

**Protection of Natural Land
At Selkirk Plantation
Summary of Conservation Easement Terms**

Selkirk Plantation is a unique limited development project that has been permanently protected by a conservation easement donated to the Lowcountry Open Land Trust (LOLT). The easement has been designed to protect the conservation values of the property, while allowing for limited residential development. LOLT, in accepting this conservation easement, is obligated to protect the significant public benefits associated with the conservation values at Selkirk Plantation, and we accomplish this through monitoring and enforcement of the conservation easement.

The following summary is intended to serve as a guide to all landowners who have purchased lots within Selkirk Plantation, so that land owners better understand the permanent restrictions that have been placed on the property. It is also intended to help landowners understand the role and obligations of the Lowcountry Open Land Trust in accepting the conservation easement. It is our intent that through better communication and understanding, private landowners can continue private enjoyment of their property, while preserving the qualities that define the beauty and special character of Selkirk Plantation.

The Conservation Values of Selkirk Plantation

- ◇ *Scenic tree lined corridor along Leadenwah Creek that is visible to the public.*
- ◇ *Scenic tree lined corridor and along Bears Bluff Road and Liberia Road.*
 - ◇ *Wildlife corridor associated with the waterfront edge.*
- ◇ *Wildlife habitat functions associated with the naturally diverse open field, woodland, and aquatic ecotypes.*
 - ◇ *Traditional uses, including agriculture and sustainable timber uses.*
- ◇ *Water quality functions associated with the protected and surrounding properties.*
 - ◇ *Rural character of Wadmalaw Island.*

In order to protect these values, the following restriction have been placed on the property:

- Subdivision is limited to 30 residential lots on 800 acres. Sizes of lots may vary from original plan. Low density protects the rural character, and minimizes the threats to wildlife habitat and water quality degradation.
- Residential lots larger than 12 acres are allowed 2 permanent residences and 2 guest homes. Lots smaller than 12 acres are allowed only 1 permanent residence and 1 guest home. Homes are restricted in size as follows: Permanent residences may not exceed 4,500 sq. ft. exclusive of porches, while guest homes may not exceed 1,800 sq. ft. inclusive of porches. Both structures may not exceed 50 ft. in overall height. Notice is required for all structures.

- Residential structures on lots 2,3,4, and 9 require 50 ft. setback from ponds, streams, wetlands, or tidal waters. All other lots require a 75 ft. waterfront setback (see attached map). Setbacks protect the water quality by providing a vegetation zone that filters surface runoff removing nutrients and pollutants. Setbacks also protect wildlife habitat associated with tree canopy and the scenic view that is visible to the public.
- Construction of agricultural structures is restricted to those that are reasonably necessary in direct connection with forestry and agricultural uses of the property. No barn or agriculture structure may exceed 50 ft. in height and are subject to defined setbacks and buffers.
- Lots bordering Liberia and Bears Bluff Road are required to maintain a 50 ft. scenic road buffer in addition to a 100 ft. road buffer adjacent to the aforementioned scenic buffer. The vegetated buffer preserves wildlife habitat, and protects the scenic corridor and rural characteristics of the property.
- Docks are restricted to 2 design choices that are left up to the landowner. Waterfront lots may have either 1 deepwater dock or 1 crabbing dock. Deepwater dock pierheads may not exceed 144 sq. ft., with an attached floating dock not to exceed 160 sq. ft. Crabbing docks shall have a pierhead no larger than 100 sq. ft. with an attached floating dock not to exceed 120 sq. ft. Deep water docks are allowed 1 boat lift and the construction of a roof. Crabbing docks may have 1 small boat lift with roofs prohibited. Railings are prohibited on all docks. Dock restrictions protect scenic corridors, water quality, and wildlife associated with marsh habitat.
- A 75 ft. wide scenic creek buffer, measured from the critical line determined by the department of Ocean and Coastal Resource Management (OCRM), shall be maintained. Any clearing of the understory in this buffer, in order to provide a view corridor, shall not exceed 25% of the total water frontage. Clearing of any mature tree, defined as having a diameter at breast height (DBH) greater than 12 inches, on this highland fronting Leadenwah Creek is prohibited.
- There shall be no placement of temporary buildings, mobile homes, radio transmission antennas, utility transmission poles, or any other structures. These restrictions are to preserve the natural setting and scenic qualities of Selkirk Plantation.
- Dumping of trash or placement of underground storage tanks is prohibited since they destroy the natural character of the property.
- No paved roads are permitted on Selkirk Plantation
- Notice is required for the construction, placement, or repair of all structures.

The terms of the conservation easement are binding to the land, irrespective of the landowner.

Activities that can still be performed by a landowner

- Landowners can build, maintain and improve residential structures and attendant buildings, outside any buffer.
- Landowners can dig wells and install septic tanks. Septic tanks require a 50 ft. waterfront setback for lots 2,3,4, and 9 while the remaining lots are required a 150 ft. setback.
- Landowners can use property for any recreational activities subject to state and federal law.

- Landowners can perform routine maintenance of property, including mowing and landscaping, subject to the restriction of the buffer.
- Landowners can sell, lease, or convey any residential lot.
- Landowner can engage in agricultural activities.
- Selkirk Plantation, as a whole, can construct 1 clubhouse facility and 1 community storage building, both are to be located in the open space area.
- Landowners can engage in any activities that are consistent with the purposes of this easement, if they are not specifically prohibited. If there were any questions as to whether or not something would be allowed, LOLT staff would be happy to meet on site to discuss.

Activities that require prior notice or approval by LOLT

- Any Forestry or Aquaculture management must provide a prepared plan, approval of LOLT, and is subject to state and federal law and guidelines.
- Any siting, construction, repair, or maintenance of buildings.
- Siting and construction of ponds or management of existing wetlands.
- Change of possession, ownership, or control of protected property, including agricultural sale or lease.
- Any subdivision or sale of the property.
- Any activity within buffers or setbacks.
- The introduction of exotic species.
- Outside lighting of the protected property.

In accepting the conservation easement, LOLT has made a commitment to maintain the integrity of the land and the terms of the easement in its perpetuity. In order to maintain our eligibility in non-profit/non-government conservation work, we are required to have the right of access of any of the land protected by the easement, and to monitor for compliance under the terms of the conservation easement. It is the LOLT policy to respect the privacy of the landowners and to enter the land in an unobtrusive manner, with prior permission. LOLT has photographed the existing natural character that will enable us to know what the land should look like on subsequent visits, and we will continue to add our documentation of natural features with time.

Should LOLT find a violation under the terms of the easement, LOLT has the right to take legal action against the landowner. Our experience has been that enforcement issues can be avoided through communication and a continued commitment of the landowners to protect the natural character that makes Selkirk Plantation a special place to reside.

LOLT is committed to working with landowners in a positive manner to protect the conservation values of Selkirk Plantation. If there are any questions, please contact a representative of LOLT. We would be glad to meet with you or to discuss any questions about the conservation easement.

*The above information is not intended as legal advice, but rather as an informational guide.
For specific interpretation on an activity, refer to the conservation easement.
A Grantor should seek independent legal advice.*