

**LANCASTER COUNTY ORDINANCE 2021-1705**

**AN ORDINANCE ADOPTING PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING FOR THE ESTABLISHMENT OF IMPACT FEE ACCOUNTS; PROVIDING FOR THE APPROPRIATION OF IMPACT FEE FUNDS; PROVIDING FOR REFUNDS; PROVIDING FOR APPEALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the County is authorized to establish and impose impact fees on new development to finance public facilities necessitated by such development; and

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** that the following impact fee procedures and requirements are set forth and are applicable to new development, as set forth herein:

## SECTION I. PURPOSE AND INTENT

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

- A. Establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of impact fees imposed on new development;
- B. Implement the goals, objectives, and policies of the Lancaster County Comprehensive Plan relating to assuring that new development contributes towards the costs of public facilities reasonably necessitated by such new development;
- C. Ensure that new development is benefitted by the provision of the public facilities funded, in whole or in part by the impact fees;
- D. Ensure that all applicable legal standards and criteria are incorporated in these procedures.

## SECTION II. DEFINITIONS.

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

- A. **Appropriation or to Appropriate:** An action by the County Council or the applicable service provider to identify specific public facilities for which impact fee funds may be utilized. Appropriation shall include, but shall not necessarily be limited to: inclusion of a public facility in the capital improvements plan for the particular impact fee prepared in accordance with S.C. Code Ann. § 6-1-910, *et seq.*, as amended, the South Carolina Development Impact Fee Act; execution of a contract or other legal encumbrance for construction of a public facility using impact fee funds in whole or in part; and actual expenditure of impact fee funds through payments made from an impact fee account for public facilities in the capital improvements plan
- B. **Capital Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(2), as amended
- C. **Capital Improvements Plan:** Has the meaning established in S.C. Code Ann. § 6-1-920(3), as amended
- D. **Developer:** Has the meaning established in S.C. Code Ann. § 6-1-920(5), as amended
- E. **Development:** Has the meaning established in S.C. Code Ann. § 6-1-920(6), as amended
- F. **Development Impact Fee or Impact Fee:** Has the meaning established in S.C. Code Ann. § 6-1-920(8), as amended.
- G. **Director:** The Development Services Director or a designee.
- H. **District or Impact Fee District:** A defined geographic area or subarea of the County which serves as the service area within which particular impact fees are collected, appropriated, and expended for public facility system improvements that are identified in the Capital Improvement Plan for the public facility.
- I. **Fee payor:** Has the meaning established in S.C. Code Ann. § 6-1-920(10), as amended

- J. **Governmental Entity:** Has the meaning established in S.C. Code Ann. § 6-1-920(11), as amended.
- K. **Impact Fee District Map:** The map(s) defining the geographical extent of the impact fee districts and subdistricts for each adopted impact fee, as may be necessary.
- L. **Level of Service:** Has the meaning established in S.C. Code Ann. § 6-1-920(14), as amended
- M. **Multiple Uses:** A new development consisting of both residential and non-residential uses or one (1) or more different types of non-residential uses on the same site or part of the same new development.
- N. **Proportionate Share:** Has the meaning established in S.C. Code Ann. §§ 6-1-920(17) and -990, as amended
- O. **Public Facilities:** Has the meaning established in S.C. Code Ann. § 6-1-920(18), as amended.
- P. **Service Area:** Has the meaning established in S.C. Code Ann. § 6-1-920(19), as amended
- Q. **Service Unit:** Has the meaning established in S.C. Code Ann. § 6-1-920(20), as amended
- R. **Successor in Interest:** A person who gains a fee simple interest in land for which an impact fee is paid, or an offset is approved, pursuant to the terms of this Ordinance.
- S. **System Improvements:** Has the meaning established in S.C. Code Ann. § 6-1-920(21), as amended
- T. **System Improvements Costs:** Has the meaning established in S.C. Code Ann. § 6-1-920(22), as amended,

### SECTION III. DEVELOPMENT IMPACT FEE SCHEDULE

#### A. Residential Development Impact Fee Schedule.

##### 1. Residential Development Impact Fee Schedule Table

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Total Fee
<b>Residential (per housing unit)</b>					
Single Family Detached	\$731	\$126	\$166	\$1,184	<b>\$2,207</b>
Single Family Attached	\$621	\$107	\$141	\$1,006	<b>\$1,875</b>
Multifamily	\$519	\$90	\$118	\$841	<b>\$1,568</b>

##### 2. Residential Development Impact Fee Schedule Table – Pleasant Valley Fire District

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Total Fee
<b>Residential (per housing unit)</b>					
Single Family Detached	\$731	\$126	\$166	\$1,018	<b>\$2,041</b>
Single Family Attached	\$621	\$107	\$141	\$865	<b>\$1,734</b>
Multifamily	\$519	\$90	\$118	\$723	<b>\$1,450</b>

## B. Non-residential Development Impact Fee Schedule.

### 1. Non-residential Development Impact Fee Schedule Table

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Total Fee
<b>Nonresidential (per 1,000 square feet)</b>					
Retail	\$0	\$158	\$144	\$1,478	<b>\$1,780</b>
Office	\$0	\$54	\$49	\$502	<b>\$605</b>
Industrial	\$0	\$27	\$25	\$255	<b>\$307</b>
Warehouse	\$0	\$10	\$9	\$90	<b>\$109</b>
Healthcare	\$0	\$59	\$54	\$552	<b>\$665</b>
Institutional	\$0	\$107	\$98	\$1,005	<b>\$1,210</b>

### 2. Non-residential Development Impact Fee Schedule Table – Pleasant Valley Fire District

Development Type	Parks & Recreation	Sheriff	EMS	Fire	Total Fee
<b>Nonresidential (per 1,000 square feet)</b>					
Retail	\$0	\$158	\$144	\$1,363	<b>\$1,665</b>
Office	\$0	\$54	\$49	\$463	<b>\$566</b>
Industrial	\$0	\$27	\$25	\$236	<b>\$288</b>
Warehouse	\$0	\$10	\$9	\$83	<b>\$102</b>
Healthcare	\$0	\$59	\$54	\$509	<b>\$622</b>
Institutional	\$0	\$107	\$98	\$927	<b>\$1,132</b>

- C. **Development Impact Fee Schedule Annual Update.** The development impact fees shall be adjusted annually to reflect the effects of inflation on the costs for facilities set forth in the Development Impact Fee Study and CIP dated January, 2021. The fee schedule shall be adjusted using the Construction Cost Index calculated by the Engineering News-Record (ENR). For each such adjustment, the development impact fees shall be multiplied by a fraction, the numerator of which is the ENR Construction Cost Index for the most recent month for which figures are available, and the denominator of which is the ENR Construction Cost Index for the period one year prior to the period reflected in the numerator.

## SECTION IV. GENERAL PROVISIONS; APPLICABILITY

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

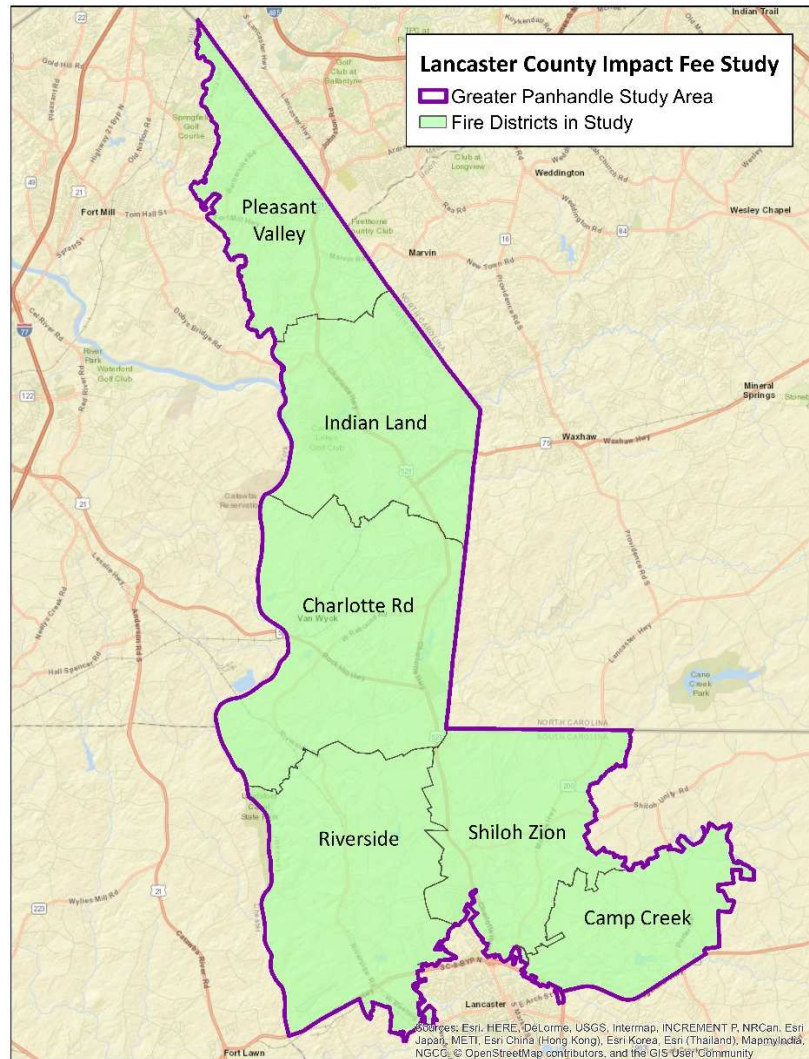
### B. Annual Review.

- At least once every year, but not later than January 1<sup>st</sup>, and prior to County Council adoption of the Annual Budget and Capital Improvements Program, the County Manager or a designee shall coordinate the preparation and submission of a report on the subject of impact fees.
- The report shall include the following:
  - recommendations on amendments, if appropriate, to these procedures or to specific ordinances adopting impact fees for particular public facilities;

- b. proposed changes to the Lancaster County Comprehensive Plan and/or an applicable Capital Improvements Program, or the capital improvement plan for the particular public facility, including the identification of public facility system improvements anticipated to be funded wholly or partially with impact fees;
  - c. proposed changes to the boundaries of impact fee districts or subdistricts, as appropriate;
  - d. proposed changes to impact fee schedules as set forth in the ordinances imposing and setting specific impact fees;
  - e. proposed changes to level of service standards;
  - f. proposed changes in the impact fee calculation methodology;
  - g. other data, analysis, or recommendations as the County **Manager** or a designee may deem appropriate, or as may be requested by the County Council.
3. **Submission of Impact Fee Annual Report and County Council Action.** The County **Manager** or a designee shall submit the Impact Fee Annual Report to the County Council, which shall receive the Report and take such actions as it deems appropriate, including but not limited to requesting additional data or analyses and holding public workshops and/or public hearings.

#### **C. Impact Fee Districts .**

- 1. **Impact Fee Districts.** Impact fees may be imposed on new development in Lancaster County for particular public facilities authorized by state law. The particular impact fees may be divided into Impact Fee Districts (and subdistricts) by the County Council for purposes of expenditure of impact fee funds.



2. **Municipalities.** Impact fees adopted by the County shall, if necessary and appropriate, be collected by the municipalities on new development within the municipality pursuant to an intergovernmental agreement with the County which provides that the impact fees collected by the municipality be transferred to the County for expenditure in accordance with the terms of these Procedures.
  3. **Identification.** Impact Fee Districts, or subdistricts if applicable, and the participating municipalities who will be responsible for collecting the fees, shall be described and/or listed in the applicable Fee-Setting Ordinances.
- D. **Type of Development Affected.** These Procedures shall apply to all new development as defined in this Ordinance and as defined in the applicable Fee-Setting Ordinances.
- E. **Type of Development Not Affected.** The requirements of this Ordinance and the applicable Fee-Setting Ordinances shall not apply to those structures and activities listed in S.C. Code Ann. § 6-1-970, as amended:
1. rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe;

2. remodeling or repairing a structure that does not result in an increase in the number of service units;
3. replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if the number of service units does not increase;
4. placing a construction trailer or office on a lot during the period of construction on the lot;
5. constructing an addition on a residential structure that does not increase the number of service units;
6. adding uses that are typically accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;
7. all or part of a particular development project if:
  - (a) the project is determined to create affordable housing; and
  - (b) the exempt development's proportionate share of system improvements is funded through a revenue source other than development impact fees;
8. constructing a new elementary, middle, or secondary school;
9. constructing a new volunteer fire department; and
10. The development of public facilities by the State of South Carolina, Lancaster County, Special Purpose District, or the Federal government.

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

1. The payment of impact fees shall not entitle the applicant to a development permit unless all other applicable requirements, standards, and conditions of approval have been met. Such other requirements, standards, and conditions of approval are independent of the requirement for payment of impact fees.
2. Neither these Procedures or the applicable Fee-Setting Ordinances shall affect, in any manner, the use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the Lancaster County Land Development Regulations.

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

**SECTION V. PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES**

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

**B. Calculation.**

1. Upon receipt of an application for a building permit, the Director shall determine (a) whether it is a residential or non-residential use; (b) the specific category (type) of residential or non-residential development, if applicable; (c) if residential, the number of new dwelling units; (d) if non-residential, the number of new or additional square feet of floor area and the proposed use; and (e) the Impact Fee District(s) in which the new development is located. After making these determinations, the Director shall calculate the impact fees due. If the applicant has entered into an agreement with County, including an agreement entered into pursuant to the South Carolina Local Government Development Agreement Act, providing for payments instead of impact fees for facilities or services then calculation of fees owed, if any, will be governed by S.C Code § 6-1-1050, as amended..
2. If the type of land use proposed for new development is not expressly listed in the specific Fee Setting Impact Fee Ordinance, the Director shall (a) identify the most similar land use type listed and calculate the impact fees based on the fees for that land use, or (b) identify the broader land use category within which the specific land use would apply and calculate the impact fees based on the impact fees for that land use category.
3. An applicant may request a non-binding estimate of impact fees due from the Director for a particular new development at any time. The estimate may change depending on the time a formal application for a building permit is submitted.
4. The calculation of impact fees due from a multiple-use new development shall be based upon the fees due for each use upon application for the building permit for that use.
5. The calculation of impact fees due from phased development shall be based upon the demand generated by each specific use of the phase of the development upon application for the building permit for that use.

**C. Offsets.**

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

**D. Collection**

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



- a. the applicant has entered an agreement with County pursuant to S.C. Code 6-1-1050, as amended. or
- b. the applicant has been determined to be not subject to the payment of impact fees; or
- c. the applicant has taken an appeal pursuant to Section VI, and a bond or other surety in the amount of the impact fee, as calculated by the Director, has been posted with the County.

## **SECTION VI. ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS**

**A. Impact Fee Accounts.** An Impact Fee Account is established by the County for each public facility for which impact fees are imposed. Such accounts shall clearly identify the category, account, or fund for which the impact fees are imposed. Subaccounts may be established for individual Impact Fee Districts and subdistricts. All impact fees collected by the County shall be deposited into the appropriate Impact Fee Account or subaccount, which shall be interest bearing. All interest earned or monies deposited to the accounts or subaccounts shall be credited to and be considered funds of the account. The funds of each account shall not be commingled with other funds or revenues of the County. The County shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for, and appropriated in accordance with these Procedures, and any other applicable legal requirements.

### **B. Appropriation of Impact Fee Funds**

- 1. **In General.** Impact fee funds may be appropriated for public facilities identified in the capital improvement plan of the public facility and for the payment of principal, bonds, contracts, and other obligations issued by or on behalf of the County or other applicable service providers to finance such public facilities.
- 2. **Restrictions on Appropriations.** Impact fees shall be appropriated only (a) for the public facility for which they were imposed, calculated, and collected and (b) within the Impact Fee District or subdistrict where collected. They shall be appropriated and expended within three (3) years of the date they were scheduled to be expended in the capital improvements plan or any applicable amendment to the capital improvements plan. Impact fees shall not be appropriated or expended for funding maintenance or repair of public facilities nor for operational or personnel expenses associated with the provision of the public facility.

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

### **D. Refunds**

#### **1. Eligibility for Refund.**

- a. **Expiration or Revocation of Permit or Approval, or Demolition.** An applicant or a successor-in-interest who paid impact fees for new development for which an approval or permit has expired or been revoked, or which is demolished with five years of payment of the fee, is and be eligible to apply for a refund of impact fees paid.
- b. **Failure of County to appropriate Impact Fee Funds Within Time Limit.** The County shall notify the owner of record of any property for which an impact fee has been previously paid if the County has failed to appropriate and expend the impact fees attributable to that

property within the time limits established in Section 5.B.2. In such a case, the owner of record is eligible to apply for a refund of impact fees paid. The accounting shall be based on a first-in, first out basis.

- c. **Reduction in Density or Intensity of New Development.** An applicant or a successor-in-interest who paid impact fees is eligible for a partial refund if the density or intensity of the development for which the impact fees are paid is reduced after payment of the fees, and the fees have not been appropriated and expended.
2. **Refund Application for Expiration or Revocation of Permit or Approval, or Demolition.** Applications for a refund due to expiration or revocation of a permit or approval, or demolition of the development shall include: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid and receipts evidencing such payments, and (c) documentation evidencing the expiration or revocation of the permit or approval, or demolition of the structure pursuant to a valid County issued demolition permit. Failure to apply for the refund within sixty (60) days following expiration or revocation of the permit or approval, or demolition of the building or structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the County in calculating the amount of the refunds.
3. **Refund Application for Failure of County to Appropriate and Expend Funds.** Applications for refunds due to County failure to appropriate and expend fees collected from an applicant within the time limits established in Sections 5.B.2. shall be initiated by the owner-of-record within one hundred and twenty (120) days after the County has notified the owner of a right to a refund. To receive the refund, the owner-of-record shall submit (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, and (b) the amount of the impact fees paid and receipts evidencing the payments. Refunds shall include any interest earned on the impact fees being refunded.
4. **Refund Application Due to Reduction in Density or Intensity.** Applications for refunds due to a reduction in density or intensity of development shall include (a) evidence that the applicant is the property owner or developer who paid the impact fees or, if the applicant is the current owner, evidence that the developer has waived rights to a refund, (b) the amount of the impact fees paid and receipts evidencing payments, and (c) documentation evidencing a reduction in density or intensity of the new development. No refund shall be approved until a revised new development plan is approved by the County. The refund shall be paid to the current property owner or developer, as appropriate. The refund shall be calculated in accordance with the following formula:

$$(SU1 \times F) - (SU2 \times FI) \text{ where}$$

SU1 = public facility demand generated originally by the new development

SU2 = public facility demand currently generated by the new development

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

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

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

## SECTION VII. APPEALS AND MEDIATION

- A. A fee payor may pay an impact fee under protest. A fee payor making the payment of impact fees is not estopped from exercising the right of appeal under this Ordinance, or estopped from receiving a refund for any overpayment of the fees, if that is determined to be the case on appeal.
- B. An appeal from any decision of the Director pursuant to these Procedures shall be made to the Lancaster County Board of Zoning Appeals. If the notice of appeal is accompanied by a letter of credit in a form satisfactory to the County Attorney in an amount equal to the impact fees due, the development may be approved. The filing of an appeal shall not stay the imposition or the collection of impact fees unless a bond or other sufficient surety is provided.
- C. If there is a dispute between a fee payor and the County about an impact fee amount due, an offset, or a waiver, the County Council and the fee payor may agree to resolve the dispute through mediation, by using a qualified independent mediator, by mutual agreement. Participation in mediation does not preclude the fee payor from pursuing other remedies provided by law.
- D. The burden of proof shall be on the appellant to demonstrate that the decision of the Director is erroneous.

## SECTION VIII. EXEMPTIONS/WAIVERS

- A. **Filing of Application.** Petitions for exemptions to the application of these Procedures or waivers from specific impact fees shall be filed with the County Council.
- B. **Effect of Grant of Exemption/Waiver.** If the County Council grants an exemption or waiver, the amount of the impact fees exempted or waived shall be provided by the County or other appropriate service provider for the particular public facilities, from non-impact fee funds. The funds shall be deposited in the appropriate Impact Fee Account.
- C. **Timing of Provision of Waived/Exempted Impact Fees.** The provision of the amount of exempted or waived impact fees by the County or other appropriate service provider shall be made within a reasonable period of time, consistent with the applicable capital improvements program and the capital improvement plan for the public facility.
- D. **Development Agreements.** Nothing herein shall be deemed to limit the County's authority and ability to enter into development agreements with applicants for new development which provide for payments in-lieu of impact fees pursuant to S.C. Code § 6-1-1050, as amended.
- E. **Statutory Exemptions.** S.C. Code Ann. §6-1-970 exempts the following structures and activities from impact fees:
  1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe:

2. Remodeling or replacing a structure that does not increase the number of service units;
3. Replacing a residential unit, including a manufactured home, with another residential unit on the same lot, if that number of service units does not increase;
4. Placing a construction trailer or office on a lot during the period of construction of the lot;
5. Constructing and addition on a residential structure which does not increase the number of service units;
6. Adding uses that are typical accessory to residential uses, such as a tennis court or a clubhouse, unless it is demonstrated clearly that the use creates a significant impact on the system's capacity;
7. All or part of a particular development project if:
  - a. The project is determined to create affordable housing, and
  - b. The exempt development's proportionate share of system improvements is funded by a revenue source other than development impact fees;
8. Constructing a new elementary, middle, or secondary school; and
9. Constructing a new volunteer fire department.

## **SECTION IX. MEDIATION**

## **SECTION X. CONFLICT**

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

## **SECTION XI. SEVERABILITY**

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

## **SECTION XII. 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, S.C. Code 1976, §§ 6-1-910-6-1-2010, until the development impact fee terminates, unless the annexing municipality:

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

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

ADOPTED this \_\_ day of \_\_\_\_\_, 2021

COUNTY COUNCIL OF LANCASTER  
COUNTY

By: \_\_\_\_\_  
Steve Harper, Chairman

By: \_\_\_\_\_  
Billy Mosteller, Secretary

ATTEST:

\_\_\_\_\_  
John K. DuBose, III, Lancaster County Attorney

First Reading:	February 8, 2021
Second Reading	_____
Third and Final Reading	_____
Public Hearing	_____