

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

York County, by and through its Manager,
Planning and Development Department, and
Zoning Administrator,

C/A No. 2026-CP-46-_____

Plaintiff,

v.

SUMMONS

Silfab Inc., Silfab Solar Cells SC Inc., and
Silfab Solar PV SC Inc.,

Defendants.

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

[Signature Page Follows]

Respectfully submitted,

BURR & FORMAN LLP

s/Chad N. Johnston

Chad N. Johnston (S.C. Bar No. 73752)
Samantha J. Dorward (S.C. Bar No. 106310)
1221 Main Street, Suite 1800 (29201)
PO Box 11390
Columbia, SC 29211
(803) 799-9800
cjohnston@burr.com
sdorward@burr.com

-AND-

SMITH ROBINSON, LLC

Jonathan M. Robinson (S.C. Bar No. 68285)
Austin T. Reed (S.C. Bar No. 102808)
3200 Devine Street
Columbia, South Carolina 29205
(803) 254-5445
jon.robinson@smithrobinsonlaw.com
austin.reed@smithrobinsonlaw.com

*Attorneys for York County, by and through its
Manager, Planning and Development Department,
and Zoning Administrator*

October 16, 2026
Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

York County, by and through its Manager,
Planning and Development Department, and
Zoning Administrator,

C/A No. 2026-CP-46-_____

Plaintiff,

v.

**COMPLAINT
(Non-Jury)**

Silfab Inc., Silfab Solar Cells SC Inc., and
Silfab Solar PV SC Inc.,

Defendants.

Plaintiff York County (County) by and through its undersigned counsel, complains against Defendant Silfab Inc., Silfab Solar Cells SC Inc., and Silfab Solar PV SC Inc. and would respectfully show unto this Honorable Court as follows:

NATURE OF THE ACTION

1. This legal action arises out of an active and genuine dispute as to the construction, scope, viability, and effect of a “zoning interpretation” procedure identified in the York County Zoning Code, York County Code of Ordinances, Chapter 155 (Zoning Code) vis-à-vis an existing use that was formally induced to locate and operate within the County. *See* Zoning Code, Subchapter E, Part 11, Zoning Interpretations §§ 155.1090 *et seq.* Across multiple lawsuits and assertions of a legal obligation by the County to act, the zoning interpretation procedures of the County have been posited in a manner inconsistent with the Zoning Code’s plain language and the County’s historical interpretation of those procedures.

2. Through this action, the County seeks a judicial declaration resolving its legal obligations and the meaning, scope, and effect of the zoning interpretation provisions of the Zoning

Code, including the scope and legal consequences of zoning interpretations (and/or any order of the County's Board of Zoning Appeals (BZA) regarding an interpretation) when utilized as a method of challenging a use or proposed use on a specific parcel, or existing, ongoing, or proposed, partially-approved projects.

PARTIES

3. The County is a body corporate and politic existing under Article VIII of the South Carolina Constitution and Title 4 of the Code of Laws of South Carolina.

4. Defendant Silfab Inc. is a foreign corporation organized and existing under the laws of the State of Delaware, registered to do business in the State of South Carolina.

5. Defendant Silfab Solar Cells SC Inc. is a duly organized domestic corporation in good standing under the laws of the State of South Carolina.

6. Defendant Silfab Solar PV SC Inc. is a duly organized domestic corporation in good standing under the laws of the State of South Carolina.

7. Upon information and belief, Defendants Silfab Inc., Silfab Solar Cells SC Inc., and Silfab Solar PV SC Inc., collectively do business as "Silfab" and manufacture and assemble solar cells and panels in a manufacturing facility located at 7149 Logistics Lane near Fort Mill in York County, South Carolina, 29715.

JURISDICTION

8. This Court has jurisdiction over the parties and the causes of action pursuant to the constitution, and the statutory and common law of this state, including, *inter alia*, S.C. Const. Art. V, § 11, S.C. Code Ann. § 15-53-20, and S.C. Code Ann. § 15-53-30, which collectively grant the circuit courts general jurisdiction over civil actions.

VENUE

9. Venue is proper in this Court under Title 15, Chapter 7, given that Defendant is located within York County, and the acts and omissions giving rise to the causes of action of this Complaint occurred in York County.

ZONING INTERPRETATIONS UNDER THE ZONING CODE

10. York County Council, the governing body of the County, has adopted the Zoning Code consistent with its statutory authority and the South Carolina Comprehensive Planning Act of 1994 (the Act). *See* S.C. Code Ann. §§ 6-29-310 to -1640.

11. The Act does not expressly confer authority to establish a procedure for obtaining an interpretation of a duly adopted zoning ordinance; however, local governing bodies retain broad statutory power to enact zoning ordinances and attendant procedures “for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare.” S.C. Code Ann. § 6-29-710. Accordingly, once a local governing body elects to enact an “interpretation” procedure, the operative force, scope, and effect of any resulting zoning interpretation—and appellate review for the same—is governed by the plain language of the ordinance itself.

12. York County Council, by and through the adoption of the Zoning Code, has legislatively authorized the consideration and issuance of zoning code interpretations. *See* Ex. 1, Zoning Code, Subchapter E, Part 11, Zoning Interpretations §§ 155.1090 *et seq.* The legislatively-identified purpose of seeking a zoning interpretation is set forth in Section 155.1090, which provides:

A zoning code interpretation is a written decision issued by the Zoning Administrator regarding the interpretation of any provision set forth in the Zoning Code. It is intended *to clarify ambiguities* in the Zoning Code and to *resolve any ambiguities* in future amendments.

Ex. 1, Zoning Code § 155.1090 (emphasis supplied).

13. Upon a request for a zoning interpretation, the Zoning Administrator is legislatively authorized by the Zoning Code only to do the following:

[I]nterpret a possible ambiguous standard in this Chapter, to clarify a standard in this Chapter, to clarify conditions of approval pursuant to this Chapter, or to clarify standards approved for Special Districts.

Id. § 155.1091.

14. Any person may submit a request for a zoning interpretation to the Zoning Administrator. *Id.* § 155.1092. And at a minimum, the request for such an interpretation must be in writing and include:

- a. The section of the Zoning Code, standard, or condition that is allegedly ambiguous or needing clarification;
- b. The subject matter or nature of the request; and
- c. A statement of facts relevant to the nature of the request.

Id. § 155.1092(B)(1)–(3).

15. In considering a submitted request for a zoning interpretation, the Zoning Administrator may either issue a written decision regarding the interpretation of the provision of the Zoning Code alleged by the request as requiring clarification, or deny or reject the request outright in writing. *Id.* § 155.1093.

16. The Zoning Code also specifies the “approval criteria” the Zoning Administrator is authorized to consider regarding a zoning interpretation request. Specifically, “[t]he Zoning Administrator may approve a request if there is an ambiguity or need for the clarification demonstrated by the applicant,” *id.* § 155.1094(A), or “[t]he Zoning Administrator may deny or reject the request if there is no ambiguity or need for the clarification demonstrated by the applicant,” *id.* § 155.1094(B). Further, the Zoning Administrator is limited to issuing “only one interpretation per issue,” such that “[i]f an interpretation is requested on an issue previously

addressed,” the Zoning Administrator is not permitted to reinterpret the issue, but rather “the Zoning Administrator shall provide a copy of the previous interpretation.” *Id.* § 155.1094(C).

17. Regarding the timing and effectiveness of an interpretation, if rendered, the Zoning Code specifies that “a [z]oning code interpretation *will become effective* upon execution by the Zoning Administrator.” *Id.* § 155.1095(A) (emphasis supplied). And as to scope, an interpretation “does not authorize development. Any development that occurs *after* the Zoning Code interpretation has been issued is subject to all applicable requirements of this Chapter, as revised by the interpretation.” *Id.* § 155.1095(B).

18. Part 11 of the Zoning Code, governing zoning code interpretations, does not expressly provide for an administrative review process of a rendered zoning code interpretation. *See* Zoning Code §§ 155.1090 *et seq.*

19. However, Part 3 of Subchapter E of the Zoning Code, entitled Appeals of Administrative Decision, provides a procedure by which an appeal of an administrative decision may be initiated “by a person aggrieved by an order, requirement, decision, or determination made by the Zoning Administrator or any other administrative official *in the enforcement of this Chapter* or by any officer, department, board, or bureau of the County.” Zoning Code § 155.982(A) (emphasis supplied); *see* Ex. 2, Subchapter E, Part 3 of the York County Zoning Code, §§ 155.980 to 155.989 (governing appeals of administrative decisions pursuant to the Zoning Code).

20. As discussed herein by way of the specific examples presented, the County has historically permitted appeals from zoning code interpretations to the BZA, notwithstanding the lack of a specific appeals procedure in §§ 155.1090 *et seq.* or a requirement that the proponent of an interpretation satisfy a burden of demonstrating that the interpretation sought is “in the enforcement” of the Zoning Code.

21. The Administrative Appeals provisions of the Zoning Code govern the scope of review and any subsequent decision of the BZA, providing in pertinent part that:

- (A) The Board of Zoning Appeals will hear appeals of all administrative decisions and will render a decision in each matter.
- (B) The Board will hear an appeal of an administrative decision within a reasonable time of the date the application is deemed complete.
- (C) Based on the hearing, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, *and has all the powers of the officer from whom the appeal is taken* to issue or direct the issuance of a permit.
- (D) The Board will issue a written decision within 45 days of the hearing on the matter.
- (E) All final decisions or orders of the Board will be delivered to parties-in-interest by certified mail.

Ex. 2, Zoning Code § 155.984 (emphasis supplied).

22. Notably, the BZA’s “[a]pproval of an appeal does not authorize development. Any development that occurs after the decision on the appeal is subject to all applicable requirements of this Chapter, as amended by the [BZA’s] decision, if applicable.” *Id.* § 155.988. Conversely, it follows that zoning interpretations do not operate to prohibit developments that received approval prior to a decision by the BZA.

23. By contrast, the Act authorizes and provides a means for enforcing zoning ordinances generally, and for alleging violations or improper uses at specific sites. Section 6-29-950(A) provides in pertinent part:

The governing authorities of municipalities or counties may provide for the enforcement of any ordinance adopted pursuant to the provisions of this chapter by means of the withholding of building or zoning permits, or both, and the issuance of stop orders against any work undertaken by an entity not having a proper building or zoning permit, or both.

...

No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with. It is unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the zoning administrator.

...

In case a building, structure, or land is or is proposed to be used in violation of any ordinance adopted pursuant to this chapter, the zoning administrator or other appropriate administrative officer, municipal or county attorney, or other appropriate authority of the municipality or county or an adjacent or neighboring property owner who would be specially damaged by the violation may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

24. As detailed above, the Act does not require local governing bodies to provide for a zoning code interpretation procedure; thus, if the governing body adopts an ordinance providing for such a procedure, such authority is constrained by the plain language of the ordinance adopting it.

25. Further, the procedure specified in Section 6-29-950 of the Act for non-governmental actions by adjacent or neighboring property owners to enforce zoning ordinances and alleged violations or improper uses at specific sites is through the institution of an injunction, mandamus, or other action or proceeding.¹

26. As to actions by the County to institute an enforcement action against uses or proposed uses alleged to be in violation of the Zoning Code, the Act specifies that such actions are discretionary. S.C. Code Ann. § 6-29-950(A) (specifying that “the zoning administrator or other appropriate administrative officer, municipal or county attorney, or other appropriate authority of the municipality or county . . . *may* in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding”) (emphasis supplied); *see also infra* Ex. 4, *Bivins v. York County et al.*, No. 2025-CP-46-04007, Order of Dismissal dated January 21, 2026 at 19 (“[I]ssuing a stop work order is an inherently governmental—not judicial—function that is

¹ As noted below, opponents of Silfab’s development have, to date, instituted four (4) such proceedings against Silfab, its landlord, and/or the County.

discretionary.”) (citing S.C. Code Ann. § 6-29-950(A); at 20 (“The use of the word ‘may’ indicates that the action is within the County’s discretion. Where there is discretion, no duty exists.”) (citation omitted).

RELEVANT FACTUAL ALLEGATIONS

27. The following factual allegations are submitted for the purpose of demonstrating the existence of an actual case or controversy regarding the legal questions presented in this Complaint and the need for the Court to review and construe the meaning, scope, and effect of the zoning interpretation provisions of the Zoning Code, including the scope and legal consequences of zoning interpretations (and any order of the BZA regarding an interpretation), as well as the County’s ability and/or legal obligation to act in consistency with a zoning interpretation regarding a use or development on a specific parcel, or existing, ongoing, or proposed, partially-approved projects.

28. The County acknowledges that some of the issues surrounding Silfab’s (a company engaged in the manufacturing and assembly of solar panels), inducement, approvals, permits, and operations in the County, are currently the subject of other pending litigation and appeals (collectively, the Other Litigation) that are in varying stages in the judicial process.²

² (1) 2024-CP-46-02641, Appellate Case No. 2026-001913, *Silfab Solar, Inc., et al. v. York County Board of Zoning Appeals* (appeal of a zoning interpretation pending before the Court of Appeals);

(2) 2024-CP-46-03532, *Citizens Alliance for Government Integrity, Inc., a South Carolina Non-Profit v. Silfab Solar, Inc., Exeter 7149 Logistics, L.P., and York County by and through its Planning and Development Services and Zoning Administrator, a body politic and political subdivision of York County and the State of South Carolina* (CAGI action stayed by the circuit court);

(3) 2025-CP-46-04007, Appellate Case No. 2026-000199, *Bivens v. York County by and through Joshua Edwards York County Manager, Josh Reinhardt, York County Development Services Manager, and Jonathan Buono York County Planning and Development Services Director* (pending before the Court of Appeals);

(4) Appellate Case No. 2025-001325, *Merlyn Bivens v. York County Management by and through Joshua Edwards, Manager, Josh Reinhardt, Manager York County Development Services*

29. The County further acknowledges that the use of the zoning interpretation provisions of the Zoning Code is at issue in, or at a minimum tangentially related to, the Other Litigation. However, the questions as to zoning interpretations presented in this Complaint are not advanced in, or are beyond the jurisdiction and scope of, those reviewing courts in the Other Litigation and therefore are appropriate and ripe for a court's consideration under the Uniform Declaratory Judgments Act, S.C. Code Ann. §§ 15-53-10 to -140.

30. In December 2022, as part of ongoing communications with County leadership regarding the proposed project, a Silfab representative sought a preliminary determination from the County's zoning department as to the compatibility of Silfab's proposed solar panel assembly and manufacturing operations on a parcel located at 7149 Logistics Lane, Fort Mill, South Carolina (Parcel). The Parcel is located in a multi-county industrial park developed by York and Chester Counties under S.C. Code Ann. § 4-1-170 and is zoned Light Industrial.

31. The County's zoning department evaluated the request, found the proposed use to be compatible and compliant with the Parcel's Light Industrial zoning district designation, and issued a verification letter to Silfab on December 27, 2022. *See* Ex. 3, Zoning Verification. The Zoning Verification was an administrative "decision[] or determination made by the Zoning Administrator or any other administrative official in the enforcement of [the Zoning Code]," *see*

Department, and Jonathan Buono, Director of York County Planning and Development, (petition for original jurisdiction denied July 21, 2025);

(5) Appellate Case No. 2025-002174, *Citizens Alliance for Government Integrity, Inc. v. York County by and through its Manager Joshua Edwards, Josh Reinhardt, Manager of York County Development Services Department, and Jonathan Buono, Director of York County Planning and Development* (CAGI petition for original jurisdiction denied December 18, 2025), Petition for a Writ of Certiorari in the U.S. Supreme Court, No. 25-1299 (petition denied October 5, 2026); and

(6) 2025-CP-46-03474, *John Lee v. York County Board of Zoning Appeals* (appeal of the denial of a second Silfab-related zoning interpretation pending in the circuit court), (collectively, the Other Litigation).

Ex. 2, Administrative Appeals, Zoning Code § 155.981, that was subject to appeal. The Zoning Verification was not appealed or otherwise challenged by any person or entity.³

32. During that same period in 2022, Silfab and the County began negotiating a fee in lieu of tax (FILOT) and incentive agreement to induce Silfab to locate its operations at the Parcel. A proposed inducement and incentive ordinance (Inducement Ordinance) that would authorize the execution of the FILOT agreement was introduced and given first reading by County Council on March 6, 2023. *See* Ex. 6, Inducement Ordinance. Second reading, along with a well-attended public hearing, occurred on August 21, 2023. *Id.* On September 18, 2023, County Council held a third reading of the Inducement Ordinance and enacted the same. *Id.* The Inducement Ordinance authorized and directed County representatives to execute the FILOT agreement, as well as “to do any and all things necessary to effect ... the performance of all obligations of the County [under the FILOT agreement].” *Id.* at 2, Section 2. Further, the Inducement Ordinance contains a supremacy clause providing that, in the event of a conflict, the more specific Inducement Ordinance controls over any contrary general zoning provisions—that “[a]ll ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.” *Id.* at 3, Section 5.

33. Also on September 18, 2023, in accordance with the Inducement Ordinance, the County and Silfab executed the FILOT agreement, obligating the County and Silfab to pursue development of the Silfab project at the Parcel. *See* Ex. 7, FILOT Agreement. Among other terms,

³ As a matter of candor to the Court, two recent orders of the circuit court in two different matters have confirmed this as a finding fact. *See* Ex. 4, *Bivins v. York County et al.*, No. 2025-CP-46-04007, Order of Dismissal dated January 21, 2026 at 2 (“No challenge or appeal of the Zoning [] Verification was instituted.”); Ex. 5, *Silfab Solar, Inc., et al. v. York County Board of Zoning Appeals*, 2024-CP-46-02641, Amended Order Affirming BZA dated August 27, 2026 at 3 (“The verification letter was not a formal Zoning Code Interpretation under §§ 155.1090-.1096 [and] was not appealed by any party . . .”).

the FILOT agreement identified the Parcel for development of the Silfab project. *Id.* at 5 (defining “land” as “the land upon which the Project will be located, as described in Exhibit A”); FILOT Ex. A (providing the legal description for the Parcel). Recital 5 of the FILOT agreement further provided that:

The County has determined that it is in the best interests of the County to enter into this Agreement with [Silfab], subject to the terms and conditions set forth herein, and, by Ordinance No. [6623] enacted by the Council on September 18, 2023 . . . approved the form, terms and conditions of this Agreement *and ratified all prior actions taken with respect to the Project.*

Id. at 1–2 (emphasis supplied).

34. Thereafter, Silfab began undertaking steps to develop the identified Parcel, including seeking relevant permits and authorizations from the County and other relevant regulatory entities, site work, and construction on the site.

35. Specifically, on October 2, 2023, Silfab initiated the first step of zoning compliance⁴ under Sections 155.1123(B)(1)(a) and (B)(3), by submitting a comprehensive application for civil construction approval which included a request for zoning compliance under Section 155.1122(B)(2) of the Zoning Code. *See* Ex. 9, Silfab Civil Construction Application. After multiple rounds of review and comment, including review of zoning compliance by zoning staff, on April 24, 2024, the County approved the civil construction plan submitted by Silfab. *See*

⁴ Subchapter E, Part 13 of the Zoning Code, §§ 155.1120 to 155.1134, *see* Ex. 8, Zoning Compliance, governs zoning compliance, which is a process whereby the Zoning Administrator reviews and either approves, approves with conditions, or disapproves “new uses, structures, activities, and developments prior to establishment of the use or commencement of development activities to ensure they comply” with the Zoning Code. *See* Zoning Code §§ 155.1120, 155.1123(A). Formal zoning compliance approval is a two-part process: (1) civil site plan approval; and (2) final zoning compliance approval. *Id.* § 155.1123(B). The first step involves confirming that the proposed use and site plans are consistent with the requirements of the Zoning Code, while the second step is to ensure that everything was built according to the approved site plan. The first step of zoning compliance is required prior to the issuance of building or land development permits. *Id.* § 155.1123(B)(3).

Ex. 10, Approval Letter, Civil Construction Plan. The April 24, 2024, approval constituted the first step of zoning compliance for Silfab. *See* Zoning Code § 155.1123(B).

36. Following that approval, the County staff began issuing permits to Silfab in the ordinary course and in furtherance of the adopted Inducement Ordinance and FILOT agreement.⁵ *See* York County Zoning Code § 155.1125(A). In February 2026, as part of the inspection process required to obtain a certificate of occupancy, the County's zoning staff provided final zoning compliance approval to Silfab. *See id.* § 155.1125(C); Ex. 11, County Evolve System Screenshot. Shortly thereafter, the County issued a certificate of occupancy to Silfab. York County Bldg. Regs. § 150.41. *See* Ex. 12, Silfab Certificate of Occupancy, dated February 13, 2026. Therefore, at this time, Silfab became fully permitted.

37. However, before the County's approval of Silfab's civil site plans on April 24, 2024, which again constituted the first step of zoning compliance approval, on February 1, 2024, a Fort Mill resident requested a zoning interpretation (Zoning Interpretation Request) from the County Planning and Development Services Department under Subchapter E, Part 11 of the York

⁵ It has been alleged in the Other Litigation that the County could not, and should not, have proceeded with processing and issuing permits and approvals to Silfab following its approval of Silfab's civil site plans on April 24, 2024, particularly following the BZA Order. This Court has reviewed that issue on two different occasions, in two different cases, and declined to enjoin or otherwise question the propriety of the County's actions. *See CAGI v. Silfab et al.*, 2024-CP-46-03532, January 29, 2025, Order ("[CAGI] also requested a stay of construction permits. Based upon the stay of proceedings, the court declines to issue that relief at this time."); *see also Bivins v. York County et al.*, No. 2025-CP-46-04007, Order of Dismissal dated January 21, 2026 at 20 n.11 ("Nor does the County have an obligation to stop Silfab's project based on the BZA Order, as its applicability is questionable, and it is otherwise stayed, not final, and its appeal pending in the circuit court.").

Moreover, separate plaintiffs have twice sought relief of the Supreme Court of South Carolina through petitions for original jurisdiction seeking to alternatively prohibit the issuance of further permits by the County to Silfab or to revoke previously issued permits. *See supra* note 2 (Appellate Case Nos. 2025-001325 and 2025-002174). Both petitions were denied by the Supreme Court. *Id.*

County Zoning Code, §§ 155.1090 to 155.1104. *See* Ex. 13, Zoning Interpretation Request. The Zoning Interpretation Request submitted seven questions directed specifically at the approval of Silfab's development of the Parcel, despite Section 155.1090's stated purpose of a zoning interpretation: "to clarify ambiguities in the Zoning Code and to resolve any ambiguities in future amendments."

38. On February 16, 2024, the County Zoning and Development Standards Administrator provided a response to the Zoning Interpretation Request (Zoning Interpretation). *See* Ex. 14, Zoning Interpretation Response. Therein, the Zoning Administrator declined to address the requests, consistent with her authority under Zoning Code Section 155.1093(B), as she did not perceive the referenced code sections to be ambiguous; however, she did provide a summary as to how Silfab's proposed use is compliant with the Parcel's Light Industrial zoning designation. *Id.*

39. Thereafter, on March 14, 2024, the proponent of the Zoning Interpretation Request appealed several (but not all) of the seven questions, as permitted by Zoning Code Section 155.984, to the BZA (BZA Appeal). *See* Ex. 15, BZA Appeal. On May 9, 2024, after the civil site plans for Silfab had been approved, the BZA held a hearing on the BZA Appeal. At the outset of the hearing, the Chair of the BZA stated the following regarding the Zoning Interpretation Request:

So regarding the specific administrative appeal, I want you to understand that what this board is doing tonight, what we hear, the case as we hear, is very limited. *It only regards whether or not one particular activity can occur in a light industrial zone. It has no specific reference to any particular location, any particular project. It is a generic representation of the -- of that particular type of manufacturing in that particular zoning district. That is all.*

Ex. 16, May 9, 2024, Excerpt of BZA Hearing Tr. at 3:11–20 (emphasis supplied).

40. Notwithstanding the Chair's explicit instructions, the proponent of the Zoning Interpretation Request and members of the public relied extensively on testimony and evidence regarding Silfab's proposed operations, use of chemicals, and air permitting in support of their

seemingly broader argument that solar panel manufacturing is an improper use of the Parcel and is incompatible with its Light Industrial zoning.

41. Following the hearing, the BZA voted 5-0 to reverse the Zoning Interpretation and, on May 30, 2024, issued a final decision setting forth a written record of its decision and findings (BZA Order). *See* Ex. 17, BZA Order. In pertinent part, the BZA Order characterized the questions presented in the appeal as: (1) whether “Solar Panel Manufacturing is a Permitted Use within the Light Industrial Zoning District”; and (2) whether “Solar Panel Manufacturing [is] considered a Heavy Industrial use.” As found by the circuit court in the Order of Dismissal of one of the Other Litigation matters, neither question proposed by the BZA in its order was presented in the Zoning Interpretation Request. *See* Ex. 4, Order of Dismissal at 4 n.4 (“[N]either question proposed by the BZA Order [was] presented in the Zoning Interpretation Request”); *compare* Ex. 13, Zoning Interpretation Request, *with* Ex. 17, BZA Order. Nor did the BZA answer the threshold question of whether an appeal of the Zoning Interpretation was cognizable generally, based on Section 155.190 *et seq.*, and specifically in light of the fact that the Zoning Administrator declined to answer the specific questions posed by the Zoning Interpretation Request. Ex. 17, BZA Order.

42. Notwithstanding, the BZA Order contained the following conclusions:

- i. The Zoning Administrator erred in determining that Solar Panel Manufacturing is a Use under Computer and Electronic Products Manufacturing permitted in Light Industrial; and
- ii. Solar Panel Manufacturing is not listed as a Use applicable for the Light Industrial Zoning District and is therefore prohibited pursuant to Section 155.270(G),⁶ York County Code of Ordinances.

Id. at 2.

⁶ Section 155.270(G) of the Zoning Code provides: “**Unlisted Uses Prohibited.** Any use not listed for an applicable zoning district in the Use Table is prohibited.” (Emphasis in original).

43. The BZA Order did not mention Silfab, its specific project, nor the Parcel.⁷ *Id.* Nonetheless, Silfab and its landlord, Exeter 7149 Logistics, L.P. (Landlord) appealed the BZA Order to the circuit court. Critically, the appeal of the BZA Order did not address or otherwise challenge the questions and issues related to zoning interpretations that are advanced in this Complaint. As a result of the appeal, the BZA Order was stayed by virtue of Subchapter E, Part 3 of the Zoning Code.⁸

44. Relatedly, on September 5, 2024, Citizens Alliance for Government Integrity (CAGI) filed a complaint against Silfab, Landlord, and the County (CAGI Action). *See supra* note 2 (2024-CP-46-03532). That lawsuit purports to be a putative class action asserting damages and seeking declaratory and injunctive relief, arguing that the BZA Order applies to Silfab and is self-executing, thus mandating specific action by the County against Silfab, notwithstanding the prior formal actions, approvals, and permits issued by the County to Silfab. The CAGI Action further argues that the BZA Order should operate as a standing injunction preventing the development or issuance of any further permits or approvals to Silfab by the County.⁹ The defendants in the CAGI

⁷ On March 28, 2025, a second Fort Mill resident submitted a request for a zoning interpretation under Section 155.1090 of the Zoning Code regarding the Silfab development. On April 11, 2025, the Zoning Administrator declined to issue a zoning interpretation as to the three questions posed in the request, consistent with the discretion afforded to the Administrator under Sections 155.1093(B) and 155.1094(B). That denial was appealed to the BZA. On July 10, 2025, the BZA held a hearing on the appeal, and by a vote of 3-2, the BZA affirmed the decision of the Zoning Administrator. On September 4, 2025, that decision was appealed to the circuit court where it is currently pending. *See supra* note 2 (2025-CP-46-03474).

⁸ *See* York County Zoning Code § 155.982(C) (“**Effect on Other Proceedings.** An appeal [of an administrative decision] stays all legal proceedings by the County relating to the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the appeal application has been filed, that a stay would cause an imminent peril to life and property.” (emphasis in original)).

⁹ That summation is based upon a liberal, generous reading of the complaint, which does not present the issues in a straightforward or easily discernable manner and, given the status of Silfab’s development at the time the suit was filed, has largely, if not entirely, been taken over by

Action, including the County, moved to dismiss the action on several grounds. While the motions to dismiss were pending, CAGI sought a preliminary injunction to prevent the issuance of or revoke all permits issued by the County to Silfab. On December 18, 2024, The Honorable Martha M. Rivers held a hearing on the pending motions and, on January 29, 2025, issued a Form 4 Order declining to rule on CAGI's motion for preliminary injunction or revoke all permits and instead stayed the entire lawsuit pending final resolution of the BZA Appeal. *See* C/A No. 2024-CP-46-03532, January 29, 2025, Order ("Upon review of the issues, this court stays this action until such time [as] a decision is issued with finality in the administrative action involving the board of zoning appeals. Counsel also requested a stay of construction permits. Based upon the stay of proceedings, the court declines to issue that relief at this time.").

45. Thereafter, another Fort Mill resident filed a petition in the original jurisdiction of the Supreme Court against the County seeking writs of mandamus and prohibition, and the issuance of stop work orders or permit revocations against Silfab. *See supra* note 2 (Appellate Case No. 2025-001325). That petition was denied on July 21, 2025.

46. Just three months later, CAGI also filed a petition in the original jurisdiction of the Supreme Court seeking the exact same relief, which the Court also denied on December 16, 2025. *See supra* note 2 (Appellate Case No. 2025-002174).

47. Similarly, on October 13, 2025, yet another Fort Mill resident filed an action seeking a declaratory judgment, preliminary and permanent injunctive relief, and writs of mandamus and prohibition against the County requesting the invalidation of all permits issued by the County to Silfab, or in the alternative, the issuance of stop works orders or permit revocations.

subsequent events and rendered moot and/or collaterally estopped by the subsequent orders of this court and the denial of the requests for the same relief by the Supreme Court in the Other Litigation.

See supra note 2 (2025-CP-46-04007). The circuit court entered an order of dismissal on January 21, 2026, *see* Ex. 4, the appeal of which is currently pending. *See* Appellate Case No. 2026-000199.

48. On March 17, 2026, the South Carolina Attorney General sent a letter to the Chair of County Council inquiring as to the permitting process for Silfab, as well as the effect of the Zoning Interpretation. *See* Ex. 18. By letter dated April 2, 2026, the County responded to the Attorney General, explaining the zoning compliance and permitting process for Silfab, as well as providing the County's general position on zoning interpretations. *See* Ex. 19.¹⁰

49. In the circuit court appeal of the BZA Order, notwithstanding the BZA Chair's statement on the record that the Zoning Interpretation hearing and appeal should not be viewed as a challenge to one specific company (Silfab), parcel, or development, legal counsel for the BZA relied extensively in briefing and in presenting arguments to the court solely based on Silfab's proposed operations, use of chemicals, and air permitting, asserting that they were appropriate considerations for the BZA and arguing that the BZA did, in fact, consider and rely upon those Silfab-specific facts in reaching both its general determination that solar panel manufacturing is an improper use under the Computer and Electronic Products Manufacturing Use category in the Light Industrial zoning district and its specific determination that Silfab's proposed use of the Parcel is incompatible with the uses allowed in the Light Industrial zoning district. *See* 2024-CP-46-02641.

50. Following a hearing, on July 21, 2026, the circuit court issued an order affirming the BZA Order. *See supra* note 2 (2024-CP-46-02641). Critically again, the circuit court's order

¹⁰ The exhibits to the County's April 2, 2026, response letter to the Attorney General are not included as attachments to Exhibit 19, as most are included as exhibits to this Complaint; however, all exhibits to the letter are expressly incorporated in Exhibit 19.

affirming the BZA Order did not address the questions and issues related to zoning interpretations broadly under the Zoning Code that are advanced in this Complaint. Nor did the court address the question of whether the BZA Order applies to Silfab and requires action by the County as to Silfab's permitted operations. Silfab and Landlord moved for reconsideration, which after a hearing on that motion, was denied on August 27, 2026.¹¹ Silfab appealed that same day. *See* Appellate Case No. 2026-001913. Under Rule 241 of the South Carolina Appellate Court Rules, the BZA Order and the relief granted in the circuit court's order is automatically stayed.

51. Before the motion for reconsideration of the court's BZA Order had been ruled upon, on July 24, 2026, CAGI filed a motion to lift the stay in the CAGI action. On August 17, 2026, CAGI also filed a motion for (1) temporary and permanent injunctive relief against Silfab and Landlord, and (2) a writ of mandamus against the County in light of the circuit court's affirmance of the BZA Order (TRO Motion).

52. After a hearing on the motion to lift the stay before The Honorable William A. McKinnon, the motion was denied on the basis that the circumstances under which Judge Rivers entered a stay of the CAGI action (*i.e.*, the finality of the BZA Order appeal) were still present, and Judge McKinnon determined that he could not overrule Judge Rivers, citing *Enoree Baptist Church v. Fletcher*, 287 S.C. 602, 340 S.E.2d 546 (1986). Subsequently, CAGI withdrew its TRO Motion.

53. On September 30, 2026, CAGI filed a motion for reconsideration of Judge McKinnon's order denying the motion to lift the stay. As of the date of this filing, CAGI's latest motion has not been set for argument.

¹¹ The circuit court issued an amended order affirming the BZA Order, which did not affect its analysis or holding. Exhibit 5 to this Complaint is this court's amended order.

First Cause of Action
(Declaratory Judgment)

54. The pertinent allegations of Paragraphs 1–53 are incorporated into this First Cause of Action by reference as fully as if set forth verbatim.

55. The Zoning Code establishes the procedure by which any person may make a “request[] for a decision by the Zoning Administrator to interpret a possible ambiguous standard in this Chapter, to clarify a standard in this Chapter, to clarify conditions of approval pursuant to this Chapter, or to clarify standards approved for Special Districts.” *Id.* § 155.1091. Beyond that plain language, additional provisions governing zoning code interpretations further suggest that interpretations (1) are legislatively constrained to addressing certain ambiguities in the Zoning Code and therefore (2) may not be viable vehicles for challenging specific projects or ongoing or proposed uses:

- a. Explaining the purpose¹² of Part 11 governing zoning code interpretations, Section 155.1090 provides that such interpretations are “*intended to clarify ambiguities in the Zoning Code and to resolve any ambiguities in future amendments.*” (Emphasis supplied);
- b. The Applicability section of Part 11 specifies the explicit parameters governing zoning code interpretation requests, authorizing the Zoning Administrator only to “*interpret a possible ambiguous standard in this Chapter, to clarify a standard in this Chapter, to clarify conditions of approval pursuant to this*

¹² As set forth in the Executive Summary section of the Zoning Code, “[m]any sections of the Zoning Code include a purpose statement. These statements are aids in explaining and interpreting this Chapter. They are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support code requirements.”

Chapter, or to clarify standards approved for Special Districts.” *Id.* § 155.1091 (emphasis supplied).

- c. In an interpretation request, the requestor must identify, *inter alia*, “the section of the zoning code, standard, or condition that is allegedly ambiguous or needs clarification.” *Id.* § 155.1092;
- d. In assessing an interpretation request, the “Zoning Administrator may approve a request *if there is an ambiguity or need for the clarification* demonstrated by the applicant.” *Id.* § 155.1094(A) (emphasis supplied). Therefore, a prerequisite for approving or issuing a request is a determination that the applicant has demonstrated an ambiguity or need for clarification in the Zoning Code. Absent that, the Zoning Administrator should deny the request. *See id.* § 155.1094(B) (“The Zoning Administrator may deny or reject the request *if there is no ambiguity or need for the clarification* demonstrated by the applicant.” (emphasis supplied)); and
- e. A zoning code interpretation “*does not authorize development.*” *Id.* § 155.1095 (emphasis supplied).

56. By contrast, the Act does authorize and provide for the institution of injunctive relief, mandamus, or other appropriate actions or proceedings as a means for enforcing zoning ordinances generally, and for alleging violations or improper uses at specific sites. *See* S.C. Code Ann. § 6-29-950(A).

57. Beyond the plain language of what Subchapter E, Part 11 of the Zoning Code (§§ 155.1090 *et seq.*) provides, nothing in the zoning interpretation section of the code authorizes

or suggests that interpretations are appropriate vehicles to address a specific use or proposed use on a specific parcel, or existing, ongoing, or proposed, partially-approved projects.

58. Further, in considering an administrative appeal from a decision to issue a zoning interpretation or deny a request for the same, the BZA is constrained by the powers of the Zoning Administrator in considering a zoning interpretation request in the first instance. *See* § 155.984 (“[T]he Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, *and has all the powers of the officer from whom the appeal is taken to issue or direct the issuance of a permit.*”).

59. Thus, if the Zoning Administrator is only permitted to issue zoning interpretations to address or clarify potential ambiguities in the Zoning Code, then the BZA is likewise constrained in its appellate jurisdiction.

60. By contrast, *zoning compliance approval* governs specific projects or ongoing or proposed uses, indicating the compatibility of a proposed use on a particular site. For example, in response to a zoning compliance application, the Zoning Administrator reviews and either approves, approves with conditions, or disapproves “new uses, structures, activities, and developments prior to establishment of the use or commencement of development activities to ensure they comply” with the Zoning Code. *Id.* §§ 155.1120, 155.1123(A); *id.* § 155.1123(B)(3) (providing first step of zoning compliance approval involves confirming that the proposed use is consistent with the requirements of the Zoning Code, while the second step is to ensure that everything was built according to the approved site plan).

61. Regarding the timing and effectiveness of an interpretation, if rendered, the Zoning Code specifies that the legislatively-identified purpose of seeking a zoning interpretation is “to

clarify ambiguities in the Zoning Code and to resolve any ambiguities *in future amendments*.” Zoning Code § 155.1090 (emphasis supplied).

62. Further, the Zoning Code provides that “a [z]oning code interpretation *will become effective* upon execution by the Zoning Administrator.” *Id.* § 155.1095(A) (emphasis supplied).

63. As to its effect, “[a]ny development that occurs *after* the Zoning Code interpretation has been issued is subject to all applicable requirements of this Chapter, as revised by the interpretation.” *Id.* § 155.1095(B) (emphasis supplied).

64. Beyond the plain language of what Subchapter E, Part 11 of the Zoning Code (§§ 155.1090 *et seq.*) provides, there is no overt reference or indication that zoning code interpretations have or are intended to have retroactive effect.

65. Further, and again, if a zoning interpretation issued by the Zoning Administrator is intended to only address future amendments (§ 155.1090), becomes effective after execution (§ 155.1095(A)), and applies to development occurring after the interpretation is issued (§ 155.1095(B)), then action taken by the BZA in its appellate capacity to modify a zoning interpretation, or issue an interpretation in the first instance, would likewise be constrained by the enabling legislation of zoning interpretation provisions of the Zoning Code. *See* Zoning Code § 155.984 (“[T]he Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and has all the powers of the officer from whom the appeal is taken”).

66. In point of fact, a BZA decision in an appeal from a zoning code interpretation “*does not authorize development*. Any development that occurs *after* the decision on the appeal is subject to all applicable requirements of this Chapter, as amended by the [BZA’s] decision, if applicable.” *Id.* § 155.988 (emphasis supplied).

67. Given that the circuit court affirmed the BZA Order finding (1) solar panel manufacturing is not a Use under Computer and Electronic Products Manufacturing permitted in Light Industrial and (2) solar panel manufacturing is not listed as a use applicable for the Light Industrial Zoning District and is therefore prohibited, it has been alleged by members of the public, including repeatedly in the litany of the Other Litigation, as well as certain elected officials, that the County has an obligation to halt Silfab's operations or revoke its permits notwithstanding:

- a. the provisions of the Zoning Code constraining zoning code interpretations to clarifying or resolving ambiguities in the Code, rather than address project-specific inquires;
- b. the provisions of the Zoning Code indicating that the effect of zoning code interpretations, once issued, are prospective, rather than retroactive, in effect;
- c. the duly-adopted Inducement Ordinance of the governing body of the County legislatively authorizing and directing County representatives to execute the FILOT agreement to induce Silfab to locate its operations in the County at its current site; and
- d. the provision of the FILOT agreement ratifying all prior actions of the County with respect to Silfab, including the Zoning Verification that predated the Inducement Ordinance's adoption and the FILOT agreement's execution.

68. Furthermore, as a party to the FILOT agreement, which is an agreement between the County and Silfab to pursue development of the Silfab project at the Parcel, the County has a statutory right to seek a declaration of its rights, status, and legal relations thereunder. *See* S.C. Code Ann. § 15-53-30 (providing that "[a]ny person interested . . . whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have

determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder”).

69. In addition, and as set forth above, Subchapter E, Part 11 of the Zoning Code provides that “[a]ny development that occurs after the Zoning Code interpretation has been issued is subject to all applicable requirements of this Chapter, *as revised by the interpretation.*” Zoning Code § 155.1095(B) (emphasis supplied). Further, Section 155.1096(A) provides that County staff “shall maintain such interpretations for public access and review in hard copy and on its Internet site *until* the applicable section of *the Zoning Code*, if applicable, *is amended* to provide the necessary clarification.” (Emphasis supplied). The foregoing quotations from the zoning code interpretation section appear to suggest that that the Zoning Code should be construed as being immediately amended by zoning interpretations issued by Zoning Administrator and/or the BZA upon issuance, if not appealed, or upon final resolution following an appeal of the interpretation, *see* § 155.1095(B), as well as requiring the amendment of the code based on the issuance of an interpretation, *see* § 155.1096(A).

70. However, Article 5, Local Planning — Zoning, of the Act provides that the authority to pass a zoning ordinance and regulation resides exclusively with the County’s governing body. Specifically, section 6-29-720(A) of the South Carolina Code of Laws provides that:

When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, *the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan.*

(Emphasis supplied).

71. Further, a zoning regulation may only be amended by the governing body of the County, following a public hearing by the governing body or the planning commission, if so delegated. Specifically, section 6-29-760(A) of the South Carolina Code of Laws provides that:

Before enacting or amending any zoning regulations or maps, *the governing authority or the planning commission*, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days' notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. ... No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. ... When the required public hearing is held by the planning commission, *no public hearing by the governing authority is required before amending the zoning ordinance text or maps.*

(Emphasis supplied).

72. Consistent with the foregoing grants of statutory authority, the Zoning Code provides that an amendment to the Zoning Code may only be initiated by the County Council or the York County Planning Commission and may only be approved by County Council. Subchapter E, Part 12, Zoning Code Text Amendments, Zoning Code §§ 155.1105 to 155.1113; *see also* S.C. Code Ann. §§ 6-29-310 to -1640. Specifically, these sections provide the following:

- a. Part 12 of Subchapter “describes the way that the County changes the text of this Zoning Code.” § 155.1105.
- b. Amendments to the Zoning Code are initiated by motion of either the County Council or the Planning Commission. § 155.1107(A).
- c. “The Planning and Development Services Director, the Zoning Administrator, or the Office of County Attorney *may provide recommendations* to the Planning Commission or County Council regarding potential text amendments.” § 155.1107(B) (emphasis supplied).

- d. Regarding the consideration and adoption of a text amendment of the Zoning Code, County Council may only “amend the Zoning Code through the procedures for consideration of ordinances mandated in Chapter 30: Organization and Rules of County Council of the York County Code of Ordinances,” § 155.1109(B)(1).
- e. County Council “will consider the recommendation of the Planning Commission on each proposed text amendment. However, the Council is not bound by the Commission’s recommendation in making a final decision.” § 155.1109(B)(2).
- f. Regarding the timing of implementation of any text amendment to the Zoning Code, “[a] text amendment will become effective as directed in the ordinance adopting the amendment by County Council,” § 155.1112(A), but “[a]pproval of a text amendment does not authorize development. Any development that occurs *after* the text amendment is adopted is subject to all applicable requirements of this Chapter, as revised by the text amendment,” *id.* 155.1112(B) (emphasis supplied).
- g. Part 12 of Subchapter E of the Zoning Code does not authorize amendments to the Zoning Code through the issuance of a zoning code interpretation by the Zoning Administrator or the BZA, and County Council, as governing body of the County, is the sole body/entity authorized to adopt amendments to the code.

73. Consequently, to the extent that Sections 155.1095(B) and -1096(A) of the Zoning Code could be construed as effecting the amendment of the Zoning Code through the issuance of zoning interpretations by Zoning Administrator and/or the BZA, or requiring action by the

governing body, such a construction would run afoul of state law and the Zoning Code and would constitute an improper delegation and *ultra vires* exercise of the governing body's exclusive jurisdiction to enact law.

74. The South Carolina Attorney General's Office has reviewed a similar issue in the context of a zoning interpretation issued by the zoning administrator of the Town of Six Mile. Op. S.C. Att'y Gen., 2009 WL 580570 (S.C.A.G. Feb. 17, 2009). In pertinent part, the Attorney General analyzed the effect of a zoning interpretation on the Town's zoning code ordinance. Citing S.C. Code Ann. § 6-29-760, the Attorney General found that "only the Town's Council has the ability to amend the Zoning Ordinance. Thus, the Zoning Ordinance is not affected by a [zoning interpretation] made by the Zoning Administrator." *Id.* at *2; at *3 ("[W]e find an unappealed decision by the Zoning Administrator has no impact on the Zoning Ordinance.").

75. The County, based on its historical interpretation of the Zoning Code, has publicly stated its position through a variety of media and in a variety of fora that:

- a. The plain language of Zoning Code §§ 155.1090 *et seq.* provides that zoning code interpretations are limited to clarifying ambiguities in the Zoning Code;
- b. By consequence of the limitation of zoning code interpretations to clarify certain ambiguities, zoning code interpretations are not proper vehicles for challenging a specific company, use, or parcel's development;
- c. The plain language of Zoning Code §§ 155.1090 *et seq.* provides that zoning code interpretations, once issued, are intended to resolve ambiguities in future amendments, become effective upon issuance, and therefore are prospective, not retroactive, in nature;

- d. By consequence of the prospective nature of zoning interpretations, once issued, the zoning code interpretations do not retroactively render issued permits, approvals, and certificates null and void or prevent the continued development of authorized projects or uses; and
- e. Zoning code interpretations that contradict official actions taken by the governing body are null and void.

76. In light of the conflicting opinions regarding the scope, effect, and efficacy of zoning code interpretations, particularly as a mechanism to challenge specific parcels, uses, and development, and given the potential that the current Zoning Code infers a method of amendment by an individual or entity other than County Council, an actual dispute and controversy exists which cannot be resolved absent declaratory relief from this Court. Declaratory judgment in the manner sought would terminate the uncertainty regarding these issues. Accordingly, pursuant to the Uniform Declaratory Judgments Act, S.C. Code Ann. §§ 15-53-10 to -140, the County seeks a declaration(s) regarding the following:

- a. What is the legal nature and effect of zoning code interpretations issued pursuant to Subchapter E, Part 11 of the Zoning Code;
- b. Generally, and in light of S.C. Code Ann. § 6-29-950(A), whether the County is obligated to take enforcement action (*e.g.*, issuance of stop work orders) against a specific use or Parcel, despite having passed the Inducement Ordinance and executed the FILOT agreement, and previously issued zoning compliance approval and operational permits, when a subsequent zoning interpretation calls that specific use into question;

- c. Specifically, whether the BZA Order, as affirmed by the circuit court, has any legal effect on Silfab, its currently-approved operations, and the approvals and permits issued by the County, and whether the BZA Order imposes any obligation on the County to take enforcement action against Silfab; and
- d. Whether the plain language of Zoning Code § 155.1095, or a broad construction thereof, amounts to an impermissible delegation and exercise of the County governing body's exclusive jurisdiction to enact or amend the Zoning Code to the Zoning Administrator and/or the BZA, contrary to South Carolina law and the express provisions of the Zoning Code governing amendments thereto.

PRAYER FOR RELIEF

Wherefore, the County prays for the Court to declare the rights, status, or other legal relations amongst the parties and with respect to the foregoing questions of statutory construction and contractual rights, as well as such other and further relief as may be just and proper.

[*Signature Page Follows*]

Respectfully submitted,

BURR & FORMAN LLP

s/Chad N. Johnston

Chad N. Johnston (S.C. Bar No. 73752)
Samantha J. Dorward (S.C. Bar No. 106310)
1221 Main Street, Suite 1800 (29201)
PO Box 11390
Columbia, SC 29211
(803) 799-9800
cjohnston@burr.com
sdorward@burr.com

-AND-

SMITH ROBINSON, LLC

Jonathan M. Robinson (S.C. Bar No. 68285)
Austin T. Reed (S.C. Bar No. 102808)
3200 Devine Street
Columbia, South Carolina 29205
(803) 254-5445
jon.robinson@smithrobinsonlaw.com
austin.reed@smithrobinsonlaw.com

*Attorneys for York County, by and through its
Manager, Planning and Development Department,
and Zoning Administrator*

October 16, 2026
Columbia, South Carolina