

AN ORDINANCE TO AMEND ORDINANCE NO. 1424 WHICH ESTABLISHED THE CHARLESTON COUNTY GREENBELT BANK TO DISBAND THE BANK BOARD AND TO REPLACE THE BANK BOARD WITH THE GREENBELT ADVISORY BOARD AND OTHER MATTERS RELATING THERETO

WHEREAS, on December 20, 2005, County Council adopted Ordinance number 1424 (the "Ordinance") establishing the Greenbelt Bank which is funded from revenues from the Greenbelt portions of the 2004 and 2016 sales tax programs; and

WHEREAS, in accordance with Ordinance No. 1343, the Charleston County Greenbelt Advisory Board conducted a 5-year review of the Comprehensive Greenbelt Plan that included an updated greenspace inventory, numerous public meetings and a public survey; and

WHEREAS, the Charleston County Greenbelt Advisory Board analyzed the results of the plan review and based on this analysis amended the Comprehensive Greenbelt Plan on May 2, 2018 to include a recommendation to disband the Charleston County Greenbelt Bank Board; and

WHEREAS, on July 24, 2018, County Council approved the Comprehensive Greenbelt Plan amendments as recommended by the Greenbelt Advisory Board; and

WHEREAS, in order to carry out these purposes, Charleston County Council hereby adopts the above-stated recitals as findings of fact and hereby enacts the following ordinance to implement the recommendation of the Comprehensive Greenbelt Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY AS FOLLOWS:

SECTION ONE: MEMBERSHIP, TERMS, ORGANIZATION

SECTION ONE, Subsections A through C are hereby deleted and replaced with the following provision:

Charleston County Council hereby incorporates by reference the membership, terms, and organization of the Greenbelts Advisory Board (GAB) as adopted in Ordinance 1343, Section 6. Greenbelts Advisory Board, subsections (a) through (c). All references to the Bank Board shall mean the GAB.

SECTION TWO: DUTIES AND RESPONSIBILITIES

SECTION TWO, Subsection A(1)(a) shall be amended to add the following provision:

- a. Eligible Greenbelt Fund Recipient means: Charleston County or a municipality in Charleston County, or any agency, commission, or instrumentality of the County or municipality within Charleston County; or 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 historic preservation purposes, and having tax-exempt status as a public charity under

the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; *an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.*

SECTION FOUR: PROGRAM AND PROCEDURES

SECTION FOUR, Subsections C, D, and E shall be amended to state the following:

- C. Grants from the Greenbelt Fund must be awarded based upon the conservation criteria and the financial criteria contained in Table 1, attached hereto and incorporated by reference. In each application, the qualifying entity must provide information regarding how the proposal meets one or more of the attached criteria and advances the purposes of the Bank.
- D. For purposes of this ordinance, conservation criteria shall be set forth in Table 1.

Notwithstanding the criteria set forth in Table 1 or any other provision in this ordinance, proceeds from the Charleston County half-cent sales tax cannot be used to acquire any interest in property inconsistent with S.C. Code Ann. Section 4-37-30.

- E. For purposes of this ordinance, financial criteria shall be set forth in Table 1.

SECTION FIVE:

SECTION FIVE is amended to add Subsection J as follows:

- J. Grants of Greenbelt Funds are intended to facilitate the acquisition of interests in lands contemporaneously with the approval of the grant application. Therefore, it is not intended that applications will be approved for reimbursement of costs for the prior purchase of interest in land. However, where exigent or special circumstances arise which cause a need to acquire an interest in land within 12 months prior to the submission of an application for Greenbelt funds, this purchase will not be automatically disqualified from receiving a grant of Greenbelt Funds. In order to avoid disqualification, the applicant(s) must demonstrate, to the satisfaction of County Council in its sole discretion that circumstances arose which made the purchase necessary prior to the grant of approval.

SECTION SIX: EFFECTIVE DATE; SEVERABILITY

This Ordinance shall take effect immediately upon third reading. If any provision of this Ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are severable.

Table 1 – Financial and Conservation Criteria

- 1. Meets Greenbelt Definition – 8 points (Only one category applies to scoring)**
 - Passive greenspace – 8 points
 - Lowcountry natural resources – 7 points
 - Natural infrastructure – 6 points
 - Heritage landscapes – 5 points
 - Corridors – 4 points
 - Active greenspace – 3 points
 - Reclaimed greenspace – 2 points
 - Productive landscapes – 1 point

- 2. Meets the Greenbelt Vision – 4 points (Only one category applies to scoring)**
 - Greenspace for public waterway access and use (fishing, crabbing, canoeing and/or kayaking) – 4 points
 - Linkage to a blue trail – 2 points
 - Trail/corridor connected to either a greenspace; trail/corridor; neighborhood; or retail/jobs center – 2 points
 - Greenspace connected to a trail/corridor; another greenspace; neighborhood; school; retail or jobs center – 2 points

- 3. Meets Greenbelt System Components – 6 points (Score for all that apply)**
 - Greenway Corridors – 1 point
 - Urban Greenbelt Lands - 1 point
 - Rural Greenbelt Lands - 1 point
 - Francis Marion National Forest - 1 point
 - CCPRC Regional Parks - 1 point
 - Lowcountry Wetlands – 1 point

- 4. Addresses public access and use – 5 points (Only one category applies to scoring)**
 - Greenspace with full public access – 5 points
 - Greenspace with partial public access (partial = land manager restricts days/hours of week) - 2 points
 - Greenspace with limited public access (limited = access by landowner invitation at least once annually) – 1 point
 - No public access – 0

- 5. Protection of wildlife habitat – 5 points (Only one category applies to scoring)**
 - Protects wildlife habitat of endangered or threatened species – 5 points
 - Protects wildlife habitat of any species – 2 points
 - No wildlife habitat protection – 0 points

- 6. Protection of Lowcountry Natural Resources and Natural Infrastructure – 7 points (Score for all that apply)**
 - Upland forests – 1 point
 - Fresh water wetlands or forested wetlands – 1 points
 - Saltwater marsh, marsh and/or marsh islands – 1 points
 - Riparian zones – 1 point

- Floodplains – 1 point
- Land critical to clean water – 1 point
- Significant and/or grand trees (such as Grand Live Oaks, Long Leaf Pine) – 1 point

7. Historical and cultural features – 5 points (Only one category applies to scoring)

- Culturally significant land, or contains existing structures, remains of structures, earthworks, artifacts, etc. of historical significance – 5 points
- Documented historical event occurrence – 4 points
- Oral tradition of historical occurrence – 2 points
- No historical or cultural significance – 0 points

8. Threat of Loss – 5 Points (Only one category applies to scoring)

- Protects lands under threat of loss – 5 points
- Project poses unique opportunity not likely to present itself again – 2 points
- No threat of loss – 0 points

9. Consistent with Adopted Plans – 5 points (Score for all that apply)

- Greenbelt Plan – 2 points
- County/Municipal Comprehensive Land Use Plan – 1 point
- Regional Bike/Ped Plans – 1 point
- Other – 1 point

10. Project is ready for acquisition – 5 points (Only one category applies to scoring)

- Acquisition will take place within 6 months of approval – 5 points
- Acquisition will take place more than 6 months of approval - 2 points

11. Project is ready for public use – 3 points (Only one category applies to scoring)

- Property will be open to the public in less than 1 year – 3 points
- Property will be open to the public between 1 - 5 years – 2 points
- Property will be open to the public in more than 5 years – 1 point

12. Funding and leveraging – 15 points (Only one category applies to scoring)

- Over 100% Match – 15 points (15 points)
- 75% - 100% Match – 10 points (10 points)
- 25% - 74% Match – 7 points (6 points)
- 5% – 24% Match – 2 points (4 points)

13. Project Management – 5 points (Score for all that apply)

- Staff dedicated to land management, maintenance and deed restriction enforcement – 2 points
- Financial resources for land management - 2 points (include financial records as part of application)
- Staff experienced in financial management of land – 1 points

14. Partnership and Coordination – Points Range (0 – 10)

- Provide written description of partnerships and coordination among those partners involved in the project. List all financial and non-financial partners and their role in the project. Describe how the work of the partnership addresses greenspace

conservation as well as community issues regarding health, resiliency, mobility, and economic development.

15. Return on Investment – 6 points (Score for all that apply)

- Provides recreation and/or tourism income – 1 point
- Provides economic benefit (such as timbering, farmland) – 1 point
- Provides public health benefit – 1 point
- Provides public services such as resiliency, natural infrastructure and resistance to flooding – 1 point
- Provides ecological services (such as purification of air and water; decomposition of wastes; soil and vegetation generation and renewal; pollination of crops and natural vegetation; groundwater recharge through wetlands; seed dispersal; greenhouse gas mitigation; and aesthetically pleasing landscapes) – 1 point
- Other (such as property will remain on the tax rolls) – 1 point

16. Level of Public Support – 6 points (Score for all that apply)

- Support Letters/Emails from public – 3 points
- Results of Public Hearing – 2 points
- Other – 1 point

Total: 100 Points