



York County, SC Manager

April 2, 2026

Dear Attorney General Wilson,

Thank you for your letter and for your interest in the Silfab matter. The County appreciates your work and efforts in concert with the Department of Environmental Services to address the recent occurrences at the Silfab site, ensuring compliance with the law and maintaining the health and safety of York County citizens. As you know, representatives of the County reached out to you and your staff directly following the first reported incident at the Silfab site to attempt to engage on these issues. We continue to welcome the opportunity for further engagement on the subject and would reiterate our request for a follow-up meeting once you and your team have had the opportunity to review our below responses.

Your letter correctly notes that there is significant confusion in the public regarding the processes and approvals with how Silfab came to locate in York County and receive the required zoning approvals and permits to operate. Clarity on those issues by all involved is paramount. We believe an appropriate place to begin this response is with the background and context that seems to be missing from the public dialogue on this subject.

The Silfab site was and is still zoned light industrial, and prior to Silfab's location and significant investment in the County, the County's zoning staff evaluated and determined that Silfab's proposed use of the site was allowed as a matter of right under the York County Zoning Code. When questions and concerns regarding Silfab's zoning were raised, including whether all required and appropriate processes were followed, County Council directed County management to investigate the zoning and permitting issues associated with Silfab. Based on that review, and as detailed below, the County's position remains that all zoning approvals and permits were properly issued in accordance with the law and the County's Code of Ordinances.¹

¹ To provide information to address the public's concerns, statements issued by the County related to this project are posted publicly on the County's website at:
<https://www.yorkcountygov.com/1113/Information-on-Silfab-Solar>.

Below is a chronological timeline and summary of the relevant events of Silfab's development and describes the seven (7) litigation matters associated with the project to date:

- In December 2022, Silfab sought a zoning verification from the County. Zoning verifications are routinely sought from the County as a preliminary indication as to the compatibility of a proposed use on a particular site. County staff evaluated the request, found the proposed use to be compatible under the Zoning Code, and issued a verification letter to Silfab on December 27, 2022.² The verification was not appealed, and a recent circuit court order found it to be final.³
- On September 18, 2023, following two initial readings and a public hearing, County Council adopted an Inducement Ordinance regarding Silfab that authorized execution of a fee in lieu of tax (FILOT) agreement for the company.⁴ Consistent with S.C. Code Ann. § 12-44-50, the FILOT agreement identified and specified that the Silfab development would occur on the parcel where Silfab is currently operating, which is in a multi-county industrial park developed by Chester and York Counties, pursuant to S.C. Code Ann. § 4-1-170.
- On October 2, 2023, Silfab submitted a comprehensive application for civil construction approval which included a request for zoning compliance under Section 155.1122(B)(2) of the Zoning Code.⁵ This process is typical for larger scale developments of any type, with zoning being only one component of the application review and occurring contemporaneously with other review components.
- On February 1, 2024, a neighboring property owner (Walter Buchanan) submitted a request for a zoning interpretation under Section 155.1090 of the Zoning Code.⁶
- On February 16, 2024, the Zoning Administrator declined to issue a zoning interpretation directly responding to the seven questions posed in Mr. Buchanan's request, consistent with the discretion afforded the Administrator under Sections 155.1093(B) and 155.1094(B) of the Zoning Code (Attachment G).⁷
- On March 14, 2024, Mr. Buchanan appealed the Zoning Administrator's decision to decline the request for an advisory zoning interpretation to the Board of Zoning Appeals (BZA), as permitted by the Zoning Code.⁸
- 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. Consistent with Sections 155.1123(B)(1)(a) and (B)(3) of the Zoning Code (Attachment

² A copy of the verification is enclosed as Attachment A.

³ A copy of the circuit court's January 21, 2026 order is enclosed as Attachment B.

⁴ Copies of the Inducement Ordinance and the FILOT are enclosed as Attachments C and D.

⁵ A copy of the zoning compliance section of the Zoning Code is enclosed as Attachment E.

⁶ A copy of the zoning interpretation request is enclosed as Attachment F, and a copy of the zoning interpretation section of the Zoning Code is enclosed as Attachment G.

⁷ A copy of the letter declining to issue a zoning interpretation is enclosed as Attachment H.

⁸ A copy of the appeal is enclosed as Attachment I.

E), this approval constituted the first step of zoning compliance, which involves confirming that the proposed use is consistent with Zoning Code requirements.

- On May 9, 2024, the BZA held a hearing on Mr. Buchanan’s zoning interpretation appeal. By a vote of 5-0, the BZA reversed the decision of the Zoning Administrator.
- On May 29, 2024, the BZA issued a formal order reversing the Zoning Administrator and providing a zoning interpretation which, for the first time, found that solar panel manufacturing is not a permitted use under the computer and electronic products manufacturing designation in the County’s Light Industrial zoning classification and that solar panel manufacturing is not listed as a use applicable for the Light Industrial Zoning District and is therefore prohibited.⁹ The BZA order speaks for itself and is currently pending on appeal before the circuit court; however, it is represented in your letter that the “zoning board previously determined that solar cell and panel manufacturing at Silfab’s facility were not a permitted use under the facility’s zoning as a Light Industrial district.” For clarification, in fact, the BZA order and BZA-issued interpretation does not mention Silfab, its specific project, or the parcel on which Silfab is located. (Attachment J). Nevertheless, Silfab filed an appeal of the BZA order to the circuit court where it is currently pending. (2024-CP-46-02641) (**Lawsuit #1**). The appeal is expected to be heard on May 26, 2026.
- On July 30, 2024, Mr. Buchanan instituted a contested case proceeding (**Lawsuit #2**) in the Administrative Law Court (ALC) challenging the air permit issued by the South Carolina Department of Environmental Services. (Docket No. 24-ALJ-07-0367-CC).
- On September 5, 2024, a group of citizens opposed to Silfab (referred to as CAGI) filed a class action lawsuit in the circuit court (**Lawsuit #3**) against the County, Silfab, and the owner/landlord of the property. (2024-CP-46-03532). The lawsuit seeks a declaration that the BZA order and interpretation, which found solar panel manufacturing is not permitted on properties zoned light industrial, controls over the verification to Silfab and should act to prevent the development or issuance of any further permits or approvals to Silfab by the County. CAGI also sought a preliminary injunction seeking to stay the Silfab project and issuance of permits, or to revoke all permits issued by the County.
- On December 23, 2024, the ALC dismissed Mr. Buchanan’s challenge to Silfab’s air permit (**Lawsuit #2**).
- On January 29, 2025, the circuit court declined to grant an injunction against the County and Silfab in the CAGI class action lawsuit and stayed the case pending resolution of the BZA appeal. Despite two attempts by CAGI to lift the stay, the case remains stayed today (**Lawsuit #3**).
- On March 28, 2025, a second neighboring property owner (John Lee) submitted a request for a zoning interpretation under Section 155.1090 of the Zoning Code regarding the Silfab development.¹⁰

⁹ A copy of the BZA order is enclosed as Attachment J.

¹⁰ A copy of the zoning interpretation request is enclosed as Attachment K.

- On April 11, 2025, the Zoning Administrator declined to issue a zoning interpretation as to the three questions posed in Mr. Lee’s request, consistent with the discretion afforded the Administrator under Sections 155.1093(B) and 155.1094(B) of the Zoning Code (Attachment G).¹¹ Thereafter, Mr. Lee instituted an appeal to the BZA.
- On July 2, 2025, a third neighboring property owner (Merlyn Bivens) filed a petition in the original jurisdiction of the Supreme Court against the County (**Lawsuit #4**) seeking writs of mandamus and prohibition, issuance of stop work orders, or permit revocations against Silfab. (Appellate Case No. 2025-001325).
- On July 10, 2025, the BZA held a hearing on Mr. Lee’s appeal. By a vote of 3-2, the BZA affirmed the decision of the Zoning Administrator.
- On July 21, 2025, the Supreme Court denied the Ms. Bivens’ petition for original jurisdiction (**Lawsuit #4**).
- On August 6, 2025, the BZA issued a decision letter formally affirming the decision of the Zoning Administrator as to Mr. Lee’s interpretation request.¹²
- On September 4, 2025, Mr. Lee filed an appeal of the BZA decision in the circuit court where it is currently pending. (2025-CP-46-03474) (**Lawsuit #5**).
- On October 13, 2025, a fourth neighboring property owner (Dennis Bivens) filed an action in the circuit court against the County (**Lawsuit #6**) seeking declaratory judgment, preliminary and permanent injunctive relief, and writs of mandamus and prohibition requesting invalidation of all permits issued by the County to Silfab, or in the alternative, the issuance of stop work orders or permit revocations against Silfab. (2025-CP-46-04007).
- On October 28, 2025, CAGI filed a petition in the original jurisdiction of the Supreme Court against the County (**Lawsuit #7**) seeking writs of mandamus and prohibition, issuance of stop work orders, or permit revocations against Silfab. (Appellate Case No. 2025-002174).
- On December 16, 2025, the Supreme Court denied the CAGI petition for original jurisdiction (**Lawsuit #7**).¹³
- On January 21, 2026, the circuit court entered an order (Attachment B), dismissing the claims of Mr. Bivens against the County (**Lawsuit #6**).¹⁴
- On February 6, 2026, as a part of the inspection process required to obtain a certificate of occupancy, the County’s zoning staff provided final zoning compliance approval to Silfab.
- On February 13, 2026, the County issued a certificate of occupancy to Silfab.

¹¹ A copy of the letter declining to issue a zoning interpretation is enclosed as Attachment L.

¹² A copy of the BZA’s letter is enclosed as Attachment M.

¹³ CAGI has indicated an intent to file a petition for certiorari of the denial of original jurisdiction to the United States Supreme Court.

¹⁴ The order of dismissal has been appealed to the Court of Appeals. (Appellate Case No. 2026-000199).

Regarding the specific questions of your letter, the County provides the following answers and additional information:

1. Did York County follow the standard permitting process for the construction of the Silfab facility?
 - a. Yes.
2. As part of that permitting process, did Silfab seek a zoning permit from York County?
 - a. As described above, although the York County Zoning Code does not contemplate the issuance of a “zoning permit” for development, Silfab sought and received zoning compliance approval for its development. As further information, the process for obtaining zoning compliance is outlined in detail in Part 13: Zoning Compliance, of the York County Zoning Code. Applications for development plans and permits are reviewed by zoning staff for compliance with any provisions of the zoning code that are applicable to the project. Zoning compliance is approved in two steps under Section 155.1123(B): 1) site plan approval to check the proposal against code requirements, and 2) final compliance once construction is complete, to ensure that everything was built according to the approved site plan. (Attachment E). The process to complete the two reviews and achieve zoning compliance depends on the scale of the project. For smaller projects, a 2-page stand-alone zoning compliance application, specified in Section 155.1122(B)(1) of the Zoning Code, is required. For larger developments, Section 155.1122(B)(2) of the Zoning Code provides that zoning compliance may be sought concurrently with a plan review application, as multiple code reviews are required, and zoning compliance review is only one part of that process. For these large developments, a 17-page application for civil construction (civil construction plans) must be submitted, and the zoning compliance portion must include the same information required for a stand-alone zoning compliance application, along with other supplementary information necessary to satisfy the full scope of the plan review. Under Section 155.1123(B)(3), the first step of zoning compliance is required prior to the issuance of building or land development permits.
3. As part of the zoning process, did York County ever formally conclude that solar cell and panel manufacturing are permissible under Silfab’s zoning as a Light Industrial district?
 - a. Yes, as detailed above in the summary and timeline, the County initially reviewed Silfab’s proposed use against the site’s zoning in response to the zoning verification request. (Attachment A). Further, in response to Mr. Buchanan’s zoning interpretation request, the Zoning Administrator clarified and confirmed Silfab’s use was appropriate on the parcel zoned Light Industrial. (Attachment H). Finally, as a part of the County’s comprehensive review of Silfab’s civil construction plans, the zoning office reviewed and provided zoning compliance approval for the project.

4. If so, who made that decision on behalf of York County?
 - a. Under York County's adopted Council-Manager form of government (S.C. Code Ann. §§ 4-9-810 et seq.), the County's staff, under the supervision of the Zoning Administrator and County Manager, is responsible for review of zoning for all projects under the Zoning Code and for issuing all approvals and permits. The standard process and review was followed as to Silfab's development.
5. If that decision was made by an employee of York County, did York County Council ratify that decision?
 - a. Under the County Code, County Council has no defined process for or role in the review of either preliminary zoning verifications or zoning compliance approvals made by the County's zoning staff; accordingly, Council did not review or otherwise ratify the zoning compliance approval issued to Silfab. However, as detailed in the order of the circuit court (Attachment B), the December 27, 2022, the preliminary zoning verification provided to Silfab was an action undertaken by the County which predated the Inducement Ordinance and FILOT agreement, and the FILOT agreement provided that it "ratified all prior actions taken with respect to the Project." (Attachment D, Recital 5). Council's ratification was not prospective and did not act to ratify any of the approvals or permits issued by the County after execution of the FILOT agreement. In addition, since the adoption of the Inducement Ordinance and execution of the FILOT agreement, County Council has taken no further specific action with respect to Silfab.
6. At any point in time, has Silfab requested a variance from existing zoning or rezoning?
 - a. No.
7. What effect, if any, should be given to the York County Board of Zoning Appeals' decision?
 - a. This question is the ultimate question in dispute in the stayed but still pending CAGI circuit court action (**Lawsuit #3**) against the County. Therefore, the County does not intend, either directly or indirectly, purposefully or accidentally, to waive its privilege, disclose attorney-client information, or compromise its interests in the suit. However, as information, the Zoning Code provides that interpretations are authorized only to "clarify ambiguities in the Zoning Code and to resolve any ambiguities in future amendments." (Attachment G, Section 155.1090). Because the stated purpose and intent of zoning interpretations is to clarify ambiguities for future amendments, the County has historically treated zoning interpretations as prospective only and improper for the purpose of challenging specific projects under use or in development. Further, as found by the circuit court in Attachment B at page 5, under Section 155.982(C) of the Zoning Code,¹⁵ because the BZA order was appealed, its effect is formally stayed; therefore, it is not final, could be modified or

¹⁵ A copy of the appeals section of the Zoning Code is enclosed as Attachment N.

reversed on appeal, and further comment as to its effect before the appeal is finally decided would be futile.

8. Has York County issued any additional permits to Silfab following the Board of Zoning Appeals' decision?
 - a. Yes, following approval of the site plan in the first step of zoning compliance under Sections 155.1123(B)(1)(a) and (B)(3) on April 24, 2024, County staff has issued the following permits in the ordinary course and in furtherance of the adopted Inducement Ordinance and FILOT agreement:
 1. Permit # 202403901, June 29, 2024
 2. Permit # 202403902, August 29, 2024
 3. Permit # 202403903, August 29, 2024
 4. Permit # 202501790, April 21, 2025
 5. Permit # 202503831, August 21, 2025
 6. Permit # 202502321, May 21, 2025
 7. Permit # 202502322, May 21, 2025
 8. Permit # 202502323, May 21, 2025

Again, the County appreciates your work and efforts to bring clarity and transparency to these issues, as well as ensure that the recent occurrences at the Silfab site are fully addressed and resolved by the proper authorities. We trust that you also recognize the complexity of these issues and reiterate that the County's obligation is to ensure that the best interests, safety, and welfare of its citizens is paramount, while also steadfastly adhering to its adopted ordinances, procedures, policies, and contractual commitments in light of the many legal challenges and the resulting decisions of courts who have evaluated these same issues. We look forward to a follow-up conversation or meeting with you and your team in the near future.

Sincerely,



Josh S. Edwards

York County Manager