



**Beaufort County  
Rural and Critical Land  
Preservation Board  
Retreat**

**Chairman**  
MICHAEL MATHEWS

**Vice Chairman**  
BEEKMAN WEBB

**Board Members**  
ART BAER  
BOB BENDER  
TERRY HILL  
DOUGLAS KOOP  
WALTER MACK  
GAIL O'KANE  
DOROTHY SCANLIN  
RYAN STEFONICK  
VACANT DISTRICT 7

**Staff Support**  
ERIC GREENWAY  
AMANDA FLAKE

**Crystal Lake Park Building**  
124 Lady's Island Drive  
Lady's Island, SC

**Contact**  
Post Office Drawer 1228  
Beaufort, South Carolina 29901-1228  
(843) 255-2140

## Rural and Critical Land Preservation Board Retreat Agenda

**Thursday, February 13, 2020 at 9:30 AM to 2:00 PM**

Crystal Lake Park Building

124 Lady's Island Drive, Lady's Island, SC

1. CALL TO ORDER
2. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
3. APPROVAL OF AGENDA
4. APPROVAL OF [MINUTES](#) – January 9, 2020

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### EXECUTIVE SESSION

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5. Discussion of negotiations incident to proposed contractual arrangements for:
  - A. Acquisition of Project Longwood PDR
  - B. Due diligence of Project 2020B
  - C. Update of all current projects

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6. MATTERS ARISING OUT OF EXECUTIVE SESSION
  7. CITIZEN COMMENTS (*Comments are limited to 3 minutes*)
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### PRESENTATIONS

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8. Passive Park Update
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### ACTION ITEMS

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9. Consideration of the RCLP Board 2020 Meeting Schedule
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### DISCUSSION ITEMS

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10. Greenprint Update
  11. Financial Report
  12. Review of Rural and Critical Land Ordinances
- 
13. Lunch
- 
14. Continue Review of Rural and Critical Land Ordinances
  15. Rural and Critical Draft Application
  16. ADJOURNMENT

**MINUTES**  
**RURAL AND CRITICAL LAND PRESERVATION BOARD MEETING**

**January 9, 2020**

Beaufort Jasper Water and Sewer Authority Community Room  
6 Snake Road, Okatie, South Carolina 29909

The electronic and print media duly notified in  
accordance with the State Freedom of Information Act.

**ATTENDANCE**

Present: Committee Chairman Michael Mathews, Committee Vice-Chairman Beek Webb, Art Baer, Bob Bender, Terry Hill, Doug Koop, Walter Mack, Gail O’Kane, Dorothy Scanlin, Ryan Stefonick

Absent: None

County Council: Alice Howard, York Glover

Staff: Amanda Flake, Natural Resources Planner; Thomas J. Keaveny II, County Attorney; Kurt Taylor, Assistant County Attorney; Kristin Williams, Executive Director BCOLT; Caylor Romines, BCOLT; Barbara Holmes, BCOLT

Visitors: Bill Davies, Guest Speaker for Liberty Trail

**CALL TO ORDER**

Chairman Mathews called the meeting to order at 3:02 p.m.

Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act

**APPROVAL OF AGENDA**

**Motion:** It was moved by Mr. Baer, seconded by Ms. O’Kane to approve the agenda as presented. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.

**APPROVAL OF MINUTES**

A. December 12, 2019

**Motion:** It was moved by Mr. Hill, seconded by Mr. Baer to approve the minutes from December 12, 2019 as amended. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.

## **PRESENTATION**

### **A. Liberty Trail Presentation.**

A presentation was made by Mr. Bill Davies about the Liberty Trail. The Liberty Trail would like to preserve 44,000 acres of Revolutionary War battlegrounds throughout South Carolina to promote South Carolina's important participation in our nation's history. This heritage tourism initiative has already preserved 1,400 acres with the American Battleground Trust being a major fundraiser. The idea of this trail will be a series of rural stops around the state from the coast to the mountains.

## **ACTION ITEMS**

### **B. RCLP Board 2020 Meeting Schedule.**

Ms. Amanda Flake presented the RCLP Board 2020 Meeting Schedule. The first half of the year, from January until June, the Board will meet at the Beaufort Jasper Water and Sewer Authority Conference Room on the 2<sup>nd</sup> Thursday of each month from 2:00 pm until 5:00 pm. During the December Board meeting it was decided that the Board would like to meet at Crystal Lake for the second half of the year, from July until December. Ms. Flake reported that the Crystal Lake Park Building was available on the 2<sup>nd</sup> Thursday of each month but the time would have to change to 2:30 pm until 4:30 pm. Therefore the board decided to vote on this calendar change at the Retreat in February.

### **C. RCLPB Annual Report.**

Ms. Barbara Holmes presented an overview of the 2019 Rural and Critical Land Preservation Program Board report. She discussed how the RCLP Program worked on 62 projects this year with 8 projects brought forward to the Board, 2 projects recommended by the Board, and 1 project approved and closed in 2019. That project was Bailey Memorial Park which was 54 acres in Bluffton. Ms. Holmes also stated that RCLP Program Ordinance and RCLP Board Ordinance were adopted in 2019 as well as the revision of the ranking sheets.

**Motion:** It was moved by Mr. Baer, seconded by Ms. Scanlin to approve the 2019 Rural and Critical Land Preservation Program Board Report and to recommend it to the Natural Resources Committee and County Council for approval. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.

## **DISCUSSION ITEMS**

### **D. Beach City Road Parcels Update.**

Ms. Flake informed that Board that due to the Beach City Road parcels being on the National Historic Register, it was going to limit what could be done on those properties as it pertains to development. Therefore, Beaufort County and the Town of Hilton Head are working with St. James Church to find another suitable place to move their church within historic Mitchellville. Which means that the Beach

City Road parcels will remain in the Beaufort County Rural and Critical Land Preservation Program inventory.

**E. 2020 RCLP Retreat update.**

Chairman Mathews discussed the Rural and Critical Land Preservation Program Board Retreat that will be held at the Crystal Lake Park Building on Thursday, February 13, 2020 from 9:30 am until 2:00 pm. The focus of the retreat will be on the updates and changes to the RCLP Ordinances, the Greenprint process, and a passive park update.

**EXECUTIVE SESSION**

**A. Discussion of proposed purchase of property and issues incident thereto (property 2020A)  
– *Barbara G. Holmes, Beaufort County Open Land Trust***

**Motion:** It was moved by Mr. Baer, seconded by Vice-Chairman Webb to approve to go into Executive Session. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.

**MATTERS ARISING OUT OF EXECUTIVE SESSION**

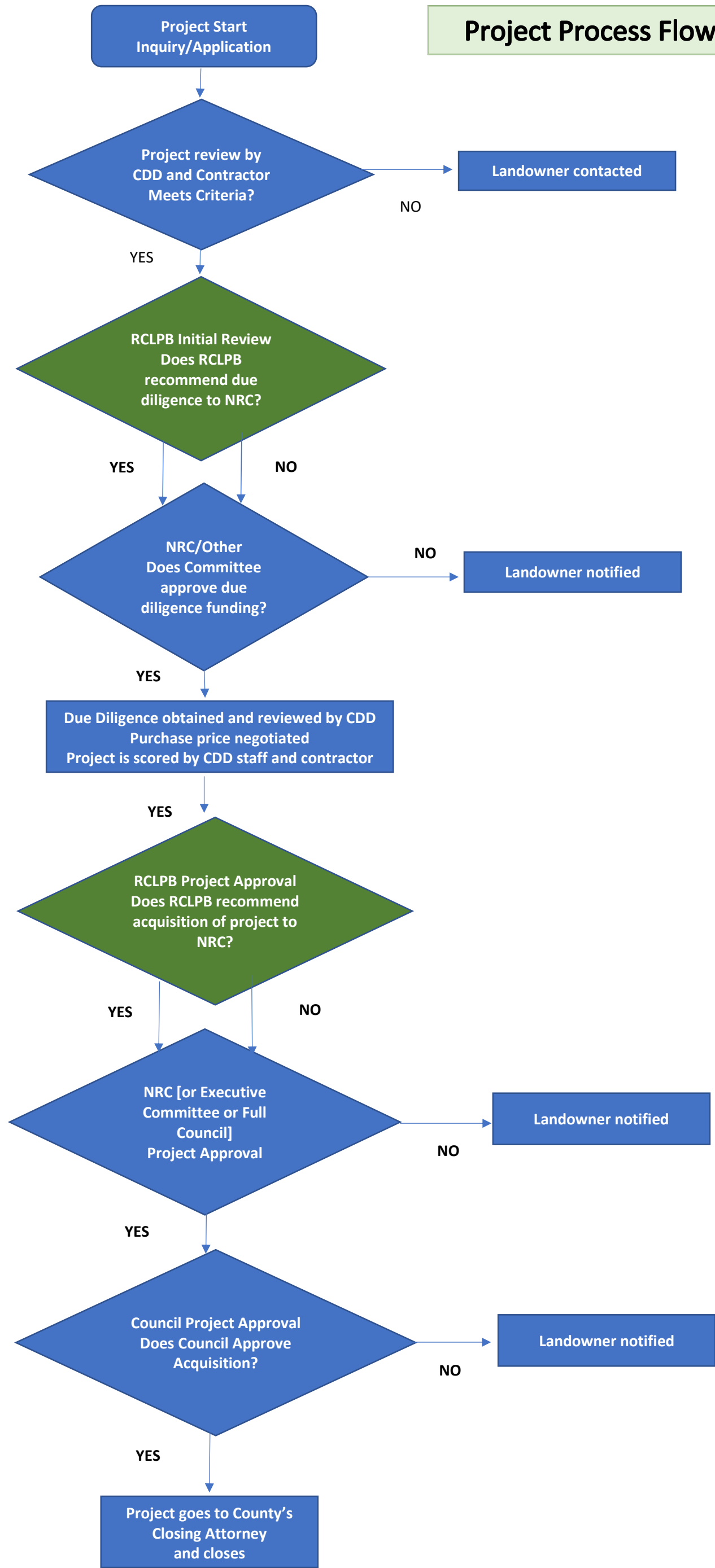
**Motion:** It was moved by Vice-Chairman Webb, seconded by Mr. Baer, to forward Project 2020A and send it to the Natural Resources Committee for approval of acquisition as presented in Executive Session. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.

**ADJOURNMENT**

**Motion:** It was moved by Ms. O’Kane, seconded by Mr. Hill to adjourn the meeting at 4:30 pm. The vote: YAYS – Chairman Mathews, Vice-Chairman Webb, Mr. Baer, Mr. Bender, Mr. Hill, Mr. Koop, Mr. Mack, Ms. O’Kane, Ms. Scanlin, and Mr. Stefonick. The motion passed.



## Project Process Flowchart



## **COMPARISON CHART – MAJOR DIFFERENCES IN RCLPP ORDINANCES**

Comparing Council Resolution 2006-3 (Historical) to Ordinances 2019/48 and 2019/49

### **RCLP Board Ordinance: Code of Ordinances Chapter 2, Article V, Division 5**

	<b><u>Historical Version</u></b>	<b><u>New Version</u></b>
Member Qualifications §2-281	Resident of district	Resident of district and “relevant experience in matters such as estate law, finance, rural land ownership, agriculture or conservation”
Term Limits for Chairman & Vice Chairman §2-282	None	4 consecutive 1 year terms
Vacancy of Chairman & Vice Chairman §2-282	Not addressed	Vacancies must be filled within two board meetings
Rules of Procedure §2-286	Board required to promulgate procedures necessary to promote the efficient, uniform and countywide administration of article.	Board required to adopt rules of procedure governing its policies and procedures. Copies must be made available to the public by the Director.
Powers and Duties §2-287	Develop and recommend to Council RCLPP Policies and Guidelines to guide the identification, prioritization and management of parcels acquired  Board could make recommendations to Council for amendments to the Policies and Guidelines.	Develop and recommend to Council the Greenprint to guide the identification, prioritization and management of parcels to be acquired  Board could make recommendations to Council for amendments to the Policies and Guidelines.
Board Report §2-288		Moved to RCLP Program Ordinance

## RCLP Program Ordinance: Chapter 6, Article II

	<u>Historical Process</u>	<u>New Process</u>
Body tasked with designating policies, rules and regulation for RCLPP and its operation and funding §26-30(1)	RCLP	Council designates policies, rules and regulation for RCLPP and its operation and funding
Land Acquisition duties §26-30(2)	Non-profit organization under contract	Contractor is mandated for duties
Criteria for Types of Acquisitions §26-31	All criteria listed needed to apply to project	One or more of the criteria listed needs to apply
Project Review and Approval Process §26-32	Not detailed in ordinance	Step-by-step process detailed in ordinance
Written application filled out and submitted §26-32(B)(2,3)	No requirement, not done	Application required to be submitted
Batch Review of Applications by staff §26-32(B)(3)	Not required	Requires staff & Contractor to review and organize applications no less than each quarter for prioritization review by Board
Number of Times Project Presented to RCLP Board	At least once for acquisition approval	At least two presentations to Board are required: once for due diligence approval and once for project approval
Board Review for Due Diligence Recommendation §26-32(B)(5) to NRC	Not done	Required
Board Review of Project Summary Sheets	Completed at Board meeting	Project Summary Sheets and other materials distributed to board for review prior to board meeting
Number of Times Project Presented to NRC	At least once for acquisition approval	At least two presentations to committee are required: once for due diligence approval and once for project approval
Executive Sessions §26-32(B)(11)	All project reviews completed in confidential executive sessions	Executive session may be used
Full Council Approval for Resale, Swap, Condemnation, Lease of RCLP Property §26-36	Required but with simple majority vote	Required but now with 2/3 majority vote

**ORDINANCE 2019 / 49**

**AN ORDINANCE AMENDING DIVISION 5 OF THE BEAUFORT COUNTY CODE  
PERTAINING TO THE CREATION, DUTIES AND OPERATION OF THE COUNTY  
RURAL AND CRITICAL LANDS PRESERVATION BOARD**

**WHEREAS**, Beaufort County ("County") has created and Rural and Critical Lands Program for the purpose of preserving open space; protect critical and natural resources; and/or provide land for passive recreation.; and

**WHEREAS**, the County has determined that a voluntary advisory board is necessary to assist with the administration of the Rural and Critical Lands Program; and

**WHEREAS**, County Council finds that it is in the best interests of County citizens, residents and visitors for the advisory board to be governed by an ordinance that specifies duties, qualifications and structure.

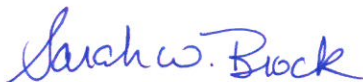
**NOW, THEREFORE, BE IT ORDAINED** by Beaufort County Council, duly assembled, does hereby amend Division 5 of the Beaufort County Code regulating the creation, duties and operation of the Rural and Critical Lands Preservation Board, hereto and incorporated herein as fully as if repeated verbatim.

Adopted this 28<sup>th</sup> day of October, 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By:   
Stewart H. Rodman, Chairman

ATTEST:



Sarah Brock, Clerk to Council

First Reading: September 23, 2019 / Vote 8:1

Second Reading: October 14, 2019 / Vote 10:0

Public Hearing: October 14, 2019

Third and Final Reading: October 28, 2019 / Vote 10:1



## DIVISION 5. – COUNTY RURAL AND CRITICAL LANDS PRESERVATION BOARD

### Sec. 2-281. – Appointment.

An 11-member county rural and critical lands preservation board shall be appointed by the county council. One member with relevant experience and qualifications in matters such as estate law, finance, rural land ownership, agriculture, or conservation shall be appointed from each of the 11 county council districts.

### Sec. 2-282. – Officers.

The county rural and critical lands preservation board shall elect annually one member of the board to serve as chairman and one member to serve as vice chairman. The chairman and vice chairman will serve a maximum of four (4) consecutive one-year terms. A vacancy in either the chairman and/or vice chairman must be filled for the unexpired term through board election within two (2) board meetings.

### Sec. 2-283 – Terms.

The terms of initial appointees to the county rural and critical lands preservation board shall coincide with the expiration of the term of the county council district representative who serves the district which the appointee has been selected to represent. Thereafter, all members shall be appointed for four-year terms. A vacancy in the membership must be filled for the unexpired term in the same manner as the initial appointment. The membership is subject to division 1 of article V of chapter 2 of the Code regulating boards and commissions and appointments thereto as well as the county template ordinance.

### Sec. 2-284 – Compensation.

Members of the county rural and critical lands preservation board shall serve without salary, but the county council shall entitle each member to reimbursement for their actual and necessary mileage expenses incurred in the performance of their official duties.

### Sec. 2-285. – Conflicts of interest.

No member of the county rural and critical lands preservation board shall be disqualified by reason of their membership from selling any parcel or the development rights of any parcel in which they have a financial interest, but any member with a direct or indirect financial interest in such parcel shall recuse themselves from any board vote, discussion, or decision regarding such parcel.

Sec. 2-286. – Rules of procedure.

The county rural and critical lands preservation board shall adopt rules of procedure governing its procedures and operations. Copies of adopted rules of procedure shall be made available for public inspection in the office of Director during normal business hours.

Sec. 2-287. – Powers and duties.

The county rural and critical lands preservation board shall have, but is not limited to, the following powers and duties:

- (1) Develop and recommend to county council, for adoption by resolution, the Beaufort County Rural and Critical Lands Preservation Program GreenPrint to guide the identification and prioritization of parcels to be acquired through the county rural and critical lands preservation program. ;
- (2) Identify, prioritize and recommend to county council rural and critical lands to be acquired through purchase of development rights, the option to purchase development rights, the fee simple purchase of property, or the exchange and transfer of title to parcels, as provided for in the county council's adopted Rural and Critical Lands Preservation Program Ordinance;
- (3) Promote, educate and encourage landowners to participate in the county rural and critical lands preservation program; and
- (4) Perform such other duties as may be assigned by county council.

Sec. 2-288. – Board Report

The county rural and critical lands preservation board shall submit to county council an annual report in December based on all of the activities carried out pursuant to the rural and critical lands preservation program. The report shall include but is not limited to the following:

- (1) Map indicating the location of the total parcels of lands that have been acquired;
- (2) Total number of acquired lands, number of acres and type of acquisitions of each of the acquired lands throughout the county;
- (3) Number of landowners contacted or properties received for consideration for the program in the given year;
- (4) Number of lands acquired, number of acres of each and type of acquisitions of each land acquired throughout the county in the given year;
- (5) Total dollars spent in the program and total dollars leveraged with the program; and
- (6) Dollars spent and leveraged in the given year for the program.

**Cross reference** – Administration, ch. 2.

Secs. 2-289 – 2-290. – Reserved.

**AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, WHICH SHALL  
BE REFERRED TO AS THE RURAL AND CRITICAL LANDS PRESERVATION PROGRAM  
ORDINANCE**

**Chapter 26 – COMMUNITY DEVELOPMENT**

**ARTICLE II – RURAL AND CRITICAL LANDS PRESERVATION PROGRAM**

**SECTION 26-26: TITLE**

This ordinance shall be known as the Rural and Critical Lands Preservation Program Ordinance.

**SECTION 26-27: PURPOSE**

It is the purpose of this ordinance to:

1. Provide a means by which rural and critical lands may be protected and enhanced as economic and environmental resources of major importance.
2. Encourage landowners to make a voluntary long-term commitment to rural and critical land protection by offering landowners financial incentives and security of land use.
3. Preserve open space; protect critical and natural resources; and/or provide land for passive recreation.
4. Leverage federal, state, local, and private conservation efforts and development rights purchase funds and protect the investment of taxpayers in purchased and donated conservation easements.
5. Provide a means whereby rural landowners can maintain and preserve the rural character of their land through land conservation.
6. Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
7. Reduce and defer the need for major urban infrastructure improvements in the rural areas of the county and the expenditure of public funds for such improvements.
8. Provide for the purchase of fee simple interests in lands deemed critical to provide for the protection of the natural resources, historic and cultural significance, passive recreation, viewscapes and lands suitable for public use in a manner consistent with its conservation values.

9. Provide for purchase of development rights and fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives.
10. Provide for purchase of development rights on rural lands, which provide protection of natural resources and stability of agricultural, timber and other open space uses.

#### **SECTION 26-28: FINDINGS**

1. Rural and critical lands in many parts of the county are under significant development pressure from expanding urban areas.
2. This urban pressure takes the form of scattered development in wide belts around urban areas and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation.
3. Many of the rural and critical lands in the county are in jeopardy of being lost due to these activities.
4. These rural and critical lands constitute unique and irreplaceable land resources of countywide importance.
5. There are additional critical lands which are also valued natural and ecological resources which provide open space for wildlife habitat, wildlife corridors, clean air, clean water, groundwater recharge, and protection of cultural resources.
6. It is the declared policy of the county to provide a voluntary program to acquire or otherwise permanently protect rural lands and other lands containing critical natural, cultural and historic resources.
7. It is the policy of the county that rural and critical lands are valued natural and ecological resources which provide certain needed open space for wildlife habitat, wildlife corridors, clean air, clean water, groundwater recharge, and protection of historic and cultural resources.
8. It is the policy of the county to provide opportunities, through the purchase of development rights, to landowners to protect agricultural lands so that they may continue to farm the land, as well as to acquire such rights to protect other parcels where the landowner wishes to retain an ownership interest.

#### **SECTION 26-29: DEFINITIONS**

The following words and terms shall have the meaning respectively ascribed to them in this section:

1. *Conservation easement* means a non-possessory interest of a holder in real property imposing restrictions or affirmative obligations as defined in S.C. Code Ann. Section 27-8-20, or as defined in 26 U.S. Code Section 170(h).

- a. These easements could take the form of an agricultural conservation easement, which would be rights and restrictions encumbering a property primarily for the purpose of protecting the agricultural soils, including prime, statewide, and locally important agricultural soils, viability, and productivity of that property.
2. *County* means Beaufort County, South Carolina.
3. *County Council* or *Council* means the elected County Council of Beaufort County, South Carolina.
4. *Critical lands* means any lot(s), tract(s), parcel(s), or areas(s), within the county that possess unique, significant, or important characteristics as may be identified by the Rural and Critical Land Preservation Board and subject to final approval by County Council. "Unique, significant, or important characteristics" include but are not limited to protection of cultural and historic resources and sites, the potential for medium to high density development, the ability to use the land for public access and passive recreation, the ability to use the land for public access to waterways, the ability of the land to be used for the preservation of public views of waterways or other scenic vistas, the quality of the land for purposes of a wildlife sanctuary, or such other and further characteristics which may be used to further the goals of Council.
5. *Development right* means the right to legally develop or subdivide property under current county codes and ordinances. The term includes, but is not limited to, the right to develop property for any commercial, industrial or residential use except as expressly permitted by this article and as further defined by the Beaufort County Community Development Code, as adopted and amended by County Council.
6. *Easement holder* means a holder as defined by S.C. Code Ann. Section 27-8-20(2), or a qualified organization as defined by 26 U.S. Code Section 170(h)(3).
7. *Greenprint* means the most recent Beaufort County Council approved version of the map of identified and prioritized parcels for acquisition under the County's Rural and Critical Lands Preservation Program.
8. *Landowner* means the record owner of the land or the authorized contract purchaser of the land.
9. *Land Preservation Board* or *Board* means the Beaufort County Rural and Critical Lands Preservation Board established by County Council as more fully described in County Code of Ordinances Chapter 2, Section 2-281 through 2-290.
10. *Land trust* means a nonprofit land conservation organization accredited by the Land Trust Alliance which meets the requirements of Internal Revenue Code Section 170 and is active in conservation efforts in the county or state.
11. *Passive park* means any fee-simple county owned or co-owned property purchased with Rural and Critical Lands Preservation Program designated funding as adopted by the Beaufort County Council. A list of passive parks is available with the Passive Parks Manager upon request and/or

on the Beaufort County website. Properties not designated by the Council as a passive park may still be managed through the Passive Park Program/Manager.

12. *Passive recreation* means recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings. In determining appropriate recreational uses of passive parks, the promotion and development of resource-based activities such as fishing, camping, hunting, boating, gardening, bicycling, nature studies, horseback riding, visiting historic sites, hiking, etc., shall be the predominant measure for passive park utilization.
13. *Resource conservation area* means those areas of land in the County designated as "resource conservation areas" on the Zoning Map of Beaufort County, as adopted and amended by County Council.
14. *Restrictive easement* means rights and restrictions encumbering a property primarily for the purpose of limiting development on that property that would be incompatible with the United States of America's mission of Marine Corps Air Station Beaufort.
15. *Rural land* means any lots, tracts, parcels that are zoned for low-density residential, rural, agricultural or farming uses, or which are being used, or which have the ability to be used, for such purposes, including but not limited to wildlife management or recreation. Rural lands possess unique, significant, or important characteristics as may be identified by the Beaufort County Rural and Critical Land Preservation Board and subject to final approval by the County Council. Unique, significant, or important characteristics include but are not limited to protection of farmland, prime soils, other working landscapes, river frontages, small marsh islands, wildlife corridors, fresh and saltwater wetlands, and land on the urban-rural edge or immediately outside the municipal boundary under threat of development or such other and further characteristics which may be used to further the goals of the county.
16. Any terms left undefined by this ordinance shall take the meaning as otherwise defined by the Beaufort County Community Development Code, as adopted and amended by County Council. In the event of conflicting meanings, the definitions of this section shall control.

#### **SECTION 26-30: IN GENERAL**

1. The County Council may designate by Resolution any policies, procedures, rules and regulations for the purpose of regulating the Rural and Critical Lands Preservation Program, its operation and funding, and may request and receive recommendations from the Rural and Critical Lands Preservation Board.
2. The County shall retain a Rural and Critical Lands Preservation Program Land Acquisition Contractor who shall be trained and properly qualified for the work and who shall work with the County Community Development Department, or other County staff as assigned, to procure, dispose of, and administer real estate and land rights for the County which have been procured through the Rural and Critical Lands Preservation Program in accordance with the County's purchasing policies and procurement code.

## **SECTION 26-31: TYPES OF ACQUISITIONS**

There are two types of property interests that can be acquired under the provisions of this ordinance, the Purchase of Development Rights and the Purchase of Fee Simple Interests.

### **A. Purchase of Development Rights (PDR)**

Development rights will typically be purchased in areas designated “Rural land”, although there may be instances where PDR may be appropriate for purchase in other zoning designations. Generally, properties considered for PDR are those areas of the County where one or more of the following apply:

1. There are conservation values in or on the property to be preserved.
2. Development of the property would result in adverse impacts to the environment or public infrastructure serving the property.
3. The character of the property and its surrounding area would be threatened by proposed or possible future development.
4. The owner wishes to retain ownership of the property.
5. Public access to the property is not required or desirable.

The development rights purchased shall be transferred to Beaufort County by a Deed of Development Rights. If the development rights are to be purchased, the property may also be subject to the provisions of a conservation easement, and/or other applicable legal instruments as approved by Beaufort County Council which will assure that the property is protected from development other than what is permitted by the PDR agreement, the conservation easement, and/or any other legal instruments as approved by Beaufort County Council.

### **B. Purchase of Fee Simple Interests (PFSI)**

Fee simple interests shall be applicable in all areas of the County, including those designated as “Rural land”. Generally, properties considered for PFSI are those where the property owner(s) are willing to sell in those instances where one or more of the following apply:

1. There are conservation values in or on the property to be acquired and the owner is only willing to sell all of their interest in the property.
2. Public access to the property is required or desirable.
3. Development of the property for public access and passive recreation use is desirable.
4. Development of the property would result in adverse impacts to the environment or public infrastructure serving the property.

## **SECTION 26-32: GENERAL PROCESS**

- A. The PDR and PFSI is a multi-step process within the Rural and Critical Lands Preservation Program (RCLPP or Program) whereby, at a minimum:
1. The Land Preservation Board receives initial acquisition applications and does or does not recommend due diligence authorization to County Council.
  2. The County Council does or does not authorize due diligence funding.
  3. The Land Preservation Board receives acquisition proposals due diligence information and does or does not recommend acquisition approval to County Council.
  4. The County Council does or does not approve acquisition proposal.



- B. The PDR and PFSI is also an application process within the RCLPP whereby the following apply:
1. Generally, eligible applicants are those individual property owners, land trusts, environmental advocacy organizations, or municipalities located in Beaufort County where property has been identified on the most recent version of the Greenprint.
  2. An application form shall be completed and submitted, as provided and instructed on the County website.
  3. Applications will be compiled and reviewed by the appropriate County staff and the Land Acquisition Contractor on no less than a quarterly basis.
  4. Eligible applications will be provided to the Land Preservation Board where they will discuss, prioritize, and recommend to the County Natural Resource Committee (NRC) for due diligence approval.
  5. The Board recommendation will be presented to the NRC, or other committees as may be appropriate or required, where a decision to fund due diligence will or will not be approved for each application.
  6. If approved by the NRC, the Land Acquisition Contractor will proceed with obtaining due diligence, which will be reviewed and each application ranked by the appropriate County staff and Contractor upon completion utilizing the Board adopted ranking forms.
  7. Applicant due diligence will be presented to the Land Preservation Board where they will discuss, prioritize, and make a recommendation to the NRC for acquisition approval.
  8. The Board recommendation will be presented to the NRC committee or, with the consent of the Chair of the Natural Resources Committee, may also be brought before the Executive Committee where a recommendation to acquire will or will not be made to County Council for approval. The matter may also be presented directly to County Council upon consent of the Chair of the Natural Resources Committee.
  9. The NRC or Executive Committee recommendation and applications will be presented to the full County Council for final approval.
  10. All closing documents will be provided to the County Attorney no less than three (3) days prior to closing for review and approval.
  11. All contractual discussions by the Board, NRC, or Council may or may not be in Executive Session, as permitted by the South Carolina Freedom of Information laws.

**SECTION 26-33: DUE DILIGENCE**

Any PDR or PFSI will be subject to all due diligence being satisfactorily completed, reviewed and approved by the County. All due diligence shall be reviewed by the appropriate County staff before being sent to County Council for action. Due diligence shall include, but may not be limited to:

1. An appraisal of the value of the interest being acquired prepared by a Member of the Appraisal Institute (MAI), or other appropriately licensed or certified South Carolina appraiser.
2. A boundary survey completed by a South Carolina Registered Land Surveyor. In those instances of PFSI, a topographic survey, tree survey, archaeological survey, or other due diligence items shall also be obtained when appropriate.
3. A Phase I Environmental Assessment by a qualified environmental consulting firm. In instances where the Phase I report so indicates, a Phase II Environmental Assessment including a plan for



any remediation, by the seller or purchaser, is required for the property to address the concerns to the satisfaction of the County.

4. When warranted by the Community Development Department or the Land Acquisition Contractor as a part of due diligence, a title search, title opinion, and/or title insurance commitment with only normal title exceptions.

#### **SECTION 26-34: CONSERVATION EASEMENTS**

1. Conservation easements may be placed on property where development rights have been acquired (Section 26-31:A.).
2. The conservation easements shall be granted directly to an appropriate easement holder by the owner, or by the County. The RCLP Board shall recommend an appropriate easement holder to County Council.
3. The stewardship funding required by the easement holder to defend and provide the necessary annual monitoring required for the easement may be granted by the County for the easement depending on the nature of the agreement reached between the County and the easement holder.
4. When the County and Marine Corps Air Station (MCAS) Beaufort collaborate on a PDR acquisition, an appropriate restrictive easement will be applied to the acquired property.

#### **SECTION 26-35: COVENANTS AND RESTRICTIONS**

1. Covenants and restrictions may be placed on property where development rights have been acquired.
2. Generally, covenants and restrictions will describe in some detail how a property is to be developed, used and maintained consistent with the conservation values of the property.

#### **SECTION 26-36: RESALE, SWAP, CONDEMNATION OR LEASE OF ACQUIRED PROPERTY**

There may be instances where property acquired under the RCLPP for its conservation value(s), and possibly to mitigate the impacts of development, may not be suitable or needed for county ownership in the future. In such cases, the County Council may request the RCLP Board to evaluate and make a recommendation on selling, swapping or leasing the property, in whole or in part.

In those instances, the RCLP Board shall be guided by the following:

1. To ensure that the resale, swap or lease of the property, in whole or in part, will not have an adverse impact on the conservation value(s) of the property, which can be assured through the

placement of a conservation easement or other appropriate instruments on the sold, swapped or leased property if necessary.

2. To ensure that the development of the property for use(s) permitted under a conservation easement will be carefully monitored by the easement holder.

Additionally, the following will apply:


1. Any RCLPP property considered for sale, swap or lease shall require appropriate action by a 2/3 majority of the County Council following prescribed procedures for sale, swap or lease of County-owned land.
2. If all or part of a RCLPP property is sold, swapped or condemned, the County and any co-owners will be entitled to respective ownership ratio compensation of any net proceeds, after payment of all closing expenses.
3. Any RCLPP property sold, swapped or condemned will have the County's portion of any proceeds deposited into the Land Preservation fund for use in future RCLPP acquisitions.
4. Any RCLPP property leased by the County will have any proceeds deposited into the Passive Parks fund for use in management and maintenance of RCLPP passive parks.

**Secs. 26-37 – 26-49. Reserved**

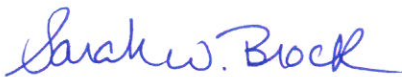
This ordinance supersedes and repeals Resolution 2006-3.

Adopted this 28<sup>th</sup> day of October, 2019.

**COUNTY COUNCIL OF BEAUFORT COUNTY**

By:   
Stewart H. Rodman, Chairman

ATTEST:



Sarah Brock, Clerk to Council

First Reading: September 23, 2019 / Vote 7:2

Second Reading: October 14, 2019 / Vote 9:1

Public Hearing: October 14, 2019

Third and Final Reading: October 28, 2019 / Vote 9:2