



OCONEE COUNTY
AGRICULTURAL ADVISORY BOARD
415 S. Pine St. Walhalla, SC 29691
864.638.4218
OconeeSC.com

BOARD MEMBERS

Rex Blanton, Chairman, District 3
Kim Alexander, District 1
Gary Wilson, District 4
David McMahan, At-Large

Tessa Moxley, At-Large
Nate Duncan, District 2
Charlie Whiten, District 5
Chris Talley, Ex-Officio

AGENDA

Monday, August 11, 2025 – 6:00 PM
Oconee County Council Chambers

1. Call to Order
2. Moment of Silence
3. Invocation
4. Pledge of Allegiance
5. Approval of Minutes: July 14, 2025
6. Public Comment for *Non-Agenda Items* (3 minutes per person)
7. Discussion
 - a. Land Trusts and Conservation Banks
 - b. Oconee Agriculture Signage
 - c. Farmland Protection
 - d. District Reports and Comments
8. Adjourn



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David McMahan, At-Large	Absent - Chris Talley, Ex-Officio

STAFF

Elise Dunaway
Ed Halbig

Minutes

6:00 PM, Monday, July 14, 2025
Oconee County – Council Chambers

1. Call to order – Ms. Moxley called the meeting to order at 6:00 PM.
2. Moment of silence
3. Invocation – led by Ms. Alexander.
4. Pledge of allegiance – led by Mr. Whiten.
5. Minutes approval – Mr. Whiten made a motion to approve second by Ms. Alexander.
Approved Unanimously.
6. Public Comments – None
7. Discussion –
Proofread and make amendments to the letter to the County Council about the conservation bank.

Premise

Why would someone put their farm in a conservation easement for X amount of dollars when someone else can sell for more than triple the price of what you would get for the easement. Who will fund to prevent the more profitable but devastating alternative which is selling their land rather than conservation easement.

The big picture of the conservation bank funding is to focus on the money not saying ignore the partitioning of the money but the funding itself. Fully fund the conservation bank to help keep farmland what it is, once it's lost you will never get it back.

Motion made by Mr. Whiten to approve the letter and the edits and to present the letter to the county council meeting tomorrow 7/15/2025 second By Mr. McMahan. Approved Unanimously.

8. Adjourn - Motion made by Ms. Alexander, second by Mr. Whiten. Approved Unanimously.

Understanding the Genesis: Why Do Farm Deed Restrictions Exist?

Deed restrictions aren't arbitrary impositions; they stem from various historical, economic, and environmental motivations. Their origins often shed light on their purpose and enforceability.

- **Preservation of Agricultural Use:** Many restrictions are designed to keep land in agricultural production, preventing its conversion to residential or commercial use. This is particularly common in areas experiencing development pressure, where government entities or land trusts seek to protect prime farmland.
- **Estate Planning and Legacy:** Original landowners, especially those with multi-generational farms, might impose restrictions to dictate how the land is used after their passing, ensuring their vision for the property's future—perhaps as a working farm for perpetuity—is upheld.
- **Conservation and Environmental Protection:** Restrictions can safeguard natural resources like wetlands, forests, or specific wildlife habitats on the farm. These might be part of broader conservation easements granted to land trusts or government agencies.
- **Neighborhood Agreements and Homeowners' Associations (HOAs):** While less common for large, standalone farms, some agricultural parcels within or adjacent to planned communities might carry restrictions related to noise, odors, or visual impact.
- **Subdivision and Development Controls:** When larger tracts are broken into smaller farm parcels, restrictions might control the size of future subdivisions, building envelopes, or access points.

Step 2: Understand the “Running with the Land” Principle

A key legal concept for deed restrictions is whether they “run with the land.” This means the restriction isn’t just a personal agreement between the original parties; it’s permanently attached to the property and binds all future owners, regardless of whether they were part of the original agreement.

Keywords: Look for phrases like “This covenant shall run with the land,” “binding upon all future owners,” “appurtenant to the property,” or “binding upon the property in perpetuity.” If these phrases are present, the restriction is a long-term encumbrance. If not, consult an attorney as it might be a personal covenant, which is far less common for farm deeds.

Categories of Restrictions:

1. Use Restrictions:

- **Agricultural Use Only:** “The property shall be used solely for bona fide agricultural purposes.”
 - *Actionable Question:* What constitutes “bona fide agricultural purposes” in your jurisdiction? Does it include agritourism, a farm stand, or processing facilities? Often, this term is defined by state agricultural definitions, but ambiguity can arise. For instance, can you host weddings in your barn if it’s primarily used for storage?
- **Specific Crop/Livestock Prohibitions:** “No swine farming shall be permitted,” or “Cultivation of [specific crop, e.g., cannabis] is prohibited.”
 - *Actionable Question:* Does this restriction extend to future, not-yet-invented agricultural practices? Is “swine farming” limited to commercial operations or does it include a few pigs for personal consumption?
- **Non-Agricultural Use Prohibitions:** “No residential subdivisions beyond two dwellings shall be permitted,” or “No commercial enterprises unrelated to agriculture shall be operated on the premises.”
 - *Actionable Question:* If a portion of your farm is non-agricultural (e.g., a small wooded lot), does the restriction apply to the entire parcel or just the agricultural portion?

2. Development and Building Restrictions:

- **Building Footprint/Number:** “No more than one primary dwelling unit shall be constructed,” or “Total impervious surface area shall not exceed X% of the parcel.”
 - *Actionable Question:* Does a “primary dwelling” include guest houses, farmhand housing, or renovated barns used for living? What constitutes “impervious surface”—a gravel drive, concrete pad?
- **Setbacks:** “All structures must be set back at least 100 feet from property lines.”
 - *Actionable Question:* Are there exceptions for farm fences, irrigation systems, or temporary structures?
- **Architectural Controls:** Less common on working farms, but sometimes found: “All new farm buildings shall be constructed with natural materials and earth-tone colors.”

3. Conservation and Environmental Restrictions (Often within Easements):

- **No Subdivision/Limited Subdivision:** “The property shall not be subdivided into parcels smaller than 40 acres.” This is exceedingly common in conservation easements to prevent fragmentation.
 - *Actionable Question:* Does “subdivided” include internal partition for family members or just for sale to unrelated parties? Are there provisions for lot line adjustments?
- **Timber Harvesting Limitations:** “Timber harvesting shall be limited to sustainable forestry practices as defined by [specific forestry standard].”
 - *Actionable Question:* What specific standard applies? Who monitors compliance? What are the penalties for non-compliance?
- **Wetland/Habitat Protection:** “No development or alteration within 50 feet of identified wetlands.”
 - *Actionable Question:* How are wetlands defined (federal, state, local definitions)? Who determines the boundaries? Are there exceptions for agricultural access or necessary drainage?
- **Pesticide/Herbicide Use:** “Use of synthetic pesticides or herbicides is prohibited.” This is less common but can appear in organic-focused easements.

The bucolic dream of owning a farm often comes with a surprising layer of complexity: deed restrictions. These often-overlooked legal covenants, embedded within the property's chain of title, can significantly impact how you use, develop, and even transfer your agricultural land. Far from being mere technicalities, farm deed restrictions are legally binding provisions that dictate everything from barn placement and crop types to subdivision rights and environmental practices. Misinterpreting or failing to understand them can lead to costly legal battles, stalled development, or even the forfeiture of property rights.

Interpreting farm deed restrictions is far from a simplistic task; it's a careful, methodical process demanding attention to detail, legal understanding, and sometimes, negotiation. These covenants are living legal documents that shape the destiny of your land. By diligently locating, dissecting, and understanding their every clause, you empower yourself to make informed decisions about your farm's future, avoiding costly pitfalls and ensuring your agricultural dream can flourish within its legal boundaries. Approaching these restrictions with respect and thoroughness isn't just about compliance; it's about preserving the long-term viability and value of your most fundamental asset: the land itself.

Crucial Caveat: Do NOT assume a restriction is unenforceable without a court order. Attempting to violate a restriction based on your own interpretation of "changed conditions" or "abandonment" is a high-risk strategy that will almost certainly lead to litigation.