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CLERK TO COUNCIL

AGENDA

FINANCE COMMITTEE
Monday, November 24, 2014
2:00 p.m.

Conference Room, Building 3
Beaufort Industrial Village
104 Industrial Village Road, Beaufort

Committee Members:

Rick Caporale, Chairman
Steve Fobes, Vice Chairman
Brian Flewelling
William McBride
Stu Rodman
Jerry Stewart

Staff Support

Alicia Holland, Chief Financial Officer

1. CALL TO ORDER – 2:00 P.M.
2. SUB-COMMITTEE REPORT ON COMPENSATION
Councilman Laura Von Harten
3. FOLLOW-UP / FY-15 BUDGET UPDATE
Mrs. Alicia Holland, Chief Financial Officer
4. DISCUSSION OF CURRENT IMPACT FEES
(procedures) (fire) (library) (parks) (roads north) (roads south)
5. HILTON HEAD AIRPORT - MITCHELVILLE EXHIBIT TO STATE MUSEUM
6. 2016-2020 AIRPORT CAPITAL IMPROVEMENT PROJECT LISTS
(arw) (hxd)
7. ADJOURNMENT

2014 Strategic Plan: Committee Assignments

Budget Document/Process and Financial Reporting: Revision

Debt Reserve Policy (*Goal Accomplished, April 2014*)

General Fund Fund Balance Policy (*Goal Accomplished, April 2014*)

Mitchelville Historic Site Development: Funding (*Status November 2014, Mitchelville to Develop a Business Plan*)



ARTICLE II. - DEVELOPMENT IMPACT FEE PROCEDURES

FOOTNOTE(S):

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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.

- (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](#))

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 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/ 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 | Building official | Concurrent with plan review |

| | | | |
|-----|--|---|--|
| | proposed development project | | |
| 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/ applicant | Upon issuance of building/development permit |
| 10. | Issue receipt for fire facilities impact fee paid | Building official | upon issuance of 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 | 1.0 EDU | 0.8 EDU | 0.5 EDU | 0.1 EDU |

| | | | | |
|-------------------------|---------|---------|----------|----------|
| Occupancy | | | | |
| 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 V. - LIBRARY FACILITIES

FOOTNOTE(S):

--- (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. [\(Back\)](#)

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 | Building official | Concurrent with plans review |

| | | | |
|----|--|--|---|
| | development [number of DUs] | | |
| 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 Table 82-116. Alternative: development agreement, if sought by applicant | Building official Planning Department | Concurrent with plans review Extension of time, as may be necessary |
| 6. | Payment of total library facilities development impact fee | Developer/applicant | Upon issuance of building/development permit |
| 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

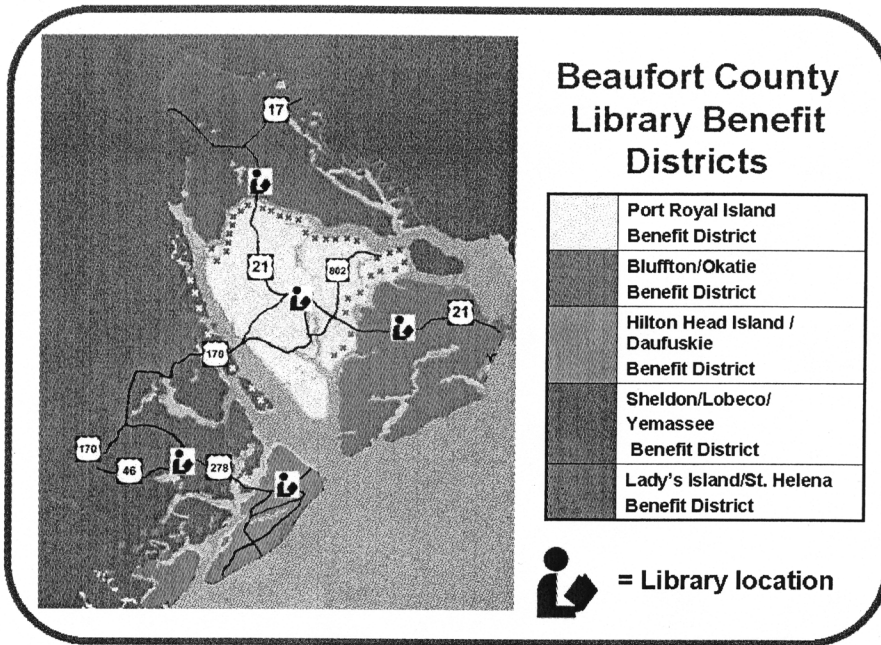


FIGURE 82-119

(c) *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 III. - PARKS AND RECREATION FACILITIES

FOOTNOTE(S):

--- (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

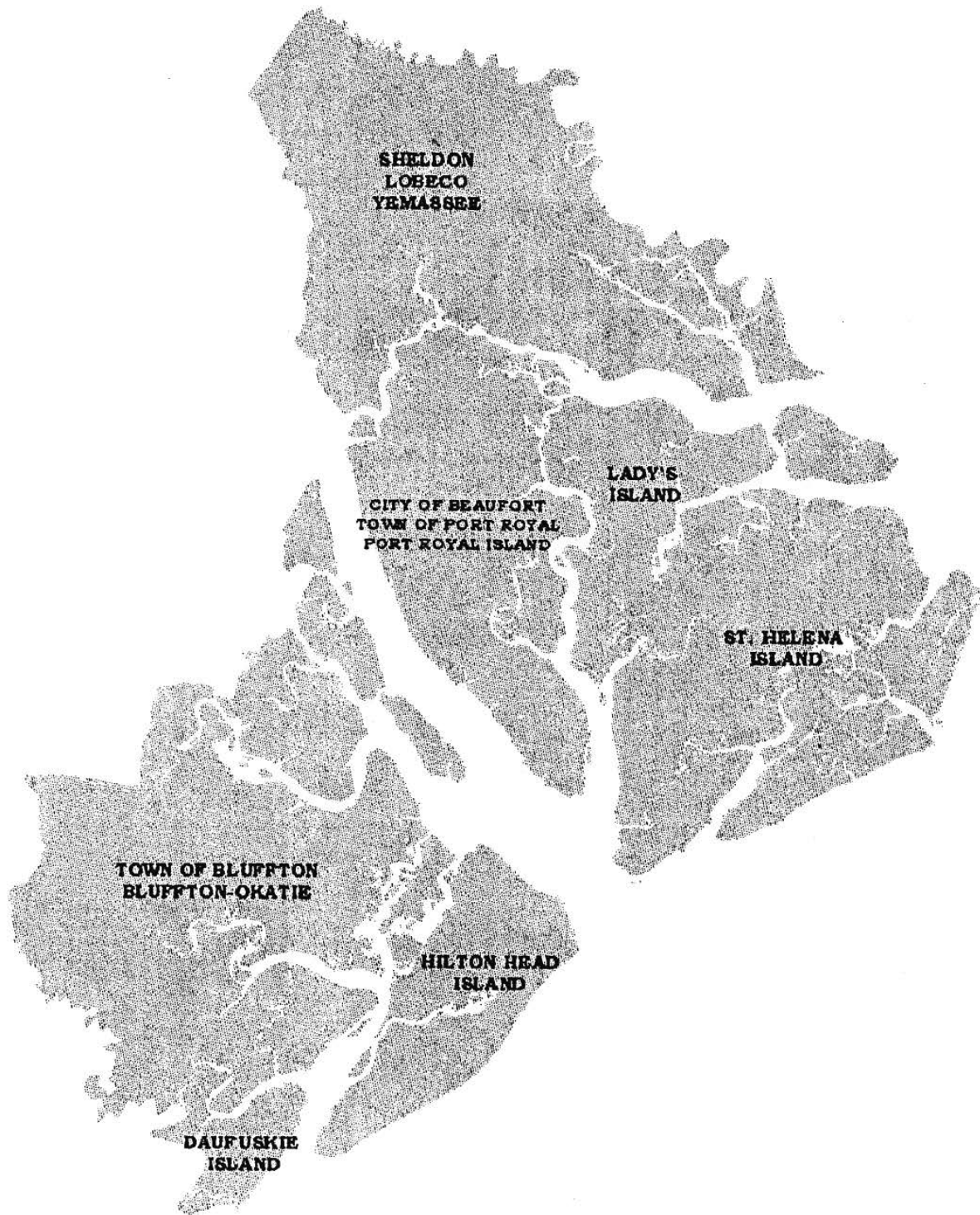


FIGURE 82-54

[\(Ord. No. 2006-24, 10-23-2006\)](#)

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 (All Types) |
|---|--------------------------------------|
| Service Area | For the Period 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 | Building official | Concurrent with plans review |

| | | | |
|----|---|--|---|
| | area | | |
| 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 Table 82-56. Alternative: development agreement, if sought by applicant | Building official Planning Department | Concurrent with plan review Extension of time, as may be necessary |
| 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 VII. - ROAD FACILITIES—NORTHERN BEAUFORT COUNTY

Sec. 82-151. - Geographic application of road facility development impact fees.

The road facility development impact fees shall be applicable county-wide throughout the service area, including within all unincorporated areas of the county and, via intergovernmental agreements, within all incorporated municipalities in northern Beaufort County, those being the City of Beaufort and Town of Port Royal.

([Ord. No. 2004/35, § 1\(1\), 10-11-2004](#))

Sec. 82-152. - Road facilities costs.

- (a) Pursuant to this article, and in accordance with the Beaufort County impact fee procedures, the South Carolina Development Impact Fee Act and the Beaufort County adopted capital improvements plan for roads in northern Beaufort County, incorporated herein by reference, road facilities development impact fees shall be imposed and collected in northern Beaufort County, pursuant to appropriate intergovernmental agreements between the county and municipalities therein, as necessary, in accordance with the cost per vehicle trip/day (VT/D) as set forth below, and in accordance with the vehicle trips/day, by land use type, as published in the ITE trip generation manual and in accordance with the road facilities development impact fee calculation formula, incorporated herein.

Table 1
Road Facilities Cost Per VT/D by Service Area

| Service Area | Cost Per Vehicle Trip End Per Day* |
|--------------------------|------------------------------------|
| Northern Beaufort County | \$81.00** |

*See Exhibit "A", on file with the City Clerk, which sets forth the formula for calculating the road facilities impact fee for northern Beaufort County.

**After application of a 50 percent discount rate.

- (b) The developer of any proposed development project including nonresidential development, in whole or in part, may apply to the county for permission to perform an individual traffic impact assessment to determine the trip generation characteristics and rates specifically applicable to the nonresidential land uses included in the proposed development project. If the developer elects to perform an individual traffic impact assessment, it shall be performed by a qualified traffic engineering firm with experience in the performance of such analyses. The developer shall be responsible at his sole expense for preparing the analysis and submitting it to the county for review in a timely manner. The independent traffic impact analysis shall explain in detail the methodology used. It shall be supported by professionally acceptable data and assumptions and shall describe in detail why the VT/D schedule and calculation formula as described herein are not appropriate for the particular proposed development project. The independent traffic impact analysis shall be subject to review and approval by the county, acting through the county engineer who may, at his discretion, seek the advice of other county staff and officials, or outside consultants, if deemed necessary.

([Ord. No. 2004/35, § 1\(2\), 10-11-2004](#))

Sec. 82-153. - Imposition and calculation of road facilities development impact fees.

- (a) Upon the effective date of this article, the road facilities development impact fee for northern Beaufort County shall be imposed on and collected from 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 northern Beaufort County pursuant to an intergovernmental agreement, 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 is received by the appropriate county or municipal staff/official, the staff/official shall determine:
 - (1) The number and type 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) The type and square footage of nonresidential development proposed;
 - (4) The number of vehicle trips/day generated by the proposed residential or nonresidential development pursuant to the ITE Trip Generation Manual; and
 - (5) Whether the applicant has applied for the preparation of an independent traffic impact analysis pursuant to section 82-152(b), above, to be submitted to the county for review.
- (c) The appropriate county or municipal staff/officials shall then multiply the vehicle trips/day generated by the proposed amount and type of residential or nonresidential land use pursuant to ITE trip generation rates by the applicable cost per vehicle trip/day in northern Beaufort County service area to derive a total road facility development impact fee cost due for the proposed development pursuant to the calculation formula set forth in exhibit "A", on file with the city clerk.
- (d) The procedure for timely processing of building permit 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 82-156) and/or county remedies (see section 82-157) are triggered, or unless a development agreement is sought by the applicant (see section 82-155), or unless an independent traffic impact analysis is performed by the developer (see section 82-152(b) and subsection (b), above).

| 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 DU's) and nonresidential development (square feet of GFA by type of development); see classification in ITE Trip Generation Manual for conversion | Building official | Concurrent with plans review |

| | | | |
|-----|---|---|--|
| | to VT/D | | |
| 4. | Determination of the number and type of affordable housing units, if any | Referral to planning department | Concurrent with plans review |
| 5. | Multiply number of DU'S/EDU's by applicable VT/D conversion rate ITE rates to derive total number of VT/D generated by the proposed development project | Building official | Concurrent with plan review |
| 5A. | Alternative: Independent traffic generation impact analysis | Applicant; review by county engineer and other county departments as needed | Extension of time, as may be necessary |
| 5B. | Alternative: Development agreement, if sought by applicant | Planning department | Extension of time, as may be necessary |
| 6. | Multiply total number of VT/D by applicable cost per VTID, by appropriate service area, per Table 1 in section 82-152(a) to derive total road facilities development impact fee due | Building official | Concurrent with plan review |
| 7. | Payment of total road facilities development impact fee for development project | Developer/applicant | Upon issuance of building/development permit |
| 8. | Issue receipt for road facilities development | Building official | Upon issuance of impact fee paid building/development permit |
| 9. | Transfer of road facilities development impact fee revenues collected to county finance department for placement in appropriate account | Building official | Following issuance of building/development permit |

- (e) If the proposed residential development includes affordable housing, the road 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.
- (f) Proposed change of use of building or structure; or renovation or rehabilitation which adds residential dwelling units and/or nonresidential square footage: determine only the additional road facilities demand resulting from the change of use or the additional residential DU's and/or nonresidential EDU's 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 change in 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.
- (h) The provisions herein shall be applicable to all development, residential, and nonresidential, as of the effective date herein, except for residential projects that have submitted complete applications for building permits along with complete plans and specifications as of January 1, 2005, and except for nonresidential projects that have received all final approvals from the Beaufort County Development Review Team as of January 1, 2005, and for which complete plans have been submitted and are under review by the Building Inspection Department as of January 1, 2005.

([Ord. No. 2004/35, § 1\(3\), 10-11-2004](#))

Sec. 82-154. - Expenditure of fees for system improvements.

All road facilities development impact fees collected pursuant to this article shall be used for system improvements as set forth in the county's adopted capital improvements plan for roads in northern Beaufort County. System improvements generally include, but are not limited to, 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, longevity and durability.

([Ord. No. 2004/35, § 1\(4\), 10-11-2004](#))

Sec. 82-155. - Development agreement option.

- (a) The developer may pay the road facilities development impact fee, as calculated pursuant to section 82-153, 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 pursue an agreement with the county pursuant to the South Carolina 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.
- (c) 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.
- (d) A development impact fee may not be imposed on a developer who has entered into a development agreement with the county and/or municipality if the land dedications, system improvements or the like undertaken by the developer per the agreement equates to the impact fees that would have been payable by the developer.

- (e) 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. 2004/35, § 1\(5\), 10-11-2004](#))

Sec. 82-156. - 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 or city manager or town administrator as may be applicable with respect to a municipal or county 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 Beaufort County Impact Fee Procedures Ordinance. If the appeal follows payment of the development impact fee, it must be made within thirty (30) days of the date of fee payment. The filing of an appeal will immediately halt the application 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 or municipality-calculated development 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 development 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 payor) as well as the county and only to address a disagreement related to the road facilities development impact fee, 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 herein, or other remedies available by law.

([Ord. No. 2004/35, § 1\(6\), 10-11-2004](#))

Sec. 82-157. - County remedies.

The county, pursuant to the Act and the Beaufort County Impact Fee Procedures Ordinance, 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 Ordinance.

- (a) *Interest and penalties.* The county may, at its discretion, add to the amount of the calculated road facilities development impact fee due, reasonable interest and penalties for non-payment 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 (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 road facilities development impact fee due.
- (c) *Withholding of utility service.* The county (or municipality) may withhold the provision of utility services to a proposed development project until the required road 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 road facilities development impact fee in full.
- (e) The county (or municipality) may pursue any 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 (or municipality) rights to pursue any remedy or remedies at such other time as may be deemed appropriate.

[\(Ord. No. 2004/35, § 1\(7\), 10-11-2004 \)](#)

Sec. 82-158. - Intergovernmental agreement.

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

- (a) Specify the system improvement to be made in the municipality, the municipality's consent thereto and acknowledgement of its not currently providing the service or function, or having budgeted for the same, that is to be provided by the county with the road impact fee;
- (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 the adopted capital improvements plan for roads in northern Beaufort County.

[\(Ord. No. 2004/35, § 1\(8\), 10-11-2004 \)](#)

Sec. 82-159. - Termination of the fee.

The road development impact fees shall be terminated at the earlier of twenty (20) years after the effective date of this ordinance, or when sufficient fees have been collected to fund the identified projects, 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 act.

[\(Ord. No. 2004/35, § 1\(9\), 10-11-2004 \)](#)

Sec. 82-160. - 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. 2004/35, § 1\(10\), 10-11-2004 \)](#)

ARTICLE IV. - ROAD FACILITIES—SOUTHERN BEAUFORT COUNTY SERVICE AREA

FOOTNOTE(S):

--- (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

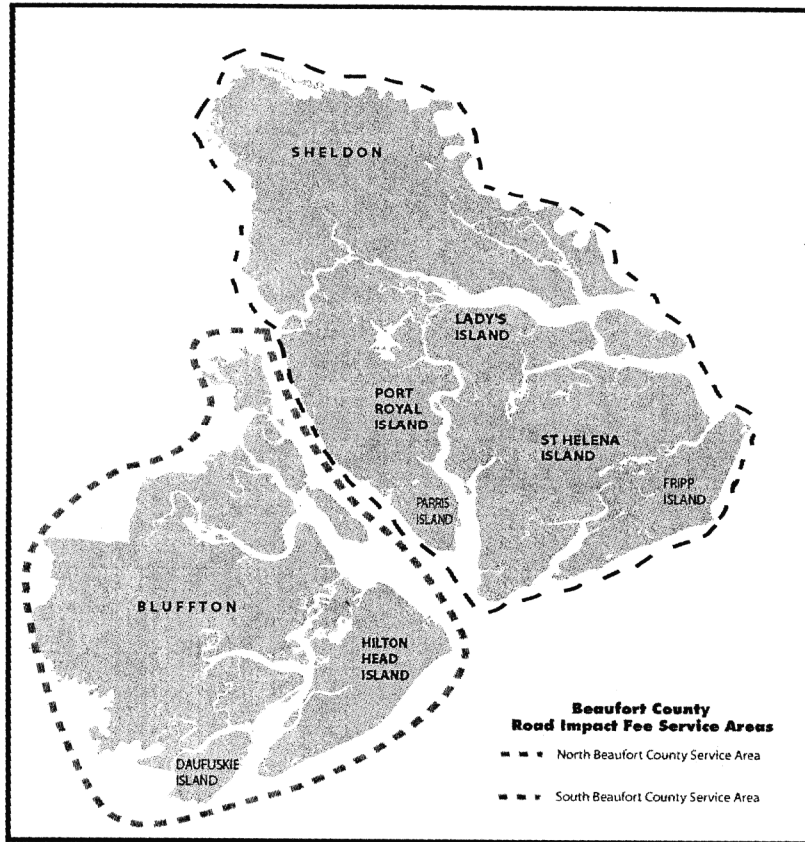


FIGURE 82-84

([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 |
| 6. | If Individual Assessment of Development Impact not requested, or if rejected, 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 account | Building official | Following issuance of building/development permit |

- (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 46 - 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 46 | Major Collector | 2 | no |
| SC 46 - Bluffton Road | Calhoun St. to US 278 | Minor Arterial | 2/4 | no |
| SC 170 - Okatie Highway | SC 46 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 46 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 46 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 46 | Minor Collector | 2 | no |

| | | | | |
|---|----------------------|-----------------|---|----|
| Old Miller Road | SC 46 to Grande Oaks | Minor Collector | 2 | no |
| Source: Beaufort County Engineering Department; Hilton Head Island Engineering Department | | | | |

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

| <i>Other Arterial Road Network Capacity Improvements</i> | | |
|--|---------------------------------------|--------------|
| Bluffton Parkway - Simmonsville Road to SC 170 | New Construction, 4-lanes with median | 7,440,000 |
| 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 AIRPORT (ARW)

NPIAS 45-0008
CITY: Beaufort, South Carolina

AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)
FUNDING SCENARIO (FY '15 to '20)

| FISCAL YEAR | PROJECT DESCRIPTION | TOTAL EST. COST | FAA SHARE | ENTITLEMENT FUNDS | DISCRETIONARY FUNDS | STATE SHARE | LOCAL SHARE |
|--------------------|--|------------------------|--------------------|--------------------------|----------------------------|--------------------|--------------------|
| 15 | Runway 07 Tree Removal Phase III (Construction and Mitigation) | \$800,000 | \$720,000 | \$140,000 | \$580,000 | \$40,000 | \$40,000 |
| | SWPPP (Reimbursement) | \$10,618 | \$10,000 | \$10,000 | \$0 | \$0 | \$618 |
| | Runway Safety Area Improvements and Partial Parallel Taxiway Extension (EA/Permit) | \$450,000 | \$405,000 | \$0 | \$405,000 | \$22,500 | \$22,500 |
| | Total | \$1,260,618 | \$1,135,000 | \$150,000 | \$985,000 | \$62,500 | \$63,118 |
| 16 | Runway Safety Area Improvements (Design) | \$600,000 | \$540,000 | \$150,000 | \$390,000 | \$30,000 | \$30,000 |
| | Parking Lot Relocation and Utility Connection to Terminal (Design) | \$100,000 | \$90,000 | \$0 | \$90,000 | \$5,000 | \$5,000 |
| | 3-Year DBE Plan | \$10,000 | \$9,000 | \$0 | \$9,000 | \$500 | \$500 |
| | Total | \$710,000 | \$639,000 | \$150,000 | \$489,000 | \$35,500 | \$35,500 |
| 17 | Runway Safety Area Improvements (Construction) | \$3,370,000 | \$3,033,000 | \$150,000 | \$2,883,000 | \$168,500 | \$168,500 |
| | Parking Lot Relocation and Utility Connection to Terminal (Construction) | \$650,000 | \$585,000 | \$0 | \$585,000 | \$32,500 | \$32,500 |
| | Total | \$3,370,000 | \$3,033,000 | \$150,000 | \$2,883,000 | \$168,500 | \$168,500 |
| 18 | Partial Parallel Taxiway and Apron Expansion (Design) | \$200,000 | \$180,000 | \$150,000 | \$30,000 | \$10,000 | \$10,000 |
| | Helipad (Design and Construction) | \$75,000 | \$67,500 | \$0 | \$67,500 | \$3,750 | \$3,750 |
| | Total | \$275,000 | \$247,500 | \$150,000 | \$97,500 | \$13,750 | \$13,750 |
| 19 | Partial Parallel Taxiway and Apron Expansion (Construction) | \$1,200,000 | \$1,080,000 | \$150,000 | \$930,000 | \$60,000 | \$60,000 |
| | New Terminal Building (Design and Construction) | \$1,000,000 | \$0 | \$0 | \$0 | \$300,000 | \$700,000 |
| | 3-Year DBE Plan | \$10,000 | \$9,000 | \$0 | \$9,000 | \$500 | \$500 |
| | Total | \$2,210,000 | \$1,089,000 | \$150,000 | \$939,000 | \$360,500 | \$760,500 |
| 20 | Hangar Development Area (Between Terminal and Existing T-Hangars) | \$350,000 | \$315,000 | \$150,000 | \$165,000 | \$17,500 | \$17,500 |
| | Total | \$350,000 | \$315,000 | \$150,000 | \$165,000 | \$17,500 | \$17,500 |

| | | | | | | |
|--------------------|--------------------|--------------------|------------------|--------------------|------------------|--------------------|
| GRAND TOTAL | \$8,175,618 | \$6,458,500 | \$900,000 | \$5,558,500 | \$658,250 | \$1,058,868 |
|--------------------|--------------------|--------------------|------------------|--------------------|------------------|--------------------|

**PARALLEL TAXIWAY AND APRON EXPANSION
DESIGN - FY 2018
CONSTRUCTION - FY 2019**

**RSA IMPROVEMENTS
DESIGN - FY 2016
CONSTRUCTION - FY 2017**

**NEW TERMINAL EXPANSION
FY 2019**

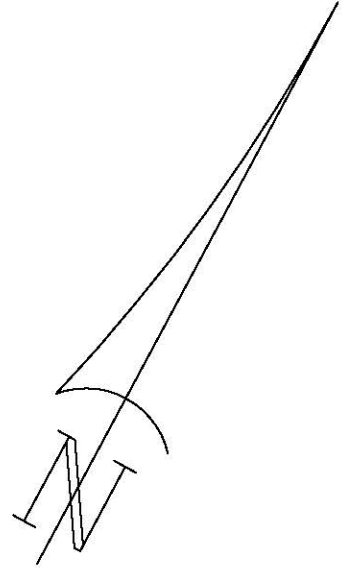
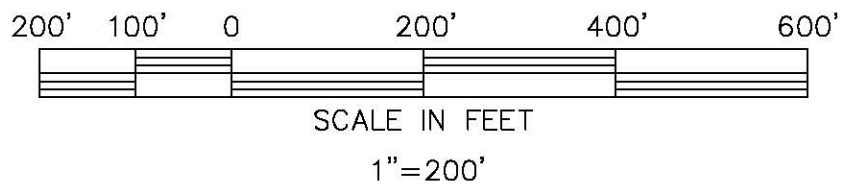
**HELIPAD
FY 2018**

**HANGAR DEVELOPMENT
AREA - FY 2020**

**PARKING LOT RELOCATION AND UTILITY CONNECTION TO TERMINAL
DESIGN - FY 2016
CONSTRUCTION - FY 2017**

**DBE PLAN 2016-2018
FY 2016**

**DBE PLAN 2019-2021
FY 2019**



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**CAPITAL IMPROVEMENT PROGRAM (CIP)
2016-2020 PROJECT LISTING
BEAUFORT COUNTY AIRPORT**

**PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION**

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| Designed | |
| Date | OCT. 2014 |
| Scale | AS SHOWN |
| Drawn | MWP |
| Checked | |
| Project No. | |
| Sheet No. | |

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OF 1**

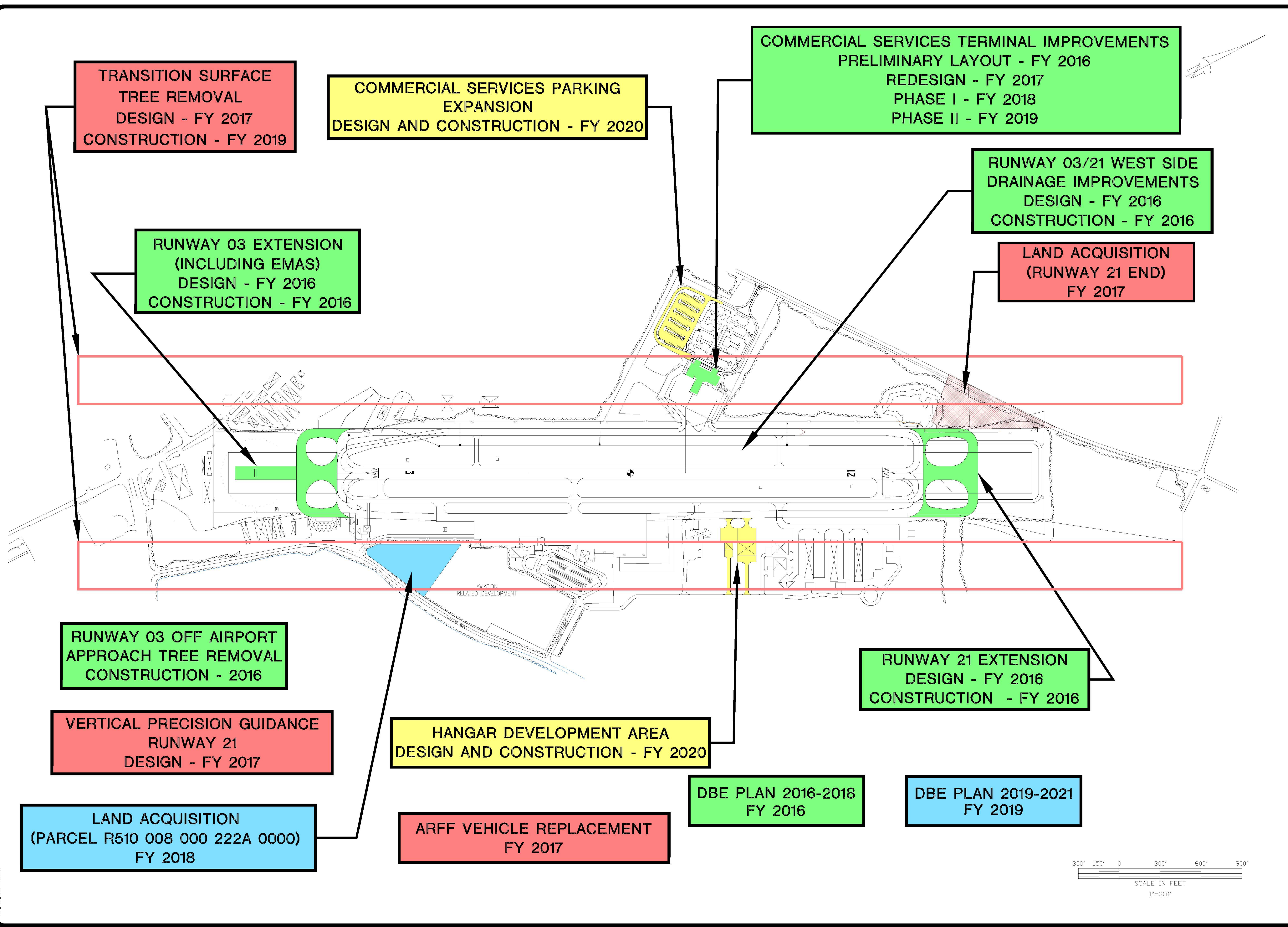
CIP_NEW_2016-2020.dwg

HILTON HEAD ISLAND AIRPORT (HXD)

NPIAS 45-0030
CITY: Hilton Head Island, South Carolina

**AIRPORT CAPITAL IMPROVEMENT PROGRAM (ACIP)
 FUNDING SCENARIO (FY '15 to '20)**

| FISCAL YEAR | PROJECT DESCRIPTION | TOTAL EST. COST | FAA SHARE | ENTITLEMENT FUNDS | DISCRETIONARY FUNDS | STATE SHARE | LOCAL SHARE |
|--------------------|--|------------------------|---------------------|--------------------------|----------------------------|--------------------|--------------------|
| 15 | Land Acquisition (Runway 03 End) | \$3,600,000 | \$3,240,000 | \$0 | \$3,240,000 | \$180,000 | \$180,000 |
| | Taxiway 'A' Relocation, Ramp Expansion (Construction) | \$3,200,000 | \$2,880,000 | \$1,000,000 | \$1,880,000 | \$160,000 | \$160,000 |
| | Taxiway 'F' Realignment (Construction) | \$1,200,000 | \$1,080,000 | \$0 | \$1,080,000 | \$60,000 | \$60,000 |
| | Total | \$8,000,000 | \$7,200,000 | \$1,000,000 | \$6,200,000 | \$400,000 | \$400,000 |
| 16 | Runway 03 Off Airport Approach Tree Removal (Construction and Mitigation) | \$1,500,000 | \$1,350,000 | \$1,000,000 | \$350,000 | \$75,000 | \$75,000 |
| | Runway 03/21 Extension (Including EMAS) and West Side Drainage Improvements (Design and Bidding) - Reimbursement | \$650,000 | \$585,000 | \$0 | \$585,000 | \$32,500 | \$32,500 |
| | Runway 03/21 Extension (Including EMAS) (Construction) | \$8,600,000 | \$7,740,000 | \$0 | \$7,740,000 | \$430,000 | \$430,000 |
| | West Side Drainage Improvements (Construction) | \$1,600,000 | \$1,440,000 | \$0 | \$1,440,000 | \$80,000 | \$80,000 |
| | Preliminary Terminal Layout | \$250,000 | \$225,000 | \$0 | \$225,000 | \$12,500 | \$12,500 |
| | 3-Year DBE Plan | \$10,000 | \$9,000 | \$0 | \$9,000 | \$500 | \$500 |
| | Total | \$12,610,000 | \$11,349,000 | \$1,000,000 | \$10,349,000 | \$630,500 | \$630,500 |
| 17 | Transition Surface Tree Removal (Design Services Only) | \$300,000 | \$270,000 | \$167,500 | \$102,500 | \$15,000 | \$15,000 |
| | ARFF Vehicle Replacement | \$350,000 | \$315,000 | \$315,000 | \$0 | \$17,500 | \$87,500 |
| | VPG Runway 21 (Design Services Only) | \$75,000 | \$67,500 | \$67,500 | \$0 | \$3,750 | \$3,750 |
| | Terminal Expansion (Redesign) | \$500,000 | \$450,000 | \$450,000 | \$0 | \$25,000 | \$25,000 |
| | Land Acquisition (Runway 21 End) - Reimbursement | \$5,100,000 | \$4,590,000 | \$0 | \$4,590,000 | \$255,000 | \$255,000 |
| Total | \$6,325,000 | \$5,692,500 | \$1,000,000 | \$4,692,500 | \$316,250 | \$386,250 | |
| 18 | Land Acquisition (Parcel R510 008 000 222A 0000) | \$1,450,000 | \$1,305,000 | \$1,000,000 | \$305,000 | \$72,500 | \$72,500 |
| | Terminal Expansion - Phase I (Construction) | \$5,000,000 | \$4,500,000 | \$0 | \$4,500,000 | \$250,000 | \$250,000 |
| Total | \$6,450,000 | \$5,805,000 | \$1,000,000 | \$4,805,000 | \$322,500 | \$322,500 | |
| 19 | Transition Surface Tree Removal (Construction and Mitigation) | \$1,700,000 | \$1,530,000 | \$1,000,000 | \$530,000 | \$85,000 | \$85,000 |
| | Terminal Expansion - Phase II (Construction) | \$5,000,000 | \$4,500,000 | \$0 | \$4,500,000 | \$250,000 | \$250,000 |
| | 3-Year DBE Plan | \$10,000 | \$9,000 | \$0 | \$0 | \$500 | \$500 |
| Total | \$6,710,000 | \$6,039,000 | \$1,000,000 | \$5,030,000 | \$335,500 | \$335,500 | |
| 20 | Commercial Services Parking Expansion | \$1,700,000 | \$1,530,000 | \$1,000,000 | \$530,000 | \$85,000 | \$85,000 |
| | Hangar Development Area Site Prep (Between ARFF and ATCT) | \$3,178,000 | \$2,860,200 | \$0 | \$2,860,200 | \$158,900 | \$158,900 |
| Total | \$4,878,000 | \$4,390,200 | \$1,000,000 | \$3,390,200 | \$243,900 | \$243,900 | |
| GRAND TOTAL | | \$44,973,000 | \$40,475,700 | \$6,000,000 | \$34,466,700 | \$2,248,650 | \$2,318,650 |



**TRANSITION SURFACE
TREE REMOVAL
DESIGN - FY 2017
CONSTRUCTION - FY 2019**

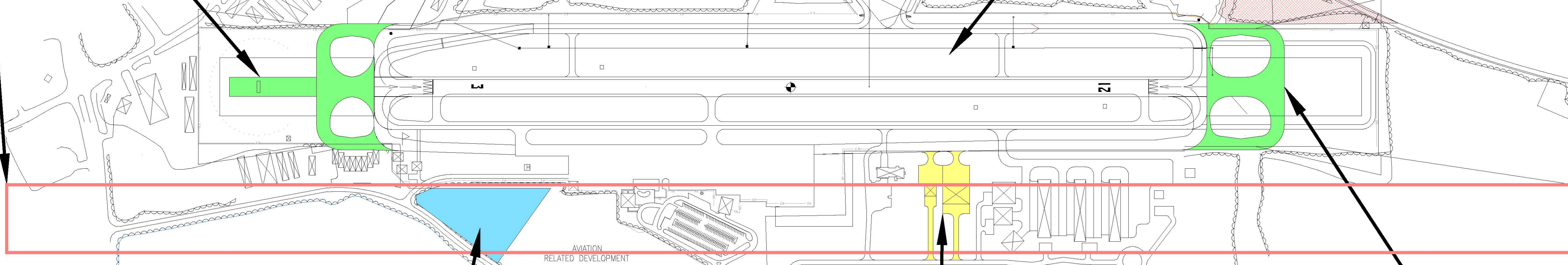
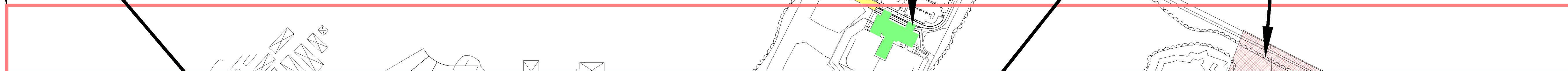
**COMMERCIAL SERVICES PARKING
EXPANSION
DESIGN AND CONSTRUCTION - FY 2020**

**COMMERCIAL SERVICES TERMINAL IMPROVEMENTS
PRELIMINARY LAYOUT - FY 2016
REDESIGN - FY 2017
PHASE I - FY 2018
PHASE II - FY 2019**

**RUNWAY 03/21 WEST SIDE
DRAINAGE IMPROVEMENTS
DESIGN - FY 2016
CONSTRUCTION - FY 2016**

**LAND ACQUISITION
(RUNWAY 21 END)
FY 2017**

**RUNWAY 03 EXTENSION
(INCLUDING EMAS)
DESIGN - FY 2016
CONSTRUCTION - FY 2016**



**RUNWAY 03 OFF AIRPORT
APPROACH TREE REMOVAL
CONSTRUCTION - 2016**

**RUNWAY 21 EXTENSION
DESIGN - FY 2016
CONSTRUCTION - FY 2016**

**VERTICAL PRECISION GUIDANCE
RUNWAY 21
DESIGN - FY 2017**

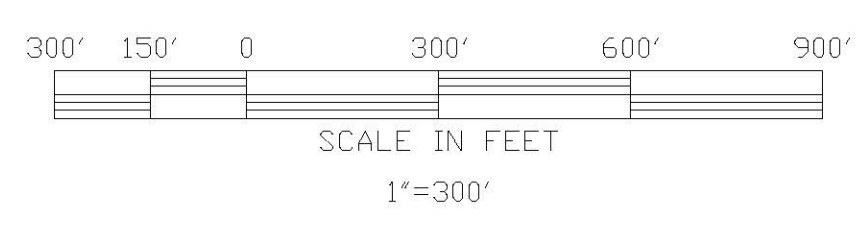
**HANGAR DEVELOPMENT AREA
DESIGN AND CONSTRUCTION - FY 2020**

**DBE PLAN 2016-2018
FY 2016**

**DBE PLAN 2019-2021
FY 2019**

**LAND ACQUISITION
(PARCEL R510 008 000 222A 0000)
FY 2018**

**ARFF VEHICLE REPLACEMENT
FY 2017**



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CAPITAL IMPROVEMENT PROGRAM (CIP)
2016-2020 PROJECT LISTING
HILTON HEAD ISLAND AIRPORT

**PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION**

Designed: _____
Date: OCT. 2014
Scale: AS SHOWN
Drawn: MWP
Checked: _____
Project No.: _____
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OF **1**