



OCONEE COUNTY  
**CONSERVATION BANK BOARD**

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

**Treasurer's Report**  
Local Government Investment Pool

Period Ending: August 31, 2022

Month Opening Balance	\$280,321.58
DEPOSITS	
Reinvestments [Interest]	\$551.31
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	<b>\$280,872.89</b>

Report Submitted by: \_\_\_\_\_  
Laura Havran  
Oconee County Conservation Bank Board Treasurer



OCONEE COUNTY  
**CONSERVATION BANK BOARD**

415 South Pine Street  
Walhalla, SC 29691  
c/o Clerk to Council

## Treasurer's Report

Community First Bank Account: \*\*\*\*\*183

Period Ending: August 31, 2022
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Month Opening Balance	\$4041.00
DEPOSITS:	
TOTAL DEPOSITS	\$0.00
EXPENDITURES	
TOTAL EXPENDITURES	\$0.00
BALANCE IN ACCOUNT AS OF PERIOD ENDING DATE	<b>\$4,041.00</b>

Report Submitted by: \_\_\_\_\_

Laura Havran  
Oconee County Conservation Bank Board Treasurer

**OCONEE COUNTY CONSERVATION BANK GRANTS DISBURSED & EXPENSES**

**JUNE 30, 2022**

<b>PROJECT/OWNER; OWNER/EASEMENT HOLDER</b>	<b>GRANT</b>	<b>CLOSING</b>	<b>ACRES</b>	<b>RECIPIENT, APPLICANT</b>	<b>PURPOSE</b>	<b>CONSERVATION EASEMENT/FEE SIMPLE</b>
Oconee Towne; SC DNR	\$9,567.33	6/5/2017	53.68	Upstate Forever, Naturaland Trust	History, Conservation, Public Access	Fee Simple
Jerry Powell; OSWCD	\$7,500.00	8/17/2017	94.10	Oconee Soil & Water Conservation District	Working Farm, Conservation	Conservation Easement
McKinney Creek Oconee Bell Preserve/Cliff Timber LLC; The Naturaland Trust	\$58,000.00	12/5/2019	195.60	Naturaland Trust	Conservation, Public Access	Fee Simple
Gary and Christy Lyle; OSWCD	\$45,000.00	6/17/2020	165.89	Oconee Soil & Water Conservation District	Working Farm, Conservation, Water Quality Protection	Conservation Easement
Chapman Bridge Oconee Bell Preserve/Cliff Timber LLC; The Naturaland Trust	\$88,000.00	7/29/2020	238.72	Naturaland Trust	Conservation, Public Access	Fee Simple
Elaine Morris Trust; UF	\$12,500.00	12/22/2020	26.26	Upstate Forever	Conservation	Conservation Easement
Whetstone Creek Preserve/Lyles Estate; Naturaland Trust	\$66,100.00	12/29/2020	155.56	Naturaland Trust	Working Farm, Conservation, Water Quality Protection	Fee Simple
Taychoedah/Dorothy Heger and Geary Hughes; UF	\$17,999.00	09/02/2021	42.02	Upstate Forever	Water Quality, Habitat Protection	Conservation Easement
Peggy Moore; OSWCD	\$10,000.00	10/07/2021	58.60	Oconee Soil & Water Conservation District	Working Farm, Water Quality Protection	Conservation Easement
Whetstone Hill/Ernest Lombard; UF	\$11,499.00	12/15/2021	38.10	Upstate Forever	Working Farm, Water Quality, Habitat Protection	Conservation Easement
Crawford Mill/; Foothills Farmstead	\$29,999.00	1/26/2022	40.09	The Foothills Farmstead	Working Farm, Water Quality, Historic Site, Habitat Protection	Fee Simple with Conservation Easement
<b>Grants Disbursed, Cost per acre to OCCB, Acres protected</b>	<b>\$356,164.33</b>	<b>\$321.27/Ac</b>	<b>1108.62</b>			
Expenses - Banking	\$224.54					
<b>TOTAL EXPENDED</b>	<b>\$356,388.87</b>					

**OCONEE COUNTY CONSERVATION BANK REVENUE**

**JUNE 30, 2022**

<b>DONOR</b>	<b>AMOUNT</b>	<b>DATE</b>
Duke Energy	\$618,000.00	2016
Individual and Organization Donations/ Contributions	\$7,645.00	2012-2022
Interest	\$ 12,845.84	May 2019-April 2022
Total	\$638,490.84	

**Oconee County  
Conservation Bank Board  
Donation List**

<b><u>DATE</u></b>	<b><u>DONOR NAME</u></b>	<b><u>AMOUNT</u></b>
December 6, 2012	Oconee Forever	\$1,200.00
March 7, 2013	Ms. Alice Wald	\$100.00
June 21, 2013	UNKNOWN	\$120.00
December 30, 2013	Paul & Karin Corbell	\$25.00
January 7, 2014	Oconee Forever	\$1,000.00
March 13, 2014	UNKNOWN	\$250.00
April 17, 2014	Richard Cain	\$100.00
November 26, 2014	Mt. Lakes Community Asso.	\$500.00
October 17, 2019	Frances Rundlett	\$200.00
December 27, 2019	Mt. Lakes Community Asso.	\$500.00
April 29, 2020	Rally in the Valley	\$1,150.00
December 15, 2020	Laura & Richard Havran	\$200.00
May 27, 2021	Upstate Historical Seekers	\$500.00
July 3, 2021	David & Ellen Plumpe	\$100.00
October 1, 2021	Horton Law Firm Wire Fee Reimbursement	\$20.00
October 7, 2021	Waterside Crossing	\$200.00
October 13, 2021	Derrick, Ritter, William, and Morris PA Wire	\$35.00
November 11, 2021	Mt. Lakes Community Asso.	\$500.00
December 7, 2021	Laura & Richard Havran	\$200.00
April 13, 2022	Olye Lombard	\$2,000.00
June 1, 2022	John and Nancy Johnston	\$100.00
	TOTAL =	\$9,000.00

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2022-16**

**AN ORDINANCE AMENDING THE OCONEE COUNTY  
CONSERVATION BANK ORDINANCE, O.C. CODE  
SECTIONS 2-398 THROUGH 2-409.**

**WHEREAS**, Oconee County, South Carolina (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (the "County Council"), has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances");

**WHEREAS**, the County, acting by and through the County Council, is authorized by Section 4-9-30 of the South Carolina Code of Laws, among other sources, to create boards and commissions for the betterment of the County;

**WHEREAS**, Sections 2-398 through 2-409 of the Code of Ordinances contains terms, provisions, and procedures applicable to the County Conservation Bank (the "Conservation Bank Ordinance"); and

**WHEREAS**, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County, and that there is a need to amend, specifically, the Conservation Bank Ordinance, and to affirm and preserve all other provisions of the Code of Ordinances not specifically or by implication amended hereby.


**NOW, THEREFORE**, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

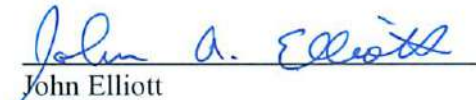
1. The Conservation Bank Ordinance is hereby revised, rewritten, and amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. Attached hereto as Exhibit B is a copy of the Conservation Bank Ordinance that specifies the changes reflected in Exhibit A. Exhibit B is for illustrative purposes only and shall not be codified.
2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council

ORDAINED in meeting, duly assembled, this 16<sup>th</sup> of August, 2022.

ATTEST:

  
Jennifer C. Adams  
Clerk to Oconee County Council

  
John Elliott  
Chair, Oconee County Council

First Reading: June 21, 2022  
Second Reading: July 19, 2022  
Third Reading: August 16, 2022  
Public Hearing: August 16, 2022

EXHIBIT A

- CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 9. COUNTY CONSERVATION BANK

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*DIVISION 9. - COUNTY CONSERVATION BANK*

**Sec. 2-398. - Establishment of bank.**

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural, and/or historic resources in Oconee County that meet the criteria set forth in Section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to Eligible recipients (as defined herein).

**Sec. 2-399. - Definitions.**

*"Application"* means application to participate in the program addressed by this ordinance, including its grants.

*"Bank"* or *"OCCB"* for purposes of this division means the Oconee County Conservation Bank.

*"Board"* means the governing board of the Bank.

*"Conservation easement"* means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.

*"Council"* or *"County Council"* means Oconee County Council.

*"County"* means Oconee County, South Carolina.

*"Eligible OCCB recipient"* or *"Recipient"* means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain interests in land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

*"Interests in lands"* means fee simple titles to lands or Conservation easements on land.

*"Land"* means real property, including highlands and wetlands of any description.

**Sec. 2-400. - Board.**

- (a) The Bank will be governed by a seven-member Board ("Board") appointed by Oconee County Council in accordance with the following requirements and recommendations:
  - (1) Each Board member's primary residence shall be located in Oconee County; and

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(2) At least one of the appointed Board members shall be from each of the County Council districts; and

(3) The Council shall endeavor to appoint but not require candidates to be appointed as follows:

- A Board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following: (i) actively engaged in the acquisition of Interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation purposes; or (iii) is an organization that represents hunting, fishing, or outdoor recreation interests; and
  - A Board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
  - A Board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or Conservation easements; or (iii) the business of banking, finance, or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
  - To the extent possible, all appointed Board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.
- (b) The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council district numbers 1, 3 and 5 shall be for three years, and the terms for the Board members from County Council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.
- (c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.
- (d) The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.
- (e) The Board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.
- (f) The Board shall report to Council any member who, without adequate excuse such as documented illness, misses three consecutive meetings or a majority of meetings for any year.

**Sec. 2-401. - Board duties and responsibilities.**

- (a) The Board is authorized to:
- (1) Award grants from the OCCB fund (defined herein) to Eligible OCCB recipients for the purchase of land or Interests in land that meet the criteria contained in Section 2-403; and
  - (2) Apply for and receive funding for the OCCB fund, for the Bank, from federal, state, private and other sources, to be used as provided in this division; and
  - (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the Bank, to be used as provided in this division; and
  - (4) Receive contributions to the OCCB fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity,



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contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and

- (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein.
- (b) To carry out its functions, the Bank shall:
- (1) Operate a program which includes:
    - a. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in Section 2-403;
    - b. Receiving grant and participation Applications from Eligible OCCB recipients pursuant to Section 2-404;
    - c. Evaluating Applications from Eligible OCCB recipients for eligibility for grants and to participate in the program pursuant to Section 2-404;
    - d. Reviewing and ranking Applications from Eligible OCCB recipients for grants and to participate in the program pursuant to the ranking system;
    - e. Recommending the approval of certain Applications to County Council pursuant to Section 2-404;
  - (2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and
  - (3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.
- (c) The County Administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.
- (d) Operating expenses of the Bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.

#### **Sec. 2-402. - OCCB fund.**

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall receive monies, awards, and assets from third parties, including but not limited to donors, the state, or from the County according to one or more funding measures approved by Oconee County Council. The Council acknowledges and agrees that County funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the County, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by Council.

#### **Sec. 2-403. - Criteria.**

- (a) The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to Section 2-401(b)(1).
  - (1) Environmental sensitivity.
    - a. Presence of wetlands.

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- b. Frontage on USGS Blue Line Stream.
  - c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control.
  - d. Presence of threatened/endangered species.
  - e. Habitat suitable for threatened/endangered species.
  - f. Habitat suitable for native wildlife species.
  - g. Extent of biological diversity.
  - h. Presence of unique geological/natural features.
  - i. Plans for restoration
- (2) Percentage of property sharing a boundary with protected land.
  - (3) Historic/cultural features.
    - a. Contains feature designated on the National Historic Register.
    - b. Contains feature eligible for the National Historic Register.
    - c. Contains historic/prehistoric structures.
    - d. Contains historic/prehistoric site or location of a historic event.
  - (4) Percentage of property containing prime/statewide important soil types.
  - (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
  - (6) Extent of public visibility of property.
    - a. Visibility from public roads.
    - b. Visibility from public land.
  - (7) Scenic view from property or preservation of general scenic nature of that part of County.
  - (8) Extent of public access.
  - (9) Location of property.
  - (10) Threat of development.
  - (11) Size of property.
  - (12) Potential water quality impact on a wetland or water body that is not part of the property.
- (b) The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to Subsection 2-402(b)(1).
- (1) Funding percentage of appraised fee simple or Conservation easement value requested;
  - (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB recipients, and local governments, boards, and commissions;
  - (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the Applications.

**Sec. 2-404. - Program and procedures.**

- (a) *Application.*

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- (1) An Eligible OCCB recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this division;
  - (2) Prior to the submission of its Application, the Eligible OCCB recipient must notify in writing the owner of the land that is the subject of the Application of the following:
    - a. That interests in land purchased with OCCB funds result in a permanent conveyance of such interests in land from the landowner to the Eligible OCCB recipient and its assigns; and
    - b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and

The Application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.

- (3) At the time of the submission of its Application, the Eligible OCCB recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its Application and informing the adjacent landowners and lessees that they have thirty (30) days from receipt of said notice to submit to the Board, in writing, their views in support of or in opposition to the Application.
  - (4) In each Application, the Eligible OCCB recipient must provide information regarding how the proposal meets the criteria contained in Section 2-403.
  - (5) For each grant Application the applicant shall specify:
    - a. The purpose of the Application;
    - b. How the Application satisfies the criteria contained in Section 2-403;
    - c. The uses to which the land will be put;
    - d. The party responsible for managing and maintaining the land; and
    - e. The parties responsible for enforcing any Conservation easement or other restrictions upon the land.
  - (6) Where an Eligible OCCB recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its Application. The Board shall require an Eligible OCCB recipient acquiring fee simple title to land to place a Conservation easement on such property.
  - (7) Where an Eligible OCCB recipient seeks an OCCB grant to acquire a Conservation easement, the Eligible OCCB recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its Application. The Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the Application.
  - (8) The Board shall establish reasonable procedures and requirements to ensure that the personal information of Eligible OCCB recipients and landowners is protected as permitted by the South Carolina Freedom of Information Act.
- (b) *Application review.*
- (1) The Board shall accept three rounds of Applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.
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- (2) The Board shall evaluate each Application according to the criteria contained in Section 2-403 of this division and recommend approval of Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
  - (3) The Board shall evaluate each Application and submit recommendations to County Council within 90 days of each Application deadline referred to in Subsection (b)(1). The recommendation of an Application may be for full approval, partial approval or disapproval.
  - (4) In recommending the awarding of a grant from the OCCB fund, the Board shall set forth findings that indicate the items below. The Board may delegate to one of its members this duty to write a report summarizing the Board's findings and delivering it to Council:
    - a. How the Application meets the criteria set forth in Section 2-403;
    - b. The purpose of the award and the use to which the land will be put;
    - c. The party responsible for managing and maintaining the land;
    - d. The party responsible for monitoring and enforcing any Conservation easements or other restrictions upon the land;
    - e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
    - f. The availability of funds in the OCCB fund for the award;
    - g. Any other findings or information relevant to the award.
  - (5) County Council shall take action on the Board's recommendations within 30 days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Subsection (c).
  - (6) The Board may only authorize grants to purchase interests in lands at or below fair market value pursuant to a current (within twelve (12) months of grant approval by County Council), independent certified appraisal. The Board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the Board no later than thirty (30) days prior to the next scheduled Board meeting. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.
- (c) *Grant award.*
- (1) The Board shall notify the Eligible OCCB recipient of its recommendation and the action taken by County Council on the Application.
  - (2) If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with Subsection (b)(5), the Eligible OCCB recipient shall have a period of four months from the date of the County Council's approval to decide whether to accept the award. At closing, the Eligible OCCB recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the Board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to Section 2-405.
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- (3) The Eligible OCCB recipient shall submit the following documents to the Board prior to closing the transaction and the Board and the County Attorney or an attorney designated by the County Administrator on recommendation of the Board shall review and approve the documents before OCCB funds can be disbursed:
- a. A certified appraisal satisfying the requirements of Subsection 2-404(b)(6);
  - b. Final drafts of the:
    - i. Conservation easement and/or deed,
    - ii. settlement statement,
    - iii. title insurance commitment and exceptions,
    - iv. grant agreement required pursuant to Subsection 2-404(c)(4),
    - v. subordination agreement and any other documents that will be recorded at or after closing.
  - c. A Phase 1 environmental site assessment - In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental site assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of any interest in such lands where the Application is for more than \$30,000 or ten percent of the appraised fair market value of either the Conservation easement or fee simple acquisition, whichever value is smaller. However, the Board shall have the discretion to require a Phase 1 environmental site assessment for Applications for grants of \$30,000 or less if it determines that the circumstances warrant an assessment. In the event that a Phase 1 environmental site assessment reveals issues of concern on or at the property, the Board may determine and require that follow-up by the Eligible OCCB recipient is necessary prior to the disbursement of OCCB funds.
- (4) Eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of Interests in land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, Applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions, and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.
- (5) The Board shall disburse OCCB funds to Eligible OCCB recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the Eligible OCCB recipient and owner of the Interest in land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six months.
- (6) No later than sixty (60) days after the day of closing, the OCCB grant recipient shall submit a report to the Board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded Conservation easement or deed.

#### **Sec. 2-405. Use of funds.**

- (a) Only Eligible OCCB recipients may acquire Interests in lands with OCCB funds.
  - (b) The Bank may purchase an Interest in land on behalf of Oconee County subject to the criteria contained in Section 2-403.
  - (c) OCCB funds shall be used only by Eligible OCCB recipients for the acquisition of Interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs
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of performing the work and providing the documentation required under Subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to Subsection 2-404(b)(6). The Board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the Eligible OCCB recipient or landowner shall reimburse the OCCB in the amount of the improperly used funds, plus interest.

- (d) All Interests in land acquired with OCCB funds shall be held by the Eligible OCCB recipient approved by the Board to acquire the Interest in land; except that an Interest in land obtained with OCCB funds may be assigned from one Eligible OCCB recipient to another upon approval of the Board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the Eligible OCCB recipient and landowner, if any, shall notify and inform the mortgagee or debtholder that the mortgage will be subordinate to the Conservation easement or conservation provisions in the deed. The Eligible OCCB recipient shall provide the OCCB with a copy of the notice and information to the mortgagee.
- (e) The owner of the fee simple title to property for which a Conservation easement was purchased with OCCB funds, whether the original owner that conveyed the Conservation easement or a successor-in-interest, may reacquire and terminate or extinguish the Conservation easement, whether in whole or in part, only by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.
- (f) If an Eligible OCCB recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by the County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the Eligible OCCB recipient.
- (g) If any Interests in lands that have been acquired by an Eligible OCCB recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to Subsections (e) and (f), the Eligible OCCB recipient extinguishing, selling, transferring, assigning, alienating, or converting the Interests in land shall replace them with the Interests in land of substantially equal current fair market value, with any excess from the sale of the prior Interests being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in Section 2-403. The Board shall verify that suitable replacement Interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement Interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

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- (h) The Eligible OCCB recipient or landowner shall notify the Board in the event that a claim against the title to the property has been made.
  - (i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the Board shall be reimbursed by the Eligible OCCB recipient and/or landowner in an amount up to the amount of the award approved by County Council and disbursed to the Eligible OCCB recipient.
  - (j) In the event that there is no Conservation easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that landowner complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity.

**Sec. 2-406. - Eminent domain or condemnation proceedings.**

OCCB funds may not be used to acquire Interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

**Sec. 2-407. - Recreational and economic use.**

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which Interests in lands are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

**Sec. 2-408. - Conservation easements.**

When OCCB funds are used to purchase a Conservation easement on land, the Conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB recipient and its assigns which holds the Conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the Conservation easement purchased with OCCB funds, the terms and conditions of the Conservation easement shall prevail. The Eligible OCCB recipient shall have sole responsibility for monitoring the property subject to the Conservation easement and for enforcing the terms and conditions thereof.

**Sec. 2-409. Historic properties.**

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire Interests in land that qualify solely as a historic or cultural feature according to the criteria contained in Section 2-403.

EXHIBIT B

- CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 9. COUNTY CONSERVATION BANK

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*DIVISION 9. - COUNTY CONSERVATION BANK*

**Sec. 2-398. - Establishment of bank.**

There is hereby established the Oconee County Conservation Bank in order to protect lands with significant natural, cultural, and/or historic resources in Oconee County that meet the criteria set forth in Section 2-403, by providing a financial incentive to willing landowners to convey either a conservation easement or fee simple title to Eligible recipients (as defined herein).

**Sec. 2-399. - Definitions.<sup>1</sup>**

*"Application"* means application to participate in the program addressed by this ordinance, including its grants.

*"Bank"* or *"OCCB"* for purposes of this division means the Oconee County Conservation Bank.

*"Board"* means the governing board of the Bank.

*"Conservation easement"* means an interest in real property as defined by Chapter 8 of Title 27 South Carolina Code of Laws, the South Carolina Conservation Easement Act of 1991.

*"Council"* or *"County Council"* means Oconee County Council.

*"County"* means Oconee County, South Carolina.

*"Eligible OCCB recipient"* or *"Recipient"* means any of the following:

- (1) Oconee County;
- (2) A municipality in Oconee County;
- (3) An independent agency or commission in Oconee County whose mission directly relates to the conservation of lands and natural, cultural and historic resources;
- (4) A not-for-profit charitable corporation or trust authorized to do business in this state and organized and operated for natural resource conservation, land conservation, or historical preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold, and maintain Interests in land for these purposes;
- (5) Federal, state, and local agencies organized and operated for natural resource protection, land conservation, or historical preservation purposes.

*"Interests in lands"* means fee simple titles to lands or Conservation easements on land.

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<sup>1</sup>Note: Excepting the term "land," all defined terms in Section 2-399 have been capitalized throughout this amendment.



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"Land" means real property, including highlands and wetlands of any description.

**Sec. 2-400. - Board.**

- (a) The Bank will be governed by a seven-member Board ("Board") appointed by Oconee County Council in accordance with the following requirements and recommendations:
- (1) Each Board member's primary residence shall be located in Oconee County; and
  - (2) At least one of the appointed Board members shall be from each of the County Council districts; and
  - (3) The Council shall endeavor to appoint but not require candidates to be appointed as follows:
    - A Board member or executive officer of a charitable corporation or trust authorized to do business in this state that is one of the following: (i) actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or (ii) is organized for historic or cultural preservation purposes; or (iii) is an organization that represents hunting, fishing, or outdoor recreation interests; and
      - ~~(i) — Actively engaged in the acquisition of interests in land from voluntary sellers for the purposes of natural resource or land conservation in Oconee County; or~~
      - ~~(ii) — Is organized for historic or cultural preservation purposes; or~~
      - ~~(iii) — Is an organization that represents hunting, fishing or outdoor recreation interests; and~~
    - A Board member who is an owner of rural real property who is actively engaged in the management and operation of forestlands, farmlands, or wildlife habitat; and
    - A Board member who is actively engaged in one of the following: (i) the real estate business; or (ii) the business of appraising forestland, farmland, or Conservation easements; or (iii) the business of banking, finance, or accounting; or (iv) a licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.
      - ~~(i) — The real estate business; or~~
      - ~~(ii) — The business of appraising forestland, farmland, or conservation easements; or~~
      - ~~(iii) — The business of banking, finance or accounting; or~~
      - ~~(iv) — A licensed attorney admitted to practice before the South Carolina Supreme Court with an emphasis in real estate or land use law.~~
    - To the extent possible, all appointed Board members should have a demonstrated background, experience, and interest in the conservation of lands with significant natural, cultural and/or historical resources.
- (b) The initial terms of the at-large Board members shall be for two years, the terms of the Board members from County Council district numbers 1, 3 and 5 shall be for three years, and the terms for the Board members from County Council district numbers 2 and 4 shall be for four years. Thereafter, all terms shall be for four years. All members may be reappointed. Vacancies shall be filled for the unexpired portion of the term.
- (c) Members shall serve without compensation, but may receive such mileage and per diem as may be authorized and appropriated by Oconee County Council. The Board shall elect a chair and other officers as the Board deems necessary. The Board shall adopt rules and procedures to conduct its meetings, consistent with those used by County Council.
- (d) The Board is a public body and its members are hereby expressly subject to, among other applicable laws and regulations, the South Carolina Ethics Act, and the South Carolina Freedom of Information Act, as amended, and shall perform their duties in accordance with their provisions.
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- (e) The Board shall meet at least three times per year in regularly scheduled meetings and in special meetings as the chair may call, all open to the public (except for executive sessions when duly held in accordance with law). All meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.
  - (f) The Board shall report to Council any member who, without adequate excuse such as documented illness, misses three consecutive meetings or a majority of meetings for any year.

**Sec. 2-401. - Board duties and responsibilities.**

- (a) The Board is authorized to:
    - (1) Award grants from the OCCB fund (defined herein) to Eligible OCCB recipients for the purchase of land or Interests in land that meet the criteria contained in Section 2-403; and
    - (2) Apply for and receive funding for the OCCB fund, for the Bank, from federal, state, private and other sources, to be used as provided in this division; and
    - (3) Receive charitable contributions and donations, including through endowment funding to the OCCB, to the OCCB fund, for the Bank, to be used as provided in this division; and
    - (4) Receive contributions to the OCCB fund, for the Bank, in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions shall be used as provided for in this division; and
    - (5) To, upon approval by County Council, transfer OCCB funds to a conservation-related endowment, or similar entity or agreement, for the purposes stated herein.
  - (b) To carry out its functions, the Bank shall:
    - (1) Operate a program which includes:
      - a. Developing a ranking system for Applications for program participation, including grants, pursuant to the criteria contained in Section 2-403;
      - b. Receiving grant and participation Applications from Eligible OCCB recipients pursuant to Section 2-404;
      - c. Evaluating Applications from Eligible OCCB recipients for eligibility for grants and to participate in the program pursuant to Section 2-404;
      - d. Reviewing and ranking Applications from Eligible OCCB recipients for grants and to participate in the program pursuant to the ranking system;
      - e. Recommending the approval of certain Applications to County Council pursuant to Section 2-404;
    - (2) Establish additional guidelines and procedures, consistent with this division, as necessary to implement this division; and
    - (3) Submit an annual report to Oconee County Council concerning all matters addressed by this division.
  - (c) The County Administrator is directed to provide administrative resources and support needed to operate and manage the OCCB, other than financial resources and support, to the extent possible, and within existing resources of the County. When and if deemed appropriate by the Board, the Board may seek County Council's approval to hire permanent staff, who will be County staff, reporting to the Administrator.
  - (d) Operating expenses of the Bank may be paid out of the OCCB fund in accordance with Oconee County Policies and Procedures, and, as authorized and appropriated by County Council, provided such expenses shall not exceed ten percent of the total annual OCCB funding amount. Notwithstanding any other provision of this division, Oconee County tax dollars shall not be used for the operation or purposes of the Bank.
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### Sec. 2-402. - OCCB fund.

The Oconee County Treasurer shall establish an account separate and distinct from all other funds appropriated by County Council, called the Oconee County Conservation Bank Fund (the "OCCB fund"). The OCCB fund shall ~~receive revenues as noted herein, and receive monies, awards, and assets from third parties, including~~ but not limited to donors, the state, or from the County according to one or more funding measures approved by Oconee County Council. The Council acknowledges and agrees that County funding measures should be undertaken as soon as feasible, consistent with overall budget priorities of the County, in order to avoid escalating land costs and lost acquisition opportunities. The OCCB fund shall be used only for the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by Council.

### Sec. 2-403. - Criteria.

- (a) The Board shall use the following conservation criteria in developing a ranking system for Applications pursuant to Section 2-401(b)(1).
- (1) Environmental sensitivity.
    - a. Presence of wetlands.
    - b. Frontage on USGS Blue Line Stream.
    - c. Water quality classification of such stream by the South Carolina Department of Health and Environmental Control.
    - d. Presence of threatened/endangered species.
    - e. Habitat suitable for threatened/endangered species.
    - f. Habitat suitable for native wildlife species.
    - g. Extent of biological diversity.
    - h. Presence of unique geological/natural features.
    - i. Plans for restoration
  - (2) Percentage of property sharing a boundary with protected land.
  - (3) Historic/cultural features.
    - a. Contains feature designated on the National Historic Register.
    - b. Contains feature eligible for the National Historic Register.
    - c. Contains historic/prehistoric structures.
    - d. Contains historic/prehistoric site or location of a historic event.
  - (4) Percentage of property containing prime/statewide important soil types.
  - (5) Extent of active farming on property and extent proposed to be kept as wooded land or farmland.
  - (6) Extent of public visibility of property.
    - a. Visibility from public roads.
    - b. Visibility from public land.
  - (7) Scenic view from property or preservation of general scenic nature of that part of County.
  - (8) Extent of public access.
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- (9) Location of property.
  - (10) Threat of development.
  - (11) Size of property.
  - (12) Potential ~~impact on~~ water quality ~~in wetlands~~ impact on a wetland or water ~~bodies~~ body that is not on part of the property.
- (b) The Board shall use the following financial criteria in developing the ranking system for Applications for participation in the program and grants pursuant to Subsection 2-402(b)(1).
- (1) Funding percentage of appraised fee simple or Conservation easement value requested;
  - (2) Amount of applicable partnerships, matching contributions, management agreements, management leases, and similar collaborations among state agencies, federal agencies, Eligible OCCB recipients, and local governments, boards, and commissions;
  - (3) No matching funds or other contributions are required to receive grants from the OCCB fund. However, the commitment of such other funds shall be a factor considered by the Board in its evaluation and recommendation of the Applications.

#### **Sec. 2-404. - Program and procedures.**

(a) *Application.*

- (1) An Eligible OCCB recipient independently or in conjunction with the landowner may apply for a grant from the OCCB by submitting an Application in accordance with the rules and procedures established by the Board under and consistent with this division;
  - ~~(2) Within five business days of the submittal of an application to the OCCB, the eligible OCCB recipient must notify in writing all landowners adjacent to the subject property of the application. Within 30 days of receipt of said notice, contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application.~~
  - (23) Prior to the submission of its Application, the Eligible OCCB recipient must notify in writing the owner of the land that is the subject of the Application of the following:
    - a. That Interests in land purchased with OCCB funds result in a permanent conveyance of such Interests in land from the landowner to the Eligible OCCB recipient and its assigns; and
    - b. That it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; andThe Application must contain an affirmation that the notice requirement of this subsection has been met, and the commitment of the landowner to convey title to or an easement on the property if grant funds are approved for the property, all signed by the landowner and duly notarized by a notary public of the State of South Carolina.
  - (3) At the time of the submission of its Application, the Eligible OCCB recipient must notify in writing all landowners adjacent to the property and all lessees of the property of the submission of its Application and informing the adjacent landowners and lessees that they have thirty (30) days from receipt of said notice to submit to the Board, in writing, their views in support of or in opposition to the Application.
  - (4) In each Application, the Eligible OCCB recipient must provide information regarding how the proposal meets the criteria contained in Section 2-403.
  - (5) For each grant Application the applicant shall specify:
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- a. The purpose of the Application;
  - b. How the Application satisfies the criteria contained in Section 2-403;
  - c. The uses to which the land will be put;
  - d. The party responsible for managing and maintaining the land; and
  - e. The parties responsible for enforcing any Conservation easement or other restrictions upon the land.
- (6) Where an Eligible OCCB recipient seeks an OCCB grant to acquire fee title to land, the Eligible OCCB recipient must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in its Application. The Board shall require an Eligible OCCB recipient acquiring fee simple title to land to place a Conservation easement on such property. ~~or include language in the deed to ensure that the property is permanently protected.~~
  - (7) Where an Eligible OCCB recipient seeks an OCCB grant to acquire a Conservation easement, the Eligible OCCB recipient must demonstrate both the expertise and financial resources to monitor and enforce the restrictions placed upon the land for the purposes set forth in its Application. The ~~b~~Board shall evaluate each proposal to determine the qualifications of the proposed managing party and to determine whether the proposed management is consistent with the purposes set forth in the Application.
  - (8) The Board shall establish reasonable procedures and requirements to ensure that the personal information of Eligible OCCB recipients and property owners landowners is protected as permitted by the South Carolina Freedom of Information Act.
- (b) *Application review.*
- (1) The Board shall accept three rounds of Applications per calendar year in accordance with the following deadlines: April 1st, August 1st, and November 1st.
  - (2) The Board shall evaluate each Application according to the criteria contained in Section 2-403 of this division and recommend approval of Application and associated grants to County Council based on how well the proposals meet these criteria. The more criteria a proposal satisfies, the higher priority it shall be given.
  - (3) The Board shall evaluate each Application and submit recommendations to County Council within 90 days of each Application deadline referred to in Subsection (b)(1). The recommendation of an Application may be for full approval, partial approval or disapproval.
  - (4) In recommending the awarding of a grant from the OCCB fund, the Board shall set forth findings that indicate the items below. The Board may delegate to one of its members this duty to write a report summarizing the Board's findings and delivering it to Council:
    - a. How the Application meets the criteria set forth in Section 2-403;
    - b. The purpose of the award and the use to which the land will be put;
    - c. The party responsible for managing and maintaining the land;
    - d. The party responsible for monitoring and enforcing any Conservation easements or other restrictions upon the land;
    - e. How the parties designated in items c. and d. possess the expertise and financial resources to fulfill their obligations;
    - f. The availability of funds in the OCCB fund for the award;
    - g. Any other findings or information relevant to the award.
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- (5) County Council shall take action on the Board's recommendations within 30 days of the Board's submission thereof. The Council shall consider and vote on each recommendation individually. The Council shall accept the recommendation of the Board for the award of a grant unless (i) it is determined that there are not sufficient funds in the OCCB fund for the award or (ii) at least a majority of the Council members present and voting vote to reject the recommendation. If the Board's recommendation for the award of a grant is approved by Council, the award shall be made and the transaction closed in accordance with Subsection (c).
  - (6) The Board may only authorize grants to purchase Interests in lands at or below fair market value pursuant to a current (within ~~12~~ twelve (12) months of grant approval by County Council), independent certified appraisal. The Board may accept a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser. Said market analysis update letter must be submitted to the Board no later than thirty (30) days prior to the next scheduled Board meeting. The Board shall establish reasonable procedures and requirements to ensure the confidentiality of appraisals.

(c) *Grant award.*

- (1) The Board shall notify the Eligible OCCB recipient of its recommendation and the action taken by County Council on the Application.
- (2) If the Board recommends the Application in whole or in part and the recommendation is approved by County Council in accordance with Subsection (b)(5), the Eligible OCCB recipient ~~and the owner of the interest in the land identified in the application~~ shall have a period of four months from the date of the County Council's approval to decide whether to accept the award. ~~Within 14 days of acceptance of the grant award~~ At closing, the Eligible OCCB recipient shall execute and record a grant agreement or memorandum thereof, which shall be in a form approved by the Board. Said grant agreement shall include provisions for the indemnification and reimbursement of the OCCB for improperly used OCCB funds, or title issues or defects, perpetual monitoring and enforcement, and other actions pursuant to Section 2-405.
- (3) The Eligible OCCB recipient shall submit the following documents to the Board prior to closing the transaction and the Board and the County Attorney or an attorney designated by the County Administrator on recommendation of the Board shall review and approve the documents before OCCB funds can be disbursed:
  - a. A certified appraisal satisfying the requirements of ~~s~~Subsection 2-404(b)(6);
  - b. ~~A final draft~~ Final Drafts of the:
    - i. Conservation easement and/or deed, ~~a final draft of the~~
    - ii. settlement statement, ~~a final draft of the~~
    - iii. title insurance commitment and exceptions, ~~and the~~
    - iv. grant agreement required pursuant to Subsection 2-404(c)(~~4~~),~~r~~
    - v. subordination agreement and any other documents that will be recorded at or after closing.
  - c. A Phase 1 environmental site assessment - In order to identify potential liability pursuant to applicable state or federal environmental laws or regulations, a certified Phase 1 environmental hazard site assessment shall be conducted on lands before the disbursement of OCCB funds for the acquisition of all any interest in such lands, ~~except as provided below in subsection (c)(2)d.~~ And where the Application is for such interest in land shall qualify as a small grant application if the amount requested is less more than \$30,000-~~00~~ or ten percent of the appraised fair market value of either the Conservation easement or fee simple acquisition, whichever value is smaller. ~~The~~However, the Board shall have the discretion to require a Phase 1 environmental site



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assessment ~~required in subsection (c)(3)c. shall be waived~~ for Applications for grants of \$30,000 or less if it determines that the circumstances warrant an assessment. In the event that a Phase 1 environmental site assessment reveals issues of concern on or at the property, the Board may determine and require that follow-up by the Eligible OCCB recipient is necessary prior to the disbursement of OCCB funds. ~~interest in land qualified as a small grant, as defined herein, unless specifically required on a case-by-case basis by the board.~~

- (4) ~~The bank and e~~Eligible OCCB recipients receiving monies from the OCCB fund shall retain all records of acquisition of Interests in land with OCCB funds including, but not limited to deeds, title documents, contracts, surveys, inventories, appraisals, title insurance policies, environmental assessments, ~~and closing documents. Applications, and closing documents and provide copies of the executed settlement statement, title insurance commitment and exceptions, and all recorded documents showing the Register of Deeds time and date stamp to the OCCB.~~
- (5) The Board shall disburse OCCB funds to Eligible OCCB recipients and the closing shall occur after all applicable requirements of this section are fully satisfied, provided the closing shall take place no later than one year after the Eligible OCCB recipient and owner of the Interest in land decide to accept the award unless the Board, for good cause shown, extends the deadline for a period not to exceed six months.
- (6) No later than sixty (60) days after the day of closing, the OCCB grant recipient shall submit a report to the Board describing how the OCCB grant funds were distributed or used and the status of the project. The report shall include supporting documentation, such as the closing settlement statement, disbursement statement, and the recorded Conservation easement or deed.

#### **Sec. 2-405. Use of funds.**

- (a) Only Eligible OCCB recipients may acquire Interests in lands with OCCB funds.
- (b) The Bank may purchase an Interest in land on behalf of Oconee County subject to the criteria contained in Section 2-403.
- (c) OCCB funds shall be used only by Eligible OCCB recipients for the acquisition of Interests in land, including closing costs. "Closing costs" shall include recording fees, deed transfer or documentary stamp fees, the costs of performing the work and providing the documentation required under Subsection 2-404(c)(3), attorney's fees, and the cost of obtaining surveys or an updated market analysis pursuant to Subsection 2-404(b)(6). The Board shall have the discretion to allow the OCCB funds to be used solely for closing costs after considering the amount of the award, the value of the project, the amount of the closing costs, or other factors. In the event that OCCB determines that OCCB funds were spent for purposes other than those listed in this subsection or the grant agreement, the Eligible OCCB recipient or ~~property owner landowner~~ shall reimburse the OCCB in the amount of the improperly used funds, plus interest.
- (d) All Interests in land acquired with OCCB funds shall be held by the Eligible OCCB recipient approved by the Board to acquire the Interest in land; except that an Interest in land obtained with OCCB funds may be assigned from one Eligible OCCB recipient to another upon approval of the Board by majority vote. In the event that there is a mortgage on any property interest protected through the use of OCCB funds, the Eligible OCCB recipient and ~~property owner landowner~~, if any, shall notify and inform the mortgagee or debt-holder that the mortgage will be subordinate to the Conservation easement or conservation provisions in the deed. The Eligible OCCB recipient shall ~~copy provide~~ the OCCB ~~on with a copy of~~ the notice and information to the mortgagee.
- (e) The owner of the fee simple title to property ~~upon for~~ which a Conservation easement was purchased with OCCB funds, whether the original owner that conveyed the Conservation easement or a successor-in-interest, may reacquire and ~~thereby~~ terminate or extinguish ~~that the~~ Conservation easement, whether in whole or in part, only by complying with all of the following:



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- (1) ~~(i) Pro~~ving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control such as through eminent domain;
  - (2) ~~(ii) O~~btaining unanimous approval by the OCCB Board;
  - (3) ~~(iii) O~~btaining unanimous approval by County Council;
  - (4) ~~(iv) O~~btaining approval by the Oconee County Court of Common Pleas; and
  - (5) ~~(v) M~~aking payment in cash to the OCCB fund of whichever is higher of the original fair market value or amount of the grant or its equivalent percent of the current fair market value of the conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the owner of fee simple title to the property.

(f) ~~If an Eligible OCCB recipient acquires fee simple title to land for conservation and/or historic purposes with OCCB funds, that land may not be sold, transferred, assigned, alienated, or converted to a use other than the use set forth in the grant award except by complying with all of the following: (i) proving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control, such as through eminent domain; (ii) obtaining unanimous approval by the OCCB Board; (iii) obtaining unanimous approval by the County Council; (iv) obtaining approval by the Oconee County Court of Common Pleas; and (v) making payment in cash to the OCCB fund of whichever is higher of the amount of the grant or its equivalent percent of the current conservation value. Equivalent percent means the ratio of the grant to the original conservation value, as determined by a certified appraisal paid for by the Eligible OCCB recipient.~~

- ~~(1) Pro~~ving that the original conservation and/or historic values of the protected land have been lost or substantially impaired by factors beyond the owner's control;
- ~~(2) O~~btaining unanimous approval by the OCCB board;
- ~~(3) O~~btaining unanimous approval by county council;
- ~~(4) O~~btaining approval by the Oconee County Court of Common Pleas; and
- ~~(5) M~~aking payment in cash to the OCCB fund of whichever is higher of the original fair market value or the current fair market value of the protected land, as determined by a certified appraisal paid for by the eligible OCCB recipient.

(g) If any Interests in lands that have been acquired by an Eligible OCCB recipient with OCCB funds are extinguished, terminated, sold, transferred, assigned, alienated, or converted pursuant to Subsections (e) and (f), the Eligible OCCB recipient extinguishing, selling, transferring, assigning, alienating, or converting the Interests in land shall replace them with the Interests in land of substantially equal current fair market value, with any excess from the sale of the prior Interests being used by contribution to the OCCB fund. The replacement land shall have the same or greater significance when evaluated under the criteria set forth in Section 2-403. The Board shall verify that suitable replacement Interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with OCCB funds be extinguished, sold, transferred, assigned, alienated, or conveyed. Where replacement in whole or in part is impossible, funds realized which are not used for replacement Interests in land must be credited to the OCCB fund. Where funding for an original acquisition was from multiple sources, funds realized must be credited to the OCCB fund under this section in proportion equal to the contribution that OCCB funds made to the original acquisition.

(h) The Eligible OCCB recipient or property owner/landowner shall notify the Board in the event that a claim against the title to the property has been made.

(i) In the event that the title to the protected property interest is invalidated or otherwise found to be deficient, the Board shall be reimbursed by the Eligible OCCB recipient and/or landowner in an amount up to the amount of the award approved by County Council and disbursed to the Eligible OCCB recipient.



- 
- (j) In the event that there is no Conservation easement on a property funded by the OCCB, the County Administrator shall be responsible for ensuring that ~~the owner of the property landowner~~ complies with the ordinance and for enforcing the provisions of the ordinance. The grant agreement shall specify that the County shall be able to access the property for monitoring and/or enforcement purposes in perpetuity.

**Sec. 2-406. - Eminent domain or condemnation proceedings.**

OCCB funds may not be used to acquire Interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceedings.

**Sec. 2-407. - Recreational and economic use.**

The provisions of this division shall not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the law of this state, upon lands for which Interests in lands are obtained pursuant to this division. These and other traditional and compatible activities may be conducted, where appropriate, upon lands protected with OCCB funds.

**Sec. 2-408. - Conservation easements.**

When OCCB funds are used to purchase a Conservation easement on land, the Conservation easement shall be the controlling legal document regarding what is and what is not permitted upon the land, how the land will be protected, and what rights are vested with the Eligible OCCB recipient and its assigns which holds the Conservation easement. If any inconsistencies or ambiguities arise between the provisions of this ordinance and the terms and conditions of the Conservation easement purchased with OCCB funds, the terms and conditions of the Conservation easement shall prevail. The Eligible OCCB recipient shall have sole responsibility for monitoring the property subject to the Conservation easement and for enforcing the terms and conditions thereof.

**Sec. 2-409. Historic properties.**

The Board may authorize up to ten percent of the annual OCCB appropriation to acquire Interests in land that qualify solely as a historic or cultural feature according to the criteria contained in Section 2-403.



# Oconee County Conservation Bank

Title: Grant Procedures  
Policy No. 0003

Effective Date: **March 2, 2021**

Revision Date(s): April 6, 2021, Feb. 8, 2022

Page 1 of 7

Attachments:

Application For Funding (rev. 2/2/22)

~~Criteria Worksheet~~

Evaluation Scoresheet

Grant Agreement

Section 404 Findings Template

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## **Purpose:**

This policy provides guidelines for Applicants and governs the evaluation procedures used by the Oconee County Conservation Bank Board to process, award, and monitor grants.

## **Definitions:**

1. The definitions set forth in Chapter 2, Article IV, Division 9, Section 2-399 of the Oconee County Code of Ordinances are incorporated by this reference.
2. "Applicant" means an Eligible OCCB Recipient applying for a grant related to a specific property.
3. "Application" or "application" means the attached Application For Funding.
4. ~~"Blue Line Stream or Lake," as used in the application, means a stream or lake that appears as a broken or solid blue line (or a purple line) on a USGS map.~~
- 5-4. "Conservation Value" means either
  - a. the Fair Market Value of the property for a fee simple acquisition; or
  - b. the amount the Fair Market Value of the property will be reduced by the placement of a Conservation Easement on the property.

~~6-5.~~ “Grant Agreement” means a binding contract between the Applicant and Oconee County that meets the requirements of OCCB Ordinance Section 2-404(c)(2).

~~7-6.~~ “Inholding Land” means privately owned property that is 100% surrounded by Protected Land.

~~8.~~ “Limited Access” means any public access that is less than access on a year-round and continual basis, i.e., access by the public for some limited time or seasonal period(s).

~~9-7.~~ “Property/Project Name” means the common or colloquial name used to identify a specific piece of land or project that is the subject of an Application. Each Property/Project Name must be unique.

~~10.~~ “Protected Land” means any land substantially protected from development or designated as scenic or protected through any federal, state, or local government law or private action.

~~11-8.~~ “Scenic View” means a vista that includes mountain, river, lake, forest, pasture, agricultural, or other pastoral scenery.

~~12-9.~~ “Small grant application” means an application for an interest in land if the amount requested is lessno greater than thirty thousand dollars (\$30,000.00) or ten percent (10%) of the Conservation Value, whichever is less.

~~13.~~ “Unlimited Access” means any public access on a year-round and continual basis and, additionally, requires that such access is communicated to the public.

## **Policy:**

### **Part One: Application Procedures**

~~1.~~ An Applicant may, but is not required to, submit a letter to the Board requesting the Board’s examination of land or project that may be the subject of a future application for a preliminary review.

~~2-1.~~ The Board will accept applications on or before April 1<sup>st</sup>, August 1<sup>st</sup>, and November 1<sup>st</sup> of each calendar year.

~~3-2.~~ Applicants may apply for a grant from the OCCB by filing an application with the Board’s administrative staff on or before the

~~application deadline.~~ All applications must be submitted in duplicate pursuant to Board Policy No. 0001 Applicant Privacy. All applications must be submitted in electronic pdf or similar format.

- ~~4. An application for a grant that does not fall within the jurisdiction of the OCCB will not be accepted. The Board will inform the Applicant in writing of the reason for its refusal to accept the application.~~
- ~~5. All applications must meet the mandatory requirements in Section II of the application. See OCCB Ordinance Sections 2-404(a)(2), (3), & (6), 2-404(b)(6), 2-404(c)(3)c, and 2-405(c) & (d).~~
- ~~6. All application attachments must identify the application Section and Question to which it applies.~~
- ~~7. As part of the application procedure, each applicant is required to provide documentation of the expertise and financial resources of the entity enforcing any Conservation Easement or deed restriction, the expertise and financial resources of the entity managing the property, and a description of the proposed management plan for the property. Failure to provide documentation satisfactory to the Board will result in a recommendation to the Council that the grant application be denied.~~

~~8-3.~~ During the review process, the Board may request additional information from the Applicant. **Failure to provide the requested information in a timely manner will result in a delay in processing the application until the next cycle.**

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~~9-4.~~ ~~Applications will be evaluated utilizing the Criteria Worksheet.~~ The Board members will reduce their final collective evaluation to a score as set forth on the Evaluation Scoresheet, which will be attached to the official minutes.

- ~~10-5.~~ Each application must meet the applicable minimum score to be recommended for a grant award.
- a. Farmland must have a minimum score of 30.
  - b. Inholding Land must have a minimum score of 22.
  - c. Non-farmland must have a minimum score of 40.
  - d. Solely historic or cultural land must have a minimum score of 21.

~~11.6.~~ The Board may recommend a grant of up to ten percent (10%) of the Conservation Value of the project. In extraordinary circumstances and for good cause, the Board may recommend a grant that is more than 10% of the Conservation Value of the project.

~~12. During the review process, the Board may request additional information from the Applicant. Failure to provide the requested information in a timely manner will result in a delay in processing the application until the next cycle.~~

~~13.7.~~ The Board's recommendation to Council shall include the findings required by OCCB Ordinance 2-404(b)(4) utilizing the Section 2-404 Findings Form. The Board may delegate the responsibility to prepare the Section 2-404 Findings to a single Board member.

~~14. Council will take action within thirty (30) days of submission of the Board's recommendation.~~

#### Part Two: Post Award Procedures

1. The Board shall notify the Applicant of the Council's decision ~~within ten (10) days of the Council's decision.~~

2. If awarded a grant, the Applicant ~~and Landowner have~~has a period of four (4) months from the date of the Council's decision to notify the Board of ~~their~~its decision to accept the grant.

~~3. The recipient must execute and record a Grant Agreement at closing.~~

~~4.3.~~ The transaction must close within one year of recipient's notice of acceptance of award. ~~Recipient's closing attorney must be registered as a vendor with the State of South Carolina prior to closing if money is to be wired from the Local Government Investment Pool to the closing attorney's escrow account.~~

~~5.4.~~ If recipient is unable to close on the Property/Project by the Closing Deadline, recipient shall submit to the Board, before the Closing Deadline, a written status report explaining the circumstances, and shall either

- a. withdraw the Application and acceptance of the Grant award, or
- b. request a one-time extension not to exceed six (6) months.

~~6. If the transaction fails to close, the recipient, Council, and Board will execute and record a document terminating the Grant Agreement.~~

6. If the interest in the Property is reduced or increased by 10% or less in acreage of that stated in the Application prior to closing, the Board shall have the authority to reduce the award on a proportional per acre basis. However, a reduction or increase of acreage exceeding 10% shall be deemed material and will render the original grant award.

~~6.7.~~ The following closing documents must be submitted to the Board for review at least ten (10) days prior to the scheduled closing:

~~a. An independent certified appraisal of the Property dated within twelve (12) months of the Grant approval by Council;~~

b.a. A certified environmental hazard assessment, unless the Application qualifies as a small grant application;

~~b.~~ A final draft of the conservation easement and/or deed;

~~c.~~ A final draft of the settlement statement;

~~d.~~ A final draft of the title insurance commitment and exceptions;

~~e. A recorded by copy of this~~ Grant Agreement signed by the Grantee, and for conservation easements, by the Landowner in recordable form; and

f. Any subordination agreement or other document that will be recorded at or after closing.

g. Any other data, acknowledgement, or documentation requested by the OCCB.

h. The name, address, email address, and phone number of the Closing Attorney and Firm.

The Board reserves the right to reject documents that do not comply with the OCCB Ordinance.

~~7. The Board will process the grant funds pursuant to Policy No. 0002, Bank Account.~~

8. Within sixty (60) days of closing, recipient must provide the Board with executed closing documents, a report of how the grant funds were distributed, and the status of the project.

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9. If the grant award is for the fee simple purchase of land ~~that will not be subject to a conservation easement~~, the property is subject to inspection by the County and the deed must include the following language:

Said premises shall be subject to: the provisions of Sections 2-398 through 2-409 of the Oconee County, South Carolina Code of Ordinances, ~~the policies adopted by the Oconee County Conservation Bank, and the grant agreement executed by the Grantee and Oconee County~~, such that the premises shall be permanently protected for the conservation purposes described therein.

~~10. The recipient shall submit a copy of recipient's annual inspections of the Property to the OCCB within twelve (12) months of the release of Grant Funds. Thereafter, copies of all future inspection reports must be submitted to the OCCB on an annual basis. Electronic copies of recipient's annual stewardship reports are acceptable. Recipient is required to give the OCCB notice of any stewardship concern that materially threatens the conservation purposes of the Grant Award within thirty (30) days of discovery.~~

~~11.~~ 10. The recipient and the Board shall retain copies of all documents related to the award of the grant and the acquisition of interests in land.

~~12. For all grants, a copy of the recipient's annual inspection of the property must be submitted to the Board within twelve (12) months of closing on the property. Thereafter, copies of all future inspection reports must be submitted to the Board on an annual basis. The annual reports shall be in a format comparable to the annual reports typically required of conservation easements. Recipients are required to give the Board notice of any stewardship concerns that materially threatens the conservation purposes of the grant within thirty (30) days of discovery.~~

~~13. All interests in land obtained with OCCB funds may only be assigned from one eligible OCCB recipient to another eligible OCCB recipient after approval by the majority of the Board.~~

~~14. Any fee simple interest in land acquired with OCCB funds may not be used for any purpose other than that set forth in the Grant Agreement. If OCCB funds were used to purchase a Conservation Easement, the Conservation Easement is the controlling legal document on what is or is not permitted on the property.~~

~~11. The eligible OCCB recipient or the Landowner must notify the Board if a claim is made against the title to the property.~~

~~15.12.~~

~~7. Any interest in land or any portion thereof funded in whole or part by OCCB funds shall not transferred without the approval of the Board. The Board shall have the unilateral authority to approve or deny such transfer.~~

~~16.13. If the interest in the Property is reduced or increased by 10% or less in acreage of that stated in the Application, the Board shall have the authority to reduce the award on a proportional per acre basis. However, a reduction or increase of acreage exceeding 10% shall be deemed material and will render the original grant award and the Grant Agreement null and void.~~

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# **Oconee County Conservation Bank Application for Funding**

## **Oconee County, South Carolina**

To be completed pursuant to the  
OCCB Ordinance and OCCB Board Policies No. 0001 and 0003

### **Send Completed Application to:**

Oconee County Conservation Bank Board  
c/o Clerk to Council  
via email to: [councilclerkinfo@oconeesc.com](mailto:councilclerkinfo@oconeesc.com)

**Application Deadlines: April 1, August 1, November 1**

## SECTION I - General Property/Project Information

### General Information

Property/Project Name: \_\_\_\_\_

Property Address or Description of Location: \_\_\_\_\_

Acquisition type: \_\_\_\_ Fee Simple or \_\_\_\_ Conservation Easement

*Note that Applicant acquiring a fee simple property interest with grant funds must simultaneously place a conservation easement on the property.*

Total monetary amount requested: \$ \_\_\_\_\_

Conservation Value of property? \$ \_\_\_\_\_

*Attach a certified appraisal or an explanation of the basis for the Conservation Value. S1-A*

### Landowner

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Cell Phone (\_\_\_\_) \_\_\_\_\_

Work Phone (\_\_\_\_) \_\_\_\_\_

Home Phone (\_\_\_\_) \_\_\_\_\_

### Eligible OCCB Recipient ("Applicant") Seeking Funding

Name of Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email Address \_\_\_\_\_

Contact Cell Phone (\_\_\_\_) \_\_\_\_\_

Contact Work Phone (\_\_\_\_) \_\_\_\_\_

Organization EIN \_\_\_\_\_

**Property Information**

Parcel ID or TMS#: \_\_\_\_\_

Plat Reference (*Plat Book/Page*) S1-B1: \_\_\_\_\_

Deed Reference (*Deed Book/Page*) S1-B1: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Total Acres: \_\_\_\_\_

Total Acres Forested: \_\_\_\_\_

Total Acres Cleared/Open/Pasture: \_\_\_\_\_

Total Acres Wetlands: \_\_\_\_\_

Creeks and/or Rivers – Names, Length, Width: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Acres Farmed – List Farm Type, e.g. livestock, row crop: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is project acreage part of larger parcel? If so, what is larger parcel acreage: \_\_\_\_\_

Unique characteristics of property (may be submitted as part of Applicant’s narrative):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Show location of property on County Map S1-B2 and show location on other pertinent documents such as plat, USGS map, etc. S1-B3.

## Section II - Mandatory Requirements/Submissions

**1. Applicant's Requirements - by signing below the Applicant confirms that to the best of the Applicant's knowledge and belief all answers in this Application are accurate:**

a. At the time of filing this application, the Applicant certifies that it notified all adjoining landowners and lessees of the property that:

- i. The Applicant is applying for funding from the OCCB and
- ii. The adjoining landowners and lessees of the property have 30 days to submit comments to the OCCB regarding the application. Attach a list of the adjoining landowners and lessees of the property, if any, with addresses. S2-A1

\_\_\_\_\_ yes                      \_\_\_\_\_ no

**Failure to meet the above requirement will require the application to be returned to applicant for correction and resubmission.**

b. Applicant agrees that OCCB funds may not be used for endowments, monitoring, staffing, management, planning, or any costs not associated with the purchase.

\_\_\_\_\_ yes                      \_\_\_\_\_ no

c. Applicant acknowledges that if no appraisal is attached and the Applicant is awarded a grant, a certified appraisal establishing the Fair Market Value of the Conservation Value and Property must be submitted prior to closing but no later than twelve (12) months of Oconee County Council approval and that the award shall be 10% of the Conservation Value in the Appraisal or the amount the Council awarded, whichever is less.

\_\_\_\_\_ yes                      \_\_\_\_\_ no                      \_\_\_\_\_ N/A

d. Applicant acknowledges that, if the attached appraisal is more than twelve (12) months old on the date County Council approves the award of a grant, a market analysis update covering the time period from the date of the original appraisal to the present in the form of a letter prepared and signed by the original appraiser must be submitted to the Board no later than thirty (30) days prior to the first scheduled Board meeting following the Council's decision and that the award shall be 10% of the Conservation Value in the market update letter or the amount the Council awarded, whichever is less.

\_\_\_\_\_ yes                      \_\_\_\_\_ no                      \_\_\_\_\_ N/A

- e. If this is a fee simple acquisition project, Applicant agrees to be bound by the Grant Agreement and **to place a conservation easement on the property at closing.**

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- f. Is this a small grant application as defined in OCCB Ordinance Section 2-404(c)(3)d. and OCCB Policy No. 0003, Grant Procedures? To be a small grant application the request **must be no greater than** either \$30,000 or 10% of the Conservation Value, whichever is smaller.

\_\_\_\_\_ yes                      \_\_\_\_\_ no *If no, Applicant agrees to submit a certified environmental hazard assessment. S2-A5*

Signature of Applicant

Date

**2. Landowner's Requirements\*: *by signing below the Landowner confirms that to the best of the Landowner's knowledge and belief all answers in this Application are accurate, in addition:***

- a. Is Landowner committed to placing a Conservation Easement on the property or to conveying title to the property to the Applicant with OCCB deed restrictions if a grant of OCCB funds is approved?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- b. Landowner certifies that the Applicant notified Landowner in writing:

- i. that the property interest purchased with OCCB funds will result in a permanent conveyance of such property interests from the Landowner to the Applicant, and
- ii. that it may be in the Landowner's best interests to retain independent legal counsel, appraisals, and other professional advice.

- c. Does Landowner agree to allow inspection by the OCCB of the property and project being presented for OCCB funding?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- d. Are there any existing liens, mortgages, or other encumbrances, such as easements, restrictive covenants, etc., that currently exist on the property.

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach a list of the encumbrances. S2-B4a.*

If there is a mortgage, Applicant must submit documentation showing that Applicant or Landowner has notified each lender in writing that if OCCB funding is awarded, the mortgage will be subordinate to the Conservation Easement or conservation provisions in the deed.. S2-B4b.

Signature of Landowner \_\_\_\_\_

Date \_\_\_\_\_

Sworn and subscribed this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Notary Public for  
My Commission expires:

*\* May be submitted as Landowner's notarized affidavit.*

## Section III - Applicant and Project Information

**1. Applicant Information** - Type of Organization seeking funding. Check one:

\_\_\_\_\_ Oconee County

\_\_\_\_\_ Municipality located in Oconee County

\_\_\_\_\_ Oconee County agency or commission whose mission relates to land conservation

\_\_\_\_\_ Public Charity having tax-exempt status under IRS Code of 1986

\_\_\_\_\_ Federal, State, or local agency operating for natural protection, land conservation, or historical preservation purposes

**2. Entity that will be responsible for managing the land**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email \_\_\_\_\_

Cell Phone (\_\_\_\_) \_\_\_\_\_

Work Phone (\_\_\_\_) \_\_\_\_\_

**3. Entity that will be responsible for enforcing conservation easement or deed restrictions and grant agreement.**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email \_\_\_\_\_

Cell Phone (\_\_\_\_) \_\_\_\_\_

Work Phone (\_\_\_\_) \_\_\_\_\_

**4. Applicant Information**

a. How will you be able to complete the project and secure additional funding to acquire the designated property interests? *Attach additional sheet if necessary. S3-D1*

b. How many total acres of land have you conserved in:

\_\_\_\_\_ South Carolina    \_\_\_\_\_ Oconee County    \_\_\_\_\_ Other

c. Briefly describe the lands your organization has preserved in this State and County, include size, location, and method of preservation.

d. Explain how the Conservation Easement and/or deed restrictions on the protected land will be enforced. *Attach additional sheet if necessary. S3-D4*

## 5. Land Management Information

- a. Please describe the financial resources and qualifications of the managing entity.  
*Attach additional sheet if necessary. S3-E1*
- b. Does the Applicant or Landowner have a conservation land management plan for this project? *If so, attach the plan or a summary of the plan. If no, please describe the uses to which the property will be put and how they will conserve the property. S3-E2*

\_\_\_\_\_ yes

\_\_\_\_\_ no

## Section IV - Conservation Criteria

### 1. Environmental Sensitivity

- a. Does the property contain or adjoin wetlands?

\_\_\_\_\_ yes

\_\_\_\_\_ no

*If yes, attach documentation, such as GIS using NWI or USFWS; regarding the wetlands, wetland delineation, or certification by USACOE or NRCS. S4-1a*

- b. Does the property contain or adjoin a USGS Blue Line Stream or Lake?

\_\_\_\_\_ yes

\_\_\_\_\_ no

*If yes, provide a USGS topographic map showing such stream or lake in relation to property. S4-1b*

- c. Does the property contain or adjoin Water Classified as:

\_\_\_\_\_ (i) Outstanding Natural Resource Water

\_\_\_\_\_ (ii) Outstanding Resource Water

\_\_\_\_\_ (iii) Trout Water

*If yes, provide evidence of classification by SC DHEC. S4-1c*

- d. Does the property currently contain threatened or endangered species?

\_\_\_\_\_ yes

\_\_\_\_\_ no



*If yes, attach certification by SC DNR, NRCS, USFS or other qualified professional providing evidence of such species or likelihood of existence on the property. S4-1d*

- e. Does the property currently contain habitat suitable for threatened or endangered species?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach documentation by SC DNR, NRCS, USFS or other qualified professional providing evidence of the habitat suitability for specific species. S4-1e*

- f. Does the property currently contain native wildlife species or habitat suitable for native wildlife species?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide evidence (e.g. Statement from a qualified agency or professional, etc.) of such species existence on the property or of habitat suitability for such species. S4-1f*

- g. Does the property contain special or concentrated biodiversity? *If yes, please provide evidence of the biodiversity on the property, such as photographs, species list, or narrative description. S4-1g*

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- h. Does the property currently contain a unique geological feature?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide a description and evidence of geological feature(s). S4-1h*

- i. Are there any restoration plans for the property? *If yes, provide a description. S4-1i*

**2. Does the property share a boundary with Protected Land?**

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, describe the Protected Land and present a legible map showing such Protected Land in relation to the property. S4-2a*

*If yes, what percentage of a boundary is shared with such Protected Land?*

\_\_\_\_\_ 1%-25%      \_\_\_\_\_ 26%-50%      \_\_\_\_\_ > 50%      \_\_\_\_\_ 100%

**3. Does the property contain any of the following pre-historic or historic features or designations? Check those in a – e that apply.**

a. \_\_\_\_\_ Listing on the National Historic Register? *Provide a letter or other evidence from the Department of the Interior demonstrating such listing. S4-3a*

b. \_\_\_\_\_ Eligible for listing on the National Historic Register? *Provide a letter or other evidence from the SC State Historic Preservation Office demonstrating such eligibility. S4-3b*

c. \_\_\_\_\_ Contains historic or pre-historic structures? *Provide evidence in the form of photographs and a description of the reason the structure(s) are considered historic or pre-historic. S4-3c*

d. \_\_\_\_\_ Contains a site(s) of historic or pre-historic significance without a structure? *Provide evidence in the form of photographs and a description of the reason the site(s) are considered historic or pre-historic. S4-3d*

e. \_\_\_\_\_ Location of an Historic Event? *Provide a description and evidence of the event. S4-3e*

f. Is this an application for a solely cultural or historic site?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, submit documentation describing the significance of the site and the preservation plans; plans to restore the property, provide public access, and provide signage related to the cultural or historical significance, etc. S4-3f*

**4. Does the property contain soils classified as Prime or Important by the State of South Carolina?**

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, what percentage of the property contains soils classified as Prime or Important by the State of South Carolina?*

\_\_\_\_\_30%-44%      \_\_\_\_\_45%-59%      \_\_\_\_\_60%-75%      \_\_\_\_\_>75 %

*If yes, provide a legible soil overlay map showing such Prime or important soil types upon the property. S4-4b*

**5. Is the property farmland as defined under one or both of following criteria?**

a. \_\_\_\_\_ Actively Farmed - *Provide documentation that the property has been farmed for the last five years, such as copies of filed IRS Forms Schedule F or documentation demonstrating that the landowner has produced significant agricultural products. S4-5a*

b. \_\_\_\_\_ Future Plans - *Provide documentation explaining the extent to which the proposal will keep the property in farmland or wooded land. S4-5b*

**6. Is the property visible to the public from one of the following?**

a. Public road? \_\_\_\_\_ yes                      \_\_\_\_\_ no

b. Public land? \_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-6*

**7. Does the property provide one of the following?**

a. Scenic View from the property? \_\_\_\_\_ yes                      \_\_\_\_\_ no

b. Maintain Scenic Nature of the County? \_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-7*

**8. Does the proposal for the conservation project on the Property allow for the following?** See OCCB Policy No. 0003 for definitions.

a. Limited Access by the public to the property? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-8a*

b. Unlimited Access by the public to the property? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-8b*

**9. Location of Property.**

a. Proximity to Protected Lands: \_\_\_\_\_  
\_\_\_\_\_ *Provide supporting documentation. S4-9a*

b. Proximity to municipality or community: \_\_\_\_\_  
\_\_\_\_\_ *Provide supporting documentation. S4-9b*

**10. Is there a threat of development?**

\_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide documentation or a detailed narrative description of the threat. S4-10*

**11. What is the approximate acreage of the property to be conserved?**

\_\_\_\_\_ Acres

*Provide documentation to support the stated acreage, including survey(s), tax information, deeds or other similar documentation. S4-11*

12. What, if any, is the potential positive or negative impact on water quality to wetlands or other water bodies not on the property?

13. Attach a narrative description of the intended plans for the property, including the specific requirements that will be in the Conservation Easement or Deed, and how they will be accomplished. Include plans, such as restoration plans, commitments for future public access, and stream buffers for the property not already addressed in this Application. S4-13

14. Applicant agrees that the property interest acquired with grant funds (either fee simple or a conservation easement) can be transferred only to an Eligible Recipient and with the approval of the Board.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section V - Financial Criteria**

1. Provide a narrative description to verify that the entity obligated to enforce the Conservation Easement or deed restrictions has the financial resources to enforce the easement or restrictions. *If Applicant fails to provide sufficient information, the Board will not recommend Council award a grant. S5-1*

2. What percent of Conservation Value is being requested from the OCCB?

a. Conservation Value \$ \_\_\_\_\_

b. OCCB Request \$ \_\_\_\_\_

c. Percent \_\_\_\_\_ % (b ÷ a x 100%)

- 3. Describe any committed, applied for, or potential matching funds and known or predicted timeline for receipt of matching funds, including landowner donation or a bargain sale by seller.**
- 4. Describe partnerships, management agreements, management leases, or other joint efforts that will help this project succeed.**
- 5. How does the proposal present a unique value opportunity in that it protects land at a reasonable cost?**
- a. \$\_\_\_\_\_ Cost per acre of OCCB funds
  - b. \$\_\_\_\_\_ Fair market value per acre
  - c. \_\_\_\_\_% ( $a \div b \times 100 =$  \_\_\_\_\_%)
- 6. Describe other ways that the project could provide economic benefits to Oconee County.**

**OCCB Application Attachment List** (Each attachment must reference section and question to which it applies.)

Check	Reference	Title	Required
	S1-A	Certified appraisal or explanation of basis for Conservation Value	X
	S1-B1	Legal Description of the property	
	S1-B2	Location on County Map	X
	S1-B3	Surveys, USGS maps, directions, county locator map, etc.	
	S2-A1	Adjoining landowners notification: landowners and addresses list	X
	S2-A5	Certified environmental hazard assessment	
	S2-B4a	List of liens, mortgages, or encumbrances, etc.	
	S2-B4b	Mortgage lender notification: subordinate to CE	
	S3-D1	Project Completion and additional funding plans	
	S3-D4	Conservation Easement/deed restriction enforcement plan	
	S3-E1	Qualification of Managing Entity	
	S3-E2	Land Management Property Plan	
	S4-1a	Wetland certification	
	S4-1b	USGS Blue Line Stream or Lake documentation and map	
	S4-1c	SC DHEC Water Classification	
	S4-1d	Threatened or endangered species certification/evidence	
	S4-1e	Habitat suitability certification/evidence	
	S4-1f	Native wildlife species or habitat certification/evidence	
	S4-1g	Biological diversity evidence	
	S4-1h	Geological feature evidence	
	S4-1i	Plans for restoration	
	S4-2a	Protected Land Map relationship	
	S4-3 a-e	National Historic Register or Pre-historic structures/site evidence	
	S4-3f	Solely Cultural or Historic Site documentation	
	S4-4b	Soil overlay map of Prime or important soils types	
	S4-5 a-b	Actively Farmed documentation or plans/proposal	
	S4-6	Property visibility to public documentation	
	S4-7	Scenic View documentation	
	S4-8 a-b	Limited or Unlimited Access to Property documentation	
	S4-9 a-b	Location of Property supporting documentation	
	S4-10	Threat of development documentation or narrative	
	S4-11	Property size documentation: surveys, tax or deeds information	
	S4-13	Narrative of property plans	
	S5-1	Enforcement Party financial resources documentation	X



# **Oconee County Conservation Bank Application for Funding**

## **Oconee County, South Carolina**

To be completed pursuant to the  
OCCB Ordinance and OCCB Board Policies No. 0001 and 0003

### **Send Completed Application to:**

Oconee County Conservation Bank Board  
c/o Clerk to Council  
via email to: [councilclerkinfo@oconeesc.com](mailto:councilclerkinfo@oconeesc.com)

**Application Deadlines: April 1, August 1, November 1**



## SECTION I - General Property/Project Information

### General Information

Property/Project Name: \_\_\_\_\_

Property Address or Description of Location: \_\_\_\_\_

Acquisition type: \_\_\_\_ Fee Simple or \_\_\_\_ Conservation Easement

Total monetary amount requested: \$ \_\_\_\_\_

Conservation Value of property? \$ \_\_\_\_\_

*Attach a certified appraisal or an explanation of the basis for the Conservation Value. S1-A*

### Landowner

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Cell Phone (\_\_\_\_) \_\_\_\_\_

Work Phone (\_\_\_\_) \_\_\_\_\_

Home Phone (\_\_\_\_) \_\_\_\_\_

### Eligible OCCB Recipient ("Applicant") Seeking Funding

Name of Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email Address \_\_\_\_\_

Contact Cell Phone (\_\_\_\_) \_\_\_\_\_

Contact Work Phone (\_\_\_\_) \_\_\_\_\_

Organization EIN \_\_\_\_\_

**Property Information**

Parcel ID or TMS#: \_\_\_\_\_

Plat Reference (*Plat Book/Page*) S1-B1: \_\_\_\_\_

Deed Reference (*Deed Book/Page*) S1-B1: \_\_\_\_\_

Current Zoning Classification: \_\_\_\_\_

Total Acres: \_\_\_\_\_

Total Acres Forested: \_\_\_\_\_

Total Acres Cleared/Open/Pasture: \_\_\_\_\_

Total Acres Wetlands: \_\_\_\_\_

Creeks and/or Rivers – Names, Length, Width: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Acres Farmed – List Farm Type, e.g. livestock, row crop: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is project acreage part of larger parcel? If so, what is larger parcel acreage: \_\_\_\_\_

Unique characteristics of property (may be submitted as part of Applicant’s narrative):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Show location of property on County Map S1-B2 and show location on other pertinent documents such as plat, USGS map, etc. S1-B3.

## Section II - Mandatory Requirements/Submissions

**1. Applicant's Requirements - by signing below the Applicant confirms that to the best of the Applicant's knowledge and belief all answers in this Application are accurate:**

- a. Applicant certifies that it notified all adjoining landowners within 5 days of submission of the application that:
- i. The Applicant is applying for funding from the OCCB and
  - ii. The adjoining landowners have 30 days to submit comments to the OCCB regarding the application. *Attach a list of the adjoining landowners and addresses. S2-A1*

\_\_\_\_\_ yes                      \_\_\_\_\_ no

***Failure to meet the above requirement will require the application to be returned to applicant for correction and resubmission.***

- b. Applicant agrees that OCCB funds may not be used for endowments, monitoring, staffing, management, planning, or any costs not associated with the purchase.
- c. Applicant acknowledges that, if no appraisal is attached and the Applicant is awarded a grant, a certified appraisal establishing the Fair Market Value of the Conservation Value and Property must be submitted within 12 months of Oconee County Council approval and that the award shall be 10% of the Conservation Value in the Appraisal or that the OCCB awarded, whichever is less.

\_\_\_\_\_ yes                      \_\_\_\_\_ no

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- d. If this is a fee simple acquisition project, Applicant agrees to be bound by the Grant Agreement and the language required in OCCB Policy No. 0003, Grant Procedures in the deed.

\_\_\_\_\_ yes                      \_\_\_\_\_ no

- e. Is this a small grant application as defined in OCCB Ordinance Section 2-404(c)(3)d. and OCCB Policy No. 0003, Grant Procedures? To be a small grant application the request must be at least \$1 less than either \$30,000 or 10% of the Conservation Value, whichever is smaller.

\_\_\_\_\_ yes                      \_\_\_\_\_ no *If no, Applicant agrees to submit a certified environmental hazard assessment. S2-A5*

Signature of Applicant

Date

**2. Landowner's Requirements\*:** *by signing below the Landowner confirms that to the best of the Landowner's knowledge and belief all answers in this Application are accurate, in addition:*

a. Is Landowner committed to placing a Conservation Easement on the property or to conveying title to the property to the Applicant with OCCB deed restrictions if a grant of OCCB funds is approved?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

b. Landowner certifies that the Applicant notified Landowner in writing:

- i. that the property interest purchased with OCCB funds will result in a permanent conveyance of such property interests from the Landowner to the Applicant, and
- ii. that it may be in the Landowner's best interests to retain independent legal counsel, appraisals, and other professional advice.

c. Does Landowner agree to allow inspection by the OCCB of the property and project being presented for OCCB funding?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

d. Are there any existing liens, mortgages, or other encumbrances, such as easements, restrictive covenants, etc., that currently exist on the property?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach a list of the encumbrances. S2-B4a.*

*If this is an application for the funding of a Conservation Easement and there is a mortgage, the Landowners must submit documentation showing that Applicant or Landowner has notified each lender in writing that if OCCB funding is awarded, the mortgage will be subordinate to the Conservation Easement. S2-B4b.*

Signature of Landowner

Date

Sworn and subscribed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public for  
My Commission expires:

\* May be submitted as Landowner's notarized affidavit.

## Section III - Applicant and Project Information

**1. Applicant Information** - Type of Organization seeking funding. Check one:

- Oconee County
- Municipality located in Oconee County
- Oconee County agency or commission whose mission relates to land conservation
- Public Charity having tax-exempt status under IRS Code of 1986
- Federal, State, or local agency operating for natural protection, land conservation, or historical preservation purposes

**2. Entity that will be responsible for managing the land**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email \_\_\_\_\_

Cell Phone (    ) \_\_\_\_\_

Work Phone (    ) \_\_\_\_\_

**3. Entity that will be responsible for enforcing conservation easement or deed restrictions and grant agreement.**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

Contact Name \_\_\_\_\_

Contact Email \_\_\_\_\_

Cell Phone (    ) \_\_\_\_\_

Work Phone (    ) \_\_\_\_\_

#### 4. Applicant Information

- a. How will you be able to complete the project and secure additional funding to acquire the designated property interests? *Attach additional sheet if necessary. S3-D1*
  
- b. How many total acres of land have you conserved in:  
  
\_\_\_\_\_ South Carolina    \_\_\_\_\_ Oconee County    \_\_\_\_\_ Other
  
- c. Briefly describe the lands your organization has preserved in this State and County, include size, location, and method of preservation.
  
  
  
  
  
  
  
  
  
  
- d. Explain how the Conservation Easement and/or deed restrictions on the protected land will be enforced. *Attach additional sheet if necessary. S3-D4*

#### 5. Land Management Information

- a. Please describe the financial resources and qualifications of the managing entity. *Attach additional sheet if necessary. S3-E1*
  
  
  
  
  
  
  
  
  
  
- b. Does the Applicant or Landowner have a conservation land management plan for this project? *If so, attach the plan or a summary of the plan. If no, please describe the uses to which the property will be put and how they will conserve the property. S3-E2*  
  
\_\_\_\_\_ yes                      \_\_\_\_\_ no

## Section IV - Conservation Criteria

### 1. Environmental Sensitivity

- a. Does the property contain or adjoin wetlands?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach documentation, such as GIS using NWI or USFWS; regarding the wetlands, wetland delineation, or certification by USACOE or NRCS. S4-1a*

- b. Does the property contain or adjoin a USGS Blue Line Stream or Lake?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide a USGS topographic map showing such stream or lake in relation to property. S4-1b*

- c. Does the property contain or adjoin Water Classified as:

\_\_\_\_\_ (i) Outstanding Natural Resource Water  
\_\_\_\_\_ (ii) Outstanding Resource Water  
\_\_\_\_\_ (iii) Trout Water

*If yes, provide evidence of classification by SC DHEC. S4-1c*

- d. Does the property currently contain threatened or endangered species?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach certification by SC DNR, NRCS, USFS or other qualified professional providing evidence of such species or likelihood of existence on the property. S4-1d*

- e. Does the property currently contain habitat suitable for threatened or endangered species?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, attach documentation by SC DNR, NRCS, USFS or other qualified professional providing evidence of the habitat suitability for specific species. S4-1e*

- f. Does the property currently contain native wildlife species or habitat suitable for native wildlife species?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide evidence (e.g. Statement from a qualified agency or professional, etc.) of such species existence on the property or of habitat suitability for such species. S4-1f*

g. Does the property contain special or concentrated biodiversity? *If yes, please provide evidence of the biodiversity on the property, such as photographs, species list, or narrative description. S4-1g*

\_\_\_\_\_ yes                      \_\_\_\_\_ no

h. Does the property currently contain a unique geological feature?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, provide a description and evidence of geological feature(s). S4-1h*

**2. Does the property share a boundary with Protected Land?**

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, describe the Protected Land and present a legible map showing such Protected Land in relation to the property. S4-2a*

*If yes, what percentage of a boundary is shared with such Protected Land?*

\_\_\_\_\_ 1%-25%                      \_\_\_\_\_ 26%-50%                      \_\_\_\_\_ > 50%                      \_\_\_\_\_ 100%

**3. Does the property contain any of the following pre-historic or historic features or designations? Check those in a – e that apply.**

a. \_\_\_\_\_ Listing on the National Historic Register? *Provide a letter or other evidence from the Department of the Interior demonstrating such listing. S4-3a*

b. \_\_\_\_\_ Eligible for listing on the National Historic Register? *Provide a letter or other evidence from the SC State Historic Preservation Office demonstrating such eligibility. S4-3b*



c. \_\_\_\_\_ Contains historic or pre-historic structures? *Provide evidence in the form of photographs and a description of the reason the structure(s) are considered historic or pre-historic. S4-3c*

d. \_\_\_\_\_ Contains a site(s) of historic or pre-historic significance without a structure? *Provide evidence in the form of photographs and a description of the reason the site(s) are considered historic or pre-historic. S4-3d*

e. \_\_\_\_\_ Location of an Historic Event? *Provide a description and evidence of the event. S4-3e*

f. Is this an application for a solely cultural or historic site?

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, submit documentation describing the significance of the site and the preservation plans; plans to restore the property, provide public access, and provide signage related to the cultural or historical significance, etc. S4-3f*

**4. Does the property contain soils classified as Prime or Important by the State of South Carolina?**

\_\_\_\_\_ yes                      \_\_\_\_\_ no

*If yes, what percentage of the property contains soils classified as Prime or Important by the State of South Carolina?*

\_\_\_\_\_30%-44%      \_\_\_\_\_45%-59%      \_\_\_\_\_60%-75%      \_\_\_\_\_>75 %

*If yes, provide a legible soil overlay map showing such Prime or important soil types upon the property. S4-4b*

**5. Is the property farmland as defined under one or both of following criteria?**

- a. \_\_\_\_\_ Actively Farmed - *Provide documentation that the property has been farmed for the last five years, such as copies of filed IRS Forms Schedule F or documentation demonstrating that the landowner has produced significant agricultural products. S4-5a*
- b. \_\_\_\_\_ Future Plans - *Provide documentation explaining the extent to which the proposal will keep the property in farmland or wooded land. S4-5b*

**6. Is the property visible to the public from one of the following?**

- a. Public road? \_\_\_\_\_ yes \_\_\_\_\_ no
- b. Public land? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-6*

**7. Does the property provide one of the following?**

- a. Scenic View from the property? \_\_\_\_\_ yes \_\_\_\_\_ no
- b. Maintain Scenic Nature of the County? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-7*

**8. Does the proposal for the conservation project on the Property allow for the following? See OCCB Policy No. 0003 for definitions.**

- a. Limited Access by the public to the property? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-8a*

- b. Unlimited Access by the public to the property? \_\_\_\_\_ yes \_\_\_\_\_ no

*If yes, provide supporting documentation. S4-8b*

**9. Location of Property.**

- a. Proximity to Protected Lands: \_\_\_\_\_  
\_\_\_\_\_ *Provide supporting documentation. S4-9a*

b. Proximity to municipality or community: \_\_\_\_\_  
\_\_\_\_\_ Provide supporting documentation. S4-9b

**10. Is there a threat of development?**

\_\_\_\_\_ yes          \_\_\_\_\_ no

*If yes, provide documentation or a detailed narrative description of the threat. S4-10*

**11. What is the approximate acreage of the property to be conserved?**

\_\_\_\_\_ Acres

*Provide documentation to support the stated acreage, including survey(s), tax information, deeds or other similar documentation. S4-11*

**12. What, if any, is the potential positive or negative impact on water quality to wetlands or other water bodies not on the property?**

**13. Attach a narrative description of the intended plans for the property, including the specific requirements that will be in the Conservation Easement or Deed, and how they will be accomplished.** Include plans, such as restoration plans, commitments for future public access, and stream buffers for the property not already addressed in this Application. S4-13



**OCCB Application Attachment List** (Each attachment must reference section and question to which it applies.)

Check	Reference	Title	Required
	S1-A	Certified appraisal or explanation of basis for Conservation Value	X
	S1-B1	Legal Description of the property	
	S1-B2	Location on County Map	X
	S1-B3	Surveys, USGS maps, directions, county locator map, etc.	
	S2-A1	Adjoining landowners notification: landowners and addresses list	X
	S2-A5	Certified environmental hazard assessment	
	S2-B4a	List of liens, mortgages, or encumbrances, etc.	
	S2-B4b	Mortgage lender notification: subordinate to CE	
	S3-D1	Project Completion and additional funding plans	
	S3-D4	Conservation Easement/deed restriction enforcement plan	
	S3-E1	Qualification of Managing Entity	
	S3-E2	Land Management Property Plan	
	S4-1a	Wetland certification	
	S4-1b	USGS Blue Line Stream or Lake documentation and map	
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	S4-1f	Native wildlife species or habitat certification/evidence	
	S4-1g	Biological diversity evidence	
	S4-1h	Geological feature evidence	
	S4-2a	Protected Land Map relationship	
	S4-3 a-e	National Historic Register or Pre-historic structures/site evidence	
	S4-3f	Solely Cultural or Historic Site documentation	
	S4-4b	Soil overlay map of Prime or important soils types	
	S4-5 a-b	Actively Farmed documentation or plans/proposal	
	S4-6	Property visibility to public documentation	
	S4-7	Scenic View documentation	
	S4-8 a-b	Limited or Unlimited Access to Property documentation	
	S4-9 a-b	Location of Property supporting documentation	
	S4-10	Threat of development documentation or narrative	
	S4-11	Property size documentation: surveys, tax or deeds information	
	S4-13	Narrative of property plans	
	S5-1	Enforcement Party financial resources documentation	X



# Oconee County Conservation Bank

Title: Transfer of Property Interest  
Policy No. 0005

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Effective Date: May 24, 2022

Revision Date(s):

Page 1 of 3

Attachments: Request for Approval to Transfer Property Interest

## **Purpose:**

This policy provides guidelines for a Landowner who is conveying a property interest obtained in whole or part by a grant from the Oconee County Conservation Bank and governs the procedures used by the Oconee County Conservation Bank Board to process the request to approve the subsequent purchaser and ensure that said purchaser understands its obligations under the Grant Agreement and Oconee County Code of Ordinances Ch. 2, Art. IV, Div. 9.

## **Definitions:**

1. The definitions set forth in Chapter 2, Article IV, Division 9, Section 2-399 of the Oconee County Code of Ordinances are incorporated by this reference.
2. "Landowner" means a person(s) or entity desiring to convey a property interest in land that was funded in part by a grant from the Oconee County Conservation Bank.
3. "Property/Project" means the common or colloquial name used to identify a specific piece of land or project that was the subject of the original application for an OCCB grant.
4. "Subsequent Purchaser" means the eligible OCCB recipient seeking to acquire a property interest in land that was funded in part by a grant from the Oconee County Conservation Bank.
5. "Request" means the attached Request for Approval to Transfer Property Interest.

**Policy:**

1. Landowner with a fee simple interest in the Property/Project funded in whole or in part with an OCCB grant may transfer fee simple title to the Property/Project only to an Eligible OCCB Recipient and only with the approval of the Oconee Conservation Bank Board. The Property/Project is subject to inspection by the County prior to the transfer of the fee simple interest.
2. The board shall require the Subsequent Purchaser of the fee simple interest in the Property/Project place a conservation easement on such property or include the following language in the deed to ensure that the property is permanently protected:

Said premises shall be subject to the provisions of Sections 2-398 through 2-409 of the Oconee County, South Carolina Code of Ordinances, the policies adopted by the Oconee County Conservation Bank, and the grant agreement executed by the Grantor and Oconee County, such that the premises shall be permanently protected for the conservation purposes described therein.

3. Landowner with a Conservation Easement on the Property/Project funded in whole or in part with an OCCB grant may transfer the Conservation Easement to the Property/Project only to an Eligible OCCB Recipient and only with the approval of the Oconee Conservation Bank Board.
4. The Subsequent Purchaser must demonstrate both the expertise and financial resources to manage the land for the purposes set forth in the application.
5. The Board requires that all requests for approval to transfer a property interest be submitted at least six (6) months prior to the closing.
6. Landowner shall submit a request to the Board's administrative staff utilizing the attached Request for Approval to Transfer Property Interest.



7. All requests must be submitted in duplicate pursuant to Board Policy No. 0001 Applicant Privacy.
8. All requests must be submitted in electronic pdf or similar format.
9. The Subsequent Purchaser must agree to enter into a new Grant Agreement with the Board, which will be recorded simultaneously with the recording of the deed.
10. A copy of the Grant Agreement signed by the Subsequent Purchaser and a final draft of the deed or Conservation Easement must be provided to the Board at least ten (10) days prior to the closing.
11. Within sixty (60) days of closing, the Subsequent Purchaser must provide the Board with the executed Grant Agreement and deed or Conservation Easement.
12. Any interest in land or any portion thereof funded in whole or in part by OCCB funds shall not be transferred without the approval of the Board. The Board has the unilateral authority to approve or deny such transfer.



# **Oconee County Conservation Bank Request for Approval to Transfer Property Interest Oconee County, South Carolina**

**To be completed pursuant to the  
OCCB Ordinance and OCCB Board Policies No. 0005**

## **Send Completed Request to:**

Oconee County Conservation Bank Board  
c/o Clerk to Council  
via email to: [councilclerkinfo@oconeesc.com](mailto:councilclerkinfo@oconeesc.com)

## SECTION I - General Information

1. **Property/Project Name:** \_\_\_\_\_

2. **Property Address or Description of Location:** \_\_\_\_\_  
\_\_\_\_\_

Property Interest To Be Transferred: \_\_\_\_ Fee Simple or \_\_\_\_ Conservation Easement

3. **Grant Recipient Requesting Approval of Property Transfer (“Seller”)**

Name of Organization: \_\_\_\_\_

Contact Name (authorized to sign request): \_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Email Address \_\_\_\_\_

Cell Phone ( \_\_\_\_ ) \_\_\_\_\_

Work Phone ( \_\_\_\_ ) \_\_\_\_\_

## Section II – Eligible OCCB Recipient Seeking To Acquire the Property Interest “Purchaser”

1. **Purchaser Information**

Name of Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Contact Name (authorized to sign request) \_\_\_\_\_

Email Address \_\_\_\_\_

Cell Phone ( \_\_\_\_ ) \_\_\_\_\_

Work Phone ( \_\_\_\_ ) \_\_\_\_\_

Organization EIN \_\_\_\_\_

Type of Organization (check one):

\_\_\_\_\_ Oconee County

\_\_\_\_\_ Municipality located in Oconee County

\_\_\_\_\_ Oconee County agency or commission whose mission relates to land conservation

\_\_\_\_\_ Public Charity having tax-exempt status under IRS Code of 1986

\_\_\_\_\_ Federal, State, or local agency operating for natural protection, land conservation, or historical preservation purposes

If Purchaser is a public charity that has never received a grant from the OCCB, its governing documents are attached, including without limitation

- a. IRS Letter of Determination;
- b. SC Secretary of State Certificate of Existence;
- c. filed Articles of Incorporation;
- d. most recent filing with the SC Secretary of State; and
- e. most recent filings with federal and state tax authorities.

## 2. Fee Simple Purchase

Please attach a description of the financial resources and qualifications of Purchaser to manage the Property/Project.

Does the Purchaser have a conservation land management plan for this Property/Project?

If yes, please attach a copy.

If no, please attach a description of the plans for the Property/Project.

Please attach an explanation of how Purchaser will enforce the deed restrictions on the Property/Project.

## 3. Conservation Easement Purchase

How many total acres of land has Purchaser conserved in:

\_\_\_\_\_ South Carolina    \_\_\_\_\_ Oconee County    \_\_\_\_\_ Other

- a. Please attach a description of the lands the Purchaser's organization has preserved in this State and County, include size, location, and method of preservation.

Please attach an explanation of how Purchaser will monitor and enforce the Conservation Easement.

Please attach a description of the financial resources and qualifications of Purchaser to monitor and enforce the Conservation Easement.

#### **4. Purchaser's Agreement**

Purchaser agrees to execute a Grant Agreement and either a Conservation Easement or the language required in OCCB Policy No. 0005.

\_\_\_\_\_ yes

\_\_\_\_\_ no

SIGNATURE OF SELLER

\_\_\_\_\_

Date: \_\_\_\_\_

SIGNATURE OF PURCHASER

\_\_\_\_\_

Date: \_\_\_\_\_

**Oconee County  
Conservation Bank  
Board**

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864-718-1023  
Fax: 864 718-1024

E-mail:  
[councilclerkinfo@oconeesc.com](mailto:councilclerkinfo@oconeesc.com)

Laura Havran,  
Treasurer  
District I

Andrew Smith  
District II

D. Ryan Keese  
Secretary  
District III

VACANT  
District IV

Scuddy Walker  
Vice Chair  
District V

Emily Hitchcock  
Chair  
At-Large

VACANT  
At-Large



August 15, 2022

Mac Stone, Executive Director  
Naturaland Trust  
P.O. Box 728  
Greenville, SC 29602

Re: Whetstone Creek Preserve/Lyles Estate Grant

Dear Mr. Stone,

The Oconee County Conservation Bank Board asked me to send you this letter on its behalf in reference to the above referenced grant. Specifically, the application for a grant to fund the fee simple title to the property indicated that Naturaland Trust intended to transfer fee simple title to the U.S. Forest Service at some time in the future.

The OCCB Board recently adopted Policy 0005. Transfer of Property Interest, establishing the procedures by which a grant recipient can obtain the approval of the Board to transfer a property interest acquired with OCCB funds, as required by Sec. 2-405(d) of the OCCB Ordinance. Copies of the policy and the form referenced in the policy are attached for your information.

Please note that the policy requires the Request for Approval to Transfer Property Interest form must be filed at least six (6) months prior to closing. While this may seem like a long time, the Board is concerned that it might not have time to consider a request since it does not meet every month and does not want to cause a delay of a closing. Since closing dates are often a moving target, the Board encourages all grant recipients to file the request early in the process, even if the exact closing date is unknown.

If you have any questions, please contact me and I will forward the questions to the Board to consider at its next regularly scheduled meeting.

Sincerely,

Jennifer Adams  
Staff Liaison

**PUBLISHER'S AFFIDAVIT**

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE:

**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 02/12/2022 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  
02/12/2022



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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



be made by the Plaintiff herein.

By: /s/ Scott Allmon  
Scott Allmon  
Attorney for the Plaintiff  
Absolute Law Firm, LLC  
1606 Blue Ridge Blvd.  
Seneca, South Carolina 29672  
Phone: (864) 306-4949  
Fax: (864) 523-5721

Seneca, South Carolina  
November 9, 2021

The Oconee County Conservation  
Bank Board will meet on the  
following dates/times in  
Council Chambers, 415 South Pine  
Street, Walhalla, SC unless  
otherwise advertised:  
April 12, 2022  
May 10, 2022  
August 9, 2022  
September 13, 2022  
November 15, 2022  
December 13, 2022  
February 7, 2023  
All meetings are  
scheduled for 9:00 a.m.

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Sat. Feb. 12th  
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