

Minutes
York County Council Workshop
September 12, 2023
1070 Heckle Boulevard, Rock Hill, SC
Large Conference Room
6:00pm

The York County Council met on the above date for a York County Council Workshop at 6:00pm located at 1070 Heckle Boulevard, Rock Hill, South Carolina. The following Council members were present: Council member Tommy Adkins, Vice-Chairwoman Allison Love, Chairwoman Christi Cox, Council member Watts Huckabee, Council member Tom Audette, and Council member Debi Cloninger. Also present were County Manager, David Hudspeth, Assistant County Manager, Kevin Madden, Assistant County Manager, Mike Moore, County Attorney, Michael Kendree, and Clerk to Council, Karen Brogdon.

Chairwoman Christi Cox called the meeting to order.

Discussion regarding the school concurrency study.

County Manager David Hudspeth introduced Tyson Smith with White & Smith, Planning and Law Group.

Mr. Smith explained the following:

Principal Goal for Phase 1: Feasibility – to evaluate the feasibility and desirability of adopting a formal school capacity planning program.

A school AFP Program is not:

- Impact fees
- Moratorium
- More Bureaucratic
- More Staff
- A delegation of County Authority
- A Board of Trustees function

A school AFP Program is:

- Coordination by the County with district staff before new development is approved
- Mechanism that provides County Planning Commission with reliable and clear data for decision-making
- Increases transparency and predictability for everyone

Elements of an APFO

- Identify “need”
- Identify sources and thresholds of “demand”
- Identification of point in development process to “test” for capacity
- Define “adequacy”
- Alternatives responses if facilities are not adequate

- Interagency Coordination Plan
- APF administration (CIP, level of service, applicability, exemptions, transferability, appeals, reporting)

What would be added to the current plat process?

- Clarify the information the District staffs provide County staff, e.g.:
 - Enrollment
 - Capacity
 - Available student stations
 - Anticipated developments (in the pipeline)
 - Anticipated new stations
- Clarify the roles of the County and the District staffs
- Clarify the process:
 - Time of “testing”
 - Time and means of mitigation opportunities
 - Duration of capacity set-aside
- Clarify the expectations of Property Owners and Applicants
 - Level and nature of service (e.g. students/classrooms)
 - County side process
 - Applicant options when capacity is strained

Will testing for capacity stop development in York County?

- No
- Include protections so public and private investment work together to advance capacity over time
- The goal is to increase student stations as growth occurs
- Impact fees haven’t stopped growth here and APF hasn’t stopped growth in Florida, Washington State, Maryland, or other states.

What happens if capacity is not available or adequate at the time a plat application is submitted?

- As with TIA’s the plat application can be revised to:
 - Phase the impacts of development
 - Reduce demand for new school capacity; or
 - Mitigate its impacts sufficient to achieve adequacy
- CIP priorities can be revised, if capacity is forecast to become strained

Is an APFO different than Impact Fees?

- Yes
- Impact fees are a funding source, but do not always ensure the timing and availability of capacity
- School APF addresses timing and aligns the pace of growth with the pace of facility provision

Can a project move forward despite facility inadequacy if impact fees will be paid in that school district?

- First, no applicant will be required to pay more than their proportionate share
- Second, impact fee collections affect adequacy and availability

- Third, a financially feasible, clear school DIP illustrates that public's commitment to doing its share to provide capacity

Things to consider if York County moves forward.

- Applicability thresholds (e.g. minor or major subdivision)
- Open enrollment
- Attendance zones
- School choice
- Extent of planned and/or funded capacity
- Available public funding (including impact fee revenue)
- Extent and location of anticipated residential growth
- Vested rights
- The role of the cities (if any)

Next Steps

- Prepare and finalize memorandum summarizing Phase 1 findings
- Staff receives direction from Council regarding Phase 2, development of a schools APF program and ordinance
 - Develop simple code changes, prepare APF Administrative Guidelines
 - Develop code changes that address all aspects of APF administration
 - Undertake additional coordination with the District staffs, report to the Council.

After Council discussion, it was requested that management provide a recommendation to Council regarding the cost to proceed and that a copy of the presentation be provided to all Council members. No action was taken at this time as Council requested time to process the information that was provided.

Discussion regarding proposed amendments to Chapter 152: Stormwater Management and Sediment Control Code, related to protecting offsite surface water impoundments and amendments to Chapter 151: Flood Damage Prevention, related to adopting a “no adverse impact” approach to floodplain management.

Mark Boland, Development Services Engineer provided information regarding the summary of proposed revisions:

- Evaluation and protection of surface water impoundments(i.e. ponds, lake coves)
 - Pre-Construction
 - Impoundment identification
 - Pre-construction hydrographic survey
 - Active Construction:
 - Professional wetlands scientist report and survey
 - Sediment volume computations
 - Impoundment restoration
 - Post construction
 - Final survey
- Current Regulation
 - SC Reg. 72-308€ establishes criteria for evaluating and correcting off-site damages
 - Determine the extent of the damage

- Determine the classification of the impaired waterbody
- Determine the impact and severity of the damage
- Develop an agreement with landowner(s) for cleanup and corrections, including a schedule of implementation
- Evaluate alternatives for correction of the damage and prevention of future damage, and
- Failure to implement the agreement in the required schedule will constitute a violation
- Pre Construction Evaluation and Survey
 - Land disturbance – 2.0 acres and greater
 - Ponds, lake coves with 1,500-feet of site
 - Provide hydrographic survey, as pre condition for issuance of land disturbance permit
 - Survey standards – Stormwater Management Design Manual
- Survey is waived if:
 - No response from property owner within 30 days
 - Property owner does not provide reasonable access
- Active Construction Evaluation and Survey
 - Off site sedimentation from :
 - Non-compliance with an approved stormwater plan; or
 - Unpermitted land disturbance activity
 - Within 60 days:
 - Professional wetlands scientist report
 - Hydrographic survey and
 - Sediment volume computations
- Impoundment Restoration
 - Restoration
 - Required if sediment accumulation is 1.0 inch or greater
 - Reporting requirements
 - Demonstrate compliance with County, State and Federal regulations
 - Schedules and Deadlines
 - Strict adherence to schedules and deadlines for various milestones
- Post Construction
 - Final Hydrographic Survey
 - Required before Notice of Termination (NOT)
 - Waived if no history of off-site sedimentation

Mark Boland, Development Services Engineer explained that the study was focused solely on watershed area in and around Regent Parkway and Heritage Boulevard, identified flood prone areas outside of FEMA mapped SFHA, mapped 100-year and 500-year flood prone areas.

Results: 38 residential structures located within new flood-prone areas and 64 addresses.

Flood Damage Prevention

- Adopt the ASFPM “No Adverse Impact” approach
- Higher standards that control and mitigate flood impacts and damage
- Current ordinance addresses NFIP minimum standards only

- Adverse impact is measured by:
 - Increased flood peaks
 - Increased flood stages;
 - Increased flood volumes;
 - Higher flood velocities;
 - Increased erosion and sedimentation;
 - Deterioration of natural floodplain functions; and
 - Other impacts to a community's well-being

No action was taken by Council at this time regarding modifications to Chapter 152 and 151.

There being no further discussion, a motion to adjourn was made by Council member Tom Audette and seconded by Council member Watts Huckabee. Motion Carried.