



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: May 31, 2022

Month Opening Balance	\$3941.00
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DEPOSITS:

TOTAL DEPOSITS	\$0.00
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EXPENDITURES

TOTAL EXPENDITURES	\$0.00
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BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE	\$3,941.00
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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
Local Government Investment Pool

Period Ending: May 31, 2022

Month Opening Balance	\$279,415.97
DEPOSITS	
Reinvestments [Interest]	\$206.90
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$279,622.87

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: June 30, 2022

Month Opening Balance	\$3941.00
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DEPOSITS:

TOTAL DEPOSITS	\$100.00
Donation from John and Nancy Johnston through Fidelity Charitable	

EXPENDITURES

TOTAL EXPENDITURES	\$0.00
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BALANCE IN ACCOUNT

AS OF PERIOD ENDING DATE	\$4,041.00
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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
Local Government Investment Pool

Period Ending: June 30, 2022

Month Opening Balance	\$279,622.87
DEPOSITS	
Reinvestments [Interest]	\$289.21
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$279,912.08

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: July 31, 2022

Month Opening Balance	\$4041.00
DEPOSITS:	
TOTAL DEPOSITS	\$0.00
EXPENDITURES	
TOTAL EXPENDITURES	\$0.00
BALANCE IN ACCOUNT AS OF PERIOD ENDING DATE	\$4,041.00

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
Local Government Investment Pool

Period Ending: July 31, 2022

Month Opening Balance	\$279,912.08
DEPOSITS	
Reinvestments [Interest]	\$409.50
EXPENDITURES	
	NONE
BALANCE IN ACCOUNT	
AS OF PERIOD ENDING DATE	\$280,321.58

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



OCONEE COUNTY CONSERVATION BANK BOARD

ANNUAL REPORT
FISCAL YEAR 2021-2022

415 SOUTH PINE STREET
WALHALLA, SC 29691

OCONEE CONSERVATION BANK BOARD

CURRENT MEMBERS

District I: Laura Havran, *Treasurer*

District II: Andrew Smith, *Chair*¹

District III: Ryan Keese, *Secretary*

District IV: Nicholas Gambrell²

District V: Scuddy Walker, *Vice Chair*

At Large: Emily Hitchcock

At Large: Vacant

Staff Liaison: Jennifer Adams, Clerk to Council

VACANT SEATS

There is one vacancy presently. It is an At-Large position.

ACCOMPLISHMENTS

- **Taychoedah** – The OCCB provided a grant in the amount of \$17,999.00 to Upstate Forever for the placement of a conservation easement on 42.02 acres in the Lake Keowee watershed belonging to Dorothy Heger and Geary Hughes. The transaction closed on September 2, 2021, and will permanently protect water quality and natural habitat.
- **Peggy Moore Farm** – The OCCB provided a grant in the amount of \$10,000.00 to the Oconee Soil and Water Conservation Service for the placement of a conservation easement on 58.60 acres in Oakway belonging to Peggy Moore. The transaction closed on October 7, 2021, and will permanently protect the working farm, water quality, and natural habitat.
- **Whetstone Hill** – The OCCB provided a grant in the amount of \$11,499.00 to Upstate Forever for the placement of a conservation easement on 38.10 acres in Mountain Rest belong to Earnest Lombard. The transaction closed on December 15,

¹ Since the end of the Fiscal Year, Mr. Smith resigned as Chair and the Board elected to replace him. Mr. Smith will continue to serve as a Board member.

² Since the end of the Fiscal Year, Mr. Gambrell resigned from the Board. There are now two vacant positions: District IV and one At Large.

2021, and will permanently protect the working farm, water quality, and natural habitat.

- **Crawford Mill** – The OCCB provided a grant in the amount of \$29,999.00 to the Foothills Farmstead for the fee simple purchase and placement of a conservation easement on 40.09 acres adjacent to South Carolina Highway 11 in the southern part of the County belonging to William C. Keese. The transaction closed on January 26, 2022, and will permanently protect water quality, natural habitat, and historical and cultural sites of interest.
- The Board developed and approved policies addressing bank account management, grant procedures, letters of support, and property transfer procedures.
- The Board initiated discussions and meetings with the County Attorney, Foothills Community Foundation, Upstate Forever, and colleagues in pursuit of the goal of establishing an endowment that will produce a permanent revenue source to fund grants on an annual and long-term basis.
- With the assistance of the County Attorney the Board developed and approved additional amendments to the OCCB ordinance that have been submitted for public hearing and presentation to Council. The proposed amendments address establishment of an endowment, clarification of application procedures, the requirement that a conservation easement be placed on all properties receiving a grant from the OCCB.

MEETINGS TO DATE

OCCB has met on the following dates for 2021-2022:

- February 9, 2021
- March 2, 2021
- April 6, 2021
- May 18, 2021
- August 10, 2021
- September 21, 2021
- September 29, 2021
- November 9, 2021
- December 14, 2021
- February 8, 2022
- May 24, 2022

OCCB future meeting dates for 2022 & 2023 are as follows:

- August 9, 2022
- September 13, 2022
- November 15, 2022

- December 13, 2022
- February 7, 2023

FUTURE EXPECTATIONS

- Develop and initiate a fundraising campaign for the OCCB Endowment Fund
- Award grants to conserve land
- Publicize the purpose of the OCCB
- Continue to work on streamlining the process
- Continue to work on reducing the administrative burden

GOALS

- Raise enough funds to create an endowment to permanently fund the bank
- Educate the community on the purpose of the OCCB
- Continue to give awards to conserve land in Oconee County

NEEDS – HOW CAN ADMINISTRATION HELP REACH OCCB GOALS

- Continue to support the OCCB staff liaison and County Attorney
- The OCCB is very satisfied with the support of the Administration, especially the staff liaison who has organized the files, responded promptly to requests for information, and facilitates smooth OCCB meetings and accurate materials, and the County Attorney who has responded in a timely manner to all requests for legal advice.



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: _____

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: _____

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).

(Ord. No. 2011-16, § I, 9-6-2011)

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.

(Ord. No. 2011-16, § II, 9-6-2011)

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

- 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.

(Ord. No. 2011-16, § III, 9-6-2011; Ord. No. 2015-017, § 1, 6-16-2015)

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;
- (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.

(Ord. No. 2011-16, § IV, 9-6-2011)

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 the purposes set forth herein. Funds donated to the OCCB by third parties shall not be re-directed by council.

(Ord. No. 2011-16, § V, 9-6-2011)

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.
 - (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.

(Ord. No. 2011-16, § VI, 9-6-2011)

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) 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 of 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.

(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 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 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.

(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 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 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.

(Ord. No. 2011-16, § VII, 9-6-2011)

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 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 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.

(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 the 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.

(Ord. No. 2011-16, § VIII, 9-6-2011)

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.

(Ord. No. 2011-16, § IX, 9-6-2011)

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.

(Ord. No. 2011-16, § X, 9-6-2011)

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.

(Ord. No. 2011-16, § XI, 9-6-2011)

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.

(Ord. No. 2011-16, § XI, 9-6-2011)

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).

(Ord. No. 2011-16, § I, 9-6-2011)

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.⁴

“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.

(Ord. No. 2011-16, § II, 9-6-2011)

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

- 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.

(Ord. No. 2011-16, § III, 9-6-2011; Ord. No. 2015-017, § 1, 6-16-2015)

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.

(Ord. No. 2011-16, § IV, 9-6-2011)

Sec. 2-402. - OCCB ~~and 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 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. (Ord. No. 2011-16, § V, 9-6-2011)~~

(Ord. No. 2011-16, § V, 9-6-2011)

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.
- (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.

(Ord. No. 2011-16, § VI, 9-6-2011)

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 thirty (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.~~

~~(3)~~ (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 of 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 ~~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 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.

(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 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 fourteen (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 subsection 2-404(b)(6);

b. ~~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)~~,
~~(4)~~

e. _____ 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 any interest in such lands ~~except as provided
below in subsection (c)(3)d-~~

d. ~~Anywhere 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 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 assessment ~~required in subsection (c)(3)e. shall be waived for _____
_____ applications for interest in land qualified as a small grant, as defined herein, unless _____
_____ specifically require 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 a case by case basis by or at the property,~~ the board:

(4) ~~The bank~~ _____ may determine and require that follow-up by the eligible recipient
is necessary prior to the _____ disbursement of OCCB funds.

(4) Eligible OCCB recipients receiving monies from the OCCB fund ~~shall retain~~ 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.

(Ord. No. 2011-16, § VII, 9-6-2011)

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~~debtholder 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 ~~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: (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 ~~original fair market value~~amount of the grant or its equivalent percent of the current ~~fair market value of the conservation easement~~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 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 fair market value or the current fair market conservation 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 ~~owner~~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. (Ord. No. 2011-16, § VIII, 9-6-2011)

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.

(Ord. No. 2011-16, § IX, 9-6-2011)

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.

(Ord. No. 2011-16, § X, 9-6-2011)

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.

(Ord. No. 2011-16, § XI, 9-6-2011)

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.

DRAFT April 11, 2022

p. 10

(Ord. No. 2011-16, § XI, 9-6-2011)

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Village Green, Clemson	2BR/1.5BA, Townhouse	\$825-\$835
Cedarwood, Clemson	2BR/2BA	\$720-\$750
Crawford Falls, Clemson	3BR or 4BR	\$2200
Lindsay Rd., Clemson	1BR/1BA, Washer & Dryer	\$525
Creekside, Clemson	Studio Includes Utilities	\$525
E. Tamassee Dr., Seneca	3BR/2BA House, Lawn & Trash Services Inc.	\$1500
Rochester Hwy., Seneca	1BR/1BA, 1 Person=\$625, 2 People=\$640	
Weatherstone, Central	3BR/2BA House	\$1800

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nonconfidential portions of the application will be made available upon request.

NOTICE OF APPLICATION

NOTICE IS HEREBY given that Food Lion, LLC intends to apply to the South Carolina Department of Revenue for a license and/or permit that will allow the sale and OFF premises consumption of **BEER AND WINE** at 191 Bilo Plaza, Seneca, SC 29678. To object to the issuance of this license and/or permit, written protest must be postmarked no later than **FEBRUARY 21, 2021**.

For a protest to be valid, it must be in writing, and should include the following information:

- (1) The name, address and telephone number of the person filing the protest;
- (2) The specific reasons why the application should be denied;
- (3) That the person protesting is willing to attend a hearing (if one is requested by the applicant);
- (4) That the person protesting resides in the same county where the proposed place of business is located or within five miles of the business; and,
- (5) The name of the applicant and the address of the premises to be licensed.

Protests must be mailed to: **SCDOR, ABL SECTION, P.O. Box 125, Columbia, SC 29214-0907; or faxed to: (803) 896-0110.**

Public Notice

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:

March 2, 2021;

April 6, 2021;

May 18, 2021;

August 10, 2021;

September 21, 2021;

November 9, 2021;

December 14, 2021;

and February 8, 2022.

All meetings are scheduled for 9:00 a.m.

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IN RE: The Oconee Conservation Bank Board Meeting Schedule 2021

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 02/12/2021 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
02/12/2021



Aubry Bethea
Notary Public
State of South Carolina
My Commission Expires November 20, 2030



**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

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District III

VACANT
District IV

Scuddy Walker
Vice Chair
District V

Emily Hitchcock
Chair
At-Large

VACANT
At-Large



August 9, 2022

Steven D. Jester
Vice President
Water Strategy, Hydro Licensing and Lake Services
Duke Energy Corporation
526 South Church Street
Mail Code EC12Y
Charlotte, NC 28202

Re: Oconee County Conservation Bank Report on Activities

Dear Mr. Jester,

I am writing on behalf of the Oconee County Conservation Bank to report on the Conservation Bank's activities for the time period November 2020, through June 30, 2022.

With funding from Duke Energy the Conservation Bank has assisted in the permanent conservation of important Oconee County property. The Conservation Bank appreciates Duke Energy's support of the Oconee County Conservation Bank in conserving natural resources, working farms, historic, cultural, and scenic sites throughout Oconee County.

Please contact Jennifer Adams, Clerk to Council, or me if you have any questions.

In gratitude,



Emily Hitchcock, Chair

Report to Duke Energy - Oconee County Conservation Bank

August 5, 2022

As required by the Memorandum of Agreement dated November 3, 2016, the Oconee County Conservation Bank (OCCB) Board provided a report to Duke Energy dated September 11, 2018, describing the activities within two years of the \$618,000.00 of funding provided by Duke Energy in 2016. The MOA required no further reporting. Nonetheless, the Board is committed to informing Duke Energy of the OCCB's activities and expenditures for conservation in Oconee County, South Carolina. In that vein, the Board provided a report in November 2020, and provides this updated report.

I. Fund Status

Since May 2019, the OCCB investment account has earned \$13,341.95 in interest. The OCCB maintains a checking account with Community First Bank in West Union, South Carolina for the deposit of donations and to disburse funds to grant recipients. The Community First Account does not accrue interest. Since the establishment of the OCCB in 2012, private individuals and local organizations donated \$9,000.00 to the OCCB.

To date, the OCCB has expended \$356,164.33 in grants and has incurred \$224.54 in banking, and no other, expenses. As of June 30, 2022 (the end of the fiscal year), the OCCB had \$283,953.08 in available funds:

Local Government Investment Pool Account	-	\$279,912.08
Community First Bank	-	\$ 4,041.00.

II. Grants Awarded

After much discussion, the Board of the OCCB decided that the best use of its funds is to make bridge grants that are capped at ten percent (10%) of the conservation value of the project, except in unusual circumstances. This policy gives applicants the ability to reliably calculate the size of the grant requested in the application and to predict the amount of additional funds they will need to complete their conservation purchase. The Board will revisit this practice if sufficient additional donations are received.

To date, the OCCB has contributed to the protection of 1,108.62 acres in Oconee County, including farmland, historic sites, and woodland. Many of these properties contain high quality water sources that run into the County's major drinking water sources. Attached to this report is a chart summarizing OCCB's grants. There are no pending applications.

III. Future Plans

Without additional funding, and at the current spending level, the OCCB will run out of funds in two to three years. Consequently, the Board began discussing the need for an OCCB endowment in 2021. While details have not been finalized, the Board hopes to begin a major fundraising campaign in early 2023.

IV. Conclusion

As ever, the Oconee County Conservation Bank Board is grateful to Duke Energy for its generous donation to the OCCB in 2016. This donation has helped preserve 1,108.62 acres of land. The Board looks forward to continuing to work with Duke Energy on this and new projects in the future.

Attachment: OCCB Grants Report Chart

ADD MAY INTEREST

OCONEE COUNTY CONSERVATION BANK GRANTS DISBURSED & EXPENSES

MAY 27, 2022

PROJECT/OWNER; OWNER/EASEMENT HOLDER	GRANT	CLOSING	ACRES	RECIPIENT, APPLICANT	PURPOSE	CONSERVATION EASEMENT/FEE SIMPLE
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	Upstate Forever, 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
Grants Disbursed, Cost per acre to OCCB, Acres protected	\$356,164.33	\$321.41/Ac	1108.62			
Expenses - Banking	\$ 224.54					
TOTAL EXPENDED	\$356,388.87					

OCONEE COUNTY CONSERVATION BANK REVENUE
MAY 27, 2022

DONOR	AMOUNT	DATE
Duke Energy	\$618,000.00	2016
Individual and Organization Donations/Contributions	\$ 9,000.00	2012-2022
Interest	\$ 13,341.95	May 2019-April 2022
Total	\$640,341.95	

Conservation Bank Board Donations 2012 - Current

<u>DATE</u>	<u>DONOR NAME</u>	<u>AMOUNT</u>
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
	Derrick, Ritter, William, and Morris PA Wire	
October 13, 2021	Fee Reimbursement	\$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