

# Outreach and Survey Feedback

## **Outreach Survey Results (October 4 - October 14, 2022)**

### **Survey Planet**

#### **Questions:**

1. What is your name?
2. Who do you represent (this can be a farm, school, trade group, organization, yourself, etc.) and how are you involved in the agriculture industry in Oconee County?
3. What opportunities exist in Oconee County to protect and/or further agriculture?
4. What would you like to see result from the Oconee County Task Force on Agriculture?
5. What resources currently exist that would help the Task Force develop recommendations for County Council?
6. Are you willing to participate in follow-up conversations about these topics?

#### **Responses:**

Participant 1: Nicole Roper; [nroper@sdoc.org](mailto:nroper@sdoc.org); Ag Teacher and FFA Advisor at West Oak Middle School I do not live in Oconee County but I deal with students who live and farm in this county; I would like to see more education on the importance of agriculture to not only the consumers but also to businesses which seem to be growing in this county. Without agriculture these businesses would not be able to function so I believe they need to be aware of the importance of agriculture as well; Yes, and here is the best email/phone number to reach me; [nroper@sdoc.org](mailto:nroper@sdoc.org) 815-721-9636.

Participant 3: Emily Hitchcock; [emilyanddickey@gmail.com](mailto:emilyanddickey@gmail.com); The Oconee County Conservation Bank Board; Most of the organizations assisting farmers were mentioned in the meeting. Some were NRCS, land trusts, OCCB, FFA, etc.; I would like to see specific proposals for the Council's consideration and adoption, such as zoning in areas that contain statewide prime soils, programs to discourage rural sprawl and encourage town density, funding for the Oconee County Conservation Bank, and programs to encourage new and young farmers; Yes, and here is the best email/phone number to reach me: 678-977-1738.

Participant 5: Christopher Lunsford; [clunsford@sdoc.org](mailto:clunsford@sdoc.org); I am an Agricultural Educator at Walhalla High School. I am in my 5th year teaching at the school and have 5 years of teaching experience overall. I graduated from Clemson University in 2018 with a B.S. in Agricultural Education. I am from Liberty, SC. I have some background in agriculture with beef cattle and meat processing. I was an FFA member at the Pickens County Career and Technology Center while in high school. I served as an officer my Junior and Senior years. During college I was an active member of the Clemson Collegiate FFA Chapter serving as Sentinel and President during my Junior and Senior years; During my 5 years of teaching in Walhalla I have started to get to know people in the community. Our students are looking for an opportunity to be involved in agriculture and the FFA. I feel that if we can provide them opportunities then we can have a strong community of people within our county that we will want to support agriculture in Oconee county; I want to see us be able to provide opportunities for students to be involved in FFA and the community. We need strong Ag programs that prepare our students for life after high

school; Yes, and here is the best email/phone number to reach me: [clunsford@sdoc.org](mailto:clunsford@sdoc.org) / 864-380-0905.

Participant 6: James Coley; [jcoley@oconeesc.org](mailto:jcoley@oconeesc.org); I represent the County and am an advocate for supporting the agricultural industry in the County; The Clemson Extension Services, and the Farm Center are excellent resources that help enhance and grow agriculture; i would like to see recommendations to improve the protections of agriculturally significant land, reduce urban sprawl, and educate the general public on land use regulations, and policies; Resources = Clemson Extension, Soil and Water Conservation District, Conservation Bank Board, SC Dept of Agriculture; yes, willing to participate in follow-up.

Participant 7: Debbie Sewell; [debbio.sewell@gmail.com](mailto:debbio.sewell@gmail.com); Oconee County Agriculture Advisory Board Agriculture Advocate; Development Standards that protect Farm and forest land , and natural resources; A county employee in the planning Department that represents, advocates, and protects Agriculture and natural resources; resource = Oconee County Agriculture Advisory Board; Yes, and here is the best email/phone number to reach me:: [Debbio.sewell@gmail.com](mailto:Debbio.sewell@gmail.com) 864-723-3339.

Participant 8: Ashley Townsend; [antwnsnd@gmail.com](mailto:antwnsnd@gmail.com); I represent district 4 for the Ag Advisory Board I work for two farms - Chattooga Belle Farm and Crooked Oak Orchard; The FARM Center has potential to further agricultural opportunities through education, resources and infrastructure. However, meeting this potential will require funding. The Oconee Food Alliance connects a lot of the agricultural pieces of the county and provides networking opportunity that is necessary to protect and further agriculture. The Ag Advisory Board exists to serve and represent Oconee Agriculture, but this requires engagement from farming constituents; Established agricultural infrastructure necessary to protect the industry (both small and large scale farming). Ag land protection. Preserving the soils and waters that are vital to food production. Farm transitioning. Perhaps a program that makes ag land accessible to new farmers, while ensuring financial security for both the new and passing farmer. County governance that prioritizes and supports agricultural pursuits which will sustain the food supply and welfare of the county first and foremost, thus providing further economic growth; resources = The comments and suggestions from food summit attendees. Agriculture advisory board has history of working with the county and serves to advise Council on agricultural decisions; Yes, and here is the best email/phone number to reach me:: [antwnsnd@gmail.com](mailto:antwnsnd@gmail.com)/706-825-3198.

Participant 9: Mariah Swygert; [mswygert@sdoc.org](mailto:mswygert@sdoc.org); Seneca High School - Agricultural Education and FFA; FARM Center, Farm Bureau, Young Farmer and Rancher, Clemson Extension, Cultivate Oconee; Increase opportunities for people to become involved in agricultural pursuits and to learn about the agriculture industry; resources = FARM Center, Farm Bureau, Clemson Extension; Yes, and here is the best email/phone number to reach me:: [mswygert@sdoc.org](mailto:mswygert@sdoc.org).

Participant 10: Rannie Bond; rannie.d.bond@gmail.com; Oconee County Beekeepers Association; The Clemson Extension and the USDA/FSA office are the most valuable resources in our county for furthering Agriculture. The robust Future Farmers of America chapters in our High Schools are invaluable. The addition of Observation Hives into all county schools through the Bee Cause project and sponsored by the OCBA are valuable tools to promote agriculture to the future generations in the county. The State and County Conservation Bank and their boards have done a tremendous job preserving areas in the county with easements; The goal of the task force should be to recognize population growth and its effect on the agriculture industry. it should also strive to resolve a county stance on Agriculture, are we an Agricultural Community, A travel and Tourism community or are we an Industrial Community? Oconee County is all three and creating a culture that can embrace all of them simultaneously and create a strategy that leads to harmony amongst them should be the result; resources = Contacting the USDA office in walhalla to get a list of key social organizations and hosting a walk through even where the collective minds could all hear and speak on the topics important to the task force; Yes, and here is the best email/phone number to reach me:: rannie.d.bond@gmail.com 864-710-1039.

Participant 11: Rex Blanton; rexb@clemson.edu; Member of AAB, representing it, family and myself. Steward of our land. Grow pine trees; We still have many acres of beautiful land, but it is going quickly, so we need to act. Number one: raise public awareness of agriculture. No. 2: Promote conservation methods, such as conservation banks, land trusts, etc. Start immediately with serious efforts to preserve our land, such as contributing a small percentage of land transfer fees to a group such as a conservation bank, and assisting in the purchase of lands by the cons. bank, or assist those who want to farm to purchase their land; I would like to see the County fully support (fund) the Conservation Bank, and help support the other area land banks, as appropriate. I would like to see assistance and incentives provided to sons and daughters of farmers and anyone serious about farming, who want to buy and/or add on to the family farms. Such things as a tax reduction for a few years to help them get started, in exchange for promising to farm it for the agreed period. And possibly a conservation bank assisting in the purchase of the land, something like a cost share agreement. We appreciate all the County has done to support the FARM Center, and would like them to continue doing so by funding some permanent buildings, for shows, events, etc., a cooler, a cannery, and a full-time manager of the Center. Ideally we need an arena large enough to host conventions, shows, and most importantly, graduate our seniors here instead of sending them and thousands of dollars to Clemson every year. Most of these are mentioned in the introduction of the August 2016 Market and feasibility Study presented to the County by Johnson Consulting. Although it states the initial concept for the FARM Center was for it to be self-supporting, I think that for it to really thrive, it needs more support. The FARM Center needs to be a line item in the budget. We need assistance in animal processing in the county. Whether to build a new processing plant, or augment our two existing, private facilities, growers need their animals processed in a more timely and economical manner. The pandemic really demonstrated how fragile our system is; resources = Refer to the Johnson Consulting Study published in August of 2016. Also review comments from the Farmers' and Ranchers' listening sessions. Include in the discussions, the Ag Advisory Board, the Planning

Commission, and all agriculture related groups; Yes, and here is the best email/phone number to reach me:: [rexb@clermson.edu](mailto:rexb@clermson.edu).

Participant 12: Natalie Arnold; [naarnold@gmail.com](mailto:naarnold@gmail.com); Choestoea Farm John's Mill Cattle Oconee Food Council; - options to protect agricultural land (easements, districting, etc) - programming to cultivate future generations of farmers; A path forward for protecting agricultural land for future generations in Oconee County. Agriculture is a part of our way of life in the county and is so important to our food system. We are currently facing unprecedented rapid growth without a strategic plan. I hope we can offer solutions on how to protect the rural/ agricultural values of our county while also encouraging economic opportunities, housing and infrastructure for our citizens; resources = -maps (where should the county focus its resources on protecting agricultural land) - the voice of farmers who have recently sold out (why, is it simply money or are other factors pushing them out) - the voice of farmers currently working the land (what are their biggest hurdles in holding onto agricultural land in the county) - FFA, 4-H, SC Young Farmer and Agribusiness understanding the future of Ag in our county. What do the future/ up and coming farmers see as the challenges and directions of agriculture in our area; Yes, and here is the best email/phone number to reach me:: 864-247-3868

Participant 14: Eddie Martin; Oconee Preservation Unlimited Stewardship Trust ( OPUS Trust ); Designated agricultural districts would go a long way to help land owners desirous of protecting their property reduce pressures from newly planted developments. Impact fees for developers in which those funds could be used to help place protections on agricultural property would be a tremendous step. Over wrought development by locals and outside interests are the biggest threat to farmland. Developers should be regulated and have to help pay to offset the damage they do by increasing pressure on infrastructure, increasing traffic in rural and urban areas, decimating farm and forest land, and generally destroying the aspect that has made Oconee the wonderful place that it is. Politicians also need to understand that more people and more housing is not a panacea but an actual burden disguised as the answer to monetary advancement for government. There should be some form of compensation readily available to purchase development rights with easements that is not as cumbersome as the system has in place at this time. Impact fees can slow down the advancement of development and create a pool of funds to offset future destruction; As stated in the previous answer, create a true protection opportunity for landowners that will incentivize their desire to protect the property in their stewardship. Also thought needs to go into how to protect this county from urban sprawl and being overtaken by the expansion of Atlanta. The county is already dealing with that migration of people leaving there because it has become unbearable; resources = easements are a tremendous tool for protection, but besides the structure that is in place now with the Oconee Conservation Bank and the SC Conservation Bank their should be as stated before a responsibility for the ones who gain the most from the destruction of farm and forest. Right now the developers get a step up from incentives and exemptions from the county, they are making money they should pay for the right to destroy the rural aspect of the county; Yes, and here is the best email/phone number to reach me:: [tamasseeknob96@gmail.com](mailto:tamasseeknob96@gmail.com)

## **Opportunities for Agriculture and the Task Force (Summary from #3 and #4):**

### EDUCATION

- Increase education to businesses on the importance of agriculture
- Provide students opportunities to be involved in FFA and the community to support agriculture in Oconee county;
- Support agriculture programs that prepare our students for life after high school;
- Increase programming to create future generations of farmers.

### LAND USE

- Create specific proposals for the Council's consideration and adoption, such as zoning in areas that contain statewide prime soils, programs to discourage rural sprawl and encourage town density, funding for the Oconee County Conservation Bank, and programs to encourage new and young farmers;
- Improve protections of agriculturally significant land, reduce urban sprawl, and educate the general public on land use regulations and policies;
- Recommend development standards that protect farm and forest land and natural resources;
- Establish agricultural infrastructure necessary to protect the industry (both small and large scale farming);
- Protect and preserve agricultural land — the soils and waters that are vital to food production;
- Explore a program that makes ag land accessible to new farmers;
- Create a true protection opportunity for landowners that will incentivize their desire to protect the property in their stewardship;
- Protect this county from urban sprawl and being overtaken by the expansion of Atlanta;
- Create streamlined compensation readily available to purchase development rights;
- Designate agricultural districts;
- Promote conservation methods, such as conservation banks, land trusts, etc. Start immediately with serious efforts to preserve our land, such as contributing a small percentage of land transfer fees to a group such as a conservation bank, and assisting in the purchase of lands by the cons. bank, or assist those who want to farm to purchase their land;
- Create solutions on how to protect the rural/ agricultural values of our county while also encouraging economic opportunities, housing and infrastructure for our citizens;
- Increase options to protect agricultural land (easements, districting, etc)
- Create impact fees for developers in which those funds could be used to help place protections on agricultural property;
- Fund the Conservation Bank, and help support the other area land banks, as appropriate.

### OTHER

- Raise public awareness of agriculture;
- Address farm transitioning while ensuring financial security for both the new and passing farmers;
- Put Observation Hives into all county schools through the Bee Cause project, sponsored by the OCBA, they are valuable tools to promote agriculture to the future generations in the county;

- Increase opportunities for people to become involved in agricultural pursuits and to learn about the agriculture industry;
- Make the FARM Center a line item in the budget;
- Assist animal processing in the county: build a new processing plant, or augment our two existing, private facilities;
- Fund permanent buildings, for shows, events, etc., a cooler, a cannery, and a full-time manager of the Farm Center;
- Provide assistance and incentives to sons and daughters of farmers and anyone serious about farming, who wants to buy and/or add on to the family farms. Such things as a tax reductions for a few years to help them get started, in exchange for promising to farm it for the agreed-upon period. And possibly a conservation bank assisting in the purchase of the land, something like a cost share agreement.

### GOVERNANCE

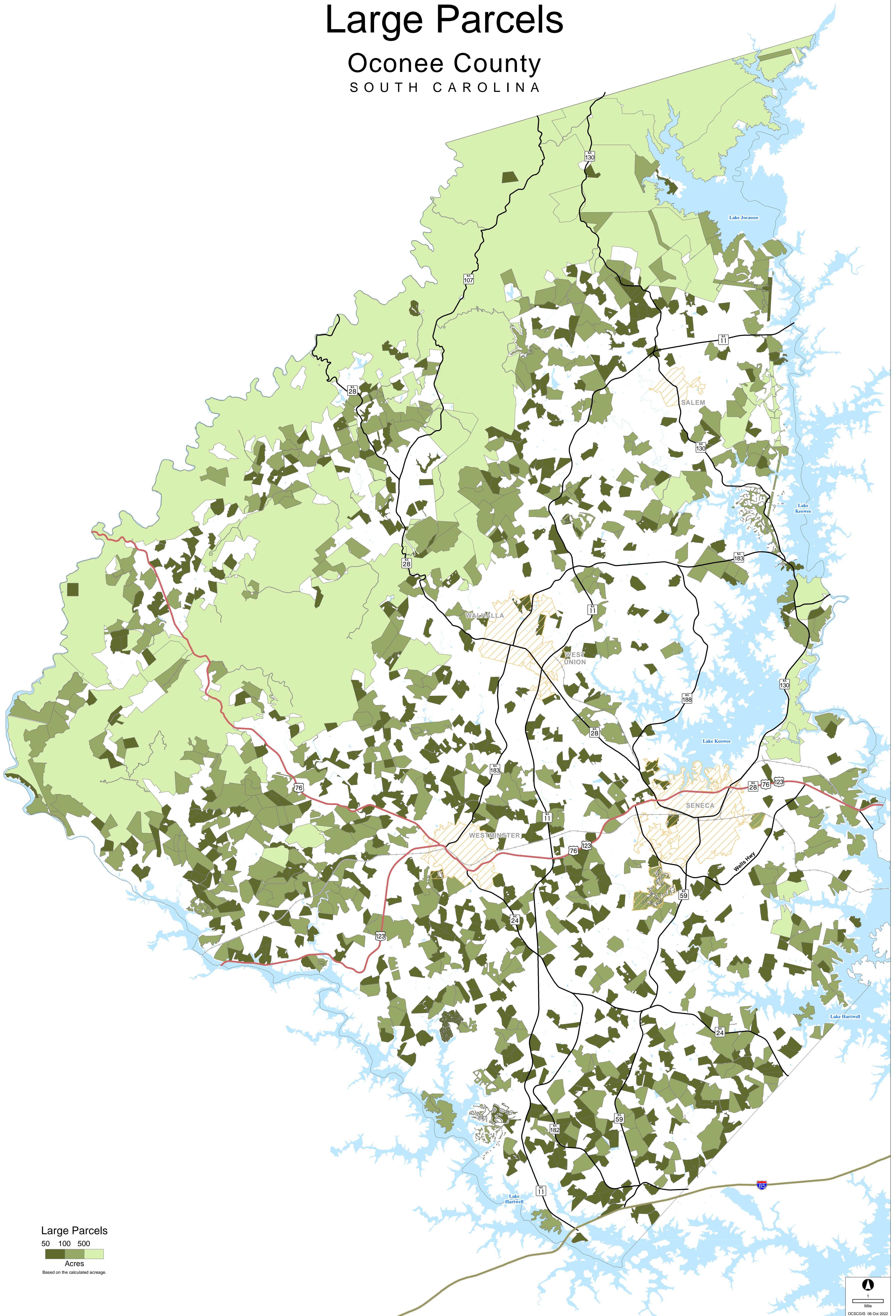
- Prioritize and support agricultural pursuits which will sustain the food supply and welfare of the county first and foremost, thus providing further economic growth;
- Recognize population growth and its effect on the agriculture industry. Clarify the county's stance on Agriculture: are we an Agricultural Community, A travel and Tourism community or are we an Industrial Community? Oconee County is all three and creating a culture that can embrace all of them simultaneously and creating a strategy that leads to harmony amongst them should be the result.

# Materials and Resources for Task Force Discussion



# Large Parcels

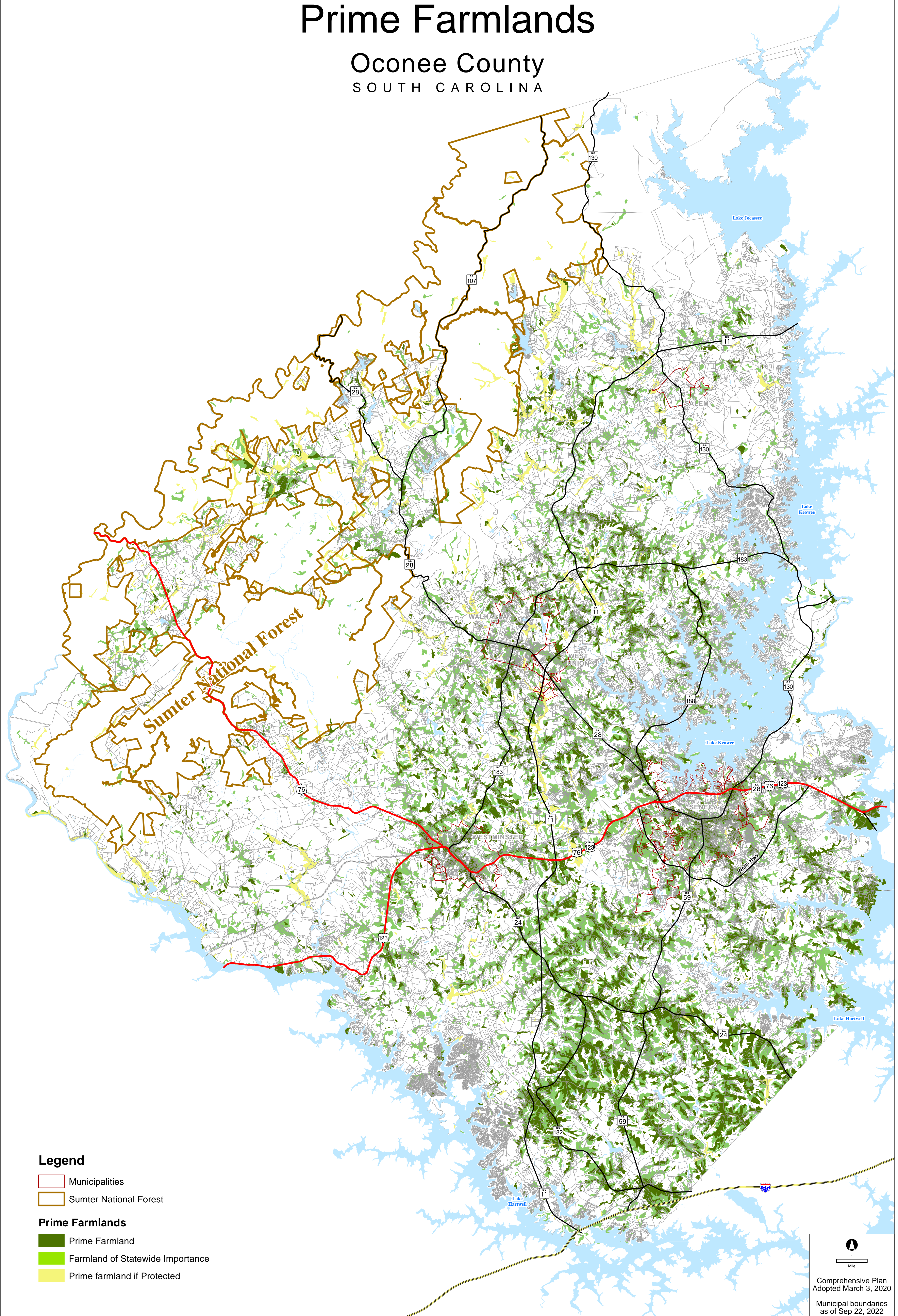
Oconee County  
SOUTH CAROLINA



Large Parcels  
50 100 500  
Acres  
Based on the calculated acreage.

# Prime Farmlands

Oconee County  
SOUTH CAROLINA

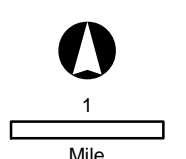


## Legend

- Municipalities
- Sumter National Forest

## Prime Farmlands

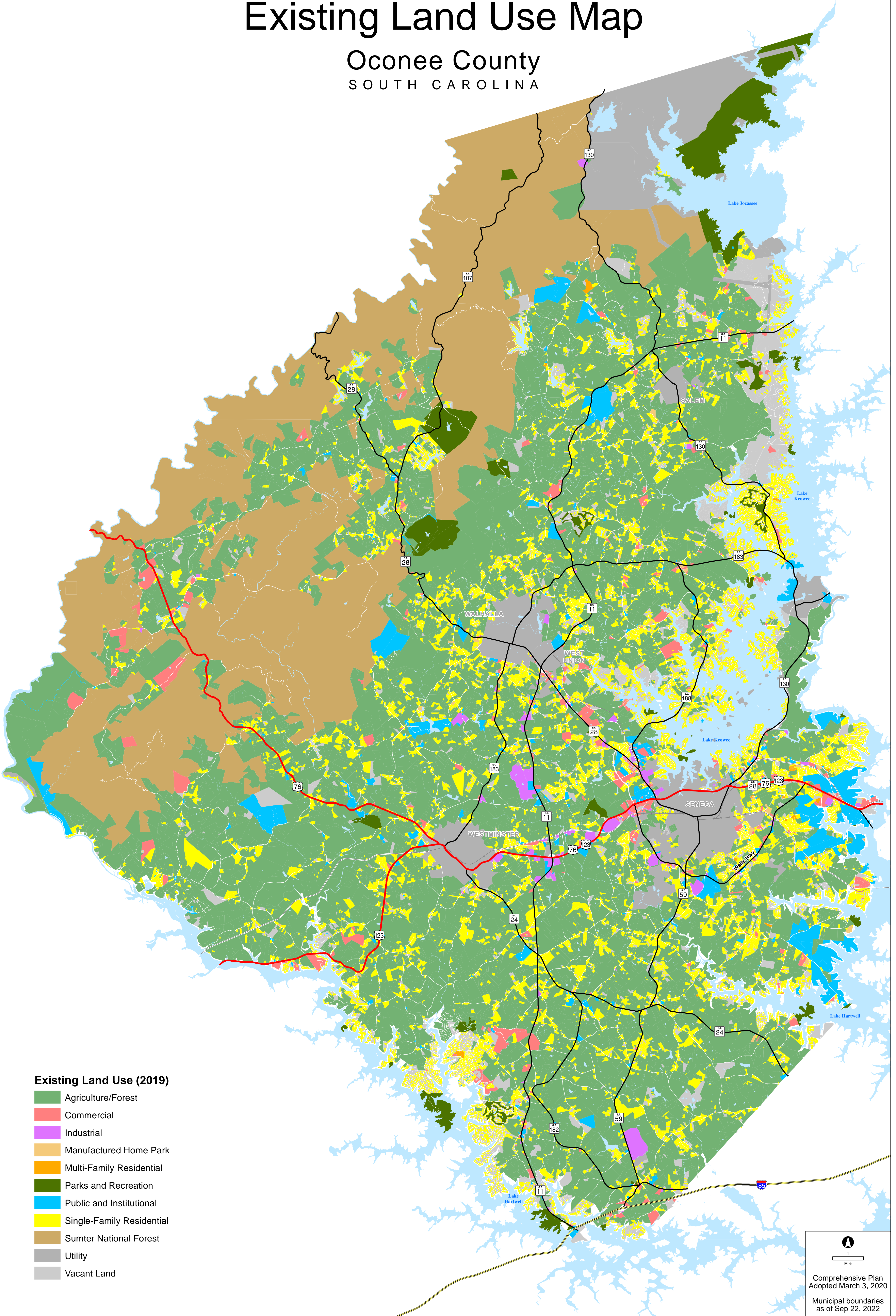
- Prime Farmland
- Farmland of Statewide Importance
- Prime farmland if Protected



Comprehensive Plan  
Adopted March 3, 2020  
Municipal boundaries  
as of Sep 22, 2022

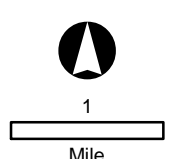
# Existing Land Use Map

Oconee County  
SOUTH CAROLINA



## Existing Land Use (2019)

- Agriculture/Forest
- Commercial
- Industrial
- Manufactured Home Park
- Multi-Family Residential
- Parks and Recreation
- Public and Institutional
- Single-Family Residential
- Sumter National Forest
- Utility
- Vacant Land



Comprehensive Plan  
Adopted March 3, 2020

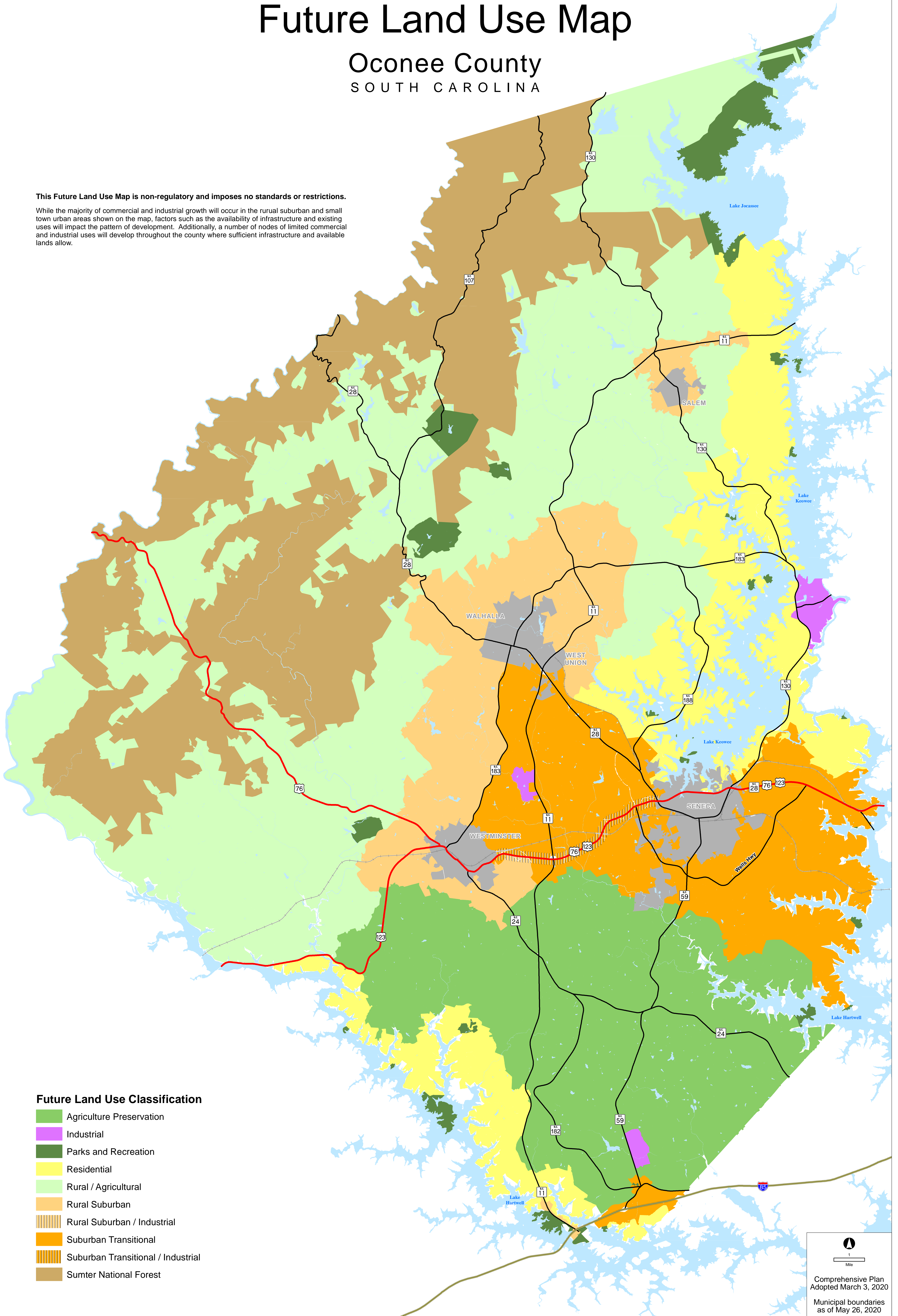
Municipal boundaries  
as of Sep 22, 2022

# Future Land Use Map

## Oconee County SOUTH CAROLINA

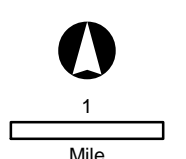
**This Future Land Use Map is non-regulatory and imposes no standards or restrictions.**

While the majority of commercial and industrial growth will occur in the rural suburban and small town urban areas shown on the map, factors such as the availability of infrastructure and existing uses will impact the pattern of development. Additionally, a number of nodes of limited commercial and industrial uses will develop throughout the county where sufficient infrastructure and available lands allow.

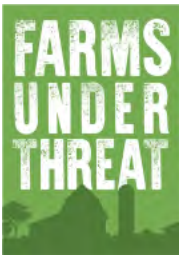


### Future Land Use Classification

- Agriculture Preservation
- Industrial
- Parks and Recreation
- Residential
- Rural / Agricultural
- Rural Suburban
- Rural Suburban / Industrial
- Suburban Transitional
- Suburban Transitional / Industrial
- Sumter National Forest



Comprehensive Plan  
Adopted March 3, 2020  
Municipal boundaries  
as of May 26, 2020

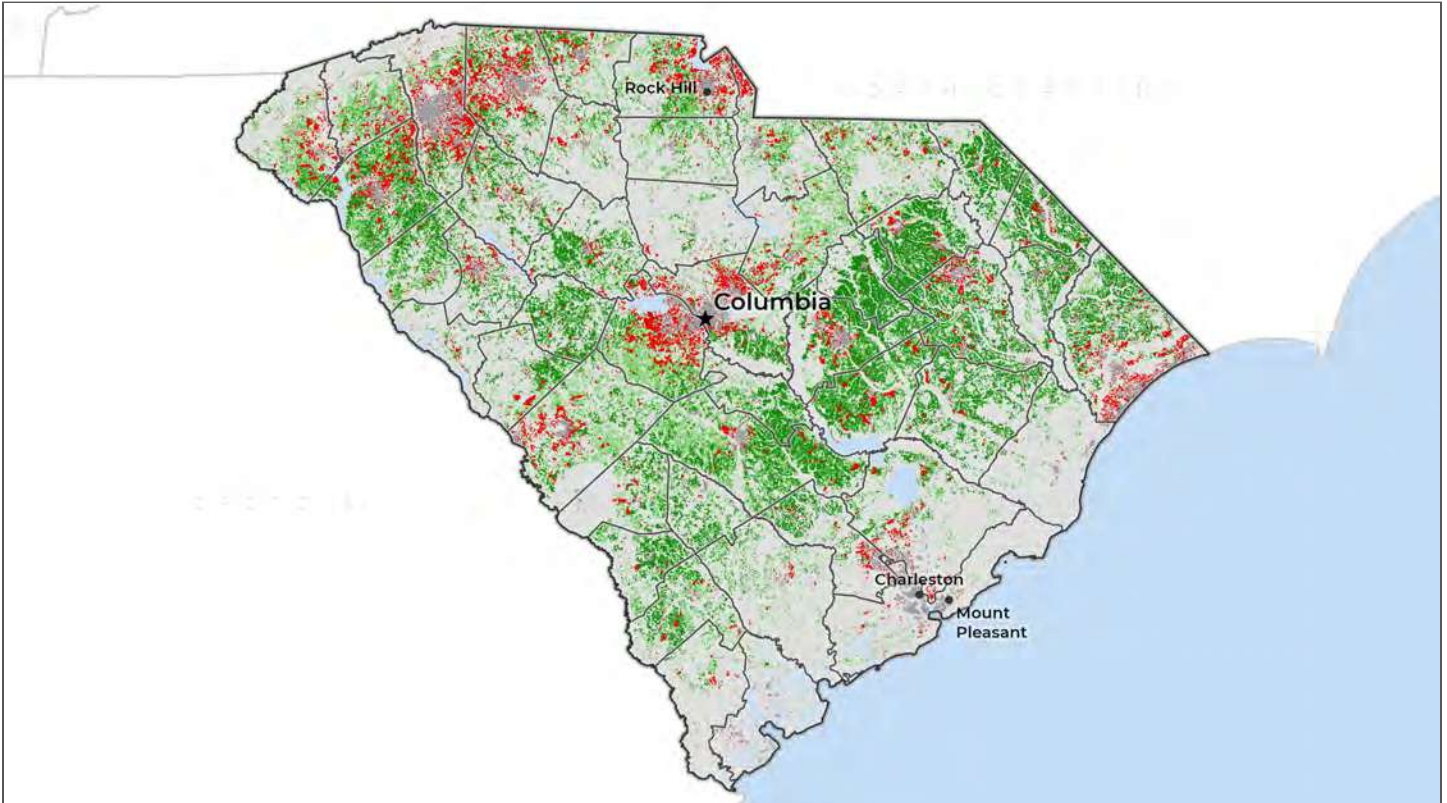


THE STATE OF THE STATES  
Agricultural Land Conversion Highlight Summary

# South Carolina

**Farms Under Threat: The State of the States** mapped agricultural land conversion and evaluated state policy responses. The spatial analysis identified the extent, diversity, and quality of each state's agricultural land—and where this land has been converted to both urban and highly developed (UHD) and low-density residential (LDR) land uses.

**AGRICULTURAL LAND CONVERSION 2001-2016**



Conversion of non-federal farmland to UHD and LDR land uses from 2001-2016. The threat to working farms and ranches is pervasive, often claiming the most productive, versatile, and resilient lands.

Conversion of agricultural land to UHD and LDR land uses	<p><b>Farmland*</b> that is:</p> Above state median PVR** Below state median PVR	Urban areas Federal, forest, and other lands	<p>*Farmland is composed of cropland, pastureland, and woodland associated with farms.</p> <p>** Our productivity, versatility, and resiliency (PVR) index helps identify high-quality agricultural land (see page 2).</p>
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<p><b>RELATIVE CONVERSION THREAT</b></p> <h2>HIGH</h2> <p>South Carolina scored among the top states for the conversion of agricultural land to urban and highly developed (UHD) and low-density residential (LDR) uses.</p>	<p><b>RELATIVE POLICY RESPONSE</b></p> <h2>LOW</h2> <p>South Carolina scored among the lowest states for policies and programs that protect agricultural land from development, promote farm viability, and facilitate the transfer of agricultural land.</p>	<p><b>HOW IS THIS STATE DOING?</b></p> <p>South Carolina is in a red box because its conversion threat is higher than its policy response, relative to other states. Learn more at <a href="http://www.farmland.org/farmsunderthreat">www.farmland.org/farmsunderthreat</a></p>	<table border="1"> <tr> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">POLICY RESPONSE</td> <td>High</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Medium</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Low</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>Low</td> <td>Medium</td> <td>High</td> </tr> </table> <p style="text-align: center;"><b>CONVERSION THREAT</b></p>	POLICY RESPONSE	High				Medium				Low						Low	Medium	High
POLICY RESPONSE	High																				
	Medium																				
	Low																				
		Low	Medium	High																	

## DEVELOPMENT THREATENS SOUTH CAROLINA'S AGRICULTURAL LAND

From 2001-2016, 280,700 acres of agricultural land were developed or compromised.

South Carolina's farmland and ranchland was converted to:

- **Urban and highly developed (UHD)** land use, including commercial, industrial, and moderate-to-high-density residential areas.
- **Low-density residential (LDR)** land use, where scattered large lot development fragments the agricultural land base and limits production, marketing, and management options for the working farms and ranches that remain.

### LDR PAVES THE WAY FOR FURTHER DEVELOPMENT

Agricultural land in LDR areas in 2001 was

**8 TIMES MORE LIKELY**

to be converted to UHD by 2016, compared to other agricultural land.

84,000 acres

**30%**

of conversion was to UHD

196,700 acres

**70%**

of conversion was to LDR

### CONVERSION AFFECTED ALL TYPES OF AGRICULTURAL LAND



**CROPLAND: 104,800 acres**  
**PASTURELAND: 74,700 acres**  
**WOODLAND: 101,200 acres**

## SOUTH CAROLINA'S BEST AGRICULTURAL LAND IS UNDER THREAT

We used our unique **PVR index**, which quantifies the productivity, versatility, and resiliency of agricultural land, to identify:

1. **South Carolina's best land**, which has PVR values above the state median, and
2. **Nationally Significant land**, which is the country's best land for long-term production of food and other crops. **49%** of South Carolina's agricultural land, or **2,836,300 acres**, falls in this category.\*

Protecting high-PVR land is critical for the long-term sustainability of agriculture, yet from 2001-2016:

- ▶ **124,200 acres** of South Carolina's best land were converted to UHD and LDR uses.
- ▶ **111,300 acres** of South Carolina's Nationally Significant land were converted.

\*These two categories overlap and the same land may be included in both.

## What's at stake?

- ▶ **5,791,300 acres of agricultural land remain<sup>1</sup>**



**CROPLAND: 2,640,100 acres**  
**PASTURELAND: 1,049,400 acres**  
**WOODLAND: 2,101,800 acres**

- ▶ **\$3.0 billion earned from cash receipts in 2017<sup>2</sup>**

- \$74.6 million from local food<sup>3</sup>
- \$750.9 million from agricultural exports<sup>4</sup>

- ▶ **280,700 acres were converted—enough land to generate \$146 million in annual revenue<sup>2</sup>**

- ▶ **South Carolina's top 3 agricultural products:<sup>2</sup>**

- Poultry and Eggs \$1.7 billion
- Nursery and Greenhouse \$208.3 million
- Corn \$187.9 million

- ▶ **39,300 producers and 25,600 farm laborers on 24,800 farms<sup>2</sup>**

- ▶ **5 times as many producers over 65 as under 35 years old<sup>2</sup>**

1. Farms Under Threat 2016

2. National Agricultural Statistics Service 2017

3. Sold directly to consumer and intermediate outlets, NASS 2017

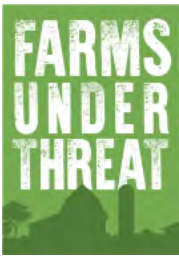
4. Economic Research Service 2017



**Farms Under Threat** is American Farmland Trust's multi-year initiative to document the status of and threats to U.S. farmland and ranchland and to identify policy solutions to ensure the protection and conservation of America's diverse agricultural landscape. For more information about AFT, visit [www.farmland.org](http://www.farmland.org). If you have any questions about the analysis methods or would like access to data, please contact AFT's Farmland Information Center: [www.farmlandinfo.org](http://www.farmlandinfo.org) or (800) 370-4879.



Explore our interactive maps at [www.farmland.org/farmsunderthreat](http://www.farmland.org/farmsunderthreat)



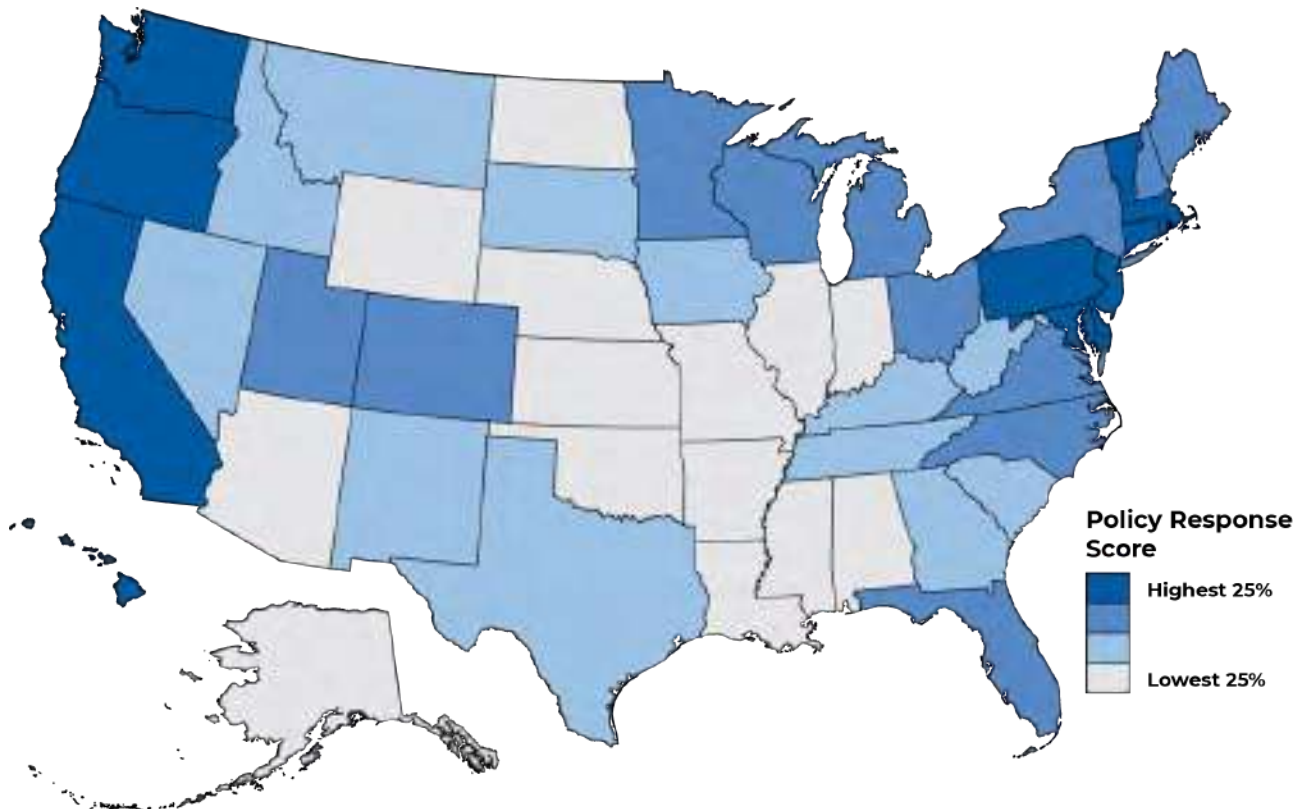
## THE STATE OF THE STATES

Agricultural Land Protection Scorecard Highlight Summary

# South Carolina

**Farms Under Threat: The State of the States** mapped agricultural land conversion and evaluated state policy responses. The Agricultural Land Protection (ALP) Scorecard evaluated six policies and programs that protect agricultural land from development, promote farm viability, and facilitate the transfer of agricultural land. American Farmland Trust (AFT) conducted research between 2016 and 2019 and used quantitative and qualitative factors to compare approaches that are tied to the land in all 50 states. Results for each policy are summarized in *policy scoresheets*; scores from the scoresheets are combined into Policy Response Scores in the *ALP Scorecard*. The map shows state Policy Response Scores by quartile.

### EXTENT OF STATE POLICY RESPONSES TO THE THREAT OF CONVERSION



#### RELATIVE CONVERSION THREAT

# HIGH

South Carolina scored among the top states for the conversion of agricultural land to urban and highly developed (UHD) and low-density residential (LDR) uses.

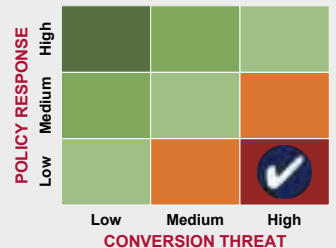
#### RELATIVE POLICY RESPONSE

# LOW


South Carolina scored among the lowest states for policies and programs that address the threat of conversion.

#### HOW IS THIS STATE DOING?

South Carolina is in a red box because its conversion threat is higher than its policy response, relative to other states. Learn more at [www.farmland.org/farmsunderthreat](http://www.farmland.org/farmsunderthreat)

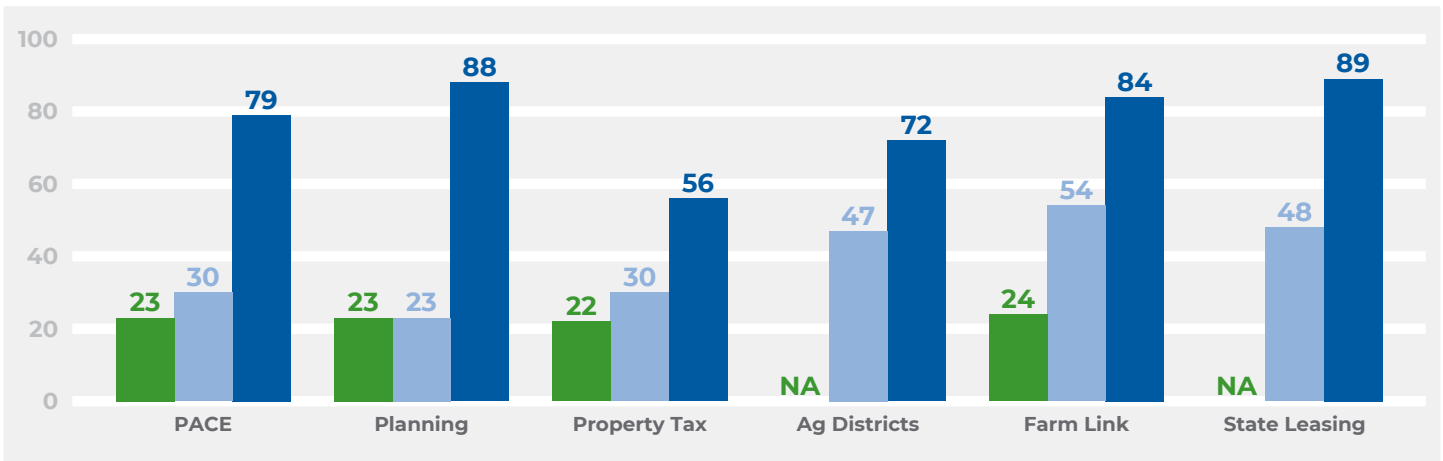


## HOW SOUTH CAROLINA STACKS UP

South Carolina Score 

Median Score 

Top Score 



Policy scoresheet scores: Final policy scores compared to the median and the highest scores achieved by all states that have implemented each policy. Even among high-response states, no state received a perfect score for any individual policy; every state has the potential to do more.

## ABOUT THE POLICIES AND PROGRAMS

### PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

Purchase of agricultural conservation easement (PACE) programs permanently protect farmland and ranchland from non-farm development. They compensate landowners who voluntarily place an agricultural conservation easement on their property. South Carolina offers the South Carolina Conservation Bank, which provides funds to entities for the purchase of agricultural conservation easements.

### LAND-USE PLANNING

Land-use planning policies manage growth and stabilize the land base. Most states delegate planning authority to local governments, but some play a more active role, requiring localities to develop comprehensive plans, identify agricultural resources, and adopt policies to protect them. South Carolina requires local governments to prepare a comprehensive plan if a planning commission is formed.

### PROPERTY TAX RELIEF

Property tax relief (PTR) programs reduce property taxes paid on agricultural land. The most common approach is use-value assessment (UVA), which assesses farmland and ranchland at its current use value. South Carolina's program does not require verification that land is in active agricultural use in order to be eligible.

### AGRICULTURAL DISTRICTS

Agricultural district programs encourage landowners to form special areas to support agriculture. Farmers receive protections and incentives including: limits on annexation, limits on eminent domain, protection from the siting of public facilities and infrastructure, and tax incentives. Less common is requiring district enrollment to participate in state-administered PACE programs.

### FARM LINK

Farm Link programs connect land seekers with landowners who want their land to stay in agriculture. Administered by public or private entities, they offer a range of services and resources, from online real estate postings to technical assistance, trainings, and educational resources. AFT only included publicly supported programs. South Carolina's publicly supported program is South Carolina Farmlink.

### STATE LEASING

State leasing programs make state-owned land available to farmers and ranchers for agriculture. Sometimes their primary purpose is to make land available for agriculture. More often, agricultural use is secondary to generating income for a public purpose or protecting wildlife habitat.

## SOUTH CAROLINA: KEY FACTS

# \$0.25

AMOUNT INVESTED PER CAPITA IN PERMANENTLY PROTECTING FARMLAND THROUGH 2017

Among states with PACE  
Smallest (TX): < \$0.01  
Largest (DE): \$6.03

# 0.26

ACRES DEVELOPED PER NEW PERSON ADDED TO THE STATE'S POPULATION BETWEEN 1982 AND 2012

Fewest (CT/MA): 0.11  
Most (ND): 4.07

# ✓ YES

PENALTY IMPOSED WHEN LAND IS WITHDRAWN FROM PTR PROGRAM

States w/ penalty: 29  
States w/o penalty: 21



**Farms Under Threat** is American Farmland Trust's multi-year initiative to document the status of and threats to U.S. farmland and ranchland and to identify policy solutions to ensure the protection and conservation of America's diverse agricultural landscape. For more information about AFT, visit [www.farmland.org](http://www.farmland.org). If you have any questions about the analysis methods or would like access to data, please contact AFT's Farmland Information Center: [www.farmlandinfo.org](http://www.farmlandinfo.org) or (800) 370-4879.



Explore our scorecard and scoresheets at [www.farmland.org/farmsunderthreat](http://www.farmland.org/farmsunderthreat)

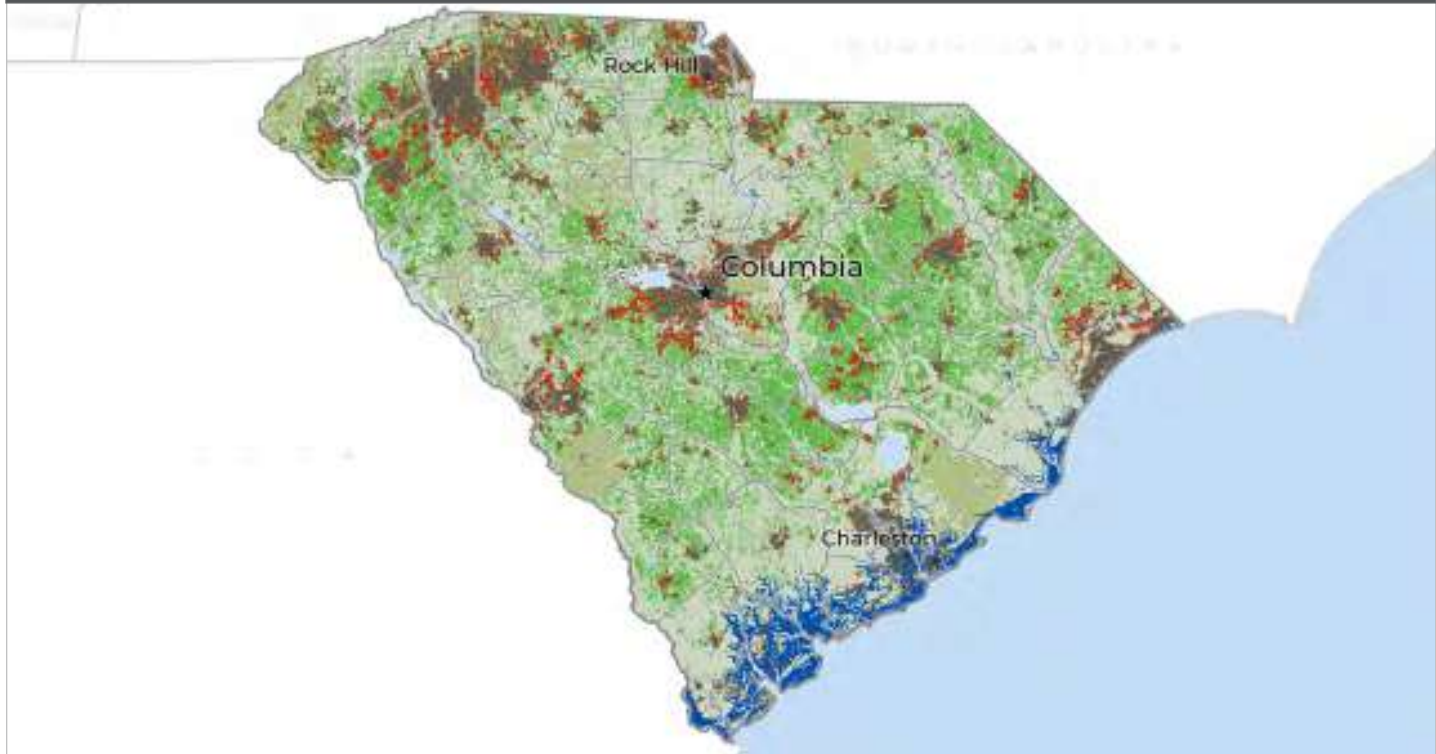




# 2040 Future Scenarios South Carolina

**Farms Under Threat 2040: Choosing an Abundant Future** mapped three scenarios of development between 2016 and 2040. If recent trends continue, **436,700 acres** of South Carolina's farmland will be paved over, fragmented, or converted to uses that jeopardize agriculture. **That's 8%.** South Carolinians can slash conversion, save farmland, and safeguard the future of agriculture and the environment by choosing compact development.

## PROJECTED AGRICULTURAL LAND CONVERSION 2016-2040



Projected agricultural land conversion from 2016-2040 in the *Business as Usual* scenario.

### Projected Conversion and Flooding (2040)

- Urban and highly developed (UHD) and low-density residential (LDR)
- Coastal flooding

### Land Cover (2016)

- Farmland\*
- Forestland
- Federal (no grazing)
- Other lands
- Urban areas
- Water

\*Farmland is composed of cropland, pastureland, and woodland associated with farms.

## On recent trends, from 2016 to 2040:

South Carolinians will pave over, fragment, or compromise

**436,700 acres** of farmland.

**51%** of the conversion will occur on South Carolina's best land.<sup>1</sup>

That's the equivalent of losing

**3,600 farms,**  
**\$239 million**

in farm output, and  
**5,900 jobs**  
based on county averages.<sup>2</sup>

Hardest-hit counties:

- ▶ **Lexington**
- ▶ **Spartanburg**
- ▶ **Anderson**

<sup>1</sup> Freedgood et al. 2020  
<sup>2</sup> Census of Agriculture 2017

## WHICH FUTURE WILL WE CHOOSE?

How South Carolinians choose to develop will shape the future of farming. The scenarios in **Farms Under Threat 2040** show the impacts:



**Business as Usual:** Development follows recent patterns. Poorly planned development and low-density residential sprawl continue to rapidly convert farmland.

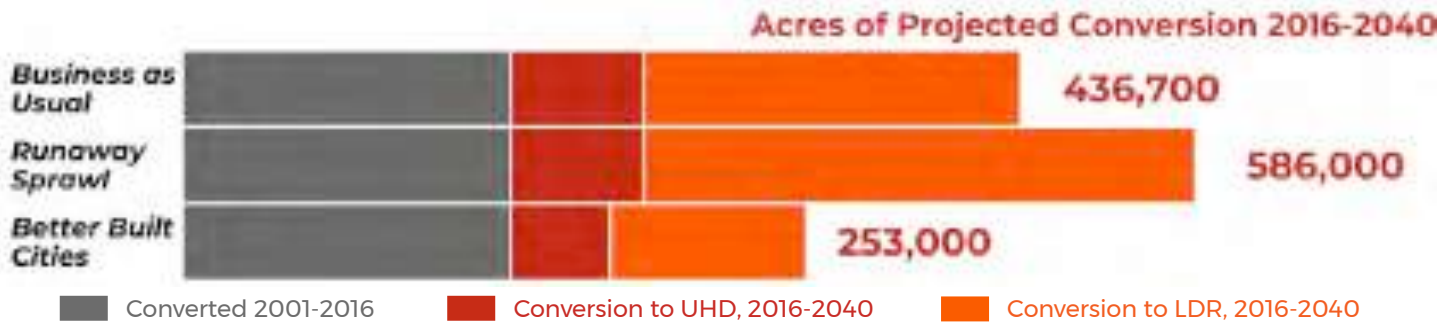


**Runaway Sprawl:** Development becomes even less efficient than in *Business as Usual*. Low-density housing sweeps across the countryside, displacing farmers.



**Better Built Cities:** Policymakers and land-use planners promote compact development and reduce sprawl, saving irreplaceable farmland from conversion.

## COMPACT GROWTH CAN SAVE FARMS



South Carolina's farmland will be converted to:

**Urban and highly developed (UHD)** land use includes commercial, industrial, and moderate-to-high density residential areas.

**Low-density residential (LDR)** land use includes scattered subdivisions and large-lot housing, which fragment the agricultural land base and limit production, marketing, and management options for the working farms that remain.

### LDR PAVES THE WAY FOR FURTHER DEVELOPMENT

Agricultural land that was in LDR areas in 2016 is

**5 TIMES MORE LIKELY**

to be converted to UHD by 2040, compared to other agricultural land.

### DEVELOPMENT CHOICES MATTER

By choosing the *Better Built Cities* scenario instead of *Runaway Sprawl*, South Carolinians can save

**333,000 acres**

of farmland.

That's the equivalent of saving

**2,700 farms,**

**\$184 million**

in farm output, and

**4,300 jobs**

based on county averages.<sup>1</sup>

<sup>1</sup> Census of Agriculture 2017

## COASTAL FLOODING



By 2040, 800 acres of agricultural land may be affected by rising seas due to climate change.

## WHAT POLICYMAKERS CAN DO

- **Encourage compact development** to minimize sprawl.
- **Permanently protect our best farmland** with voluntary conservation easements.
- **Forge a path to success** for a new generation of farmers.



**Farms Under Threat** is American Farmland Trust's multi-year initiative to document the status of and threats to U.S. farmland and ranchland and to identify policy solutions to protect and conserve America's diverse agricultural landscape. For questions and to access the data, please contact AFT's Farmland Information Center: [www.farmlandinfo.org](http://www.farmlandinfo.org) or (800) 370-4879.

Explore our interactive maps and read the full report at

[www.farmland.org/farmsunderthreat](http://www.farmland.org/farmsunderthreat)





*Since its founding in 2013, the Oconee County Conservation Bank has helped landowners, like Nick Gambrell, conserve more than 2,800 acres from future development.*

**SUBSCRIBER EXCLUSIVE**  
**RURAL ROOTS**

## **A rural town sees Greenville's growth heading their way. Some plan to fight it.**

Three Oakway, Oconee County natives see the Upstate's growth as a threat to their small farming community. Here's how they are fighting it.

**Zoe Nicholson, Greenville News**

Published 6:44 AM EDT Jun. 24, 2021 Updated 6:44 AM EDT Jun. 24, 2021

*This story is part of Rural Roots, a series examining the impact of the Upstate's growth on farming and ruralism*

Every time Eddie Martin climbed atop the highest peak at 3M's Greenville plant, he could see the changing landscape.

When he started in the 1980s, it was all trees. When he retired in 2004, that view was a sea of rooftops, as far as he could see, the retired project engineer said.

"You could just see the encroachment coming and coming and getting closer and closer," he said.

Martin did not want the development he saw from on top of the plant to follow him home to Oconee County, where he's lived most of his life.

Growth has crept down Interstate 85 and into southern Oconee County, which is one of the five fastest-growing areas of the Upstate, according to the Appalachian Council of Governments.

The Golden Corner is growing nearly as fast as Greenville, according to the Appalachian Council of Governments. The population has grown by more than 13,000 between 2010 and 2019. Over the next 15 years, Oconee County's population is expected to add about 6,000 more people, according to projections from the state's revenue and fiscal affairs office.

Some residents of rural Oconee County who live near Lake Hartwell and I-85 are determined to fight the growth and protect their low cost of living.

"I don't want to sound like a buffoon or an agitator, but I do think people need to look around them," Martin said. "And there is a good perception of the natural environment in the Upstate, but I don't think there's a good preservation view of it. A lot of people think it will always be here. But if you don't take steps to protect it, it may not be."

## **Conservation easements give aging locals peace of mind**

Since 2004, Martin has served as the head of the soil and water district in Oconee County. Leveraging his county job and deep ties to the community, he's committed to the preservation of the rolling hills and verdant fields.

But he's not alone. The county has become a partner in helping residents conserve agricultural land in Oconee.

Since its founding in 2013, the Oconee County Conservation Bank has helped landowners conserve more than 2,800 acres from development by incentivizing conservation easements, which is a legal agreement tied to a property, the owner and a management organization to conserve the land in perpetuity.

Martin helps landowners through the process and manages the county's conservation easement program. The county, state and several nonprofits in the area sweeten the deal with tax credits and grants to aid in the expensive process.

The latest easement to protect rural farmland is in Martin's hometown of Oakway, a small farming community between Townville and Fairplay.

This is where Peggy Moore comes in. Moore decided to protect the land that's been in her family for more than a century in 2018. She did it because her family's roots are important to the retired school principal.



**Peggy Moore**

When she moved back to Oakway in 1986, she decided to put down new roots on her family's land off of State 24. Instead of building a new home, she moved a 100-year-old yellow farmhouse with a wraparound porch from a nearby property.

The 59-acre property is still farmed by her brother, who sells hay to local cattle farms. It was the best view of the Blue Ridge Mountains in town, according to a family friend. Magnolia trees, blueberry bushes and hydrangeas are just a few of the dozens of plants on the property. They established a family cemetery on part of the property. It's where she grew up, where she returned to after years of teaching in the Lowcountry and where she'll be buried. It's home.

“One day I said, ‘Peggy, you're not gonna be here forever. And so how are you going to leave this?’” Moore, 79, said.

In 2018, she began working with Martin to put a conservation easement on her 59-acre property. In June, it was approved.

Easements are complex agreements that require years of surveying, legal work and state approval to be finalized. It costs the landowner up to \$150,000 to implement and can devalue the property up to 65% because it takes away certain property usage rights, according to Farmland Access, a conservation bank.

“What I tell a property owner is that this is not about money,” Martin said. “This is about your intent and your love of the land. And if that is not the main thing that you're looking for, you probably don't need to talk to us.”

## **Farmstead aims to preserve 20th-century heritage**

Land prices in the Upstate have soared as the population has grown. In Oconee County, the average cost of a farm — the best land to develop for housing — has skyrocketed more than 170% since 1992, according to the U.S. Department of Agriculture.

The rising land costs are keeping some in Oakway from being able to buy back family land.

Nick and Nathan Gambrell have always wanted to buy back their great-grandparents' farmstead, which is just a few minutes drive from Moore's property and was sold out of the family after their great-grandmother died in the 1980s.

But the two men, one a farmer and the other the head of a nonprofit, could not afford the price of the 200-acre farmstead, Nick Gambrell said.

But the Gambrells, who have lived in Oakway for six generations, were determined to save some of the family's heritage.

They reached a deal to take the 100-year-old farmhouse with a wraparound porch and gingerbread detailing. Piece by piece, Nick and his cousin, Carla Honea, took the house apart. Less than a mile away, they're building it back, nail by nail, shingle by shingle.

“I got really excited when I found out Nick was going to be able to save the house,” Honea said. “I figured if we just brought it down then that would be the end of the story. But the story goes on.”

The house will be the centerpiece of Foothills Farmstead, a 16-acre park on county-owned land. After the farmhouse is finished, Nick and his family will reconstruct outhouses, tenant lodgings and an old general mill, all donated to the nonprofit by families deeply rooted to the area.

There will be working agricultural fields, pens for livestock, a working sorghum mill and a small amphitheater once it's built out over the next several years, Nick said.

It's his way of preserving Oakway. "Because it's only gonna get – I don't want to say worse – it's just gonna get different."

*Zoe covers Clemson — just don't ask her about touchdowns or tackles. She covers everything non-sports. Find her at [znicholson@gannett.com](mailto:znicholson@gannett.com), [@zoenicholson\\_](https://twitter.com/zoenicholson_) on Twitter, and [@zoenicholsonreporter](https://www.instagram.com/zoenicholsonreporter) on Instagram.*

## **Discussion Materials: Task Force on Agriculture Meeting**

The Task Force is charged with:

- Studying the issue of current and projected agriculture industry decline, and specifically, the loss of viable farmland in the County
- Developing potential solutions for the issue
- Reporting its findings to Council

**Discussion Goal: To explore solutions for the problem of agricultural decline in Oconee County and to identify topics for future Task Force meetings and presentations.**

## **TOOLS FOR AGRICULTURAL LAND PROTECTION IN OCONEE COUNTY**

1. Funding
  - a. County Conservation Programs (OCCB) and Funding
    - i. General Budget
      1. Greenville County (HNRT)
      2. Spartanburg County (H-Tax)
    - ii. Local Option Sales Tax
      1. Charleston County
      2. Beaufort County
      3. Berkeley and Dorchester Counties
  - b. Additional Conservation Easement Programs
  - c. Impact Fees
2. Education
  - a. Future Farmers of America (FFA)
  - b. The FARM Center
  - c. High-school Curriculum
  - d. 4-H
3. Land Use Planning and Policy
  - a. Voluntary Agricultural Districts (VAD)
  - b. Overlay Districts, Zoning, Subdivision Ordinances
  - c. Urban Service Boundaries



# County Conservation Programs Funded in the General Budget

# In reversal, Greenville County budgets \$2M for conservation and preservation trust

By Nathaniel Cary [ncary@postandcourier.com](mailto:ncary@postandcourier.com)

Jul 21, 2021

Greenville County Council reversed course and overwhelmingly voted to allocate \$2 million over the next two years toward land conservation and preservation of historic properties, a move advocates said is increasingly important as growth envelops the county.

The council voted to create the Greenville County Historic and Natural Resources Trust last year and earlier this year named its first 12-member board. The trust initially asked for \$10 million over two years as seed money to help residents conserve land and to pay for preservation projects. But when it came time to fund the trust in the 2021-2022 budget passed in late June, the council chose not to allocate any money to the trust in a 7-5 vote.

Over the last month, residents and a newly-formed coalition of businesses, organizations and community leaders called Greenville for Greenspace urged the council to reconsider.

Councilwoman Xanthe Norris, who initially voted against allocating money to the trust, asked to reconsider the vote July 20. The council voted by voice vote with no objections to give the trust \$1 million in the current budget. Earlier the council voted 10-2 to allocate an additional \$1 million in its 2022-2023 budget to the trust.

“It is especially critical during this time of rapid growth that we conserve the special places that give us such a wonderful quality of life and prepare our county to the future,” said Doug Harper, the trust’s chairman and a former board chair of the South Carolina Conservation Bank.

“Greenville County Council made a wise decision when they showed their support for more parks, trails, greenspace, historical sites and more by approving \$1 million in the budget for the newly created Historic and Natural Resources Trust. This is a big step in helping the county meet its goals and objectives as outlined in the most recent county comprehensive plan.”

The council will retain control over any of the trust’s expenditures that exceed \$200,000, with three readings and a public hearing required. The trust will also provide a year-end report of its performance, according to an amendment by Councilman Dan Tripp.

The trust will accept applications for conservation projects, evaluate the value of the projects and vote to provide money. In many cases, the trust will likely be one of a number of funding sources. Often, state and federal programs require or recommend a local match for grants. The trust will be another way the county can provide those matching dollars, Harper said.

Greenville County joins Oconee, Beaufort and Charleston counties as state locales with county trusts.

“I am pleased that Greenville County Council changed course tonight and made the wise decision to protect our community’s future by funding the Historic and Natural Resources Trust,” says Minor Shaw, honorary co-chair of the Greenville for Greenspace coalition. “We look forward to working together to build on this initial investment in Greenville’s natural areas, farms, forests, and historic sites so that everyone can benefit.”

# County Conservation Programs Funded through Ballot Measures

# Green Space Sales Tax referendum will go to county voters

[yourislandnews.com/green-space-sales-tax-referendum-will-go-to-county-voters](http://yourislandnews.com/green-space-sales-tax-referendum-will-go-to-county-voters)



**By Tony Kukulich**

A new tax expected to raise \$100 million to preserve open space will be decided by voters after the Beaufort County Council approved a referendum to place the measure on the November ballot.

If approved by voters in the fall, the Green Space Sale Tax will institute a 1% sales tax that will remain in effect for two years or until the \$100 million cap is reached, whichever comes first.

The vote came during Monday night's County Council meeting. The referendum was scaled back significantly from its original form. A motion put forth by District 2 Councilmember Paul Sommerville reduced the term of the referendum from four years to two years and reduced the cap from \$300 million to \$100 million.

"(The referendum) is intended to meet growth pressures at their root where significant development is being approved," said Jessie White, South Coast Office Director for the Coastal Conservation League. "The green space bill is essentially a way to balance what's right now an uneven scale between our built and natural environment."

In addition to the outright purchase of land, the referendum allows the funds raised to be used to purchase development rights, conservation easements and rights of first refusal among other options. The preservation of land is also not limited to Beaufort County. Funds raised through the tax could conceivably be purchased in other counties.

"This is an opportunity for us to actually buy down those rooftops," said District 7 Councilmember Logan Cunningham. "Everyone is continuing to talk about purchasing land itself. But we can also buy building rights. For example, if land is zoned for 500 homes, there are ways to negotiate to bring that down to 300 homes without us actually owning county property but we're bringing down the rooftops in Beaufort County. We can build more roads. We can build more schools. But we're always going to be chasing the tail over and over and over until we can bring down the number of rooftops in Beaufort County."

The referendum passed by a wide 9-1 margin on its third reading before the council. District 4 Councilmember Alice Howard was the lone holdout who opposed its approval. While Howard referenced her long-time support of land preservation initiatives, she took issue with several provisions of the referendum.

"I've seen various methods on how to (preserve land)," Howard said. "I don't regard this as a good method, necessarily, to buy development rights from things that have already been approved by the municipalities. For 20 years, the Beaufort County Rural and Critical Lands program has existed since 2002 and they've only spent \$141 million. Now we're proposing to spend \$100 million in two years."

Howard acknowledged that the money raised does not need to be spent in the two-year window that the tax exists. She noted concerns about future County Councils purchasing land outside the county and potentially exercising condemnation rights to acquire land.

"I don't think this is the right referendum at the right time for Beaufort County residents," Howard added.

State Senator Tom Davis countered that the Green Space Sales Tax was written in a manner that allows it to work in concert with the Rural and Critical Lands program.

"You can integrate them into the selection process," Davis said. "You can integrate them as you go about evaluating land. In fact, This law was drafted with that in mind. I was familiar with the Rural and Critical Lands program and how successful it's been down here. When I drafted this legislation, it was to give the county enough latitude so that it could adopt what processes it thought was best. I had in my mind, quite frankly, the Rural and Critical Lands program."

Details regarding how the \$100 million raised by the referendum will be spent need to be determined before the November election. Several points are clear. Any expenditure will need to be approved by the County Council. A seven-member advisory board will be established, but its role will be limited to ensuring that the council is using the funds in a manner that is consistent with the terms of the legislation.

According to Davis, the county is obligated to publish a fully developed process for managing the funds raised via the tax prior to the November election.

"Your action here tonight is the first step in a process, and then you're going to have to go ahead and articulate what that process is going to be," Davis said. "And that will be provided to the public before the vote."

Ann Ubelis, Chair of the Beaufort County Tea Party, was one of several who spoke in opposition to the referendum arguing that raising taxes during a recession is ill advised, and that sufficient tools in the form of zoning and environmental legislation exist to slow growth.

"Use those tools," Ubelis said. "We voted you in to curb growth. A lot of you ran on a promise of curbing growth, and I don't see that happening. I see more growth now than when I moved here 20 years ago."

Contrary to Ubelis' position, White presented the results of a survey that found widespread support for the referendum in the county. The poll, completed by the Coastal Conservation League, the Trust for Public Land and the Conservation Voters of South Carolina, queried 300 potential voters in Beaufort County. Results indicated that 64% of voters were in favor of the 1% sales tax with a two-year term. The survey also found that 65% of respondents felt the county was growing too fast.

"Beaufort has long been a leader of conservation in this state," White said. "Overwhelmingly, Beaufort County voters support land preservation."

# Sales tax referendum to preserve green space in Beaufort County may be heading to ballot

[islandpacket.com/news/politics-government/article263386883.html](https://islandpacket.com/news/politics-government/article263386883.html)

By Ben Morse

July 13, 2022

 THE ISLAND PACKET

Beaufort County, S.C.

You soon could be paying more to protect green spaces from development in Beaufort County, but a proposed sales tax to do so faces an uphill battle.

The County Council on Monday passed the green space sales tax referendum on second reading. It still has one more reading and a public hearing, then would have to be approved by voters in November.

The proposal will increase the county sales tax by a penny for four years or less and caps revenue at \$300 million. The sales tax would go from 6% to 7%.

If passed, the county estimates that 40% of the revenue would be paid by tourists and vacationers.

The money would be used to purchase plots of land in the county and keep them from being developed — a problem county officials say is slowly destroying the area's natural environment. Some of the land could be turned into parks, while other tracts would be left untouched, officials said.

The referendum proposal passed by a vote of 8-2.

Councilmen Logan Cunningham said in recommending the tax it's time to act.



The farmland was in danger of being sold on the open real estate market and converted to housing development, or some other use, according to those who partnered to buy it. Beaufort County Open Lands Trust

“We talk about trying to slow the growth in the county. This is actually an action of doing that,” Cunningham said during the meeting.

Others voiced their concern. Councilwomen Alice Howard said she couldn't support the proposal because the county did not have enough information on how the tax would be implemented.

Howard added the referendum was unnecessary because the county already has tools to address over development. She was joined by Councilmen York Glover in voting “no”.

There are no specific tracts of land currently under consideration for purchase with proposed sales tax revenue, The county Public Information Officer Chris Ophardt said.

## **History of tax increase referendums**

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In recent years, county voters have been mostly consistent in their opposition to approving sales and property taxes at the polls.

- In 2021, voters rejected a penny sales tax increase after some critics argued the county hadn't specified how those funds would be spent.
- Voters rejected another referendum in 2018 to borrow money to help pay for county renovations to public school buildings.
- In 2016 voters rejected two referendums — a penny sales tax referendum to pay for infrastructure projects and a request by the Beaufort County School Board to borrow \$217 million for renovations.
- A proposed referendum in 2013 never made it on the ballot, and the County Council scrapped a proposal designed to provide property tax relief.

“The citizens of Beaufort County truly want to know can we do this with state and local tax money that we've [already] paid in?” Ophardt said. “They want to ensure that the local government isn't just going for tax revenue for the sake of tax revenue and ensuring that it's spending every dollar it already has effectively.”

A big hurdle to any tax increase proposal is the current state of the economy.

State Sen. Tom Davis, R-Beaufort, who has pushed for the adoption of the referendum, said last month he supported tailoring the referendum to address concerns about the current state of the economy.

“I ... think it's important to instill some public confidence ... because the economy is obviously strained right now with prices rising,” Davis said at the June 27 County Council meeting.

Davis had recommended to the council a 0.5% sales tax instead of 1%, but the council ultimately stayed with a penny tax. Councilmen Chris Hervochon said the green space tax will reduce taxes long term due by putting less pressure on the county's infrastructure.

Inflation hit 9.1% in June, the highest rate in more than 40 years, according to the U.S. Bureau of Labor Statistics.

Davis wrote the County Green Space Sales Tax Act in the South Carolina Legislature, which was enacted in April. The legislation allows counties to increase their sales tax to purchase undeveloped land and preserve it as green space, if passed by a referendum.

The only recent exception to county voters' anti-sales tax posture came in 2018 when voters approved a penny sales tax increase to pay for infrastructure projects; the tax lapsed in 2021 after it had raised the maximum \$120 million.

## **Conservation measures popular**

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Beaufort County voters in recent years have passed bond issue referendums raising money for conservation through property tax increases.

Since 2002, voters have voted yes on five referendums raising \$170 million for the Beaufort County Rural and Critical Land Preservation Program to fund conservation efforts in the county. A person with a \$250,000 owner-occupied home saw their tax bill increase by an estimated \$9-\$10 a year.

Funds from the program, which have protected about 29 thousand acres according to the program's 2021 annual report, were used to keep Widgeon Point Preserve and farm land on St. Helena Island as green space, akin to what the proposed sales tax revenue would be used for, Ophardt said.

"Green space is extremely popular," Ophardt said. "Between comments to council and comments online on social media platforms, growth and density is one of the [top] concerns of the community."

A second referendum that had been discussed was an additional 1 cent sales tax to pay for transportation and infrastructure improvements. But the county council deadlocked 5-5 on passing the referendum on a second reading, and the council ran out of time to get it passed in time to put it on the November ballot.

Several council members said they did not have enough time to educate the public on the benefits of the transportation referendum before November, and it was politically unfeasible to put two sales tax increases on the ballot at the same time.

County Council Chairmen Joseph Passiment added the environmental protections in the transportation referendum were redundant considering the council's consideration of the green space referendum. Despite the setback, several council members expressed support for reexamining a transportation sales tax before the 2024 election.

The council discussed an option to sell municipal bonds to pay for green space acquisitions, with the sales tax revenue used to pay off the bonds, plus interest. No determination on how green space projects will be paid for will be made until after the referendum vote in November.

This story was originally published July 13, 2022 1:21 PM.



**ORDINANCE 2022/39**

**AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED**

**WHEREAS**, the Beaufort County Council recognizes the need to preserve land that has scenic, natural, recreational, rural, and open space character which is deemed essential to the County's quality of life; and

**WHEREAS**, in recognition of the negative consequences which are often associated with environmentally unsustainable levels of development, South Carolina adopted, the "County Green Space Sales Tax Act," ("Act") which is designed to empower counties to undertake land preservation efforts.; and

**WHEREAS**, the Beaufort County Council has, by Ordinance 2022/36, provided for the imposition of a one percent (1%) sales and use tax pursuant to the Act subject to the results of a Referendum which is to be held on November 8, 2022 ("Referendum") on the imposition of the sales and use tax; and

**WHEREAS**, in the event voters approve the Referendum, the net revenues of the sales and use tax are to be applied by County Council for the purposes permitted under the Act; and

**WHEREAS**, the Act provides that two weeks before the Referendum a county's election commission must publish in a newspaper of general circulation the questions which are to appear on the ballot along with a description of the methods by which County Council intends to procure open lands and green space of preservation; and

**WHEREAS**, by the adoption of this ordinance County Council undertakes to set forth a description of the methods by which Council intends to procure open lands and green space for preservation if voters approve the Referendum imposing a one percent (1%) sales and use tax for preservation procurement under the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF BEAUFORT COUNTY AS FOLLOWS:**

**SECTION 1. TITLE**

This article shall be known as the "Beaufort County Green Space Program Ordinance."

**SECTION 2. PURPOSE**

It is the purpose of this ordinance to:

- (a) Provide a means by which lands may be protected and enhanced as economic and environmental resources of major importance.
- (b) Encourage landowners to make a voluntary long-term commitment to conservation by offering landowners financial incentives and security of land use.
- (c) Preserve open space; protect critical and natural resources; and/or provide land for recreation.
- (d) Leverage federal, state, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements.
- (e) Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation.
- (f) Provide compensation to landowners in exchange for relinquishment, in part or in whole, of their right to develop their private property.
- (g) Reduce and defer the need for major public infrastructure improvements in the county when the expenditure of public funds is the requirement for such improvements.
- (h) Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, passive recreation, viewscapes and lands suitable for public use in a manner consistent with its conservation values.
- (i) Provide for purchase of development rights and fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives.
- (j) Provide for purchase of development rights on rural lands, which provide protection of natural resources and stability of agricultural, timber, and other open space uses.
- (k) Protect and preserve watersheds; natural habitat for plants and animals.

### **SECTION 3. TYPES OF ACQUISITIONS**

Preservation procurements are defined in the Act. They include procuring for preservation, open lands or green spaces which are located within and without, or both within and without, the boundaries of Beaufort County, other counties, municipalities, and special purpose districts by and through the acquisition of interests in real property, including:

- (a) The acquisition of fee simple titles;
- (b) Conservation easements;
- (c) Development rights;
- (d) Rights of first refusal;
- (e) Options;

- (f) Leases with options to purchase;
- (g) Any other interest in real property.

#### **SECTION 4. GREEN SPACE ADVISORY COMMITTEE MEMBERSHIP, TERMS, ORGANIZATION**

To facilitate preservation procurement purchases Council establishes the following Committee, sets forth the terms of membership and its organization:

- (a) County Council shall appoint a seven-member Green Space Advisory Committee as follows:
  - (1) one member who is a member of the County Council;
  - (2) one member who is a member of the Beaufort County Legislative Delegation;
  - (3) one member who is knowledgeable about the geography and condition of Beaufort County's land; and
  - (4) four citizen members, each representing the northern, southern, eastern, and western portions of the county.
- (b) Terms of committee members are for four years and until their successors are appointed and qualify, except that the initial terms of the members must be staggered with the initial term noted on the appointment.
- (c) The committee is a public body, and its members are subject to the South Carolina Ethics Act, as amended, and must perform their duties in accordance with its provisions.
- (d) The committee must conduct its business in accordance with the South Carolina Freedom of Information Act.

#### **SECTION 5. GREEN SPACE ADVISORY COMMITTEE DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Green Space Advisory Committee are to:

- (a) Identify stakeholder groups with extensive knowledge of and experience in land preservation to assist with recommendations to the Advisory Committee on which areas and types of properties to target for acquisition with guidance from the Greenprint Plan and the Comprehensive Plan ("Stakeholder groups").
- (b) Develop and recommend to County Council for adoption program criteria to guide the identification and prioritization of lands to be acquired through the Green Space Program. At a minimum the criteria shall include:
  - (1) That the program is transparent and equally distributes the funds within the County in the interest of Beaufort County residents.
  - (2) For properties which are located outside the geographic boundaries of the County known as Beaufort County, matching funds may be required.

- (3) Acquisitions of development rights secured through annexations, rezonings, and/or other entitlements occurring after the adoption of this ordinance will be closely scrutinized and use of/access to Green Space funds may be restricted or prohibited.
  - (4) A jurisdictional letter of support or opposition for projects located in other governmental jurisdictions shall be required at the time of application.
- (c) Develop and recommend to County Council an application process that includes a measurable scoring system based on adopted program criteria. When applicable, scoring may at a minimum consist of the following factors:
- (1) The extent to which the acquisition will protect valuable natural resources, habitat, and water quality.
  - (2) Consistency with adopted plans including the Beaufort County Comprehensive Plan and the Greenprint Plan.
  - (3) The extent to which the acquisition will result in the reduction of vehicle miles traveled and reduce the need for future roadway improvements.
  - (4) The extent to which matching funds will be available for applications.
  - (5) For purchases of existing development rights, how recently the property was entitled for development.
- (d) Submit to South Carolina Department of Revenue, Council approved program criteria and application process for acknowledgement.
- (e) Review and recommend to County Council Green Space lands to be acquired based on the adopted program criteria and scoring system (Section 5-a & 5-b).
- (f) Perform such other duties as may be assigned by County Council.

**SECTION 6. METHOD OF PROGRAM AND PROCEDURES**

The following procedures shall be followed in evaluating preservation procurements:

- (a) County Staff Receipt and Review of Applications:
- (1) Applications for participation in the Green Space Program shall be submitted to County staff.
  - (2) County staff, upon determining completeness of the application, shall review and provide a ranking and recommendation to the Green Space Advisory Committee based on the adopted program criteria and scoring (Section 5-a & 5-b).
- (b) Review, Recommendation, and Action to Proceed with Due Diligence and Acquisition Negotiations:

- (1) The Green Space Advisory Committee shall review and make recommendations whether to engage in due diligence and acquisition negotiations based upon staff scoring and recommendation.
  - (2) The Advisory Committee recommendation will be presented to the Natural Resources Committee where a decision to fund due diligence and acquisition negotiations will or will not be approved for each application.
  - (3) If approved by the Natural Resources Committee, county staff will proceed with due diligence and acquisition negotiations.
- (c) Review, Recommendation and Action to Proceed with Acquisition:
- (1) Based on the due diligence and the acquisition negotiations, staff shall make any necessary revisions to the original scoring and recommendation to the Green Space Advisory Committee.
  - (2) The Green Space Advisory Committee shall review and make recommendations whether to approve funding for acquisitions.
  - (3) The Advisory Committee's recommendations will be presented to the Natural Resources Committee where a recommendation to acquire will or will not be approved for each application.
  - (4) The Natural Resources Committee's recommendations will be presented to County Council for final consideration. Approval will be by Resolution.

## **SECTION 7. DUE DILIGENCE**

All proposed acquisitions will be subject to due diligence being satisfactorily completed, reviewed, and approved by the county. All due diligence shall be initiated and reviewed by appropriate county staff before being sent to County Council for action. Due diligence shall include, but may not be limited to:

- (a) An appraisal of the value of the interest being acquired prepared by a member of the appraisal institute (MAI), or other appropriately licensed or certified South Carolina Appraiser.
- (b) A boundary survey completed by a South Carolina Registered Land Surveyor. For purchase of fee simple interests, a topographic survey, tree survey, archaeological survey, or other due diligence items shall also be obtained when appropriate.
- (c) A Phase I environmental assessment by a qualified environmental consulting firm. In instances where the Phase I report so indicates, a Phase II environmental assessment including a plan for any remediation, by the seller or purchaser, is required for the property to address the concerns to the satisfaction of the county.
- (d) When warranted, a title search, title opinion, and/or title insurance commitment with only normal title exceptions will be required.

**SECTION 8. CONSERVATION EASEMENTS**

- (a) Conservation easements shall concurrently be placed on property where development rights are being acquired with all documents ready to be filed with the Register of Deeds.
- (b) The conservation easements shall be granted directly to an appropriate easement holder by the owner or by the county. The Green Space Advisory Committee shall recommend appropriate easement terms/language to County Council in recordable form.
- (c) The stewardship funding required by the easement holder to defend and provide the necessary annual monitoring required for the easement may be granted by the county for the easement depending on the nature of the agreement reached between the county and the easement holder.
- (d) When the county and Marine Corps Air Station (MCAS) Beaufort collaborate on a purchase of development rights acquisition, an appropriate restrictive easement will be applied to the acquired property.

**SECTION 9. EFFECTIVE DATE; SEVERABILITY**

This Ordinance shall take effect immediately upon third reading; provided however, the Green Space Advisory Committee shall not be appointed, and Beaufort County shall not appropriate funds for preservation procurement under this Ordinance or under Ordinance 2022/36 unless voters approve the Referendum imposing a Green Space Sales and Use Tax.

If any provision of the Ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid, such holding shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are severable.

Adopted this 3rd day of October 2022.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY:   
Joseph Passiment, Chairman

ATTEST: 

Sarah W. Brock, Clerk to Council  
First Reading: September 12, 2022 / Vote 9:1  
Second Reading: September 26, 2022 / Vote 11:0  
Public Hearing: September 26, 2022  
Third and Final Reading: October 3, 2022 / Vote 10:0

**South Carolina General Assembly**  
124th Session, 2021-2022

**A166, R166, S152**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice, Hembree, Scott, Climer and Kimpson  
Document Path: I:\s-res\td\003gree.sp.td.docx

Introduced in the Senate on January 12, 2021  
Introduced in the House on May 13, 2021  
Last Amended on May 11, 2022  
Passed by the General Assembly on May 12, 2022  
Governor's Action: May 16, 2022, Signed

Summary: County Green Space Sales Tax Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
12/9/2020	Senate	Prefiled
12/9/2020	Senate	Referred to Committee on <b>Finance</b>
1/12/2021	Senate	Introduced and read first time ( <a href="#">Senate Journalpage 193</a> )
1/12/2021	Senate	Referred to Committee on <b>Finance</b> ( <a href="#">Senate Journalpage 193</a> )
5/5/2021	Senate	Committee report: Favorable with amendment <b>Finance</b> ( <a href="#">Senate Journalpage 7</a> )
5/6/2021		Scrivener's error corrected
5/6/2021	Senate	Committee Amendment Adopted ( <a href="#">Senate Journalpage 28</a> )
5/6/2021	Senate	Amended ( <a href="#">Senate Journalpage 28</a> )
5/6/2021	Senate	Read second time ( <a href="#">Senate Journalpage 28</a> )
5/6/2021	Senate	Roll call Ayes43 Nays1 ( <a href="#">Senate Journalpage 28</a> )
5/7/2021		Scrivener's error corrected
5/12/2021	Senate	Amended ( <a href="#">Senate Journalpage 31</a> )
5/13/2021	Senate	Amended ( <a href="#">Senate Journalpage 15</a> )
5/13/2021	Senate	Read third time and sent to House ( <a href="#">Senate Journalpage 15</a> )
5/13/2021	Senate	Roll call Ayes41 Nays3 ( <a href="#">Senate Journalpage 15</a> )
5/13/2021	House	Introduced and read first time ( <a href="#">House Journalpage 53</a> )
5/13/2021	House	Referred to Committee on <b>Ways and Means</b> ( <a href="#">House Journalpage 53</a> )
4/28/2022	House	Committee report: Favorable with amendment <b>Ways and Means</b> ( <a href="#">House Journalpage 9</a> )
5/2/2022		Scrivener's error corrected
5/4/2022	House	Requests for debateRep(s). Brawley, Hill, Howard, KO Johnson, Gilliard, Murray, Magnuson, Nutt, Allison, McGarry, Hart, Jefferson, McCabe ( <a href="#">House Journalpage 117</a> )
5/5/2022	House	Requests for debate removedRep(s). Allison, McGarry, Gilliard, KO Johnson, Howard ( <a href="#">House Journalpage 100</a> )
5/10/2022	House	Requests for debate removedRep(s). Jefferson, Murray, Hart, Nutt ( <a href="#">House Journalpage 596</a> )
5/11/2022	House	Amended
5/11/2022	House	Read second time
5/11/2022	House	Roll call Yeas67 Nays28
5/12/2022	House	Read third time and returned to Senate with amendments ( <a href="#">House Journalpage 6</a> )
5/12/2022	Senate	Concurred in House amendment and enrolled ( <a href="#">Senate Journalpage 43</a> )
5/12/2022		Ratified R 166 ( <a href="#">Senate Journalpage 200</a> )

5/16/2022 Signed By Governor  
5/31/2022 Effective date 05/16/22  
5/31/2022 Act No. 166

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## **VERSIONS OF THIS BILL**

[12/9/2020](#)  
[5/5/2021](#)  
[5/6/2021](#)  
[5/6/2021-A](#)  
[5/7/2021](#)  
[5/12/2021](#)  
[5/13/2021](#)  
[4/28/2022](#)  
[5/2/2022](#)  
[5/11/2022](#)



(A166, R166, S152)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “COUNTY GREEN SPACE SALES TAX ACT”; BY ADDING ARTICLE 10 TO CHAPTER 10, TITLE 4, SO AS TO CREATE THE COUNTY GREEN SPACE SALES TAX, TO IMPOSE THE TAX, TO PROVIDE FOR THE CONTENTS OF THE BALLOT AND THE PURPOSE FOR WHICH TAX PROCEEDS MAY BE USED, TO PROVIDE FOR THE IMPOSITION AND TERMINATION OF THE TAX, TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ADMINISTER AND COLLECT THE TAX, TO PROVIDE FOR DISTRIBUTIONS TO COUNTIES AND CONFIDENTIALITY, AND TO PROVIDE FOR UNIDENTIFIED FUNDS, TRANSFERS, AND SUPPLEMENTAL DISTRIBUTIONS.**

Whereas, South Carolina is blessed with a broad array of natural resources, from the Blue Ridge Escarpment in the Upstate, to the sandhills of the Midlands, to the farmland and woodlands of the Pee Dee, and to the iconic shoreline and marshes of the coastal plain; and

Whereas, South Carolina’s coastal geography consists of 187 miles of oceanfront shoreline and 2,876 miles of tidal shorelines, and includes 500,000 acres of salt marshes that represent twenty percent of all the salt marshes on the United States’ Atlantic coast, all of which underpin extensive recreational and commercial fisheries, thriving coastal tourism, important maritime industries, and critical natural defenses for people against storms; and

Whereas, South Carolina’s Upstate consists of the 10,000acre Mountain Bridge Wilderness Area that encompasses the Blue Ridge Escarpment and its vast array of waterfalls, hardwood forests, headwaters, and mountain streams, as well as a diversity of plant and animal life, including the exceptionally rare and endangered bunched arrowhead; and

Whereas, South Carolina’s Midlands region is home to the sandhills and longleaf pine habitat, which supports over 30 threatened or endangered plant and animal species, including the redcockaded woodpecker; and

Whereas, South Carolina’s Pee Dee is a region with rich geographic variations, including deep woodlands, a patchwork of timber forests and agricultural fields, blackwater swamps and creeks that intermingle with red rivers and high bluffs, historic sites, and one of the most productive agricultural areas in the State; and

Whereas, the quality of life of all South Carolinians is tied to conservation, with homes, businesses, and recreation being drawn to areas with abundant and accessible green space and natural areas; and

Whereas, according to the Census Bureau, South Carolina is the tenthfastestgrowing State in the nation, and in particular, the State contains a number of the fastestgrowing metropolitan areas in the nation, including Myrtle Beach, York County, and Charleston, and is projected in the coming years to continue experiencing steady

population growth and the expansion of urban and suburban land uses; and

Whereas, studies conducted by City Explained suggest that the amount of developed land in some regions of South Carolina will increase by 250% by 2040 if current development trends continue; and

Whereas, although this rapid growth will bring prosperity and new opportunities to South Carolina, it will also put additional pressures on our state's lands and waters, in that the development and the accompanying infrastructure will result in the destruction of natural wetlands, marshes, headwaters, and other waterways, thereby hampering the functioning of these systems and eliminating valuable and effective natural storm protection and flood abatement, and fish and wildlife habitat; and

Whereas, this growth increases the amount of impervious surfaces throughout our State, which in turn creates new runoff and carries pollutants into our waterways. For example, a 2019 study found that development in the Town of Bluffton has increased levels of fecal coliform in the May River 3,150% since 1999 and Upstate studies found that sediment from land development is a leading cause of water quality degradation, resulting in flooding, increased costs for drinking water treatment, and harm to aquatic life; and

Whereas, there are significant economic benefits that result from protecting land, including tourism and recreation; and

Whereas, farmland protection helps promote agritourism and boosts the local food economy, as demonstrated by a 2013 SC Department of Agriculture study that found that if every South Carolina resident purchased \$5 worth of food each week directly from a farmer in the State the potential impact would be about \$1.2 billion; and

Whereas, the Southeast United States coast has experienced some of the highest rates of sea level rise and coastal flooding in the world, with some areas losing as much as three feet of bank each year, and additional sea level rises and coastal flooding will adversely impact existing residential and commercial uses on our state's coast and has been cited by the United States Department of Defense as a threat to the viability of the Marine Corps Recruit Depot Parris Island, which employs 6,100 people and has an annual economic impact of \$739.8 million; and

Whereas, flooding has significantly affected South Carolina's inland communities, with over 80 dam failures from 2015 to 2018 resulting from extreme weather and flooding that our riverine systems and floodplains were unable to attenuate, leading to significant impacts on transportation and drinking water infrastructure and the loss of homes, livelihoods, and lives; and

Whereas, the topography of our State, whether the lowlying topography of our coastal areas or the small incised streams of the Upstate prone to flash flooding and erosion, our state's development patterns makes our communities highly vulnerable to inland and riverine flooding if the flow of rainwater runoff is greater than the carrying capacities of the natural drainage systems, and over the past six years, major flooding

and storm events have caused over one billion dollars in total damages to residential and commercial properties and have imposed substantial burdens on South Carolina taxpayers through general fund disbursements; and

Whereas, an effective way to avoid incurring such liabilities is to limit development within the floodplain and in areas that are at significant risk from sea level rise and flooding, and there is a need to empower local governments to undertake land preservation efforts that are supportive of, respectful to, and consistent with the principle of private property rights, as opposed to limiting them to the use of traditional land use regulations, which, in order to attain the necessary level of relief, could give rise to inverse condemnation claims; and

Whereas, counties in South Carolina have implemented local land conservation programs including, but not limited to, Beaufort County's Rural and Critical Lands Program, Charleston County's Greenbelt Program, Greenville County's Historic and Natural Resources Trust Initiative, the Oconee County Conservation Bank, and extensive parks and greenspace funding efforts in York County, indicating that such programs enjoy overwhelming public support in all corners of the State. Now, therefore,

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

#### **Citation**

SECTION 1. This act must be known and may be cited as the "County Green Space Sales Tax Act".

#### **County Green Space Sales Tax**

SECTION 2. Chapter 10, Title 4 of the 1976 Code is amended by adding:

#### "Article 10

#### County Green Space Sales Tax

Section 4101010. (A) For the purposes of this article, 'preservation procurements' means procuring open lands or green space for preservation, by and through the acquisition of interests in real property, including:

- (1) the acquisition of fee simple titles;
- (2) conservation easements;
- (3) development rights;
- (4) rights of first refusal;
- (5) options;
- (6) leases with options to purchase; and
- (7) any other interests in real property.

(B)(1) Subject to the requirements of this article, a county's governing body may impose a sales and use tax by ordinance, subject to a referendum, within the county area for preservation procurements.

(2) Revenues collected pursuant to this article may be used to defray debt service on bonds issued to pay for preservation procurements authorized in this article. This authorization is in addition to any other locally imposed sales and use taxes.

Section 4101020. (A) A county governing body may impose a sales and use tax up to one percent authorized by this article, by ordinance, subject to a referendum. An enacting ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used, which may include preservation procurements located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area;

(2) if the county proposes to issue bonds to provide for the payment of any costs of the preservation procurements, the maximum amount of bonds to be issued, whether the sales tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the preservation procurements, a list of the other sources;

(3) the maximum cost of the preservation procurements, to be funded from the proceeds of the tax or bonds issued as provided in this article and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be; and

(4) the fact that preservation procurements may pertain to real property situated outside of the boundaries of the taxing jurisdiction.

(B) Upon receipt of an ordinance, a county's election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. A referendum for imposition or reimposition of the tax must be held at the time of the next general election in an evennumbered year. Two weeks before a referendum, a county's election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with a description of the methods by which the county's governing body intends to procure open lands and green space for preservation. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any preservation procurements, then the notice must include a statement indicating the principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(C) The referendum question to be on the ballot must read substantially as follows:

'Must a special [percent] sales and use tax be imposed in [county] for not more than [time] to raise the amounts specified for preservation procurements for the purpose of procuring open lands and green space by and through the acquisition of interests in real property, such interests to include:

- (a) the acquisition of fee simple titles;
- (b) conservation easements;
- (c) development rights;
- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?

Yes

No

If the referendum includes the issuance of bonds, then the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds.

(D) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote 'yes', and all qualified electors opposed to levying the tax shall vote 'no'. If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this article and the enacting ordinance. Any subsequent referendum on this question must be held on the date prescribed in subsection (B). The election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the result no later than November thirtieth to the county governing body and to the Department of Revenue. Expenses of the referendum must be paid by the governmental entities that would receive the proceeds of the tax in the same proportion as those entities would receive the net proceeds of the tax.

(E) Upon receipt of the returns of a referendum, a county's governing body must, by resolution, declare the results thereof. In such event, the results of the referendum, as declared by resolution of the county's governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date such resolution is adopted.

(F) The provisions of this section are not available to a county with more than two existing sales and use taxes currently in effect.

Section 4101030. (A) If the sales and use tax is approved in a referendum, then the tax shall be imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in a referendum, then the new tax is imposed immediately following the termination of the earlier imposed tax, and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition. If the certification is not timely made to the Department of Revenue, then the imposition is postponed for twelve months.

(B) The tax terminates the final day of the maximum time period specified for the imposition.

(C) Amounts collected in excess of the required net proceeds must first be applied, if applicable, to complete the preservation procurements for which the tax was imposed.

(D) If the sales and use tax is approved in a referendum, then the Department of Revenue must make available to the public, upon request, all information regarding the amount of the tax that is collected, expenditures, and any remaining funds at the time of the information request to ensure transparency and accountability.

Section 4101040. (A)(1) The tax levied pursuant to this article must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The Department of Revenue may prescribe amounts that may be added to sales prices because of the tax.

(2) The county in which a referendum is passed shall assemble an advisory committee to assist the Department of Revenue with directing the distribution of the taxes collected to ensure a transparent and equal distribution within the county. The advisory committee shall include seven members:

- (a) one member who is a member of the county council;
- (b) one member who is a member of the legislative delegation;
- (c) one member who is knowledgeable about the geography and condition of the county's land; and
- (d) four citizen members, each representing the northern, southern, eastern, and western portions of the county.

(B) The tax authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12 are exempt from the tax imposed by this article. Unprepared food items eligible for purchase with United States Department of Agriculture food coupons are exempt from the tax imposed pursuant to this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(C) A taxpayer required to remit taxes under Article 13, Chapter 36, Title 12 must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(D) A utility is required to report sales in the county in which the consumption of the tangible personal property occurs.

(E) A taxpayer subject to the tax imposed by Section 1236920, who owns or manages rental units in more than one county, must separately report in his sales tax return the total gross proceeds from business done in each county.

(F) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied under this article in a county, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this article if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the sales and use tax provided for in this article.

(G) Notwithstanding the imposition date of the sales and use tax authorized pursuant to this chapter, with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this article is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 4101050. The Department of Revenue shall furnish data to the State Treasurer and to the county treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 1254240. A person violating this section is subject to the penalties provided in Section 1254240.

Section 4101060. Annually, and only in the month of June, funds collected by the Department of Revenue from the county green space sales tax, which are not identified as to the governmental unit due the tax, must be transferred, after reasonable effort by the Department of Revenue to determine the appropriate governmental unit, to the State Treasurer's Office. The State Treasurer shall distribute these funds to

the county treasurer in the county area in which the tax is imposed, and the revenues must be only used for the purposes stated in the enacting ordinance. The State Treasurer shall calculate this supplemental distribution on a proportional basis, based on the current fiscal year's county area revenue collections.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 12<sup>th</sup> day of May, 2022.

Approved the 16<sup>th</sup> day of May, 2022.

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# Non-County Conservation Funding Options



# Agricultural Conservation Easement Program (ACEP)

## Is ACEP Right for Me?



### Can You Answer “Yes” to the Following?

Then the Agricultural Conservation Easement Program (ACEP) may be a good fit for you.

- ✓ I own agricultural land and I am interested in protecting the agricultural values of that land in perpetuity.
- ✓ I own property with wetlands on it that have been altered for the purposes of agricultural production and am interested in removing that land from agricultural production and restoring and protecting that land for at least 30 years or possibly in perpetuity.
- ✓ I want to expand my existing conservation efforts to achieve a higher level of environmental stewardship.
- ✓ I want to receive compensation for enrolling my land in voluntary conservation programs.

### What is ACEP?

ACEP helps landowners, land trusts, and other entities protect, restore, and enhance wetlands or protect working farms and ranches through conservation easements. Under the Agricultural Land Easements component, NRCS helps American Indian tribes, state and local governments, and nongovernmental organizations protect working agricultural lands and limit non-agricultural uses of the land. Under the Wetland Reserve Easements component, NRCS helps to restore, protect, and enhance enrolled wetlands.

#### Agricultural Land Easements

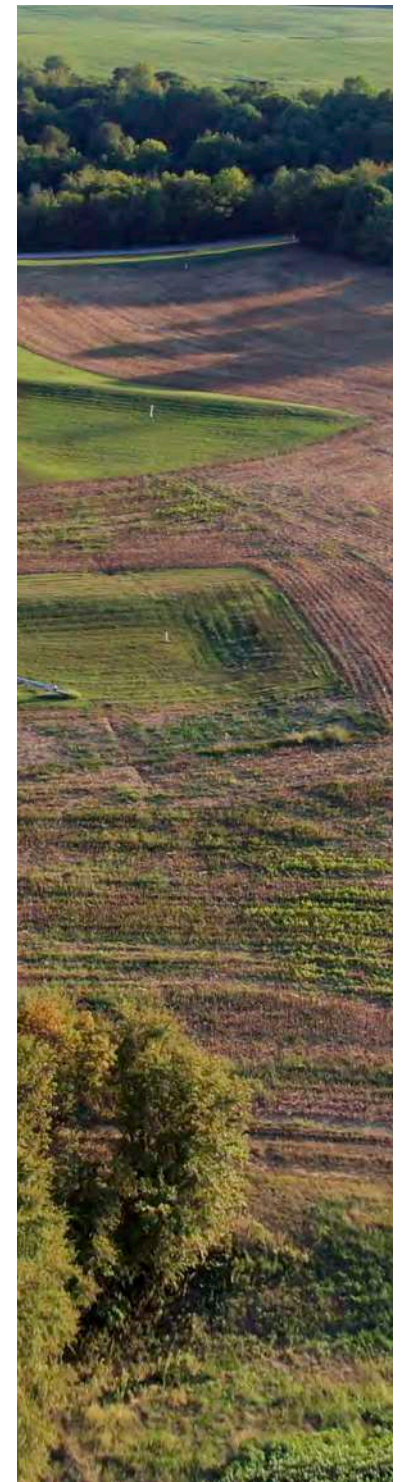
NRCS provides financial assistance to partners for purchasing Agricultural Land Easements that protect the agricultural use and conservation values of land. The

program helps farmers and ranchers keep working farms in agriculture. Eligible partners include American Indian tribes, state and local governments, and non-governmental organizations that have farmland or grassland protection programs. Under the Agricultural Land Easements component, NRCS may contribute up to 50 percent of the fair market value of the agricultural land easement. Where NRCS determines that grasslands of special environmental significance will be protected, NRCS may contribute up to 75 percent of the fair market value of the agricultural land easement.

#### Wetland Reserve Easements

NRCS provides technical and financial assistance directly to private landowners and American Indian tribes to restore, enhance, and protect wetlands through the purchase of a wetland reserve easement. For acreage owned by an American Indian tribe, there is an additional enrollment option of a 30-year contract. Through the wetland reserve enrollment options, NRCS may enroll eligible land through:

- Permanent Easements are conservation easements in perpetuity. NRCS pays 100 percent of the easement value for the purchase of the easement, and 75 to 100 percent of the restoration costs.
- 30-Year Easements expire after 30 years. Under 30-year easements, NRCS pays 50 to 75 percent of the easement value for the purchase of the easement, and 50 to 75 percent of the restoration costs.
- Term Easements last for the maximum duration allowed under applicable state laws. NRCS pays 50 to 75 percent of the easement value for purchase and between 50 to 75 percent of the restoration costs.



- 30-Year Contracts are only available to enroll acreage owned by Indian tribes. Program payment rates are commensurate with 30-year easements.
- For Wetland Reserve Easements, NRCS pays all costs associated with recording in the local land records office, including recording fees, charges for abstracts, survey and appraisal fees, and title insurance.

## What are the benefits of ACEP?

- Keeps agricultural land in family hands.
- Provides a means to remove marginal cropland from production.
- Provides income.
- Protects our nation’s best agricultural soils or grasslands.
- Preserves wildlife habitat and protects biodiversity, including for threatened and endangered species.
- Protects and restores wetlands and improves water quality.
- Sequesters carbon and helps reduce greenhouse gases.

## How does ACEP work?

Landowners who enroll in ACEP retain private ownership of their land but must follow certain land use requirements. They must agree to maintain a specific use of their lands.

Examples include:

- Agreeing to limit non-agricultural use of land in an agricultural land easement.
- Agreeing to cease agricultural activity on a wetland easement to protect the conservation value of the wetlands.

Easement holders may lease the rights to undeveloped recreational uses like hiking, bird watching, hunting, and fishing.

NRCS may provide landowners enrolled in easements with both financial assistance and one-on-one technical support to fit their specific land use goals. Easements are also annually monitored to ensure compliance with allowable land uses.

Easements do not:

- “Take over” land in private ownership – all enrollments are voluntary.
- Cause landowners to lose access to their land.
- Allow public access-unless specifically agreed to by the landowner.
- Shift the tax burden of the enrolled land to the public.

## ACEP Eligibility

Land eligible for **Agricultural Land Easements** includes cropland, rangeland, grassland, pastureland, and nonindustrial private forest land associated with an



agricultural operation. NRCS will prioritize applications that protect agricultural uses and related conservation values of the land and those that maximize the protection of contiguous acres devoted to agricultural use. To enroll land through Agricultural Land Easements, NRCS enters into agreements with eligible partners.

Land eligible for **Wetland Reserve Easements** includes farmed or converted wetlands that have been previously altered for agricultural production that can be successfully and cost-effectively restored. NRCS will prioritize applications based on the easement’s potential for improving water quality and protecting and enhancing habitat for migratory birds and other wildlife. To enroll land through Wetland Reserve Easements, NRCS enters into purchase agreements with eligible private landowners or American Indian tribes. NRCS and the landowner work together to develop and implement a wetland reserve plan to guide the restoration easement process. This plan restores, enhances, and protects the wetland’s functions and values.

## Enrollment

Contact the NRCS office at your local USDA Service Center to discuss options for your private or Tribal lands. NRCS staff are available to provide one-on-one support with your program application and explain all components of your easement options before you enroll.

NRCS accepts ACEP applications year-round and funding is provided through a competitive process. State-specific application ranking dates are set to evaluate applications for funding. Ranking dates can be found at [nrcs.usda.gov/staterankingdates](https://nrcs.usda.gov/staterankingdates). If you apply after the application ranking date, your application will automatically be deferred to the next funding cycle.

Visit [farmers.gov/service-locator](https://farmers.gov/service-locator) to find the contact information for your local USDA Service Center.



# Impact Fees

# Dunn introduces legislation to reduce impact fees on properties that support agriculture

## New classification for program

Metropolitan King County Councilmember [Reagan Dunn](#) has introduced legislation that aims at reducing the fees for business owners using their properties to support agricultural uses.

“Locally sourced food is something many residents of King County value very dearly,” said Dunn. “If the businesses these farms rely on for goods and services are forced out of the area because of high land costs and regulatory burdens, the viability of these farms is threatened.”

The proposed ordinance would amend King County Code to define a new “agriculture-supportive” property classification for Surface Water Management program fees.

King County’s Surface Water Management (SWM) program was established to address surface and storm water runoff problems. The program assesses fees to property owners based on their properties’ runoff impacts, typically determined by the size of the property and the percentage of the property that is covered in impervious surfaces. However, the program also identifies a number of mitigating factors that have been determined to reduce the impacts of runoff, and provides fee discounts for properties with these mitigating factors.

“This legislation makes much needed changes to SWM fees,” said Ron Mariotti, owner of the Enumclaw Sales Pavilion. “As a small businessman in agriculture, it has been difficult at best to work within the current SWM fee structure and I appreciate the work Councilmember Reagan Dunn has done to make the fee structure fairer for Agricultural businesses in King County.”

The proposed ordinance would define a new mitigating factor, that of the “agriculture-supportive” property. An agriculture-supportive property would be defined as a property within the Agricultural Production District that provides direct services to surrounding agricultural uses and thereby allows agricultural properties to remain in active agricultural use and retain a high proportion of acres in pervious surfaces.

As a result of this mitigating factor, properties defined as agriculture-supportive would be charged the flat rate SWM fee for very lightly developed land (defined as properties with ten percent or less impervious surfaces) rather than a SWM fee calculated based on their actual percentage of impervious surface.

## King County Council


516 Third Ave, Room 1200  
Seattle, WA 98104

[Get directions](#)


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### CONTACT THE COUNCIL

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 **Main phone:**  
[206-477-1000](tel:206-477-1000)

 **TTY/TDD:**  
Relay: 711

 **Contact all 9 Councilmembers directly:**  
[Click Here](#)

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Introduced by: Ms. Kilpatrick  
Mr. Sheldon  
Date of Introduction: September 14, 2021

**RESOLUTION NO. 21-**

**URGING THE NEW CASTLE COUNTY ADMINISTRATION TO INCLUDE AN  
IMPACT FEE FOR OPEN SPACE/LAND PRESERVATION IN ITS UPCOMING 2021  
IMPACT FEE STUDY OR TO OTHERWISE CREATE A REVENUE STREAM FOR  
THE PRESERVATION OF OPEN SPACE AND AGRICULTURAL LAND  
IN NEW CASTLE COUNTY**

**WHEREAS**, New Castle County (the “County”) recognizes that the preservation of open space and agricultural land is critical to the quality of life of its residents and to the preservation of the County’s natural biodiversity; and

**WHEREAS**, a strong County preservation program furthers the goals of the 2012 Comprehensive Development Plan and the Draft Southern New Castle County Master Plan, which strive to focus development in growth areas near infrastructure, while preserving agricultural lands and open space in areas not yet serviced by infrastructure; and

**WHEREAS**, in the past few years, the County has resumed its participation in the State agricultural preservation program and has worked to preserve open space in Southern New Castle County, resulting in the preservation of over one thousand two hundred (1,200) acres of agricultural land and open space; and

**WHEREAS**, to further its commitment to land preservation, the County created the Land Preservation Task Force (the “Task Force”), and, pursuant to the Task Force’s recommendations, the County established an Open Space Advisory Board and an Agricultural Land Preservation Advisory Committee (collectively the “Advisory Committees”) to assist in the County’s long-term preservation program; and

**WHEREAS**, the County has committed seven and one half million dollars (\$7,500,000.00) to land preservation over the next three fiscal years, but is still in need of a long-term funding mechanism to ensure that the County’s commitment to preservation and the mission of the Advisory Committees will continue into the future; and

**WHEREAS**, the Task Force recommended implementation of an impact fee or other financial mechanism to ensure consistent funding for the preservation of open space and agricultural land; and

**WHEREAS**, Council urges the Administration to include the creation of an impact fee to fund preservation in its upcoming study and review of County impact fees; and

**WHEREAS**, should an impact fee for preservation not be legally or otherwise feasible, County Council urges the Administration to develop an alternative funding mechanism to ensure a consistent and long-term preservation program.

**NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle County that County Council hereby urges the Administration to include an impact fee for open space/land preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible.

Adopted by County Council of  
New Castle County on:

---

President of County Council of  
New Castle County

**SYNOPSIS:** This resolution urges the Administration to include the creation of an impact fee to fund preservation in its 2021 Impact Fee Report and to otherwise pursue a permanent funding mechanism for preservation if the preservation impact fee is not legally or otherwise feasible.

**FISCAL NOTE:** This resolution urges the creation of a permanent funding mechanism for preservation, and, therefore, would not have any fiscal impact on operating or capital budgets.

# Education and Community Engagement

# Land Use Planning and Policy

Voluntary Agricultural Districts

Overlay Districts, Zoning, Subdivision Ordinances

Urban Service Boundaries



## **Voluntary Agricultural Districts**

North Carolina Example: <https://www.ncagr.gov/Farmlandpreservation/VAD/index.htm>

### **Voluntary Agricultural District Benefits:**

- Encourages the preservation and protection of farmland and working forests.
- Allows landowners to publicly recognize their farms.
- Establishes an Agricultural Advisory Board in the county.
- May protect farms from negative impacts, such as waivers of water and sewer assessments, and public hearings for proposed condemnation.
- Allows for Enhanced Voluntary Agricultural Districts to protect farms from development for 10 years.

Currently, 90 counties in North Carolina have county ordinances for Voluntary Agricultural Districts. Across the state, 12,500 farms and 876,488 acres of working farms and forests are enrolled in the program.



**Conservation Agreement** A ten (10) year revocable agreement signed by the landowner committing to keep land in agricultural or forest use, as described in N.C.G.S. 121-35

**ARTICLE V  
AGRICULTURAL ADVISORY BOARD**

**A. Creation**

The Board of Commissioners establishes the \_\_\_\_\_ County Agricultural Advisory Board to implement the provisions of this program.

**B. Membership**

1. The Advisory Board shall consist of \_\_\_ members representing the Voluntary Agricultural Districts approved under this Ordinance.
2. Each Advisory Board member, except those serving in an ex officio capacity, shall be a \_\_\_\_\_ County resident or landowner.
3. At least \_\_\_ (majority) of the members shall be actively engaged in agriculture as defined in N.C.G.S. § 106-581.1. This determination shall be made without reference to ex officio members.
4. The members actively engaged in agriculture as defined in N.C.G.S. § 106-581.1, as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Soil and Water Conservation District Board of Supervisors, the County Office of North Carolina Cooperative Extension, the U.S. Farm Service Agency County Committee, nonprofit agricultural organizations, conservation organizations, agribusiness, horticultural businesses, forestry businesses, and the public at large.
5. Additional members may be appointed to the Board in an ex officio capacity from the Soil and Water Conservation District Board of Supervisors, the County Office of North Carolina Cooperative Extension, the U.S. Farm Service Agency, or other agencies, as deemed necessary by the Board of Commissioners. Members serving in an ex officio capacity shall neither vote nor count toward quorum requirements.

**D. Tenure**

The initial board is to consist of \_\_\_ appointees for terms of two (2) years; \_\_\_ appointees for terms of three (3) years; and \_\_\_ appointees for terms of four (4) years. Thereafter, all appointments are to be for terms of four (4) years, when reappointment permitted.

**E. Vacancies**

Any vacancy of a member appointed by the Board of Commissioners on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

**F. Removal**

Any member of the Advisory Board may be removed by the Board of Commissioners upon a majority vote of the Commissioners. No cause for removal shall be required.

**G. Advisory Board Procedure** *(may be in the ordinance or Advisory Board may adopt by-laws to govern procedures)*

1. Chair and Vice Chair: The Advisory Board shall elect a chairperson and vice-chairperson from those members appointed by the commissioners each year at the Advisory Board's first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the chairperson the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.
2. Determination of Procedure: The Advisory Board may adopt rules of procedure consistent with this Ordinance or other provisions of State law.
3. Advisory Board Year: The Advisory Board shall use the \_\_\_\_\_ County fiscal year, July 1 - June 30, as its meeting year.
4. Meetings: Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing unless otherwise agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible by all means of public dissemination required by N.C.G.S. § 143-318.12 All meetings shall be open to the public and follow the Open Meetings Laws.
5. Meeting Location: Meetings shall be held at the \_\_\_\_\_ County \_\_\_\_\_ Building. If this facility is unavailable or if the business of the Advisory Board makes it necessary or more convenient to meet at a different location, the chairperson shall determine this location and provide timely notification to all board members and to the public.
6. Majority Vote and Quorum Requirements: All issues shall be decided by a majority vote of the members of the Advisory Board present, except as otherwise stated herein. A quorum is defined as a majority of the members. No business may be conducted by the Advisory Board without a quorum present.
7. Records: The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board, or its designee, and shall be a public record.

8. Administration: The \_\_\_\_\_ County Cooperative Extension office (or Soil and Water Conservation District office) will serve the Advisory Board for record keeping, correspondence, and whatever services the Board needs in order to complete its duties.

**H. Duties**

The Advisory Board shall:

- Review and approve or disapprove applications of landowners for enrollment of qualified farmland, horticultural land, or forestland into the Voluntary Agricultural Districts. By approval of this Ordinance the County Board of Commissioners has delegated authority pursuant to N.C.G.S. §106-739(1) to enroll qualifying farms into agricultural districts.
- Make recommendations concerning the establishment and modification of Agricultural Districts.
- Conduct public hearings related to public condemnation of qualifying farmland and other agricultural issues.
- Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy and agricultural, horticultural or forestry activities within the county that may affect Agricultural Districts.
- Review and make recommendations concerning proposed amendments to this ordinance.
- Study additional methods of protection for farming, horticulture, forestry, and the attendant land base, and make recommendations to the Board of Commissioners.
- Perform other agricultural, horticultural, and forestry-related tasks or duties assigned by the Board of Commissioners.
- Consider development of a draft countywide farmland protection plan as defined in N.C.G.S. §106-744 (e) for presentation to the Board of Commissioners.

**ARTICLE VI**

**CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS**

**A. Implementation**

In order to implement the purposes stated in Article III, this program provides for the creation of Voluntary Agricultural Districts which shall meet the following standards:

- When initially established, the District shall contain a minimum of \_\_\_\_\_ contiguous acres of qualified farmland, OR, two or more qualified farms that, together, contain a minimum of \_\_\_\_\_ acres and are located within a mile of each other.

- Landowner(s) requesting inclusion in the VAD shall execute a conservation agreement with the county to sustain agriculture in the VAD in accordance with Article VII of this ordinance. Said agreement shall be in a form which is reviewed and approved by the Advisory Board.

**B. Education**

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

**ARTICLE VII  
CERTIFICATION AND QUALIFICATION OF FARMLAND**

**A. Requirements**

In order for farmland to qualify for inclusion in a Voluntary Agricultural District property, it must be real property that meets the following requirements:

1. Is used for bona fide farm purposes, as that term is defined in G.S. 106-743.4(a) and G.S. 160D-903.
2. Be managed, if highly erodible land exists on the farm, in accordance with the \_\_\_\_\_ County Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly erodible land.
3. The property is the subject of a conservation agreement as defined in G.S. §121-35 between the county and the owner of such land that prohibits nonfarm use or development of such land for a period of at least ten (10) years, except for the creation of not more than three (3) lots that meet applicable municipal and county zoning and subdivision regulations. The form of the conservation agreement shall be approved by the agricultural advisory board created under G.S. 106-739.

**ARTICLE VIII  
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

**A. Application Procedure**

A landowner may apply to participate in the Voluntary Agricultural District Program by submitting an application to \_\_\_\_\_ County Cooperative Extension office (or Soil and Water Conservation District office). The application shall be on forms provided by \_\_\_\_\_ County Cooperative Extension office (or Soil and Water Conservation District office) and approved by the Advisory Board.

\_\_\_\_\_ County may place signs identifying approved Agricultural Districts along major roads that pass through or next to those districts. Members of the Agricultural Districts have the privilege of posting signs on their individual farms denoting their Agricultural District membership. Signs must be placed on the landowner's property outside of any right-of-ways or easements and shall conform to Chapter 11, Sign Regulations, of the \_\_\_\_\_ County Zoning Ordinance.

**C. Maps**

Maps identifying approved agricultural districts shall be updated at least twice each year and shall be prominently displayed at the following agencies or offices:

- \_\_\_\_\_ County Cooperative Extension
- \_\_\_\_\_ County Soil and Water Conservation District office
- \_\_\_\_\_ County Planning and Zoning Department
- \_\_\_\_\_ County Register of Deeds
- Any other such agency or office the Advisory Board deems appropriate

**D. Exclusion of Liability**

1. In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.
2. In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District as defined in this Ordinance.

**ARTICLE X  
REVOCATION AND ENFORCEMENT, TRANSFER OF LAND, AND RENEWAL  
OF CONSERVATION AGREEMENTS**

**A. Revocation and Enforcement**

By providing written notice to the Advisory Board, a landowner of qualifying farmland may revoke his/her participation in the Voluntary Agricultural District Program formulated pursuant to Article VIII of this ordinance, or the Advisory Board may revoke the same participation based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. The county will remove the tract from the public record of the program within a reasonable time frame.

**B. Transfer of Land**

Transfers of land in a Voluntary Agricultural District due to death of the landowner, sale, or gift shall not revoke the Conservation Agreement unless the land no longer meets the requirements contained in Article VII. Enforcement of the terms of a Conservation Agreement for land enrolled in a Voluntary Agricultural District shall be limited to revocation of the Conservation Agreement and the benefits derived therefrom.

**C. Renewal of Conservation Agreements**

Conservation agreements shall automatically renew for subsequent ten (10) year terms unless either the landowner or the county provides written notice prior to the expiration of the conservation agreement.

**D. Term**

The duration of a conservation agreement shall be for ten (10) years.

**ARTICLE XI  
PUBLIC HEARINGS ON CONDEMNATION OF FARMLAND**

**A. Purpose**

Pursuant to N.C.G.S. §106-740, no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

**B. Procedure**

Upon receiving a request to hold a hearing on the proposed condemnation, the Advisory Board shall publish notice describing the proposed action in the appropriate newspaper of \_\_\_\_\_ County within ten (10) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within thirty (30) days of receipt of the request.

The Advisory Board shall meet to review:

1. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved.
2. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the Cooperative Extension Agricultural Agent(s), Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action. Land value will not be a



factor in the selection between properties under consideration for the proposed action.

4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing the acquisition by condemnation.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition by condemnation.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.

The State, local government agency or governmental unit proposing to acquire property by condemnation may not formally initiate condemnation action while the proposed condemnation is properly before the Advisory Board.

The Board of Commissioners shall condemn farmland within an Agriculture District only as a “last resort” if it is considering condemnation for County purposes.

**ARTICLE XII**  
**SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of major subdivisions, apartment complexes or planned unit developments shall designate on preliminary development plans, the existence of any and all Agricultural Districts within ½ aerial mile of the proposed development.

**ARTICLE XIII**  
**COUNTY LAND-USE PLANNING**

**A. Duty of the Advisory Board**

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners has delegated the authority to oversee county land-use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate the formation and maintenance of agricultural districts with the county's land-use planning activities and the county's land-use plan if one currently exists at the time this is enacted or when one is formed.

**B. Posting of Notice**

The following notice of a size and form suitable for posting shall be posted in the Cooperative Extension office (or Soil and Water Conservation District office) and any other office or agency the Advisory Board deems necessary:

\_\_\_\_\_ County has established Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operation, livestock operations, sawing, prescribed burning, and other common farming activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts can be viewed from \_\_\_\_\_ County Cooperative Extension, \_\_\_\_\_ County Planning and Zoning Department, \_\_\_\_\_ County Tax Department/GIS Mapping.

**C. Growth Corridors**

At such time as the county might establish designated growth corridors, agricultural districts shall not be permitted in the designated growth corridors as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XIV  
CONSULTATION AUTHORITY**

The Advisory Board may consult with North Carolina Cooperative Extension, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XV  
NORTH CAROLINA AGENCY NOTIFICATION**

At least annually, \_\_\_\_\_ **County Cooperative Extension** shall submit a written report to the Office of the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

- Number of landowners enrolled
- Number of acres enrolled
- Number of acres certified during the reporting period
- Number of acres denied during the reporting period
- Number of acres for which applications are pending
- Copies of any amendments to this Ordinance
- Any other information the Advisory Board deems useful

- A copy of this report shall also be provided to the Board of Commissioners,  
 \_\_\_\_\_ County Soil and Water Conservation District,  
 \_\_\_\_\_ County Tax Department/GIS Mapping, \_\_\_\_\_  
 County Planning and Zoning Department and \_\_\_\_\_ County Forest  
 Service.

**ARTICLE XVI  
 LEGAL PROVISIONS**

**A. Severability**

If any article, section, subsection, clause, phrase, or portion of this is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**B. Conflict with other ordinances and statutes**

Whenever the provisions of this Ordinance conflict with other ordinances of \_\_\_\_\_ County, this Ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern.

**C. Amendments**

This Ordinance may be amended from time to time by the Board of Commissioners.

**D. Notice**

A copy of this ordinance, once adopted, shall be recorded with the N.C. Department of Agriculture and Consumer Services.

**ARTICLE XVII  
 ENACTMENT**

The \_\_\_\_\_ County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Chairperson

ATTEST:

---

Clerk to Board of Commissioners

**PUBLISHER'S AFFIDAVIT**

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE: Oconee County Task Force

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 10/06/2022 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

Hal Welch  
General Manager

Subscribed and sworn to before me this  
10/06/2022

Jessica Wells  
Notary Public  
State of South Carolina  
My Commission Expires November 13, 2030



Jessica Lee Wells  
NOTARY PUBLIC  
State of South Carolina  
My Commission Expires  
November 13, 2030

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 White Larson Aluminum Screen Door  
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 \$95  
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**For Sale!**  
 NuWave Bravo XL smart oven. Air fry, dehydrate, bake, roast and toast.  
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**For Sale!**  
 Four "American Reports" law books Vol. 45 (1884), vol. 47 (1894), vol. 78 (1901), and vol. 131 (1910). They are leather bound and in attractive condition.  
 \$20/ea. or all four for \$60  
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 \$65  
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 24"Wx30"H  
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### LEGAL

**ORDER APPOINTING GUARDIAN AD LITEM STATE OF SOUTH CAROLINA COUNTY OF OCONEE IN THE COURT OF COMMON PLEAS C/A NO. 2022-CP-37-00348** NewRez LLC d/b/a Shellpoint Mortgage Servicing, Plaintiff vs Thomas Rhett Patry, the Personal Representative, if any, whose name is unknown, of the Estate of Libby Marlene Jones; Corey Lamar Jones, Nicole Leigh Jones, Briana Marlene Hunter, and any other Heirs-at-Law or devisees of Libby Marlene Jones, Deceased, their heirs, Personal Representatives, Administrators, Successors and Assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interest in the real estate described herein; also any persons who may be in the military service of the United States of America, being a class designated as John Doe, and any unknown minors or persons under a disability being a class designated as Richard Roe Defendants, It appearing to the satisfaction of the Court, upon reading the Motion for the Appointment of Kelley Y. Woody, Esquire as Guardian ad Litem for all unknown persons and persons who may be in the military service of the United States of America (which are constituted as a class designated as "John Doe") and any unknown minors and persons who may be under a disability (which are constituted as a class designated as "Richard Roe"), it is ORDERED that, pursuant to Rule 17, SCRPC, Kelley Y. Woody, Esquire is appointed Guardian ad Litem on behalf of all unknown persons and persons who may be in the military service of the United States of America (constituted as a class and designated as "John Doe"), all unknown minors or persons under a disability (constituted as a class and designated as "Richard Roe"), all of which have or may claim to have some interest in the property that is the subject of this action, commonly known as 183 Conner Blvd, Fair Play, SC 29943, that Kelley Y. Woody, Esquire is empowered and directed to appear on behalf of and represent all unknown persons and persons who may be in the military service of the United States of America, constituted as a class and designated as "John Doe", all unknown minors and persons under a disability, constituted as a class and designated as "Richard Roe", unless the Defendants, or someone acting on their behalf, shall, within thirty (30) days after service of a copy of this Order as directed herein procure the appointment of

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### LEGAL

...located thereon, lying and being situate in the State of South Carolina, County of Oconee, being known and designated as Lot 10 of Port Base Subdivision as shown and more fully described on a Plat of Survey prepared by Carolina Engineering and Survey recorded in Plat Book P26 at Page 194, Records of the Register of Deeds Office for Oconee County, South Carolina, having the metes and bounds, courses and distances as appear upon said Plat, being incorporated herein by reference thereto. And also all that certain piece, parcel or tract of land, together with any and all improvements located thereon, lying and being situate in the State of South Carolina, County of Oconee, containing 2.00 Acres, more or less, as shown and more fully described on a Plat of Survey prepared by James G. Hart recorded in Plat Book P60 at Page 876, Records of the Register of Deeds Office for Oconee County, South Carolina, having the metes and bounds, courses and distances as appear upon said Plat, being incorporated herein by reference thereto. This conveyance is made subject to easements, rights-of-way, set back lines, zoning ordinances, covenants and/or restrictions of record and/or appearing upon the premises TMS No. 334-02-003 (Lot No. 10) 305-00-01-015 (2 Acres) Property Address: 183 Conner Blvd, Fair Play, SC 29943 Riley Pope & Laney, LLC Post Office Box 11412 Columbia, South Carolina 29211 Telephone (803) 799-6993 Attorneys for Plaintiff 4749

The Oconee County Task Force on Agriculture will meet on the following dates/times in Oconee County Council Chambers Located at 415 South Pine Street, Walhalla, SC unless otherwise advertised:

- October 24, 2022
- November 21, 2022
- December 19, 2022
- January 23, 2023
- February 27, 2023

All meetings are scheduled for 10:00 a.m.



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