

**TOWN OF AWENDAW**

6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429

843.928.3100 | [www.townofawendawsc.org](http://www.townofawendawsc.org)[townadministrator@townofawendawsc.org](mailto:townadministrator@townofawendawsc.org)Katharine Watkins | *Town Administrator*Donna F. Steed | *Clerk/Treasurer***Chris Crolley | Mayor****Town Council**

Paul Brown | Wendy Helms  
 Grace Gasper | Rodney Porcher  
 Kent Prause | John Timmons

## Town of Awendaw Planning Commission Minutes

Tuesday, February 17, 2026 6:00 PM

Awendaw Town Hall

### A. Prayer, Pledge of Allegiance & Reading of the Civility Pledge

At 6:00 pm, Chairman John Osguthorpe, began the Planning Commission Meeting. Commissioner Jeff Hardee, read the Serenity Prayer, recited the Pledge of Allegiance & led the Civility Pledge.

### B. Call to Order and Roll Call - [Time Stamp 0:01:55.76]

Chairman Osguthorpe called the meeting to order. Mr. James Gardner, Ms. Kelly Cousino, Mr. Jeff Hardee, and Dr. John Osguthorpe were all present, confirming a quorum. Commissioner Reigart was absent. Town Administrator, Mrs. Katharine Watkins, Town Planning Manager, Mr. Daniel O'Hara, and Town Planning Clerk, Takeya White were also present.

### C. Approval of Meeting Minutes – January 20 & 27 Meeting Minutes - [Time Stamp 0:03:12.88]

Chairman Osguthorpe then moved to agenda item C, "Approval of Minutes" and entertained a motion to review the January 20<sup>th</sup> & 27<sup>th</sup> meeting minutes.

**Motion: To review the minutes of the January 20<sup>th</sup> & 27<sup>th</sup> meetings.**

**Posed By: Mr. James Gardner**

**Second: Mr. Jeff Hardee**

The floor was then opened for discussion. Ms. Kelly Cousino noted a few changes to the January 20<sup>th</sup> meeting minutes:

1. The paragraph at the bottom of the 1<sup>st</sup> page of the January 20<sup>th</sup> meeting minutes, *correct redundant speech.*
2. On page 2, under "New Business," item E.(a), correct the spelling of Mr. Danny Cruz's name from *Cruze* to Cruz.
3. On the following page (page 4 of 48 of the meeting packet), correct speech right before item "b.," to read "City of Charleston" instead of "*Charleston.*"

The chairman then entertained a motion to approve the minutes from the January 20<sup>th</sup> meeting. [Time Stamp 0:04:24.77]

**Motion: Motion to approve the minutes from the January 20<sup>th</sup> meeting as amended.**

**Posed By: Mr. Jeff Hardee**

**Second: Mr. James Gardner**

**Vote: Unanimous Approval**

Chairman Osguthorpe then asked Ms. Cousino if she had any changes to the January 27 meeting minutes. Ms. Cousino referenced page 17 of 48 under **Old Business**, item “a,” and noted that the minutes did not reflect the revisions made during the meeting. She expressed concern that the public received a draft containing revisions, which could give the impression that the Commission had approved those changes rather than making additional revisions during the meeting. She recommended that the minutes be updated to reflect those additional changes. Chairman Osguthorpe stated that he agreed.

Planning Clerk, Mrs. Takeya White, then clarified that not all amended changes were discussed during the meeting, as several Planning Commission members submitted amendments to the Planning Manager after the meeting. As a result, she explained that her plan was to include the fully amended document as an addendum to the January 27 meeting minutes. The commission then had additional discussion around the January 27<sup>th</sup> meeting minutes and then the chairman made a motion.

**Motion: Motion to accept the January 27<sup>th</sup> meeting minutes with an added addendum.**

**Posed By: Dr. John Osguthorpe**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

Chairman Osguthorpe then began to preface agenda item D, “Public Comments,” and asked if there were members of the public who wished to speak and passed the meeting on to the Planning Manager.

#### **D. Public Comments – [Time Stamp 0:09:32.91]**

*The public comment period will be limited to a total of 25 minutes. Each speaker will have up to 2 minutes. No individual may speak more than once until all others wishing to comment have had an opportunity.*

#### **6 members of the public wished to speak:**

*Mr. John Brubaker of 600 Flatfield Farm Road – spoke in favor of the amendments to the 3 ordinances on agenda*

*Mrs. Kristin Mackin of 8675 Doar Road – not in favor of Ordinance 2026-07 in its current form and felt it infringed on property rights*

*Mr. Justin Westdyk of 6818 Seewee Road – voiced that the enactment of Ordinance 2026-07 was adversely affecting he and other residents in town*

*Mrs. Valbona Westdyk of 6818 Seewee Road – added to her husband’s comments, stating that Ordinance 2026-07 has made their property nearly unusable, negatively impacted their family financially, and that additional study should have been conducted prior to enactment.*

*Mr. Mark Beasenberg of 856 Granny’s Lane – felt that a few of the ordinances on agenda would be overstepping a lot of people’s land use rights and preferred the previous regulation.*

*Mrs. Willette Alston-Hockaday of 6586 Patrick Dingle Drive – felt the new ordinances would adversely affect heirs property*

*Chairman Osguthorpe then asked if any other members of the public wished to speak or if anyone wished to speak again.*

Mrs. Westdyk then presented herself again and asked where the ordinances came from, and if there were studies conducted to support them.

Chairman Osguthorpe reminded Mrs. Westdyk that the “Public Comments,” portion of the meeting is not the forum for back and forth.

Mr. Brubaker then asked the chairman to speak again and confirmed his positive feedback on the work done to the ordinances at hand.

Mr. Beasenberg then asked the chairman if he could speak again. After confirming time, Chairman Osguthorpe allowed Mr. Beasenberg to speak for a second time.

Mr. Beasenberg voiced that he hoped people were paying attention and again spoke in opposition to Ordinance 2026-07.

**E. New Business – [Time Stamp 0:24:16.31]**

Hearing no further comments, Chairman Osguthorpe brought public comments to an end and moved on to agenda item E, “New Business” and entertained a motion to open discussion on agenda item E(a), Ordinance 2026-05.

**Motion: Motion to open discussion on Ordinance 2026-05.**

**Posed By: Mr. James Gardner**

**Second: Mrs. Kelly Cousino**

**Vote: Unanimous Approval**

- a. **Ordinance 2026-05** - *An ordinance of the Town of Awendaw, South Carolina, to amend Title XV: Land Usage, Chapter 153: Zoning Code, Subdivision Regulations Division, Section 153.305 Water and Sewage Disposal of the Code of the Town of Awendaw.*

Chairman Osguthorpe began to lead into a discussion on wells and septic systems, referenced page 2 of 8 in his Supplemental Packet and reported some of his research on the topic.

Town Administrator, Katharine Watkins then called a point of clarification and noted that Ordinance 2026-05 would only be affecting newly subdivided lots after the passage of the ordinance and would not affect current lots as they stand.

Chairman Osguthorpe then noted that no ordinances that the commission had up for discussion would be retroactively applied. Mrs. Watkins stated that she wanted to make it known and clear and referred to the Town Planner’s Staff Report on page 22 of 48 of the agenda packet.

Chairman Osguthorpe then again stated that everybody was grandfathered in any of the new ordinances that have been recently put into place and noted that if there was a loss of 50% or more of a dwelling and the resident had the desire to rebuild, they would then be held to the new (criteria) ordinances.

Planning Manager, Dan O’Hara, then called a point of clarification and noted that the discussion at hand should pertain to a different ordinance, not the Septic Ordinance.

Chairman Osguthorpe then lead the commission and town staff into further discussion around Ordinance 2026-05.

After 7.5 minutes of discussion, Mr. O’Hara called a point of clarification and noted that Ordinance 2026-05

looked at all septic systems and does not look at “engineered vs. non-engineered” individually.

Mr. O’Hara noted during discussion that the intent behind Ordinance 2026-05 was to prevent drastic measures of restricting one type of system over another when looking at more comprehensive best plan management practices. He engaged with DES, 3 design professionals, Rural Water Association, National Rural Water Association, Clemson Extension, and SeaGrant to talk about septic ordinances and regulations and how to support more sustainable development since septic is our only option in town. He found it prudent to look at the topic in a broad sense instead of approaching the topic as “engineered vs non-engineered” for the reasons listed in his staff report. **(SEE EXHIBIT B - TOWN PLANNER’S STAFF REPORT FOR ORDINANCE 2026-05)**

The planning commission continued a lengthy discussion around Ordinance 2026-05 and asked Mr. O’Hara to report back to them with his findings. Commissioner Gardner then entertained a motion.

**Motion: Motion to move forward with Ordinance 2026-05 based on staff findings with the exclusion of the setbacks and replace that with a 15 ft limit within the property line for septic and a 5 ft or more distance away from property lines for wells.**

**Posed By: Mr. James Gardner**

The commission members then continued their discussion on the ordinance and requested guidance from the Town Administrator on how they should word their motion. Commissioner Gardner then amended his motion.

**Motion: Motion to defer Ordinance 2026-05 until next meeting with the anticipation of the newly written amendments.**

**Posed By: Mr. James Gardner**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous**

The commission then moved on to agenda item E(b), Ordinance 2026-06 and Chairman Osguthorpe entertained a motion to open discussion.

**b. Ordinance 2026-06 – [Time Stamp 1:16:49.33]**

*An Ordinance of the Town of Awendaw, South Carolina, to Amend Title XV: Land Usage, Chapter 153: Zoning Code, General Provisions of the Code of the Town of Awendaw, South Carolina, by Amending Section 153.009 Definitions, adopting a new Section 153.065 Lighting Regulations, along with new Sections 153.066 through 153.070 thereto, providing for New Lighting Regulations.*

**Motion: Motion to open discussion on Ordinance 2026-06.**

**Posed By: Mr. James Gardner**

**Second: Mrs. Kelly Cousino**

**Vote: Unanimous Approval**

Mr. O’Hara then asked the chairman if he could breach the topic by going over his Staff Report on the Dark Sky Ordinance. **(SEE EXHIBIT C - TOWN PLANNER’S STAFF REPORT FOR ORDINANCE 2026-06)**. Chairman Osguthorpe then led the discussion on light levels and touched on the definitions noted Section 153.009 in the drafted ordinance. He then noted that Commissioner Cousino was better versed on the topic and passed the discussion on to her for input. After more discussion between the entire board, the commission decided to defer

recommendation for further research.

**Motion: Motion to defer recommendation of Ordinance 2026-06 for staff and the Planning Commission to refine what is currently before them based on best practices in the industry.**

**Posed By: Dr. John Osguthorpe**

**Second: Mrs. Kelly Cousino**

The Planning Commission then continued discussion on the applicability of Ordinance 2026-06 and wanted to know if the ordinance would be applied to all parcels or would current parcels be grandfathered. Mr. O'Hara explained that the ordinance would be applied to all lots, current and future. After additional discussion it was noted that a vote needed to occur.

**Vote: Unanimous Approval**

The Planning Commission then went on to Agenda Item E(c), Ordinance 2026-07.

c. **Ordinance 2026-07 – [Time Stamp 1:32:38.16]**

*An Ordinance of the Town of Awendaw, South Carolina, to Amend Title XV: Land Usage, Chapter 153: Zoning Code, Wetlands and Waterways Setbacks Division of the Code of the Town of Awendaw, South Carolina, by renaming the Division thereof to Wetlands Protection and repealing the Existing Section 153.225 thereto and adding a New Section 153.225, along with New Sections 153.226 through 153.238 thereto, Providing for the Protection of Tidal and Freshwater Wetlands, and all Effected Sections for Clarity; Section 153.009 Definitions to Include Proposed Definitions, 1 Section 153.025 through 153.032 "Description of Zoning Districts" to reference the Wetlands Standards.*

Chairman Osguthorpe led into discussion of the wetlands ordinance before moving on to the Planning Manager's Staff Report. The Commission then continued discussion. Commissioner Gardner noted that there was a need to entertain a motion to discuss Ordinance 2026-07.

**Motion: Motion to open discussion on Ordinance 2026-07.**

**Posed By: Mr. James Gardner**

**Second: Mr. Jeff Hardee**

**Vote: Unanimous Approval**

Mr. O'Hara recommended revisions to the proposed ordinance, including allowing applicants who will not impact wetlands to use the existing notarized Action Statement without additional fees and establishing a fee for applications requiring staff or consultant verification of wetland boundaries. Staff also recommended delaying implementation until both the fee and application process are formally established and suggested conducting an annual review of denied applications to evaluate the ordinance's effectiveness. Mr. O'Hara noted the ordinance had previously undergone public discussion through Town Council and the Planning Commission and included recommendations based on Army Corps and coastal management requirements.

The Commission discussed the intent and applicability of the ordinance, noting it was based on model language developed by the South Carolina Environmental Law Project for coastal communities. Commissioners questioned whether some provisions related to wildlife refuges and similar designations applied locally and suggested focusing on language more relevant to the Town, such as riparian buffer areas.

The Commission also discussed proposed buffer and setback provisions and potential impacts on property owners. Staff noted that clearer criteria for approval or denial may be needed to support defensible decisions if appealed. Mr. O'Hara clarified that the current standard is a 35-foot setback for existing lots, while newly created lots would require a 75-foot buffer under the proposed ordinance. The Commission agreed that further review and discussion would be necessary before moving forward.

The Commission then discussed options for further reviewing the proposed wetlands ordinance, including potential amendments, deferral, and the possibility of a joint work session with Town Council. Members expressed concern that significant revisions were still needed and emphasized the importance of additional discussion before making a final recommendation. Mr. O'Hara noted that the Commission must act within the required review timelines and that public hearing notice requirements would also apply. After discussion, the Commission entertained a motion.

**Motion: Motion to defer consideration of the wetlands ordinance to a special meeting following the community septic education session scheduled for March 2, 2026.**

**Posed By: Mr. Jeff Hardee**

**Second: Mr. James Gardner**

**Vote: Unanimous Approval**

#### **F. Closing Remarks –**

Mr. O'Hara also noted that additional ordinance discussions, including the tree ordinance and lighting ordinance, would be scheduled for upcoming meetings. After staff's closing remarks, Chairman Osguthorpe then entertained a motion to adjourn.

#### **G. Adjournment**

**Motion: To Adjourn**

**Posed By: Mr. Jeff Hardee**

**Second: Ms. Kelly Cousino**

**Vote: Unanimous Approval**

*The meeting adjourned at 8:32 PM*

**IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT, THE PRINT MEDIA WERE DULY NOTIFIED, ALONG WITH A HARD COPY POSTED AT CITY HALL. • SHOULD YOU HAVE QUESTIONS OR COMMENTS, PLEASE CONTACT PLANNING AT (843) 931-8125.**

*DRAFT Minutes Respectfully submitted on Wednesday, March 11th, 2026, by Takeya White*

*These minutes were approved by the Planning Commission on Monday, March 16th, 2026*

**Note: These meeting minutes are not verbatim. To watch the full meeting video, please visit the town's YouTube channel: <https://www.youtube.com/@TownOfAwendaw>.**

**PLANNING COMMISSION FEB. 17<sup>TH</sup>, 2026 MEETING MINUTE ADDENDUM**

- *EXHIBIT A – CHAIRMAN’S SUPPLEMENTAL PACKET*
- *EXHIBIT B - TOWN PLANNER’S STAFF REPORT FOR ORDINANCE 2026-05*
- *EXHIBIT C – TOWN PLANNER’S STAFF REPORT FOR ORDINANCE 2026-06*
- *EXHIBIT D – WRITTEN PUBLIC COMMENTS – SUSAN COX – 6209 RUDDER LANE*

# Chairman's Supplemental Packet

February 17<sup>th</sup>, 2026

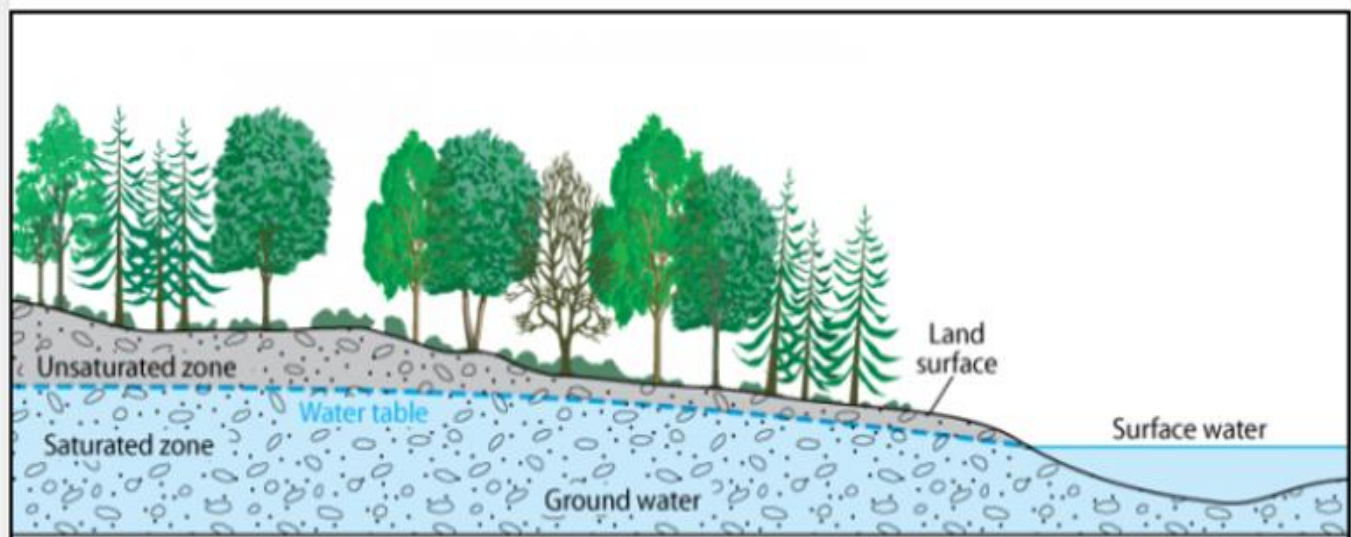
*Provided by: Chairman J.D. Osguthorpe*

Yes, in South Carolina, if a nonconforming structure (one that does not meet current zoning regulations) is destroyed by 50% or more of its reasonable replacement value, it generally cannot be repaired or rebuilt without conforming to current zoning ordinances

. This rule applies to damage from fire, flood, or other causes.

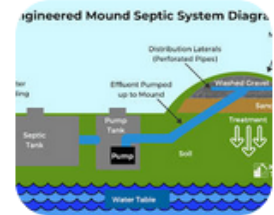
- **<50% Damage:** The structure may be repaired to its original state, often provided work starts within six months.
- **>50% Damage:** The structure is considered destroyed, and any reconstruction must comply with all current local zoning laws (setbacks, height, etc.).
- **Exception:** This restriction often does not apply to duplexes or multifamily units deemed nonconforming solely on the basis of residential density requirements.
- **Flood Zones:** If in a designated flood zone, buildings damaged by 50% or more of their value must be brought into compliance with current, stricter floodplain regulations, known as the "[50% Rule](#)".

Local ordinances may have specific, stricter definitions of "nonconforming" or "substantial damage."



In Awendaw, South Carolina, the [zone of saturation](#) and [seasonal high water table](#) are critical environmental factors, with shallow, often high-fluctuating groundwater levels typical in this low-lying, coastal area. A seasonally [high water table](#) often sits near the surface, causing wetlands and affecting construction and septic systems.

In South Carolina, engineered septic systems (or Specialized Onsite Wastewater Systems, often under "Standard 610") are **required when conventional systems cannot be used due to poor soil, high water tables, or limited space**. These systems require designs by professional engineers and specialized, licensed installers (Tier 3) approved by the South Carolina Department of Environmental Services (SCDES). [🔗](#)




### Key Aspects of Engineered Septic Systems in SC:

- **When They Are Needed:** Necessary when site evaluation reveals unsuitable soil, inadequate depth to the seasonal high water table, or limited lot space.
- **System Types:** These may include low-pressure pipe systems, aerobic treatment units, mound systems, or advanced drip irrigation, often requiring pumps, flotation switches, and mechanical components.
- **Regulations and Permits:** SCDES oversees these systems under Regulation 61-56. Large systems (>1,500 gallons/day) have stricter requirements.
- **Installation & Licensing:** Only Tier 3 installers can install specialized (Standard 610) systems as of July 2022.
- **Cost:** Engineered systems in SC typically range from \$7,000 to over \$20,000, significantly more than conventional systems. [🔗](#)


### Key Considerations:

- **Maintenance:** Engineered systems require more frequent, specialized maintenance compared to conventional gravity-fed systems.
- **Site Suitability:** Before buying land in SC, it is crucial to have a soil scientist perform a "perk test" to determine if an engineered system is necessary.
- **Local Rules:** Some areas, such as Greenville County, have introduced stricter rules (e.g., 1.5-acre minimum lot size) to limit septic tank usage and protect water quality. [🔗](#)


## Lighting

10 foot-candles (fc) in outdoor lighting represents a high, bright level of illumination, significantly brighter than standard security or pathway lighting (typically 1-5 fc). This level is ideal for specialized, high-security areas like ATMs, active loading docks, car sales lots, or bright, functional, safe lighting for active commercial walkways. 

### Key Aspects of 10 Foot-Candle Outdoor Lighting

- **Application Intensity:** While 1-5 fc is sufficient for general security, 10 fc is used for areas requiring high-detail visibility, such as gas station pump islands or large retail frontage.
- **Measurement:** One foot-candle equals 1 lumen per square foot, and is roughly equivalent to 10.76 lux (the metric equivalent).
- **Uniformity & Glare:** Achieving 10 fc requires high-lumen, well-placed fixtures. However, focusing too much light can cause high glare (often 40+ fc near the fixture) and poor uniformity if not designed properly.
- **Safety vs. Atmosphere:** 10 fc is often considered "too bright" for residential ambiance, which usually prefers 1-3 fc for landscaping or mood lighting.
- **LED Efficiency:** Modern LEDs can achieve 10 fc efficiently, allowing for dimming or motion sensor capabilities to manage energy usage when high brightness is not required. 

### Typical Outdoor Light Levels (Foot-candles):

- **1–2 fc:** Walkways, residential paths
- **2–5 fc:** Parking lots, standard security
- **10–20+ fc:** Active loading docks, ATM areas, high-traffic commercial zones 

An IES "full cutoff" fixture is an outdoor luminaire designed to emit zero light at or above a 90-degree horizontal plane (no uplight) and less than 10% of total light at or above 80 degrees, minimizing skyglow and light trespass

. These fixtures are standard for Dark Sky compliance, reducing glare and directing light downward.

#### Modern Standards (BUG Rating)

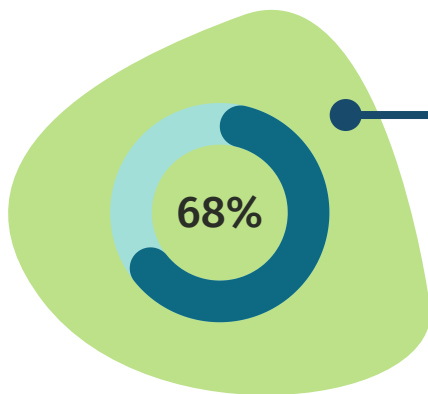
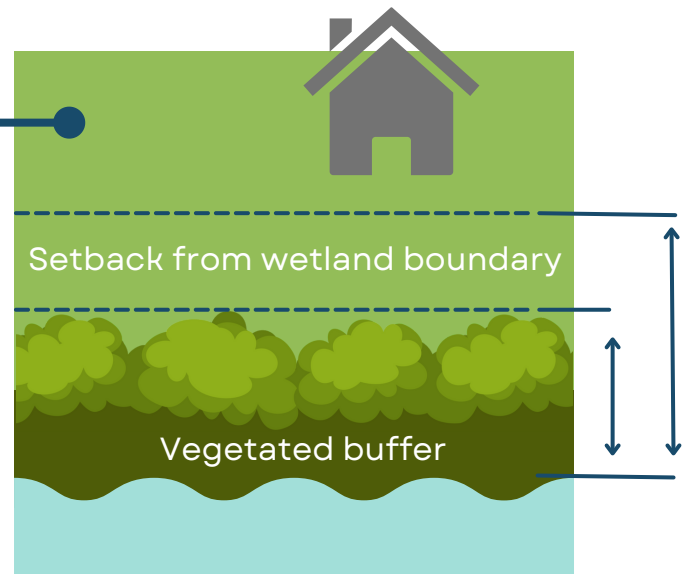
As of 2011, the IES deprecated the old "cutoff" terminology in favor of the [Luminaire Classification System \(LCS\) and BUG ratings](#) (ANSI/IES TM-15-20).

# Key Facts for Wetland Buffers

This handout summarizes science-based information on wetland buffer width, design, and benefits for coastal South Carolina communities

## Buffers vs Setbacks

Both are regulated areas where certain activities may be limited. A **setback** defines a distance from a boundary where certain building activities are prohibited. **Buffers** are non-disturbance areas where natural vegetation must be maintained. Leaving existing native plants is the best choice for ease of maintenance and benefits provided.



## Buffer Ordinances in SC

**24 out of 35** coastal communities in SC currently have some sort of setback or buffer ordinance. The details of design, enforcement, and prohibited activities vary widely.

## Buffer Width

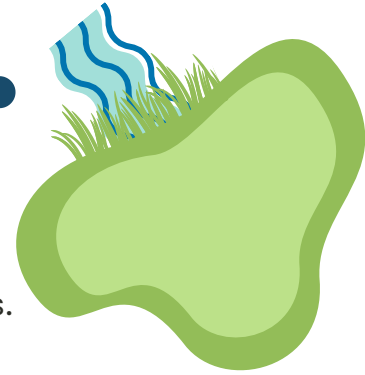
Buffer ordinances currently range from **10 to 50 feet** in coastal SC. The reverse page summarizes the best available science for designing buffers to achieve corresponding benefits. There is a wide range of widths. Minimum numbers represent the lowest widths that may provide a function (e.g. sediment filtration). However, **minimum widths may not be adequate for achieving desired benefits. Buffer functions depend on many factors, including buffer lifespan, slope, adjacent land use, etc.**



Widths are based scientific studies summarized in the **Planner's Guide to Wetland Buffers for Local Governments (2008)**

## Prevents erosion (15 to 100+ feet)

Vegetated buffers remove sediment and prevent erosion by slowing and filtering stormwater runoff. Wetlands provide storage space for water, reducing flood risk and protecting water quality. Buffers protect wetlands from negative impacts of sediments.



### Benefits increase with width

"A significant percent of sediment in surface flows may be removed in a 15-30 foot buffer, but sediments may be more consistently removed by buffers of 30-100 feet"



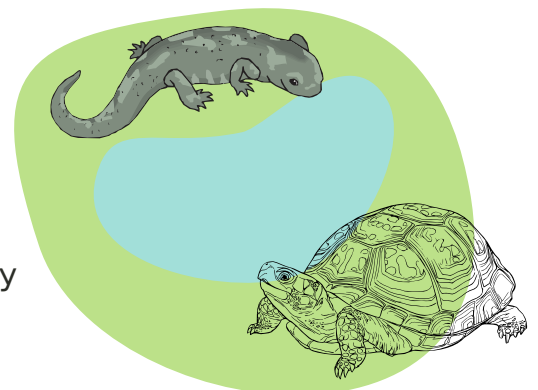
## Reduces pollution (15 to 160+ feet)

Wetland buffers filter and absorb nutrients, such as nitrogen and phosphorus. Excessive nutrients in waterways may result in regulatory issues and expensive management interventions, but buffers help to maintain wetland filtration services.

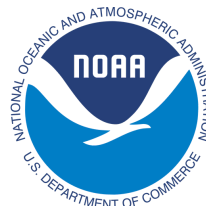
Wider buffers have been shown to increase nitrogen and phosphorus removal, especially over a long-term lifespan for a buffer

## Protects Wildlife (50 to 5000+ feet)

Buffers benefit wildlife that rely on wetlands by maintaining wetland health, reducing disturbance in edge areas, and allowing movement to other habitats. Widths vary depending on the species of concern and adjacent land use. Buffers are most effective when they achieve connectivity through wildlife corridors and are especially important near conservation areas



**Access additional resources and citations by scanning the QR code**  
**Questions? Contact Maeve Snyder at [msnyder@baruch.sc.edu](mailto:msnyder@baruch.sc.edu)**



In South Carolina, wetland buffers are crucial, generally recommended, and often locally mandated vegetated zones (35-100+ feet) that protect water quality, manage stormwater, and support wildlife. While no statewide law mandates a specific width, many coastal communities enforce 10- to 50-foot buffers or, for some, 35- to 100-foot buffers in designated areas. [🔗](#)



### Key Aspects of Wetland Buffers in S.C.

- **Recommended Widths:** The [South Carolina Department of Natural Resources \(SCDNR\)](#) suggests 50-100 feet for water quality, while 100-300 feet is advised for wildlife habitat.
- **Local Regulations:** Nearly 70% of coastal communities in SC have some form of setback or buffer ordinance, often requiring 15 to 50 feet.
- **Buffer Functions:** These areas act as filters for sediment, nutrients, and pollutants, and provide erosion control and habitat.
- **Key Design Elements:** Effective buffers in South Carolina consist of native vegetation, such as trees, shrubs, and grasses.
- **Management:** Buffers are frequently required to be marked before, during, and after construction to prevent encroachment. [🔗](#)

For more information on specific coastal regulations, the [South Carolina Department of Environmental Services \(SCDES\)](#) provides guidance on [Critical Line Buffer Ordinances](#). [🔗](#)

Following the 2023 [\*Sackett v. EPA\*](#) Supreme Court decision, the definition of WOTUS drastically narrowed, effectively aligning "adjacent" with "adjoining." Wetlands are only jurisdictional if they have a continuous surface connection to a relatively permanent body of water, making them indistinguishable from the navigable water.

- **Adjoining (The New Standard):** Requires a direct, physical touching or boundary with a WOTUS (e.g., a wetland directly bordering a river).
- **Adjacent (Former/Broader Definition):** Previously included "neighboring" wetlands, including those separated by berms, dikes, or sand dunes, which the Court largely rejected in 2023.
- **Key Distinction:** *Sackett* determined that "adjacent" means "contiguous" (adjoining), not just nearby or "neighboring," which was a common, broader definition under earlier rules.

Under the current EPA guidance, a continuous surface connection is required to establish jurisdiction.

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**Staff Report**

Subject: Ordinance 2026-05

Prepared for: Planning Commission

Date: February 17, 2026

**Background**

Town Council asked staff to draft changes to Section 153.305 to amend water supply and sewage disposal within the Town. The largest changes with these amendments would be to our septic system regulations. ***These revisions would affect new subdivided lots after the passage of this ordinance.*** Staff drafted these amendments following conversations with the South Carolina Department of Environmental Control (SCDES), other Local Municipalities, Private Onsite Wastewater Specialist, the South Carolina Rural Water Association, and the National Rural Water Association. This version would not restrict the usage of any particular type of septic system; however, it would promote sustainable land management and protection of water quality. This ordinance would also provide necessary updates to water requirements for subdivisions.

***Engineered vs. Non-Engineered***

SCDES is the state entity that regulates and permits septic systems. These regulations are detailed in R. 61-56. Septic systems and their regulations are very complex. However, septic systems can be broken into two distinct categories, (1) non-engineered and (2) Engineered. A non-engineered system is one that can be designed and permitted without an engineer's stamp. These systems can be designed by SCDES or a private contractor as indicated in R.61-56. An "engineered system" or a Standard 610 – Specialized Onsite Wastewater System (OWS) Design (less than 1500 gpd) is a system must be designed by an engineer and installed by a Tier 3 Installer. Both engineered and non-engineered systems can have pump assistance, the need for pump assistance is dependent on the site conditions, specifically topography, soil, and water table. Whether a property owner may need a 610/611 or any other system is also dependent on the site conditions. SCDES recently updated their regulations to include that any subdivisions of *10 lots or more* are **REQUIRED**, to have a registered professional engineer or professional soil classifier design the systems associated with the project.

**Overview of changes***What will these amendments do?*

1. Promote responsible land development by requiring private wells and septic systems to follow building setbacks.
2. Increase the minimum distance of the Zone of Saturation (ZOS) or Seasonal water table, by 6" (12") for systems without advanced treatment technology and by 2" (8") for systems with advanced treatment technology.
3. Require a maintenance and monitoring schedule to be created and record with the lots/deeds

*What systems will be affected?*

1. Any **newly created** lots after **July 1, 2026**, will be required to meet the new septic requirements.
  - a. This allows the Town to discuss with professionals and developers to ensure everyone is aware of these changes.
2. Ultra shallow systems, systems that are designed to be placed in an area where the ZOS is <18".
  - a. These systems would need to be redesigned to be the ZOS offsets.
3. Engineered systems
  - a. The ZOS offsets would result in systems with advanced treatment being more feasible financially than a system without.
4. This ordinance **does not** affect **existing lots**, this ordinance as proposed would *require lots being created in future subdivisions after (July 1, 2026) to comply with the new regulations*. This is designed to properly manage applications and phasing out older regulations to ensure that interested parties are given the correct information.

**Staff Findings**

Staff prepared and proposed Ordinance 2026-05 for Town Council's consideration to promote sustainable land management practices based on recommendations from SCDES, and Design Professionals. Staff have drafted additional amendments for the Planning Commission's consideration when making recommendations to Town Council with the following key points:

1. If the vertical distance requirements are viewed as too strict or could result in the over mounding of systems, Staff have a proposed modification of minimum vertical distance to the zone of saturation (ZOS) from 12" for systems without "Advanced Treatment (AT)" to 8" and from 8" to 6" for systems with AT.
  - a. Based on design costs, this modification, if approved, would result in being systems with AT being more cost effective than a system without AT. As Ordinance is currently proposed with (12" & 8") the additional offsets would come at an additional cost to applicants.
  - b. An additional consideration, based on a soil classifier finding, if the ZOS is between 0-12" then the offset should be highest and as the ZOS is further down the offset decrease. SCDES minimum offset is 6", staff concluded that the minimum should be granted to systems with AT to protect water quality.
2. The written requirement of an undisturbed buffer, for the placement of the drain field.
  - a. Following soil classification, permitting and ultimately the construction of a septic system depending on the amount of land disturbance the original soil inspection may not be the same as the conditions that the septic system was permitted to. In the event the buffer is disturbed before the installation of the system, the applicant should be required to real assess the soil and determine if that the proposed system is still viable.
3. Septic tank encroachment allowance, tanks are generally installed within the side yards, allowing partial or a percentage encroachment could allow for ease of design and

permitting.

4. Staff will need to provide definitions to this ordinance to clarify what is being enforced, staff intend to use language from R.61-56 the State Septic System regulations.

### **Future Considerations**

Staff find that the Town may need to consider adopting an onsite wastewater system Management Plan. From this management plan more precise and data driven ordinances can be drafted. Staff recommend that these amendments been seen as a steppingstone to begin a larger process to manage our waste disposal and water system from a Planning lense.

### **Potential Motions**

Staff will defer to legal counsel regarding the viability of the implementation and adoption of these amendments.

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report

**TOWN OF AWENDAW**

6971 Doar Road | P.O. Box 520 | Awendaw, SC 29429  
843.928.3100 | awendaw@tds.net | AwendawSC.org  
Katharine Watkins | *Town Administrator*  
Donna F. Steed | *Clerk/Treasurer*

**Chris Crolley | Mayor****Town Council**

Paul Brown | Wendy Helms  
Grace Gasper | Rodney Porcher  
Kent Prause | John Timmons

**Staff Report**

**Subject: Ordinance 2026-06 Lighting Regulations**  
**Prepared for: Planning Commission**  
**Date: February 17, 2026**

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**Background**

In the adopted Action Plan of the 2025 Comprehensive plan, there are goals that identify a need to create lighting regulations to protect the Town's "Dark Sky". The protection of the Town's "Dark Sky" has been a community discussion prior to the adoption of the Comprehensive plan. Staff at the direction of members of Town Council and with legal review have drafted the proposed Lighting regulations. Ordinance 2026-06 is a comprehensive ordinance that takes influence from Dark Sky International template as well as other municipalities within South Carolina. The objective of this ordinance is to have more unified regulations for all exterior lighting systems so that the Town may better protect its pristine ecological corridor and recreational aesthetic.

**Staff Findings**

Staff have drafted the following key points for the Planning Commission's consideration when making a recommendation to Town Council:

1. Other communities have used Dark Sky ordinances to regulate commercial or recreational facilities that would normally result in large amounts of light pollution.
  2. It's important to ensure that any proposed lighting requirements do not conflict with any applicable State or Federal Law.
  3. The requirement of a photometric lighting plan may be too burdensome for certain activities.
  4. A feasible process for compliance and enforcement of this ordinance should be created to assist staff in ensuring these requirements are met.
  5. At the time of drafting this report, staff have not consulted with a design expert on this matter.
  6. Stakeholder engagement may be necessary with Berkly Electric to ensure that the street lights they provide meet the new requirements of this ordinance.
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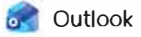
Potential Motions

The Planning Commission may:

1. Motion to recommend the amended language to Town Council for approval based on staff recommendations.
2. Motion to recommend the amended language to Town Council for approval based on staff recommendations with additional changes (as determined by the commission).
3. Motion to defer a recommendation for further amendments.
4. Take no action.

Attachments:

- Staff report
- Ordinance 2026-06 – Lighting Regulations.



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Planning Commission Agenda 2/17

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From Susan Cox [REDACTED]

Date Tue 2/17/2026 9:14 AM

To Planning Manager <planningmanager@townofawendawsc.org>; John Osguthorpe [REDACTED]; Kelly Cousino [REDACTED]

Cc Town Administrator <townadministrator@townofawendawsc.org>

To all concerned:

I am not able to attend the public hearing tonight but I am in full support of the 3 ordinances on your agenda for this evening. Awendaw needs septic reform, lighting regulations and wetlands protections to ensure that we are good stewards of the extraordinary natural resources that surround us and that we protect the health and safety of residents.

I urge you to recommend to council that these ordinances be adopted.

Thank you for your service to our town.

Best,  
Susan Cox

Susan Cox  
[REDACTED]