



Green Space Advisory Committee

Chair

TBD

Vice Chair

TBD

Committee Members

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Green Space Advisory Committee Agenda

Tuesday, May 9, 2023 at 10:00 AM

Executive Conference Room

County Administration Building, 100 Ribaut Road, Beaufort, 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. ELECTION OF CHAIR AND VICE-CHAIR
4. APPROVAL OF AGENDA
5. COMMITTEE MEMBER INTRODUCTIONS
6. DISCUSSION AND APPROVAL OF MEETING SCHEDULE
7. CONDUCT OF MEETINGS
8. OVERVIEW OF STATE “COUNTY GREEN SPACE SALES TAX ACT”
9. OVERVIEW OF “BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE”
10. DISCUSSION OF DEFINING “TRANSPARENT AND EQUAL DISTRIBUTION WITHIN THE COUNTY”
11. OTHER BUSINESS
12. ADJOURNMENT

South Carolina General Assembly
124th Session, 2021-2022

A166, R166, S152

STATUS INFORMATION

General Bill

Sponsors: Senators Davis, Campsen, Goldfinch, Senn, M. Johnson, Hutto, Malloy, Harpootlian, Cromer, Matthews, K. Johnson, Rice, Hembree, Scott, Climer and Kimpson

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Introduced in the Senate on January 12, 2021

Introduced in the House on May 13, 2021

Last Amended on May 11, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 16, 2022, Signed

Summary: County Green Space Sales Tax Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/9/2020	Senate	Prefiled
12/9/2020	Senate	Referred to Committee on Finance
1/12/2021	Senate	Introduced and read first time (Senate Journal-page 193)
1/12/2021	Senate	Referred to Committee on Finance (Senate Journal-page 193)
5/5/2021	Senate	Committee report: Favorable with amendment Finance (Senate Journal-page 7)
5/6/2021		Scrivener's error corrected
5/6/2021	Senate	Committee Amendment Adopted (Senate Journal-page 28)
5/6/2021	Senate	Amended (Senate Journal-page 28)
5/6/2021	Senate	Read second time (Senate Journal-page 28)
5/6/2021	Senate	Roll call Ayes-43 Nays-1 (Senate Journal-page 28)
5/7/2021		Scrivener's error corrected
5/12/2021	Senate	Amended (Senate Journal-page 31)
5/13/2021	Senate	Amended (Senate Journal-page 15)
5/13/2021	Senate	Read third time and sent to House (Senate Journal-page 15)
5/13/2021	Senate	Roll call Ayes-41 Nays-3 (Senate Journal-page 15)
5/13/2021	House	Introduced and read first time (House Journal-page 53)
5/13/2021	House	Referred to Committee on Ways and Means (House Journal-page 53)
4/28/2022	House	Committee report: Favorable with amendment Ways and Means (House Journal-page 9)
5/2/2022		Scrivener's error corrected
5/4/2022	House	Requests for debate-Rep(s). Brawley, Hill, Howard, KO Johnson, Gilliard, Murray, Magnuson, Nutt, Allison, McGarry, Hart, Jefferson, McCabe (House Journal-page 117)
5/5/2022	House	Requests for debate removed-Rep(s). Allison, McGarry, Gilliard, KO Johnson, Howard (House Journal-page 100)
5/10/2022	House	Requests for debate removed-Rep(s). Jefferson, Murray, Hart, Nutt (House Journal-page 596)
5/11/2022	House	Amended
5/11/2022	House	Read second time
5/11/2022	House	Roll call Yeas-67 Nays-28

5/12/2022 House Read third time and returned to Senate with amendments ([House Journal-page 6](#))
5/12/2022 Senate Concurred in House amendment and enrolled ([Senate Journal-page 43](#))
5/12/2022 Ratified R 166 ([Senate Journal-page 200](#))
5/16/2022 Signed By Governor
5/31/2022 Effective date 05/16/22
5/31/2022 Act No. 166

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VERSIONS OF THIS BILL

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

(A166, R166, S152)

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

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

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

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

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

Whereas, South Carolina’s Pee Dee is a region with rich geographic variations, including deep woodlands, a patchwork of timber forests and

agricultural fields, black-water swamps and creeks that intermingle with red rivers and high bluffs, historic sites, and one of the most productive agricultural areas in the State; and

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

Whereas, according to the Census Bureau, South Carolina is the tenth-fastest-growing State in the nation, and in particular, the State contains a number of the fastest-growing metropolitan areas in the nation, including Myrtle Beach, York County, and Charleston, and is projected in the coming years to continue experiencing steady population growth and the expansion of urban and suburban land uses; and

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

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

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

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

Whereas, farmland protection helps promote agritourism and boosts the local food economy, as demonstrated by a 2013 SC Department of Agriculture study that found that if every South Carolina resident

purchased \$5 worth of food each week directly from a farmer in the State the potential impact would be about \$1.2 billion; and

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

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

Whereas, the topography of our State, whether the low-lying topography of our coastal areas or the small incised streams of the Upstate prone to flash flooding and erosion, our state's development patterns makes our communities highly vulnerable to inland and riverine flooding if the flow of rainwater runoff is greater than the carrying capacities of the natural drainage systems, and over the past six years, major flooding and storm events have caused over one billion dollars in total damages to residential and commercial properties and have imposed substantial burdens on South Carolina taxpayers through general fund disbursements; and

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

Whereas, counties in South Carolina have implemented local land conservation programs including, but not limited to, Beaufort County's Rural and Critical Lands Program, Charleston County's Greenbelt Program, Greenville County's Historic and Natural Resources Trust Initiative, the Oconee County Conservation Bank, and extensive parks

and greenspace funding efforts in York County, indicating that such programs enjoy overwhelming public support in all corners of the State. Now, therefore,

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

Citation

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

County Green Space Sales Tax

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

“Article 10

County Green Space Sales Tax

Section 4-10-1010. (A) For the purposes of this article, ‘preservation procurements’ means procuring open lands or green space for preservation, by and through the acquisition of interests in real property, including:

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

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

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

Section 4-10-1020. (A) A county governing body may impose a sales and use tax up to one percent authorized by this article, by ordinance, subject to a referendum. An enacting ordinance must specify:

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

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

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

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

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

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

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

- (a) the acquisition of fee simple titles;
- (b) conservation easements;
- (c) development rights;

- (d) rights of first refusal;
- (e) options;
- (f) leases with options to purchase; or
- (g) any other interests in real property?

Yes

No

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

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

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

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

Section 4-10-1030. (A) If the sales and use tax is approved in a referendum, then the tax shall be imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax imposed pursuant to this article is approved in a referendum, then the new tax is imposed immediately following the termination of the earlier imposed tax, and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition.

If the certification is not timely made to the Department of Revenue, then the imposition is postponed for twelve months.

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

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

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

Section 4-10-1040. (A)(1) The tax levied pursuant to this article must be administered and collected by the Department of Revenue in the same manner that other sales and use taxes are collected. The Department of Revenue may prescribe amounts that may be added to sales prices because of the tax.

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

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

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

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

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

(E) A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one county, must separately report in his sales tax return the total gross proceeds from business done in each county.

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

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

Section 4-10-1050. The Department of Revenue shall furnish data to the State Treasurer and to the county treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to counties and municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 4-10-1060. Annually, and only in the month of June, funds collected by the Department of Revenue from the county green space sales tax, which are not identified as to the governmental unit due the tax, must be transferred, after reasonable effort by the Department of Revenue to determine the appropriate governmental unit, to the State Treasurer's Office. The State Treasurer shall distribute these funds to the county treasurer in the county area in which the tax is imposed, and the revenues must be only used for the purposes stated in the enacting ordinance. The State Treasurer shall calculate this supplemental distribution on a proportional basis, based on the current fiscal year's county area revenue collections."

Time effective

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

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

ARTICLE VII. GREEN SPACE PROGRAM

Sec. 38-191. Title.

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

(Ord. No. 2022/39, § 1, 10-3-2022)

Sec. 38-192. Purpose.

It is the purpose of this article to:

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

(Ord. No. 2022/39, § 2, 10-3-2022)

Sec. 38-193. Types of acquisitions.

Preservation procurements are defined in the Act. They include procuring for preservation, open lands or green spaces which are located within and without, or both within and without, the boundaries of Beaufort

County, other counties, municipalities, and special purpose districts by and through the acquisition of interests in real property, including:

- (a) The acquisition of fee simple titles;
- (b) Conservation easements;
- (c) Development rights;
- (d) Rights of first refusal;
- (e) Options;
- (f) Leases with options to purchase;
- (g) Any other interest in real property.

(Ord. No. 2022/39, § 3, 10-3-2022)

Sec. 38-194. Green space advisory committee membership, terms, organization, term limits; minimum requirements, procedures and geographical representation.

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

- (a) *[Members to be appointed.]* County council shall appoint a seven-member green space advisory committee as follows:
 - (1) One member who is a member of the county council;
 - (2) One member who is a member of the Beaufort County Legislative Delegation;
 - (3) One member who is knowledgeable about the geography and condition of Beaufort County's land; and
 - (4) Four citizen members, each representing the northern, southern, eastern, and western portions of the county.
- (b) *Terms of committee members.* Terms of committee members are for four years and until their successors are appointed and qualify, except that the initial terms of the members must be staggered as follows:
 - (1) The initial term of the four citizen members, each representing the northern, southern, eastern, and western portions of the county shall be four years: and
 - (2) The initial term of the member who is a member of county council, the member who is a member of the Beaufort County Legislative Delegation, and the member who is knowledgeable about the geography and condition of Beaufort County's land shall be two years.
- (c) *Term limits.* No member shall serve two consecutive four-year terms. Members with an initial two-year appointment may seek-reappointment, however, limited to only one four-year term. Regardless of the date of appointment, all terms expire on July 1 of the applicable year. Vacancies must be filled in the manner of original appointments for the unexpired portion of the term.
- (d) *Minimum requirements.* Each member must possess experience in the areas of natural resources, land development, forestry, finance, land conservation, real estate, or law. Members shall assess considerable experience with and a comprehensive knowledge of the geography and condition of Beaufort County's land, the natural environment land development dynamics, and land preservation

and development. Residency is not required of the Beaufort County Legislative Delegation member or of the member who is knowledgeable of the geography and condition of Beaufort County's land.

- (e) *Procedures.* The green space advisory committee shall meet at minimum quarterly in regularly scheduled meetings and in special meetings as the chair may call. The committee shall elect a chair and vice chair each year at their July meeting or the first meeting thereafter if there is no meeting held in July. Members shall serve without compensation but may receive mileage reimbursements for meetings attended.
- (f) *Conflicts of interest.* Committee members must recuse themselves from any vote in which they have a conflict of interest including, but not limited to, any vote affecting or providing funding for the acquisition of interests in land:
 - (1) On land owned or controlled by the committee member, the committee member's immediate family, or an entity the committee member represents, works for, or in which the member has a voting or ownership interest; and
 - (2) On land contiguous to land described in item (1) of this subsection; and
 - (3) By an eligible trust fund recipient that the committee member represents, works for, or in which the member has a voting or ownership interest.

The provisions of this subsection are cumulative to and not in lieu of provisions of law or applicable rule relating to the ethics of public officers.

- (g) *Geographical representation.* For the purposes of geographic representation for the four citizen members. Beaufort County shall be divided into north, south, east and west regional as delineated in map exhibit 38-194(g), below. Citizen members representing the northern southern, eastern, and western portions of the county shall live in their respective regions at the time of their appointment and the entirety of their term. Any member who moves out of their geographic region shall have their appointment terminated. A successor shall be appointed for the unexpired portion of their term. Residency is not required of the Beaufort County Legislative Delegation member or of the member who is knowledgeable of the geography and condition of Beaufort County's land.
- (h) *[Ethics clause.]* The committee is a public body, and its members are subject to the South Carolina Ethics Act, as amended, and must perform their duties in accordance with its provisions.
- (i) *[Conduct of business.]* The committee must conduct its business in accordance with the South Carolina Freedom of Information Act.

Map Exhibit 38-194(g) Option B



(Ord. No. 2022/39, § 4, 10-3-2022; Ord. No. 2023/07 , 3-13-2023)

Sec. 38-195. Green space advisory committee duties and responsibilities.

The duties and responsibilities of the green space advisory committee are to:

- (a) Identify stakeholder groups with extensive knowledge of and experience in land preservation to assist with recommendations to the advisory committee on which areas and types of properties to target for acquisition with guidance from the greenprint plan and the comprehensive plan ("stakeholder groups").

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

(Ord. No. 2022/39, § 5, 10-3-2022)

Sec. 38-196. Method of program and procedures.

The following procedures shall be followed in evaluating preservation procurements:

- (a) *County staff receipt and review of applications.*
 - (1) Applications for participation in the green space program shall be submitted to county staff.
 - (2) County staff, upon determining completeness of the application, shall review and provide a ranking and recommendation to the green space advisory committee based on the adopted program criteria and scoring (subsections 38-195(a) and 38-195(b)).
- (b) *Review, recommendation, and action to proceed with due diligence and acquisition negotiations.*

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- (1) The green space advisory committee shall review and make recommendations whether to engage in due diligence and acquisition negotiations based upon staff scoring and recommendation.
 - (2) The advisory committee recommendation will be presented to the natural resources committee where a decision to fund due diligence and acquisition negotiations will or will not be approved for each application.
 - (3) If approved by the natural resources committee, county staff will proceed with due diligence and acquisition negotiations.
- (c) *Review, recommendation and action to proceed with acquisition.*
- (1) Based on the due diligence and the acquisition negotiations, staff shall make any necessary revisions to the original scoring and recommendation to the green space advisory committee.
 - (2) The green space advisory committee shall review and make recommendations whether to approve funding for acquisitions.
 - (3) The advisory committee's recommendations will be presented to the natural resources committee where a recommendation to acquire will or will not be approved for each application.
 - (4) The natural resources committee's recommendations will be presented to county council for final consideration. Approval will be by resolution.

(Ord. No. 2022/39, § 6, 10-3-2022)

Sec. 38-197. Due diligence.

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

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

(Ord. No. 2022/39, § 7, 10-3-2022)

Sec. 38-198. Conservation easements.

- (a) Conservation easements shall concurrently be placed on property where development rights are being acquired with all documents ready to be filed with the register of deeds.

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- (b) The conservation easements shall be granted directly to an appropriate easement holder by the owner or by the county. The green space advisory committee shall recommend appropriate easement terms/language to county council in recordable form.
 - (c) The stewardship funding required by the easement holder to defend and provide the necessary annual monitoring required for the easement may be granted by the county for the easement depending on the nature of the agreement reached between the county and the easement holder.
 - (d) When the county and Marine Corps Air Station (MCAS) Beaufort collaborate on a purchase of development rights acquisition, an appropriate restrictive easement will be applied to the acquired property.
- (Ord. No. 2022/39, § 8, 10-3-2022)