

ORDINANCE

AN ORDINANCE REGULATING AMENDMENTS AND TERMINATION OF CONSERVATION EASEMENTS IN THE UNINCORPORATED AREAS OF GREENVILLE COUNTY, SOUTH CAROLINA.

BE IT ORDAINED by the County Council of Greenville County, South Carolina:

Section 1. Findings. Greenville County Council and Greenville County Government relies upon the existence of private Conservation Easements in making planning and development decisions, ad valorem taxes on real property are required by law to be adjusted based upon the easement and tax revenues are affected by those easements. Through tax breaks and reduced value of property subject to conservation easements the public itself invests in conservation easements. However, conservation easements may be modified in accordance with the terms of the easement itself which often provides that either the parties to the easement agreement may consent to its modification or termination and many conservation easements provide that a court can terminate or modify the easement. Unless Greenville County is a holder of a conservation easement the County does not receive notice of the modification or termination of the easement, nor does State Law require that the County or other affected local governments to be notified when a Court considers a modification or termination of a Conservation Easement. Greenville County has a significant interest in assuring the continuation and effectiveness of Conservation Easements and having full knowledge and input into any changes or termination of Conservation Easements protects the public interest in continuing conservation easement and/or revaluing the property as a result the termination or alteration of the Conservation Easement.

Section 2. Regulation.

- a. **Notice.** The Greenville County Planning Division and the Greenville County Planning Commission shall be notified by the Greenville County Register of Deeds of each and every filing of a Conservation Easement, including but not limited to all filings to modify, terminate or alter any existing Conservation Easements. Any permit, certificate of occupancy or approval being issued by Greenville County, including but not limited to, any plan review, subdivision review, zoning request or development permit issued by Greenville County which involves, relies upon or is related to a Conservation Easement shall be issued on the condition that Greenville County is provided with a copy of the Conservation Easement and under a condition that Greenville County will be notified of and must approve of any plans to modify or terminate the Conservation Easement in the future.

- b. **County Council Approval.** Any person or entity that plans or proposes to alter, modify, change, terminate or reduce the area of an existing Conservation Easement in the unincorporated areas of Greenville County shall first seek and obtain the approval of Greenville County Council to such alteration, modification, change, termination or reduction. County Council's consideration shall be in the form of an Ordinance and a public hearing shall be held on the matter. County Council shall consider the particular circumstances surrounding the request, the particular character of the property involved, any planning, development and infrastructure impacts of such alternation, change, termination or area reduction and determine if the alteration, modification, change, termination or reduction is in the best interests of the citizens of Greenville County.

Section 3. Study Committee. Greenville County Council directs that the County Administrator to appoint a Committee to review all the pertinent issues related to Conservation Easements in Greenville County and recommend to County Council within 6 months of any other regulation or other processes involving Conservation Easements in Greenville County that should be implemented so that they may better serve and protect the health, safety and welfare of the community.

Section 4. Severability. Should any section or provision of this Ordinance be temporarily or permanently enjoined or held to be invalid by a court of competent jurisdiction that section or provision shall be severable from the remaining sections or provisions.

Section 5. Repeal. Any ordinance, resolution, or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflicts, repealed.

Section 6. Effective Date. This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2022

Willis H. Meadows, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator