



AD HOC RECONSTITUTION COMMITTEE

Reconstitution Process Communication Memorandum #3

Date: April 17, 2026

To: Member Councils and leadership, Oconee County Council and leadership, West Union Council and leadership, and key stakeholders

From: Ad Hoc Reconstitution Committee

Purpose:

The goal of memo #3 is to summarize at a high level the process for which growth can occur within Oconee County. Questions regarding land use control and wastewater expansion led to the request for this topic.

Background:

Growth management generally is influenced significantly by the interaction of two distinct but interconnected forces: utility-driven expansion (of which wastewater is a part) and local government land use authority. While wastewater infrastructure can influence where development is viable, the primary and most direct control with respect to growth lies with municipalities and counties through legally established land use powers.

Utility Wastewater Expansion and Growth

Wastewater expansion plays an indirect role in shaping development patterns. Areas where wastewater infrastructure already exists, or where capacity can be reasonably extended, often become more attractive for growth, as centralized wastewater service typically lowers development costs and increases allowable densities. However, utility operations are a business and providers do not proactively extend services unless there is a demonstrated demand to justify the investment. In most cases within Oconee County in recent history developers have made the financial investment required for expansion or upgrades and not OJRSA or its members. In some cases significant grant money has been used.

Expanding wastewater service to meet demand without a clear, documented plan for where wastewater should be extended can lead to inefficient use of ratepayer and/or taxpayer funds, as utilities seek to balance service demands with financial stewardship. Therefore, wastewater availability often responds to growth rather than directly driving it.

Who else participates in the growth conversation?

South Carolina Department of Environmental Services: This state agency approves new septic systems and full replacements after confirming with the local utility, in this case OJRSA, that public services are not available.

Municipalities/Counties: Entities with land use jurisdiction can deploy a variety of growth control measures to help guide future development. A summary of many of these tools are provided at



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the end of this document. These entities can (and often) impose impact fees so that new users are not subsidized by current customers.

Planning Commissions: These governmental bodies are comprised of municipal or county stakeholders that typically serve as a recommending body to city, town, or county councils about land use policies and development agreements.

Developers: These groups seek out opportunities to acquire land, secure permits and financing, and oversee construction of various types of projects from single family residential to industrial development.

Oconee Economic Alliance: This non-profit entity is focused on recruitment and retention of industrial business within Oconee County.

Municipalities/Counties and Growth

South Carolina municipalities and counties possess direct legal authority to shape, manage, and control growth. These powers are granted primarily through the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29 of the South Carolina Code of Laws):

<https://www.scstatehouse.gov/code/t06c029.php>

This framework provides the legal basis for local governments to:

- Protect public health, safety, and welfare;
- Direct how, where, and when development occurs;
- Coordinate infrastructure improvement;
- Guide private investment through long-term community visioning; and
- Protect sensitive natural and cultural resources.

Comprehensive Planning

Local governments must maintain a comprehensive plan, updated at least every ten years, reflecting long-term community goals. These plans are forward-looking documents developed with opportunities for public participation. Required plan elements include:

- Population
- Housing
- Economic development
- Community facilities
- Natural and cultural resources
- Land use
- Transportation
- Priority investment
- Resilience



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While the comprehensive plan establishes the vision and policy direction, it is not enforceable by itself. Instead, it serves as the foundation for all legally binding land use regulations.

Regulatory Tools for Managing Growth

Municipalities and counties have a variety of statutory tools available to implement their comprehensive plans and manage growth. These tools—each chosen based on a jurisdiction’s goals, context, and community character—include but are not limited to:

- **Zoning ordinances**
Zoning divides land into districts and regulates allowable uses, density, and development intensity. It is the primary regulatory tool for guiding where and how growth occurs. A map complements the ordinance so that each parcel within the municipality’s or county’s jurisdiction has an associated zoning code, or it is unzoned, meaning there are no restrictions to that parcel. Districts may include designations for single family homes, agricultural protection, industrial land use, parks and open space, etc.
- **Overlay and special zoning districts**
Overlay districts place standards in specific geographic areas in addition to or a relaxation of the based zoning standards. Examples could be within floodplains, historic districts, or environmentally sensitive areas, allowing targeted growth management without changing the base zoning.
- **Conditional use and performance zoning**
Conditional uses are additional standards that place limitations on an allowed use within a zoning district.
- **Performance Zoning**
This type of zoning specifies minimum requirements or maximum limits on an area to allow more flexibility for developers while maintaining compatibility with surrounding development.
- **Floating Zone**
This type of zoning is described within the zoning ordinance as an option but is not being used within the zoning base map. It specifies minimum requirements or maximum limits on an area to allow more flexibility for developers while maintaining compatibility with surrounding development.
- **Planned Development Districts**
Planned Development Districts (PDDs) allow flexible and creative design for mixed-use development which often allows for a blend of residential, commercial, and open spaces. The parcels involved can be highly customized based on the project by the developer and must be approved by the local jurisdiction.



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- **Land Development Regulations**
Land Development Regulations govern aspects of land use such as subdivision design, stormwater, infrastructure, environmental protection, and site development.
- **Development Impact Fees**
These are one-time charges on new developments used to fund infrastructure necessitated by growth and can be used as a tool to encourage development to pay a proportional share of public facility costs. Different rules apply for implementing general governmental development impact fees versus utility-based impact fees.
- **Development Agreements**
These are voluntary contracts that provide stability for long-term projects and protection from regulatory changes while the project is underway. Terms are dictated by the size of upland acreage.
- **Capital Improvements and Utility Extension Policies**
Capital improvement planning and utility extension policies coordinate infrastructure investment with growth and can effectively direct the timing and location of development.
- **Urban Growth Boundaries**
Boundaries within which local governments provide public facilities like wastewater and water infrastructure as a way to direct growth.
- **Annexation, and Intergovernmental Coordination**
Annexation authority and planning coordination agreements allow municipalities to manage growth at the urban edge and guide development beyond municipal boundaries. Intergovernmental coordination is important at the boundary where the city and town meets the unincorporated areas.

Summary

Growth in Oconee County is shaped by the actions of utilities, local governments, and development stakeholders. While wastewater expansion can influence where development becomes feasible, it remains an indirect driver—utilities extend or upgrade service only when justified by a specific project or community need, ensuring responsible stewardship of ratepayer and/or taxpayer funds. In contrast, South Carolina municipalities and counties hold the primary, direct authority on growth management through the comprehensive planning process and the suite of regulatory tools derived from state law. When used effectively, comprehensive plans, zoning ordinances, land development regulations, capital improvement strategies, and funding mechanisms, such as impact fees, allow local governments to guide growth deliberately, protect community character, and align public investment with long-term goals.

The tools outlined in this document underscore that growth management is most successful when wastewater infrastructure planning and land use policy are aligned and mutually reinforced. Regular review of comprehensive plans and land use regulations ensures they continue to reflect evolving community priorities, while thoughtful coordination between utilities



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and local jurisdictions ensures that infrastructure capacity supports—not dictates—future growth patterns. By working collaboratively and deploying these tools strategically, Oconee County and its municipalities can balance economic development, environmental stewardship, and the long-term vision articulated by their communities.