is higher.
  - (3) Credits for contributions for road improvements shall become effective after the credit is approved pursuant to this section, a Credit Agreement/Development Agreement is entered into and the contribution is actually made to the County in a form acceptable to the County and has been accepted by County Council.
  - (4) Credits for contributions, construction or dedication of land for ROW for road improvements on the CIP shall be transferable within the same development for road impact fee purposes, but shall not be transferable outside the development or used as credit against fees for other public facilities. Credit may be transferred pursuant to these terms and conditions by any written instrument that clearly identifies which credits issued under this article are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the County for registration.
  - (5) The total amount of the credit shall not exceed the amount of the road facilities development impact fees due and payable for the project.
  - (6) The County may enter into a Capital Contribution Front-Ending Agreement with any developer/fee payor who proposes to construct road improvements in the CIP, to the extent the fair market value of the construction of those road improvements exceed the obligation to pay road facilities

development impact fees for which a credit is provided pursuant to this section. The Capital Contribution Front-Ending Agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the road improvement(s) constructed.

- (7) If the offer for credit is approved, a Credit Agreement/Development Agreement shall be prepared and signed by the applicant and the County. The Credit Agreement/Development Agreement shall specifically outline the contribution for road improvements, construction of road improvements or land dedication of ROW for road improvements, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the value (in dollars) of the credit against the road facilities development impact fees the fee payor shall receive for the contribution, construction or dedication of ROW.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-89. - Imposition and Calculation.

- (a) The appropriate road facilities development impact fees, as established in this article, shall be imposed on all developers (fee payors) for which authorization of commencement of a development (building permit or, if no subsequent building permit is required, a development permit), is sought from the County, or from a municipality in the service area, pursuant to an intergovernmental agreement, in accordance with this article and the procedures set forth in the County impact fee procedures in Section 82-21 et seq.
- (b) When an application for such building permit or development permit is received by the appropriate County or municipal staff/official, the staff/official shall determine:
- (1) The road service area within which the proposed development project lies;
  - (2) The number and type of residential dwelling units proposed;
  - (3) Whether any of the proposed residential dwelling units qualify for a discount as affordable housing and, if so, the number and type of such units;
  - (4) The type and square footage of nonresidential development proposed;
  - (5) Whether the applicant has applied for an Individual Assessment of Development Impact pursuant to Section 82-87 to be submitted to the County for review.
- (c) If an Individual Assessment of Development Impact is submitted, it shall be processed and reviewed pursuant to the requirements of Section 82-87, and accepted, modified, or rejected. If it is accepted or modified, the road facilities development impact fees shall be determined pursuant to Section 82-87.
- (d) If an Individual Assessment of Development Impact is rejected, or not requested, the appropriate County or municipality staff/official shall then determine the fees based on the amount of development and the fee schedule in Exhibit 82-86: Road Facilities Development Impact Fee Schedule, South Beaufort County Service Area.
- (e) The procedure for timely processing of building permit or development applications subject to the road facilities development impact fee is set forth below. This procedure is intended to occur concurrently with the County's or municipality's required plans review process and to cause no additional delay, unless developer rights (see Section 82-92) and/or county remedies (see Section 82-93) are triggered, or unless a development agreement is sought by the applicant (see Section 82-91), or unless an Individual Assessment of Development Impact is performed by the developer (see Section 82-87).

| Step Order | Major Steps  | Responsible Party  | Time                                   |
|------------|--|--|--|
| 1.         | Filing of application for development permit or development approval   | Developer/applicant  | Initiates process                      |
| 2.         | Determination of applicable service area   | Building official  | Concurrent with plans review           |
| 3.         | Determination of amount and type of residential development (number of DUs) and nonresidential development (sq. ft. of GFA by type of development) | Building official  | Concurrent with plans review           |
| 4.         | Determination of the number and type of affordable housing units, if any   | Referral to Planning Department  | Concurrent with plans review           |
| 5.         | Alternative: Individual Assessment of Development Impact   | Applicant; review by Planning Department and other County departments, as needed | Extension of time, as may be necessary |
|            | If Individual Assessment of Development Impact not requested, or if rejected,  |  |  |

|     |   |   |   |
|-----|---|---|---|
| 6.  | multiply number of DUs, or square feet of nonresidential development by applicable road facilities development impact fee per Exhibit 82-86 | Building official                               | Concurrent with plan review                       |
| 7.  | Request for credit against impact fees  | Planning Department. Approved by County Council | Extension of time as may be necessary             |
| 8.  | Alternative: development agreement, if sought by applicant  | Planning Department                             | Extension of time, as may be necessary            |
| 9.  | Payment of total road facilities development impact fee for development project   | Developer/applicant                             | Upon issuance of building/development permit      |
| 10. | Issue receipt for road facilities development impact fee paid   | Building official                               | Upon issuance of building/development permit      |
| 11. | Transfer of road facilities development impact fee revenues collected to County Finance department for placement in appropriate             | Building official                               | Following issuance of building/development permit |

|         |  |  |
|---------|--|--|
| account |  |  |
|---------|--|--|

- (f) If the proposed residential development includes affordable housing, the applicable road facilities development impact fee shall be reduced in accordance with the discount schedule set forth in subsection 82-33(b)(3)c.; provided, however, that time share dwelling units do not qualify as affordable housing and are not eligible for discounts in any circumstances.
- (g) For a proposed change of use of building or structure, or a renovation or rehabilitation which adds residential dwelling units and/or nonresidential square footage, the fee is calculated as follows: Determine only the additional road facilities demand resulting from the change of use or the additional residential DUs and/or nonresidential development and calculate the road facilities development impact fee due as above, but only for such additional demand, not for existing demand.
- (g) Increase in service units or change in type of development. The County or municipalities may not charge a road facilities development impact fee at a higher rate, nor may it charge additional road facilities development impact fees, for a proposed development project, as determined above, unless the number of service units increases or the type or characteristics of the proposed development project changes, thereby increasing the road facilities demand. In that event, the additional road facilities development impact fees calculated and imposed shall be limited only to the demand attributable to the additional service units or to the change in the type of development or scope of the proposed development project.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-90. - Expenditure of Fees for System Improvements.

All road facilities development impact fees shall be used for system improvements as set forth in the County's adopted road facilities capital improvements plan and as summarized in the support study dated September 2006. System improvements generally include the following: acquisition of land for, and construction of, new roads, road improvements, new intersection and intersection improvements, traffic signals and related facilities designed to expand the road system capacity.

(Ord. No. 2006-24, 10-23-2006)

Sec. 82-91. - Development Agreement Option.

- (a) The developer may pay the road facilities development impact fee, as calculated pursuant to Section 82-86, as the proposed development project's proportionate share of system improvement costs and as full and complete payment of such obligations; or, in the alternative, the developer may enter into an agreement with the County pursuant to the State Local Government Development Agreement Act, providing for dedication of land, construction of facilities and improvements and/or for payments in lieu of development impact fees for road facilities.
- (b) The agreement may provide for the construction or installation of system improvements by the developer and for credits or reimbursements for costs incurred by the developer, including interproject transfers of credits or reimbursement for project improvements which are used or shared by more than one proposed development project.

- (c) A development impact fee may not be imposed on a developer who has entered into a development agreement with the County.
- (d) A development agreement for road facilities may only be entered into with the authorization and approval of both the County and the developer, and after consultation with an affected municipality, if applicable.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-92. - Developer Rights.**

The developer, pursuant to the State Development Impact Fee Act and the county impact fee procedures as set forth in Section 82-21 et seq., shall have the following rights, any or all of which may be exercised only in accordance with the impact fee procedures as set forth in Section 82-21 et seq.

- (a) *Administrative Appeal.* The developer/applicant may file an administrative appeal with the County Administrator with respect to a County or municipal decision related to the imposition, calculation, collection, processing or expenditure of a road facilities development impact fee, at any time; provided, however, that such appeal must comply with the provisions and requirements of the County impact fee procedures as set forth in Section 82-21 et seq. If the appeal follows payment of the development impact fee, it must be made within 30 days of the date of fee payment. The filing of an appeal will immediately halt the impact fee process, unless the developer/applicant posts a bond or submits an irrevocable letter of credit for the full amount of the impact fees as calculated by the county or municipality to be due.
- (b) *Payment under Protest.* The developer/applicant may pay the County-calculated or municipality-calculated development impact fees under protest, pursuant to the County impact fee procedures as set forth in Section 82-21 et seq. Payment under protest does not preclude the developer/applicant from filing an administrative appeal nor from requesting a refund, nor from posting a bond or submitting an irrevocable letter of credit for the amount of the development impact fee due, all as set forth in the impact fee procedures as set forth in Section 82-21 et seq.
- (c) *Mediation.* The developer/applicant may request mediation by a qualified independent party, but only upon voluntary agreement by both the developer/applicant (fee payor) as well as the County (and, if applicable, municipality) and only to address a disagreement related to the road facilities development impact fees, as calculated by the County or municipality, for the proposed development. Neither request for, nor participation in, mediation shall preclude the developer/applicant (fee payor) from pursuing other developer rights and/or remedies, as set forth in this article, or other remedies available by law.

(Ord. No. 2006-24, 10-23-2006)

**Sec. 82-93. - County Remedies.**

- (a) The County, pursuant to the State Development Impact Fee Act and the County impact fee procedures as set forth in Section 82-21 et seq., and municipalities, to the extent authorized pursuant to intergovernmental agreements with the County, shall have all of the following remedies, which may be exercised individually or collectively, but only in accordance with the impact fee procedures as set forth in Section 82-21 et seq.
  - (1) *Interest and Penalties.* The County or municipality may, at its discretion, add reasonable interest

and penalties for nonpayment or late payment to the amount of the calculated road facilities development impact fees due, pursuant to the impact fee procedures as set forth in Section 82-21 et seq.

- (2) *Withholding Building or Development Permit or Development Approval or Certificate of Occupancy.* The County or municipality may withhold a certificate of occupancy, a building or development permit, or development approval, as may be applicable, until full and complete payment has been made by the developer/applicant of the County-calculated or municipality-calculated road facilities development impact fees due.
  - (3) *Lien.* The County may impose a lien on the developer's property, pursuant to the impact fee procedures as set forth in Section 82-21 et seq., for failure of the developer/applicant to timely pay the required County-calculated or municipality-calculated road facilities development impact fees in full.
- (b) The County or municipality may pursue any one or all of the remedies described in subsection (a) of this section at its discretion. The failure to pursue any remedy or remedies, at any time, shall not be deemed to be a waiver of County or municipality rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

(Ord. No. 2006-24, 10-23-2006)

#### Sec. 82-94. - Intergovernmental Agreement.

Prior to imposition of a road facilities development impact fee within a municipality, the municipality will enter into an intergovernmental agreement with the County, as specified in this article, which intergovernmental agreement shall, inter alia:

- (a) Specify the reasonable share of funding joint system improvements by each governmental unit or entity;
- (b) Provide for the collection of the road facilities development impact fee by the municipality within its corporate limits and by the County within the unincorporated area;
- (c) Provide for the timely transfer of road development impact fee revenues from the municipality to the County; and
- (d) Provide for the timely expenditure of the road facilities development impact fee revenues by the County, in accordance with its adopted capital improvements plan.

(Ord. No. 2006-24, 10-23-2006)

#### Sec. 82-95. - Termination of the Fee.

The road facilities development impact fees shall be terminated upon the completion/conclusion of all of the road facilities development impact fee-funded capital improvements as set forth in the County's capital improvements plan, unless:

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

EXHIBIT 82-86: ROAD FACILITIES DEVELOPMENT IMPACT FEES, SOUTH BEAUFORT SERVICE AREA



TABLE 1:

## REGIONAL ROAD NETWORK FOR SOUTH BEAUFORT COUNTY SERVICE AREA

| Road Name   | Limits                               | Functional Class.  | # of Lanes | Median |
|---|--------------------------------------|--------------------|------------|--------|
| SC <u>46</u> - May River Road   | Jasper Co. Line to SC 170            | Principal Arterial | 2          | no     |
|   | SC 170 to Bruin Rd.                  | Minor Arterial     | 2          | no     |
| S-120 - Bruin Road  | Burnt Church Rd. to SC <u>46</u>     | Major Collector    | 2          | no     |
| SC <u>46</u> - Bluffton Road  | Calhoun St. to US 278                | Minor Arterial     | 2/4        | no     |
| SC 170 - Okatie Highway   | SC <u>46</u> to US 278               | Principal Arterial | 2          | no     |
|   | US 278 to Broad River                | Principal Arterial | 4          | yes    |
| US 278 - Fording Island Road  | Jasper Co. Line to Mackays Creek     | Principal Arterial | 4          | yes    |
|   | Mackays Creek to Spanish Wells Rd.   | Principal Arterial | 4          | yes    |
| S-29 - Buck Island Road   | SC <u>46</u> to US 278               | Major Collector    | 2          | no     |
| S-474 - Simmonsville Road   | US 278 to Buck Island Rd.            | Major Collector    | 2          | no     |
| S-163 - Burnt Church Road   | Alljoy Rd. to Bruin Rd.              | Major Collector    | 2          | no     |
|   | Bruin Rd. to US 278                  | Major Collector    | 2          | no     |
| Buckwalter Parkway  | SC <u>46</u> to US 278               | Major Collector    | 2          | no     |
| Bluffton Parkway  | SC 170 to Burnt Church Rd.           | Minor Arterial     | 4          | yes    |
| S-13 Alljoy Road  | Burnt Church Rd. to Shad Ave.        | Minor Collector    | 2          | no     |
| S-592 Ulmer Road  | Burnt Church Rd. to Foreman Hill Rd. | Minor Collector    | 2          | no     |
| S-34 Gibbet Road  | SC 170 to SC <u>46</u>               | Minor Collector    | 2          | no     |
| Old Miller Road   | SC <u>46</u> to Grande Oaks          | Minor Collector    | 2          | no     |
| Source: Beaufort County Engineering Department; Hilton Head Island Engineering Department |                                      |                    |            |        |

| TABLE 2:<br>COSTS TO ADDRESS EXISTING DEFICIENCIES IN REGIONAL ROAD NETWORK, SOUTH<br>BEAUFORT COUNTY SERVICE AREA |   |              |
|--|---|--------------|
| Recommended<br>Projects  | Description   | Cost         |
| <i>US 278 Capacity Improvements</i>  |   |              |
| Mackays<br>Creek to<br>Simmonsville<br>Road  | Widening to 6<br>lanes with<br>median                                   | \$24,600,000 |
| Simmonsville<br>Road to Buck<br>Island Road  | Widening to 6<br>lanes with<br>median                                   | 6,000,000    |
| Intersection<br>Improvements   | Buckwalter<br>Pkwy., Buck Is.,<br>Simmonsville<br>Rd. & Malphrus<br>Rd. | 5,200,000    |
|  | Subtotal  | \$35,800,000 |
| <i>US 278 Frontage Roads and Parcel Interconnectivity</i>  |   |              |
| Buck Island to<br>Simmonsville<br>Road   | Parcel<br>Interconnectivity,<br>Westbury &<br>Plantation Bus.<br>Pks.   | \$3,600,000  |
| Sheridan Park<br>to Walgreens  | Roadway<br>Connectivity<br>South Side                                   | 750,000      |
| Burnt Church<br>Road to<br>Foreman Hill<br>Road  | Frontage Road,<br>South Side  | 2,000,000    |
| Buckingham<br>Plantation to<br>The<br>Gatherings   | Parcel<br>Interconnectivity,<br>South Side                              | 400,000      |
|  | Subtotal  | \$6,750,000  |
| <i>Other Arterial Road Network Capacity Improvements</i>   |   |              |
| Bluffton<br>Parkway -<br>Simmonsville<br>Road to SC  | New<br>Construction, 4-<br>lanes with                                   | 7,440,000    |

|   |                                    |              |
|---|------------------------------------|--------------|
| 170   | median                             |              |
| US 278 Signal System Upgrades               | SC 170 to Buckingham Plantation Dr | 1,000,000    |
| Burnt Church Road Widening                  | US 278 to Bluffton Parkway         | 2,200,000    |
|   | Subtotal                           | 10,640,000   |
| Total Cost to Address Existing Deficiencies |                                    | \$53,190,000 |

(Ord. No. 2006-24, 10-23-2006)

Secs. 82-96—82-110. - Reserved.

**Beaufort County Single Family Residential Impact Fee Worksheet**

| <b>Service Area</b>       | <b>Fire Fee</b> | <b>Library Fee</b> | <b>Park Fee</b> | <b>Road Fee</b> | <b>Boat Ramp Fee</b> | <b>Total</b> |
|---------------------------|-----------------|--------------------|-----------------|-----------------|----------------------|--------------|
| Daufuskie Island (R800)   | 751             | 553                | 0               | 1,540           | 0                    | 2,844        |
| Bluffton-Okatie (R600)    | 481             | 553                | 1,385           | 3,063           | 0                    | 5,482        |
| Port Royal Island (R100)  | 479             | 553                | 81              | 775             | 0                    | 1,888        |
| Ladys Island (R200)       | 633             | 553                | 429             | 775             | 0                    | 2,390        |
| St. Helena (R300)         | 633             | 553                | 775             | 775             | 0                    | 2,736        |
| Fripp Island (R400)       | 0               | 553                | 775             | 775             | 0                    | 2,103        |
| Sheldon/Lobeco/Yem (R700) | 181             | 553                | 0               | 775             | 0                    | 1,509        |
| Suncity/Riverbend         | 0               | 67.5               | 0               | 1,552           | 20                   | 1,639.50     |

**ROAD IMPACT FEE SCHEDULE - BLUFFTON/OKATIE ASSESSMENT DISTRICT**

| Land Use Type  | Enter Number of Dwellings, 1,000 sf, etc. | Unit                 | Daily Trips | Daily trips / 2 | Percent Primary | Primary trips | Avg. Trip Length | Daily VMT | Cost per VMT | Gas Tax Credit | Admissions Fee Credit | Sales Tax Credit | Net cost per VMT | Fee Per Unit | FEE |
|--|---|----------------------|-------------|-----------------|-----------------|---------------|------------------|-----------|--------------|----------------|-----------------------|------------------|------------------|--------------|-----|
| <b>Residential</b>                                   |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| Single-Family  |   | Dwelling             | 9.57        | 4.79            | 100%            | 4.79          | 3.66             | 17.51     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$3,063      |     |
| Apartment (Multi-Family)                             |   | Dwelling             | 6.72        | 3.36            | 100%            | 3.36          | 3.66             | 12.30     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$2,151      |     |
| Condominiums/Townhouse                               |   | Dwelling             | 5.86        | 2.93            | 100%            | 2.93          | 3.66             | 10.72     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$1,876      |     |
| Senior Adult Housing                                 |   | Dwelling             | 3.48        | 1.74            | 100%            | 1.74          | 3.66             | 6.37      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$1,114      |     |
| Assisted Living/Continuing Care Retirement Community |   | Beds                 | 2.81        | 1.41            | 100%            | 1.41          | 3.66             | 5.14      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$899        |     |
| <b>Lodging</b>                                       |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| Hotel/Motel  |   | Rooms                | 8.17        | 4.09            | 100%            | 4.09          | 3.21             | 13.11     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$2,294      |     |
| <b>Retail/Commercial/Services</b>                    |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| Golf Course  |   | Holes                | 35.74       | 17.87           | 90%             | 16.08         | 3.21             | 51.63     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,030      |     |
| Multiplex Movie Theater                              |   | Screens              | 146.3       | 73.15           | 90%             | 65.84         | 3.21             | 211.33    | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$36,963     |     |
| Health/Fitness Club, Bowling Alley                   |   | 1000 sq ft. or lanes | 32.93       | 16.47           | 56%             | 9.22          | 3.00             | 27.66     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$4,838      |     |
| Shopping Center/General Retail                       |   | 1000 sq ft.          | 42.94       | 21.47           | 56%             | 12.02         | 3.00             | 36.07     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$6,309      |     |
| New Car Sales  |   | 1000 sq ft.          | 33.34       | 16.67           | 90%             | 15.00         | 3.21             | 48.16     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$8,423      |     |
| Convenience Market (no gas pumps)                    |   | 1000 sq ft.          | 460.05      | 230.03          | 26%             | 59.81         | 1.50             | 89.71     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$15,691     |     |
| Convenience Market w/ Gasoline Pumps                 |   | VFP                  | 179.8       | 89.90           | 26%             | 23.37         | 1.50             | 35.06     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$6,132      |     |
| Home Improvement/Paint/Garden Store                  |   | 1000 sq ft.          | 29.8        | 14.90           | 50%             | 7.45          | 3.21             | 23.91     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$4,183      |     |
| Pharmacy/Drugstore                                   |   | 1000 sq ft.          | 88.16       | 44.08           | 40%             | 17.63         | 3.00             | 52.90     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,252      |     |
| Furniture Store                                      |   | 1000 sq ft.          | 5.06        | 2.53            | 90%             | 2.28          | 3.21             | 7.31      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$1,278      |     |
| Bank   |   | 1000 sq ft.          | 148.15      | 74.08           | 40%             | 29.63         | 1.50             | 44.45     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$7,774      |     |
| Quality Restaurant                                   |   | 1000 sq ft.          | 89.95       | 44.98           | 41%             | 18.44         | 2.50             | 46.10     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$8,063      |     |
| High-Turnover Restaurant                             |   | 1000 sq ft.          | 127.15      | 63.58           | 42%             | 26.70         | 2.00             | 53.40     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,341      |     |
| Fast Food Restaurant                                 |   | 1000 sq ft.          | 495.12      | 248.06          | 31%             | 76.90         | 1.50             | 115.35    | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$20,175     |     |
| Quick Lubrication Vehicle Shop                       |   | Service Bays         | 40          | 20.00           | 85%             | 17.00         | 3.21             | 54.57     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,545      |     |
| Automobile Care Center                               |   | Service Bays         | 12.48       | 6.24            | 85%             | 5.30          | 3.21             | 17.03     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$2,978      |     |
| Self-Service Car Wash                                |   | Service Bays         | 108         | 54.00           | 70%             | 37.80         | 1.50             | 56.70     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,917      |     |
| <b>Office</b>  |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| General Office Building                              |   | 1000 sq ft.          | 11.01       | 5.51            | 90%             | 4.95          | 3.97             | 19.67     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$3,440      |     |
| Medical-Dentist Office Building                      |   | 1000 sq ft.          | 36.13       | 18.07           | 90%             | 16.26         | 3.97             | 64.55     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$11,290     |     |
| Government Office Complex                            |   | 1000 sq ft.          | 27.92       | 13.96           | 90%             | 12.56         | 3.97             | 49.88     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$8,724      |     |
| <b>Institutional/Medical</b>                         |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| Elementary School                                    |   | Students             | 1.29        | 0.65            | 85%             | 0.55          | 2.00             | 1.10      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$192        |     |
| Middle/High School                                   |   | Students             | 1.62        | 0.81            | 85%             | 0.69          | 2.50             | 1.72      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$301        |     |
| College  |   | Students             | 1.2         | 0.60            | 100%            | 0.60          | 3.36             | 2.02      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$353        |     |
| Church/Synagogue                                     |   | 1000 sq ft.          | 9.11        | 4.56            | 100%            | 4.56          | 3.36             | 15.30     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$2,677      |     |
| Day Care   |   | 1000 sq ft.          | 79.26       | 39.63           | 15%             | 5.94          | 1.50             | 8.92      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$1,560      |     |
| Hospital   |   | 1000 sq ft.          | 17.57       | 8.79            | 100%            | 8.79          | 3.36             | 29.52     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$5,163      |     |
| Nursing Home   |   | Beds                 | 2.37        | 1.19            | 100%            | 1.19          | 3.36             | 3.98      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$696        |     |
| Clinic   |   | 1000 sq ft.          | 31.45       | 15.73           | 100%            | 15.73         | 3.36             | 52.84     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$9,241      |     |
| <b>Industrial</b>                                    |   |                      |             |                 |                 |               |                  |           |              |                |                       |                  |                  |              |     |
| General Light Industrial                             |   | 1000 sq ft.          | 6.97        | 3.49            | 100%            | 3.49          | 3.97             | 13.84     | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$2,420      |     |
| General Heavy Industrial/Manufacturing               |   | 1000 sq ft.          | 1.5         | 0.75            | 100%            | 0.75          | 3.97             | 2.98      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$521        |     |
| Warehousing  |   | 1000 sq ft.          | 3.56        | 1.78            | 100%            | 1.78          | 3.97             | 7.07      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$1,236      |     |
| Mini-Warehouse                                       |   | 1000 sq ft.          | 2.5         | 1.25            | 100%            | 1.25          | 3.97             | 4.96      | \$285.08     | \$31.96        | \$15.94               | \$62.27          | \$174.91         | \$868        |     |

Source: ITE, *Trip Generation*, 8<sup>th</sup> ed., 2008; percent primary trips from ITE, *Trip Generation Handbook*, 2004; VFP=Vehicle Fueling Positions.

**Total Road Impact Fee \$0**

**ROAD IMPACT FEE SCHEDULE - HILTON HEAD ISLAND/DAUFUSKIE ISLAND ASSESSMENT DISTRICT**

| Land Use Type  | Enter Number of Dwellings, 1,000 sf. etc. | Unit         | Daily Trips | Daily trips / 2 | Percent Primary | Primary trips | Percent Mainland Trips | Net Primary Trips | Avg. Trip Length | Daily VMT | Cost per VMT | Gas Tax Credit | Admissions Fee Credit | Sales Tax Credit | Hospitality Tax Credit | Net cost per VMT | Fee Per Unit | Fee |
|--|---|--------------|-------------|-----------------|-----------------|---------------|------------------------|-------------------|------------------|-----------|--------------|----------------|-----------------------|------------------|------------------------|------------------|--------------|-----|
| <b>Residential</b>                                   |   |              |             |                 |                 |               |                        |                   |                  |           |              |                |                       |                  |                        |                  |              |     |
| Single-Family  |   | Dwelling     | 9.57        | 4.79            | 100%            | 4.79          | 38.0%                  | 1.82              | 3.66             | 6.65      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$1,126      |     |
| Apartment (Multi-Family)                             |   | Dwelling     | 6.72        | 3.36            | 100%            | 3.36          | 38.0%                  | 1.28              | 3.66             | 4.67      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$791        |     |
| Condominiums/Townhouse                               |   | Dwelling     | 5.86        | 2.93            | 100%            | 2.93          | 38.0%                  | 1.11              | 3.66             | 4.08      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$690        |     |
| Senior Adult Housing                                 |   | Dwelling     | 3.48        | 1.74            | 100%            | 1.74          | 38.0%                  | 0.66              | 3.66             | 2.42      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$409        |     |
| Assisted Living/Continuing Care Retirement Community |   | Beds         | 2.81        | 1.41            | 100%            | 1.41          | 38.0%                  | 0.53              | 3.66             | 1.95      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$331        |     |
| <b>Retail/Commercial/Services</b>                    |   |              |             |                 |                 |               |                        |                   |                  |           |              |                |                       |                  |                        |                  |              |     |
| Hotel/Motel  |   | Rooms        | 8.17        | 4.09            | 100%            | 4.09          | 38.0%                  | 1.55              | 3.21             | 4.98      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$843        |     |
| Golf Course  |   | Holes        | 35.74       | 17.87           | 90%             | 16.08         | 38.0%                  | 6.11              | 3.21             | 19.62     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,319      |     |
| Multiplex Movie Theater                              |   | Screens      | 146.3       | 73.15           | 90%             | 65.84         | 38.0%                  | 25.02             | 3.21             | 80.31     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$13,588     |     |
| Shopping Center/General Retail                       |   | 1000 sq. ft. | 42.94       | 21.47           | 56%             | 12.02         | 38.0%                  | 4.57              | 3.00             | 13.71     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$2,319      |     |
| New Car Sales  |   | 1000 sq. ft. | 33.34       | 16.67           | 90%             | 15.00         | 38.0%                  | 5.70              | 3.21             | 18.30     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,096      |     |
| Convenience Market (no gas pumps)                    |   | 1000 sq. ft. | 460.05      | 230.03          | 26%             | 59.81         | 38.0%                  | 22.73             | 1.50             | 34.09     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$5,768      |     |
| Convenience Market w/ Gasoline Pumps                 |   | VFP          | 179.8       | 89.90           | 26%             | 23.37         | 38.0%                  | 8.88              | 1.50             | 13.32     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$2,254      |     |
| Home Improvement/Paint/Garden Store                  |   | 1000 sq. ft. | 29.8        | 14.90           | 50%             | 7.45          | 38.0%                  | 2.83              | 3.21             | 9.09      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$1,538      |     |
| Pharmacy/Drugstore                                   |   | 1000 sq. ft. | 88.16       | 44.08           | 40%             | 17.63         | 38.0%                  | 6.70              | 3.00             | 20.10     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,401      |     |
| Furniture Store                                      |   | 1000 sq. ft. | 5.06        | 2.53            | 90%             | 2.28          | 38.0%                  | 0.87              | 3.21             | 2.78      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$470        |     |
| Bank   |   | 1000 sq. ft. | 148.15      | 74.08           | 40%             | 29.63         | 38.0%                  | 11.26             | 1.50             | 16.89     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$2,858      |     |
| Quality Restaurant                                   |   | 1000 sq. ft. | 89.95       | 44.98           | 41%             | 18.44         | 38.0%                  | 7.01              | 2.50             | 17.52     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$2,964      |     |
| High-Turnover Restaurant                             |   | 1000 sq. ft. | 127.15      | 63.58           | 42%             | 26.70         | 38.0%                  | 10.15             | 2.00             | 20.29     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,434      |     |
| Fast Food Restaurant                                 |   | 1000 sq. ft. | 496.12      | 248.06          | 31%             | 76.90         | 38.0%                  | 29.22             | 1.50             | 43.83     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$7,416      |     |
| Quick Lubrication Vehicle Shop                       |   | Service Bays | 40          | 20.00           | 85%             | 17.00         | 38.0%                  | 6.46              | 3.21             | 20.74     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,509      |     |
| Automobile Care Center                               |   | Service Bays | 12.48       | 6.24            | 85%             | 5.30          | 38.0%                  | 2.02              | 3.21             | 6.47      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$1,095      |     |
| Self-Service Car Wash                                |   | Service Bays | 108         | 54.00           | 70%             | 37.80         | 38.0%                  | 14.36             | 1.50             | 21.55     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,646      |     |
| <b>Office</b>  |   |              |             |                 |                 |               |                        |                   |                  |           |              |                |                       |                  |                        |                  |              |     |
| General Office Building                              |   | 1000 sq. ft. | 11.01       | 5.51            | 90%             | 4.95          | 38.0%                  | 1.88              | 3.97             | 7.47      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$1,265      |     |
| Medical-Dentist Office Building                      |   | 1000 sq. ft. | 36.13       | 18.07           | 90%             | 16.26         | 38.0%                  | 6.18              | 3.97             | 24.53     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$4,150      |     |
| Government Office Complex                            |   | 1000 sq. ft. | 27.92       | 13.96           | 90%             | 12.56         | 38.0%                  | 4.77              | 3.97             | 18.95     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,207      |     |
| <b>Institutional/Medical</b>                         |   |              |             |                 |                 |               |                        |                   |                  |           |              |                |                       |                  |                        |                  |              |     |
| Elementary School                                    |   | Students     | 1.29        | 0.65            | 85%             | 0.55          | 38.0%                  | 0.21              | 2.00             | 0.42      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$71         |     |
| Middle/High School                                   |   | Students     | 1.62        | 0.81            | 85%             | 0.69          | 38.0%                  | 0.26              | 2.50             | 0.65      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$111        |     |
| College  |   | Students     | 1.2         | 0.60            | 100%            | 0.60          | 38.0%                  | 0.23              | 3.36             | 0.77      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$130        |     |
| Church/Synagogue                                     |   | 1000 sq. ft. | 9.11        | 4.56            | 100%            | 4.56          | 38.0%                  | 1.73              | 3.36             | 5.82      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$984        |     |
| Day Care   |   | 1000 sq. ft. | 79.26       | 39.63           | 15%             | 5.94          | 38.0%                  | 2.26              | 1.50             | 3.39      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$573        |     |
| Hospital   |   | 1000 sq. ft. | 17.57       | 8.79            | 100%            | 8.79          | 38.0%                  | 3.34              | 3.36             | 11.22     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$1,898      |     |
| Nursing Home   |   | Beds         | 2.37        | 1.19            | 100%            | 1.19          | 38.0%                  | 0.45              | 3.36             | 1.51      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$256        |     |
| Clinic   |   | 1000 sq. ft. | 31.45       | 15.73           | 100%            | 15.73         | 38.0%                  | 5.98              | 3.36             | 20.08     | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$3,397      |     |
| <b>Industrial</b>                                    |   |              |             |                 |                 |               |                        |                   |                  |           |              |                |                       |                  |                        |                  |              |     |
| General Light Industrial                             |   | 1000 sq. ft. | 6.97        | 3.49            | 100%            | 3.49          | 38.0%                  | 1.32              | 3.97             | 5.26      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$890        |     |
| General Heavy Industrial/Manufacturing               |   | 1000 sq. ft. | 1.5         | 0.75            | 100%            | 0.75          | 38.0%                  | 0.29              | 3.97             | 1.13      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$191        |     |
| Warehousing  |   | 1000 sq. ft. | 3.56        | 1.78            | 100%            | 1.78          | 38.0%                  | 0.68              | 3.97             | 2.69      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$454        |     |
| Mini-Warehouse                                       |   | 1000 sq. ft. | 2.5         | 1.25            | 100%            | 1.25          | 38.0%                  | 0.48              | 3.97             | 1.89      | \$282.56     | \$31.96        | \$15.94               | \$62.27          | \$3.19                 | \$169.20         | \$319        |     |

Source: ITE, Trip Generation, 7<sup>th</sup> ed., 2003; percent primary trips from ITE, Trip Generation Handbook, 2004; VFP=Vehicle Fueling Positions.

**Total Road Impact Fee** \$0

## Development Name Location

### Road Impact Fee Schedule - Northern Beaufort County Service Area

| ITE Code                          | Land-Use   | Enter No. of Dwellings 1,000 sq. ft., VFP, etc. | Unit                  | Daily Trip Generation per Unit | Primary Trips Factor | Primary Trips |
|-----------------------------------|--|---|-----------------------|--------------------------------|----------------------|---------------|
| <b>Residential</b>                |  |   |                       |                                |                      |               |
| 210                               | Single-Family  |   | Dwelling              | 9.57                           | 100%                 |               |
| 220                               | Apartment (Multi-Family)                             |   | Dwelling              | 6.72                           | 100%                 |               |
| 230                               | Condominiums/Townhouse                               |   | Dwelling              | 5.66                           | 100%                 |               |
| 251-252                           | Senior Adult Housing                                 |   | Dwelling              | 3.48                           | 100%                 |               |
| 254-255                           | Assisted Living/Continuing Care Retirement Community |   | Beds                  | 2.81                           | 100%                 |               |
| <b>Lodging</b>                    |  |   |                       |                                |                      |               |
| 310-320                           | Hotel/Motel  |   | Rooms                 | 8.17                           | 100%                 |               |
| <b>Retail/Commercial/Services</b> |  |   |                       |                                |                      |               |
| 412                               | County Park  |   | Acres                 | 2.28                           | 100%                 |               |
| 430                               | Golf Course  |   | Holes                 | 35.74                          | 90%                  |               |
| 445                               | Multiplex Movie Theater                              |   | Screens               | 146.3                          | 90%                  |               |
| 491                               | Racquet/Tennis Club                                  |   | 1000 sq. ft.          | 14.03                          | 90%                  |               |
| 492                               | Health/Fitness Club and/or Bowling Alley             |   | 1000 sq. ft. or lanes | 32.93                          | 56%                  |               |
| 820                               | Shopping Center/General Retail                       |   | 1000 sq. ft.          | 42.94                          | 56%                  |               |
| 841                               | New Car Sales  |   | 1000 sq. ft.          | 33.34                          | 90%                  |               |
| 851                               | Convenience Market (no gas pumps)                    |   | 1000 sq. ft.          | 460.05                         | 26%                  |               |
| 853                               | Convenience Market w/ Gasoline Pumps                 |   | VFP                   | 179.8                          | 26%                  |               |
| 862                               | Home Improvement/Paint/Garden Store                  |   | 1000 sq. ft.          | 29.8                           | 50%                  |               |
| 881                               | Pharmacy/Drugstore                                   |   | 1000 sq. ft.          | 88.16                          | 40%                  |               |
| 890                               | Furniture Store                                      |   | 1000 sq. ft.          | 5.06                           | 90%                  |               |
| 912                               | Bank   |   | 1000 sq. ft.          | 148.15                         | 40%                  |               |
| 931                               | Quality Restaurant                                   |   | 1000 sq. ft.          | 89.95                          | 41%                  |               |
| 932                               | High-Turnover Restaurant                             |   | 1000 sq. ft.          | 127.15                         | 42%                  |               |
| 934                               | Fast Food Restaurant                                 |   | 1000 sq. ft.          | 496.12                         | 31%                  |               |
| 941                               | Quick Lubrication Vehicle Shop                       |   | Service Bays          | 40                             | 85%                  |               |
| 942                               | Automobile Care Center                               |   | Service Bays          | 12.48                          | 85%                  |               |
| 947                               | Self-Service Car Wash                                |   | Service Bays          | 108                            | 70%                  |               |
| <b>Office</b>                     |  |   |                       |                                |                      |               |
| 710                               | General Office Building                              |   | 1000 sq. ft.          | 11.01                          | 90%                  |               |
| 720                               | Medical-Dentist Office Building                      |   | 1000 sq. ft.          | 36.13                          | 90%                  |               |
| 733                               | Government Office Complex                            |   | 1000 sq. ft.          | 27.92                          | 90%                  |               |
| <b>Institutional/Medical</b>      |  |   |                       |                                |                      |               |
| 520                               | Elementary School                                    |   | Students              | 1.29                           | 85%                  |               |
| 522                               | Middle/High School                                   |   | Students              | 1.62                           | 85%                  |               |
| 540-550                           | College  |   | Students              | 1.2                            | 100%                 |               |
| 560-561                           | Church/Synagogue                                     |   | 1000 sq. ft.          | 9.11                           | 100%                 |               |
| 565                               | Day Care   |   | 1000 sq. ft.          | 79.26                          | 15%                  |               |
| 590                               | Library  |   | Employees             | 52.52                          | 90%                  |               |
| 610                               | Hospital   |   | 1000 sq. ft.          | 17.57                          | 100%                 |               |
| 620                               | Nursing Home   |   | Beds                  | 2.37                           | 100%                 |               |
| 630                               | Clinic   |   | 1000 sq. ft.          | 31.45                          | 100%                 |               |
| <b>Industrial</b>                 |  |   |                       |                                |                      |               |
| 110                               | General Light Industrial                             |   | 1000 sq. ft.          | 6.97                           | 100%                 |               |
| 120-140                           | General Heavy Industrial/Manufacturing               |   | 1000 sq. ft.          | 1.5                            | 100%                 |               |
| 150                               | Warehousing  |   | 1000 sq. ft.          | 3.56                           | 100%                 |               |
| 151                               | Mini-Warehouse                                       |   | 1000 sq. ft.          | 2.5                            | 100%                 |               |

**Total Vehicle Trips per Day**

**0**

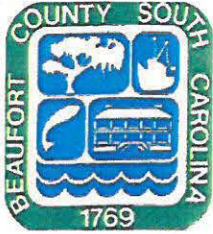
**Cost per VT/D:**

**\$81.00**

**Total Road Impact Fee:**

**\$0.00**

Source: ITE, Trip Generation, 7th ed., 2003; percent primary trips from ITE, Trip Generation Handbook, 2004.  
 Average trip rate used for daily trip generation.  
 Sq. Ft. = Gross Square Footage  
 D.U. = Dwelling Units  
 Bays = Service Bays  
 V.F.P. = Vehicle Fueling Positions



COUNTY COUNCIL OF BEAUFORT COUNTY  
**PURCHASING DEPARTMENT**

106 Industrial Village Road, Bldg. 2 -- Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228

TO: Councilman Jerry Stewart, Chairman, Executive Committee  
FROM: Dave Thomas, CPPO, Purchasing Director  
SUBJ: **Request to Purchase Public Health Insecticide for Beaufort County Mosquito Control**  
DATE: December 14, 2015

**BACKGROUND:** The Purchasing Department received a request from the Mosquito Control Director to purchase an EPA-registered public health insecticide (Altosid XR Briquets) from ADAPCO, Inc., Sanford, FL (State Contract #4400003967). Mosquito Control will use this product to treat an estimated 22,500 catch basins starting in April 2016. Mosquitoes potentially associated with West Nile virus use stormwater structures as breeding sites, and the timely treatments will help reduce the risk of this mosquito-borne disease among humans, horses, and wildlife.

**VENDOR INFORMATION:**

**COST**

ADAPCO, Inc., Sanford, FL  
(\$71,832 + \$4,310 tax + free shipping)

\$76,142

*JAT* **FUNDING:** 10001400-52320, Mosquito Control – Public Health Products (available budget – \$131,975)

**PRIOR YEAR COST:** \$87,347 (Natular XRT tablets)

**FOR ACTION:** Executive Committee meeting occurring on December 14, 2015.

**RECOMMENDATION:** The Purchasing Department recommends that the Executive Committee approve the purchase of Altosid XR briquets for \$76,142 from ADAPCO, Inc.

CC: Gary Kubic, County Administrator *GKubic*  
Josh Gruber, Deputy County Administrator/Special Counsel *JG*  
Alicia Holland, Asst. Co. Administrator, Finance *AH*  
Philip Foot, Asst. Co. Administrator, Public Safety *PF*  
Gregg Hunt, Mosquito Control Director *GH*

Attachment: Pricing Information



COMBINED VENDOR LIST OF MOSQUITO CONTROL PESTICIDE PRODUCTS FOR  
2011 CONTRACT BID SUBMISSION

| <u>Item No.</u> | <u>Percentage of active ingredient</u>  | <u>Size of container</u> | <u>Adapco, Inc</u> | <u>Clarke</u> | <u>Gil Manufacturing</u> | <u>Univar USA</u> |
|-----------------|---|--------------------------|--------------------|---------------|--------------------------|-------------------|
| 30              | 11.61% Bti  | 30 ql drum               |                    | \$974.23      |                          |                   |
| 31              | 11.61% Bti  | 264 ql Mini-bulk         |                    | \$8,507.88    |                          |                   |
| 32              | 12.3% Bti   | 2X10lb case              |                    |               |                          |                   |
| 33              | 37.4% Bti   | 24X1lb canisters/case    |                    | \$791.75      |                          |                   |
| 34              | 19.36% Chlorpyrifos U,U-diethyl U-(3,5,6,-trichloro-2-pyridinyl) phosphorothioate | 2 x 2.5 gl jugs/case     | \$187.82           |               |                          | \$216.00          |
| 35              | 19.36% Chlorpyrifos U,U-diethyl U-(3,5,6,-trichloro-2-pyridinyl) phosphorothioate | 55 gl drums              | \$2,004.55         |               |                          | \$2,475.00        |
| 36              | 24.6% Chlorpyrifos  | 30 ql drum               |                    | \$1,867.46    |                          |                   |
| 37              | 24.6% Chlorpyrifos  | 55 ql drum               |                    | \$3,380.05    |                          |                   |
| 38              | 24.6% Chlorpyrifos  | 275 ql tote              |                    | \$16,900.27   |                          |                   |
| 39              | 4.75% DELTAMETHRIN  | 16X1 PINT                | \$596.10           |               |                          | \$648.16          |
| 40              | 4.75% DELTAMETHRIN  | 4X1 gl CS                | \$1,089.20         |               |                          | \$1,125.16        |
| 41              | 4% ETOFENPROX   | 2X2.5 gl                 | \$403.75           |               |                          |                   |
| 42              | 4% ETOFENPROX   | 30 gl DR                 | \$2,394.00         |               |                          |                   |
| 43              | 4% ETOFENPROX   | 275 gl TOTE              | \$21,683.75        |               |                          |                   |
| 44              | 20% ETOFENPROX  | 2x2.5 gl CS              | \$1,480.00         |               |                          |                   |
| 45              | 20% ETOFENPROX  | 30 gl DR                 | \$8,820.00         |               |                          |                   |
| 46              | 20% ETOFENPROX  | 275 gl TOTE              | \$77,550.00        |               |                          |                   |
| 47              | 0.2% METHOPRENE   | 40 lb BG                 |                    | \$120.00      |                          | \$120.00          |
| 48              | 0.2% METHOPRENE   | 1000 lb BG               | \$3,000.00         |               |                          | \$3,000.00        |
| 49              | 1.5% (S)-Methoprene   | 2.5 lb bottle            | \$30.72            |               |                          | \$27.89           |
| 50              | 1.5% (S)-Methoprene   | 40 lb baqs               | \$333.20           |               |                          | \$333.20          |
| 51              | 2.1% METHOPRENE   | 220/CS                   | \$697.40           |               |                          | \$697.40          |
| 52              | 2.1%(S)-Methoprene  | 220 briquettes/case      | \$697.40           |               |                          | \$697.40          |
| 53              | 2.1% METHOPRENE   | 40 lb BG                 |                    |               |                          |                   |
| 54              | 2.1% METHOPRENE   | 1000 lb BG               |                    |               |                          |                   |
| 55              | 4.25% METHOPRENE  | 2X22lb CS                | \$1,124.20         | \$1,124.20    |                          | \$1,124.20        |
| 56              | 4.25% METHOPRENE  | 800/CS                   | \$648.00           | \$648.00      |                          | \$648.00          |
| 57              | 5% METHOPRENE   | 4X1 gl                   | \$1,001.60         | \$1,102.20    |                          | \$1,001.60        |
| 58              | 8.62% (S)-Methoprene  | 100 briquettes/case      | \$163.49           |               |                          | \$150.00          |
| 59              | 8.62% METHOPRENE  | 400/CS                   | \$440.00           | \$440.00      |                          | \$440.00          |
| 60              | 20% METHOPRENE  | 2X2.5 gl                 | \$4,460.00         |               |                          | \$4,460.00        |
| 61              | 78% NALED   | 30 gl DR                 | \$5,343.30         |               |                          |                   |
| 62              | 87.4% NALED   | 30 gl DR                 | \$5,632.50         |               |                          |                   |
| 63              | 2% Permethrin   | 5 ql                     |                    |               |                          | \$90.00           |
| 64              | 2% Permethrin   | 30 ql                    |                    |               |                          |                   |
| 65              | 2% Permethrin   | 55 ql                    |                    |               |                          | \$990.00          |
| 66              | 2% Permethrin   | 275 ql                   |                    |               |                          | \$4,919.00        |
| 67              | 3% permethrin   | 2X2.5 ql Case            |                    |               |                          |                   |
| 68              | 3% permethrin   | 30 ql drum               |                    |               |                          |                   |
| 69              | 3% permethrin   | 55 ql drum               |                    |               |                          |                   |
| 70              | 3% permethrin   | 275 ql tote              |                    |               |                          |                   |
| 71              | 4% Permethrin   | 5 ql                     | \$109.95           |               |                          |                   |
| 72              | 4% Permethrin   | 30 ql                    | \$659.70           |               |                          |                   |
| 73              | 4% Permethrin   | 55 ql                    | \$1,039.50         |               |                          |                   |
| 74              | 4% Permethrin   | 275 ql                   | \$5,060.00         |               |                          | \$5,197.50        |



COUNTY COUNCIL OF BEAUFORT COUNTY  
**PURCHASING DEPARTMENT**

106 Industrial Village Road  
Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228

TO: Councilman Jerry Stewart, Chairman, Executive Committee  
FROM: Dave Thomas, CPPO, Purchasing Director *DT*  
SUBJ: **Contract Award Recommendation for Invitation for Bid (IFB) #061815HXD: RWY 21 Approach Obstruction Tree Removal**  
DATE: December 14, 2015

**BACKGROUND:** Beaufort County issued an (IFB) to contractors capable of providing the requisite services associated with removing obstructions that currently penetrate the Runway 21 aircraft approach surfaces. Execution of this project allows the airport to operate more efficiently because operational constraints can be removed when the surfaces are free of obstructions. The bids were reviewed and evaluated by staff and it was determined that All Care Tree Surgery Inc. of Hilton Head Island, SC, was the lowest responsible/responsive bidder.

This project is being undertaken in accordance with the Hilton Head Island Airport Master Plan as approved by County Council in October, 2010.

**VENDOR BID INFORMATION:**

1. L-J, Inc., Columbia, SC
2. All Care Tree Surgery, Inc., Hilton Head Island, SC
3. State Tree Service, LLC, Sumter, SC

**COST:**

\$448,065\*  
\$487,979  
\$641,145

\* L-J Inc., of Columbia, SC, submitted a bid and was initially identified as the low bidder. During post-bid discussions, it was determined that L-J Inc. would be unable to meet the minimum prime contractor participation required by the contract due to workload issues.

**CONSTRUCTION ADMIN, RESIDENT PROJECT REPRESENTATIVE:**

Talbert, Bright, and Ellington, Columbia, SC  
(Construction admin, project reports, closeout, continuous presence of project rep in accordance with FAA AIP funding requirements. This is a Not to Exceed estimate)

\$224,588 NTE

Grand Total

\$712,567

*CAF* **FUNDING:** 90% via FAA Grant 31, 5% via SCAC Grant 11-015, 5% via Hilton Head Airport Capital Projects Fund

**FOR ACTION:** Executive Committee meeting occurring December 14, 2015.

**RECOMMENDATION:** The Executive Committee approve and recommend to County Council the contract award to All Care Tree Surgery Inc. of Hilton Head Island, SC, to perform the required construction services for a total cost of \$487,979 and the construction administration/resident project representative fee of \$224,588 to Talbert, Bright, and Ellington.

**CC:** Gary Kubic, County Administrator *GKubic*  
Joshua Gruber, Deputy County Administrator/Special Counsel *JG*  
Alicia Holland, Asst. Co. Administrator, Finance *AH*  
Colin Kinton, Director Transportation Engineering *CK*  
Jon Rembold, Airports Director *JR*

**Att:** Bid Tab, TBE Work Authorization

BID TABULATION  
 RUNWAY 21 APPROACH TREE OBSTRUCTION REMOVAL  
 HILTON HEAD ISLAND AIRPORT  
 BASE BID  
 TBI PROJECT NO. 2119-1204  
 OCTOBER 8, 2015

| ITEM NO.                      | SPEC NO. | DESCRIPTION   | QTY | UNIT | L-J, Inc.<br>Columbia, SC<br>LICENSE NO.: 20-3736222 |                     | All Care Tree Surgery, Inc.<br>Hilton Head, SC<br>LICENSE NO.: 57-1052181 |                       | State Tree Service, LLC<br>Sumter, SC<br>LICENSE NO.: 26-0418058 |                     | Engineer's Estimate |                     |
|-------------------------------|----------|---|-----|------|--|---------------------|---|-----------------------|--|---------------------|---------------------|---------------------|
|                               |          |   |     |      | UNIT PRICE   | EXT. TOTAL          | UNIT PRICE  | EXT. TOTAL            | UNIT PRICE   | EXT. TOTAL          | UNIT PRICE          | EXT. TOTAL          |
| 1                             | P-150    | MOBILIZATION  | 1   | LS   | \$9,500.00   | \$9,500.00          | \$5,000.00  | \$5,000.00            | \$30,000.00  | \$30,000.00         | \$40,500.00         | \$40,500.00         |
| 2                             | S-102    | TRIMMING OF PINE TREES (6" DBH AND GREATER)             | 47  | EA   | \$160.00   | \$7,520.00          | \$425.00  | \$19,975.00           | \$250.00   | \$11,750.00         | \$300.00            | \$14,100.00         |
| 3                             | S-102    | TRIMMING OF HARDWOOD TREES (LESS THAN TEN FEET)         | 127 | EA   | \$201.00   | \$25,527.00         | \$150.00  | \$19,050.00           | \$400.00   | \$50,800.00         | \$350.00            | \$44,450.00         |
| 4                             | S-102    | TRIMMING OF HARDWOOD TREES (TEN FEET UP TO TWENTY FEET) | 86  | EA   | \$450.00   | \$38,700.00         | \$300.00  | \$25,800.00           | \$550.00   | \$47,300.00         | \$700.00            | \$60,200.00         |
| 5                             | S-102    | TRIMMING OF HARDWOOD TREES (TWENTY FEET AND GREATER)    | 7   | EA   | \$635.00   | \$4,445.00          | \$750.00  | \$5,250.00            | \$750.00   | \$5,250.00          | \$850.00            | \$5,950.00          |
| 6                             | S-102    | REMOVAL OF PINE TREES (6-INCH AND GREATER DBH)          | 35  | EA   | \$780.00   | \$27,300.00         | \$400.00  | \$14,000.00           | \$500.00   | \$17,500.00         | \$900.00            | \$31,500.00         |
| 7                             | S-102    | REMOVAL OF HARDWOOD TREES (6-INCH UP TO 12-INCH DBH)    | 118 | EA   | \$280.00   | \$33,040.00         | \$285.00  | \$33,630.00           | \$250.00   | \$29,500.00         | \$200.00            | \$23,600.00         |
| 8                             | S-102    | REMOVAL OF HARDWOOD TREES (12-INCH UP TO 24-INCH DBH)   | 117 | EA   | \$431.00   | \$50,427.00         | \$675.00  | \$78,975.00           | \$300.00   | \$35,100.00         | \$400.00            | \$46,800.00         |
| 9                             | S-102    | REMOVAL OF HARDWOOD TREES (24-INCH AND GREATER DBH)     | 20  | EA   | \$1,100.00   | \$22,000.00         | \$950.00  | \$19,000.00           | \$500.00   | \$10,000.00         | \$800.00            | \$16,000.00         |
| 10                            | S-102    | GRIND STUMP OF REMOVED TREE                             | 290 | EA   | \$52.00  | \$15,080.00         | \$45.00   | \$13,050.00           | \$35.00  | \$10,150.00         | \$70.00             | \$20,300.00         |
| 11                            | S-103    | SURVEYING   | 1   | LS   | \$17,250.00  | \$17,250.00         | \$65,450.00   | \$65,450.00           | \$55,000.00  | \$55,000.00         | \$120,000.00        | \$120,000.00        |
| 12                            | SPEC     | TRAFFIC CONTROL   | 1   | LS   | \$3,500.00   | \$3,500.00          | \$8,250.00  | \$8,250.00            | \$7,000.00   | \$7,000.00          | \$8,000.00          | \$8,000.00          |
| 13                            | S-2950.1 | PLANTING OF YAUPON HOLLY - 25 GALLON SIZE               | 33  | EA   | \$350.00   | \$11,550.00         | \$465.00  | \$15,345.00           | \$250.00   | \$8,250.00          | \$400.00            | \$13,200.00         |
| 14                            | S-2950.2 | PLANTING OF DAHOON HOLLY - 25 GALLON SIZE               | 4   | EA   | \$350.00   | \$1,400.00          | \$525.00  | \$2,100.00            | \$250.00   | \$1,000.00          | \$400.00            | \$1,600.00          |
| <b>TOTAL BASE BID AMOUNT:</b> |          |   |     |      |  | <b>\$267,239.00</b> |   | <b>\$324,875.00 *</b> |  | <b>\$318,600.00</b> |                     | <b>\$446,200.00</b> |

\* Corrected math error.

I HEREBY CERTIFY THIS TABULATION OF BIDS TO BE CORRECT.

TALBERT & BRIGHT, INC.

10/9/2015

DATE

BID TABULATION  
 RUNWAY 21 APPROACH TREE OBSTRUCTION REMOVAL  
 HILTON HEAD ISLAND AIRPORT  
 ADDITIVE BID 1  
 TBI PROJECT NO. 2119-1204  
 OCTOBER 8, 2015

| ITEM NO.                            | SPEC NO. | DESCRIPTION   | QTY | UNIT | L-J, Inc.<br>Columbia, SC<br>LICENSE NO.: 20-3736222 |                     | All Care Tree Surgery, Inc.<br>Hilton Head, SC<br>LICENSE NO.: 57-1052181 |                     | State Tree Service, LLC<br>Sumter, SC<br>LICENSE NO.: 26-0418058 |                     | Engineer's<br>Estimate |                     |
|-------------------------------------|----------|---|-----|------|--|---------------------|---|---------------------|--|---------------------|------------------------|---------------------|
|                                     |          |   |     |      | UNIT PRICE   | EXT. TOTAL          | UNIT PRICE  | EXT. TOTAL          | UNIT PRICE   | EXT. TOTAL          | UNIT PRICE             | EXT. TOTAL          |
| 1                                   | S-102    | TRIMMING OF PINE TREES (6" DBH AND GREATER)             | 5   | EA   | \$160.00   | \$800.00            | \$425.00  | \$2,125.00          | \$400.00   | \$2,000.00          | \$400.00               | \$2,000.00          |
| 2                                   | S-102    | TRIMMING OF HARDWOOD TREES (LESS THAN TEN FEET)         | 145 | EA   | \$201.00   | \$29,145.00         | \$150.00  | \$21,750.00         | \$700.00   | \$101,500.00        | \$450.00               | \$65,250.00         |
| 3                                   | S-102    | TRIMMING OF HARDWOOD TREES (TEN FEET UP TO TWENTY FEET) | 117 | EA   | \$450.00   | \$52,650.00         | \$300.00  | \$35,100.00         | \$1,000.00   | \$117,000.00        | \$700.00               | \$81,900.00         |
| 4                                   | S-102    | TRIMMING OF HARDWOOD TREES (TWENTY FEET AND GREATER)    | 19  | EA   | \$635.00   | \$12,065.00         | \$750.00  | \$14,250.00         | \$1,200.00   | \$22,800.00         | \$850.00               | \$16,150.00         |
| 5                                   | S-102    | REMOVAL OF PINE TREES (6-INCH AND GREATER DBH)          | 19  | EA   | \$780.00   | \$14,820.00         | \$400.00  | \$7,600.00          | \$500.00   | \$9,500.00          | \$900.00               | \$17,100.00         |
| 6                                   | S-102    | REMOVAL OF HARDWOOD TREES (6-INCH UP TO 12-INCH DBH)    | 11  | EA   | \$280.00   | \$3,080.00          | \$285.00  | \$3,135.00          | \$200.00   | \$2,200.00          | \$300.00               | \$3,300.00          |
| 7                                   | S-102    | REMOVAL OF HARDWOOD TREES (12-INCH UP TO 24-INCH DBH)   | 32  | EA   | \$432.00   | \$13,824.00         | \$675.00  | \$21,600.00         | \$400.00   | \$12,800.00         | \$450.00               | \$14,400.00         |
| 8                                   | S-102    | REMOVAL OF HARDWOOD TREES (24-INCH AND GREATER DBH)     | 17  | EA   | \$1,100.00   | \$18,700.00         | \$950.00  | \$16,150.00         | \$1,200.00   | \$20,400.00         | \$800.00               | \$13,600.00         |
| 9                                   | S-102    | GRIND STUMP OF REMOVED TREE                             | 79  | EA   | \$52.00  | \$4,108.00          | \$45.00   | \$3,555.00          | \$35.00  | \$2,765.00          | \$70.00                | \$5,530.00          |
| 10                                  | S-103    | SURVEYING   | 1   | LS   | \$14,000.00  | \$14,000.00         | \$18,700.00   | \$18,700.00         | \$9,400.00   | \$9,400.00          | \$110,000.00           | \$110,000.00        |
| 11                                  | SPEC     | TRAFFIC CONTROL   | 1   | LS   | \$2,500.00   | \$2,500.00          | \$4,500.00  | \$4,500.00          | \$1,000.00   | \$1,000.00          | \$3,000.00             | \$3,000.00          |
| <b>TOTAL ADDITIVE BID 1 AMOUNT:</b> |          |   |     |      |  | <b>\$165,692.00</b> |   | <b>\$148,465.00</b> |  | <b>\$301,365.00</b> |                        | <b>\$332,230.00</b> |

I HEREBY CERTIFY THIS TABULATION OF BIDS TO BE CORRECT.

TALBERT & BRIGHT, INC.

10/9/2015

DATE

BID TABULATION  
 RUNWAY 21 APPROACH TREE OBSTRUCTION REMOVAL  
 HILTON HEAD ISLAND AIRPORT  
 ADDITIVE BID 2  
 TBI PROJECT NO. 2119-1204  
 OCTOBER 8, 2015

| ITEM NO.                            | SPEC NO. | DESCRIPTION   | QTY | UNIT | L-J, Inc.<br>Columbia, SC<br>LICENSE NO.: 20-3736222 |                    | All Care Tree Surgery, Inc.<br>Hilton Head, SC<br>LICENSE NO.: 57-1052181 |                      | State Tree Service, LLC<br>Sumter, SC<br>LICENSE NO.: 26-0418058 |                    | Engineer's<br>Estimate |                    |
|-------------------------------------|----------|---|-----|------|--|--------------------|---|----------------------|--|--------------------|------------------------|--------------------|
|                                     |          |   |     |      | UNIT PRICE   | EXT. TOTAL         | UNIT PRICE  | EXT. TOTAL           | UNIT PRICE   | EXT. TOTAL         | UNIT PRICE             | EXT. TOTAL         |
| 1                                   | S-102    | TRIMMING OF HARDWOOD TREES (LESS THAN TEN FEET)         | 5   | EA   | \$160.00   | \$800.00           | \$150.00  | \$750.00             | \$700.00   | \$3,500.00         | \$500.00               | \$2,500.00         |
| 2                                   | S-102    | TRIMMING OF HARDWOOD TREES (TEN FEET UP TO TWENTY FEET) | 9   | EA   | \$450.00   | \$4,050.00         | \$300.00  | \$2,700.00           | \$1,000.00   | \$9,000.00         | \$750.00               | \$6,750.00         |
| 3                                   | S-102    | TRIMMING OF HARDWOOD TREES (TWENTY FEET AND GREATER)    | 2   | EA   | \$450.00   | \$900.00           | \$750.00  | \$1,500.00           | \$1,200.00   | \$2,400.00         | \$850.00               | \$1,700.00         |
| 5                                   | S-102    | REMOVAL OF HARDWOOD TREES (6-INCH UP TO 12-INCH DBH)    | 3   | EA   | \$280.00   | \$840.00           | \$285.00  | \$855.00             | \$200.00   | \$600.00           | \$300.00               | \$900.00           |
| 6                                   | S-102    | REMOVAL OF HARDWOOD TREES (12-INCH UP TO 24-INCH DBH)   | 4   | EA   | \$432.00   | \$1,728.00         | \$675.00  | \$2,700.00           | \$400.00   | \$1,600.00         | \$450.00               | \$1,800.00         |
| 7                                   | S-102    | REMOVAL OF HARDWOOD TREES (24-INCH AND GREATER DBH)     | 1   | EA   | \$1,100.00   | \$1,100.00         | \$1,200.00  | \$1,200.00           | \$1,200.00   | \$1,200.00         | \$800.00               | \$800.00           |
| 8                                   | S-102    | GRIND STUMP OF REMOVED TREE                             | 8   | EA   | \$52.00  | \$416.00           | \$48.00   | \$384.00             | \$35.00  | \$280.00           | \$70.00                | \$560.00           |
| 9                                   | S-103    | SURVEYING   | 1   | LS   | \$3,500.00   | \$3,500.00         | \$3,300.00  | \$3,300.00           | \$1,600.00   | \$1,600.00         | \$10,000.00            | \$10,000.00        |
| 10                                  | SPEC     | TRAFFIC CONTROL   | 1   | LS   | \$1,800.00   | \$1,800.00         | \$1,250.00  | \$1,250.00           | \$1,000.00   | \$1,000.00         | \$3,000.00             | \$3,000.00         |
| <b>TOTAL ADDITIVE BID 2 AMOUNT:</b> |          |   |     |      |  | <b>\$15,134.00</b> |   | <b>\$14,639.00 *</b> |  | <b>\$21,180.00</b> |                        | <b>\$28,010.00</b> |

|  |                     |                     |                     |                     |
|--|---------------------|---------------------|---------------------|---------------------|
| TOTAL BASE BID AMOUNT:   | \$267,239.00        | \$324,875.00 *      | \$318,600.00        | \$446,200.00        |
| TOTAL ADDITIVE BID 1 AMOUNT:                                   | \$165,692.00        | \$148,465.00        | \$301,365.00        | \$332,230.00        |
| TOTAL ADDITIVE BID 2 AMOUNT:                                   | \$15,134.00         | \$14,639.00 *       | \$21,180.00         | \$28,010.00         |
| TOTAL BID AMOUNT (BASE BID + ADDITIVE BID 1 + ADDITIVE BID 2): | <b>\$448,065.00</b> | <b>\$487,979.00</b> | <b>\$641,145.00</b> | <b>\$806,440.00</b> |
| DBE AMOUNT:  | \$30,000.00         | \$69,450.00         | \$49,000.00         |                     |
| DBE PERCENTAGE (PERCENTAGE OF TOTAL BID):                      | 6.70% *             | 14.23%              | 7.64%               |                     |

\* Corrected math error.

I HEREBY CERTIFY THIS TABULATION OF BIDS TO BE CORRECT.

TALBERT & BRIGHT, INC.

10/9/2015  
DATE

**WORK AUTHORIZATION FOR TBE 2119-1504  
RUNWAY 21 APPROACH TREE OBSTRUCTION REMOVAL  
CONSTRUCTION PHASE PROFESSIONAL SERVICES  
HILTON HEAD ISLAND AIRPORT  
DECEMBER 4, 2015**

**CONSTRUCTION ADMINISTRATION**

Includes providing professional construction contract administration services during the construction contract. This includes conduct Preconstruction Conference and transmit meeting minutes, review of submittals/shop drawings, site visits during construction, conduct progress meetings and transmit meeting minutes, answer questions and review Contractor change requests during construction, process Contractor pay requests during construction, conduct final inspection and transmit punchlist items, prepare record drawings and coordinate final improvements with FAA, final Engineer's Report, project closeout documents.

**RESIDENT PROJECT REPRESENTATIVE**

Includes providing resident project representative (construction observation) services required by the FAA during construction. This primarily includes providing a resident construction observer while the Contractor is onsite working to observe the Contractor's work activities and finished work. The contract budget not-to-exceed amount includes providing a full-time resident construction observer while the Contractor is onsite working during this project. However, TBE will endeavor to provide one (1) resident construction observer to overlap both the Runway 3 Approach Tree Obstruction Removal and the Runway 21 Approach Tree Obstruction Removal projects to the maximum extent possible. The resident construction observer will also verify quantities of completed work by the Contractor that are eligible for inclusion on each Contractor pay request.