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*York County Council Chair*

April 2, 2026

Dear Attorney General Wilson,

Thank you for your letter regarding the Silfab Project in York County. Per our previous communications, because the matters raised in your correspondence concern zoning, vested rights, and permitting matters which council was not (and is not) involved and given your questions concern issues in several lawsuits currently pending in our courts,<sup>1</sup> I immediately forwarded your letter to County Management and the County Attorney's Office for review and response. Their response is enclosed.

Since your letter was addressed to me personally as Council Chair, please be advised that the only action taken by Council related to Silfab was to approve incentives.<sup>2</sup> Other than the FILOT decision made in 2023, Council has taken no other action with respect to Silfab. Council was not involved in and did not make any zoning decisions regarding Silfab and had no role in the issuance of any zoning verification, zoning compliance approval, or applicant-specific permitting. Once questions were raised, per the authority granted to Council under S.C. Code §4-9-850, and as confirmed in your office's letter dated July 14, 2025, Council directed county management to conduct investigations into the zoning and permitting processes at issue. County management determined that the zoning approvals/permits that county staff issued were in accordance with

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<sup>1</sup> In 2022, Silfab Solar was issued a zoning verification letter by County staff for their facility in Fort Mill. County staff determined Silfab's uses were by-right allowed on this site, and Council had no role in this decision or involvement in reviewing or issuing the verification. In September 2023, Council adopted a Fee In Lieu of Tax Agreement and Ordinance. Copies of both are enclosed. In February 2024, a separate request for a zoning interpretation was made by a resident related to solar panel manufacturing facilities to County staff. This resident then appealed the County staff determination to the Board of Zoning Appeals (a separate, quasi-judicial body), and the BZA issued a decision on that appeal in May 2024. Immediately thereafter in 2024, two lawsuits were filed related to Silfab and are still pending in the S.C. Circuit Court. One lawsuit involves an appeal by Silfab of the May 2024 BZA decision which is statutorily required to be brought before the Circuit Court, not County Council. The other lawsuit, filed by a group of individuals (referred to as "CAGI"), names York County (and others) and seeks to certify a class action for monetary damages and seeks a court order declaring Silfab is improperly zoned and that all construction/permitting cease. On January 29, 2025, the S.C. Circuit Court issued an order staying the CAGI action until the BZA appeal is heard and declined CAGI's request to issue an injunction or a temporary restraining order prohibiting construction or halting permitting on the Silfab project.

<sup>2</sup> As you may know, prior to 2023 and before Council was involved, the S.C. Department of Commerce recruited the Silfab project to South Carolina and extended \$2M in state incentives (as well as millions in job tax credits, etc.) to attract \$150M in investment and 800 jobs to Fort Mill. See also [Silfab Solar growing US presence by establishing flagship operation in York County | S.C. Governor Henry McMaster](#). Council later served as a pass-through entity for these state incentives and issued a local FILOT agreement in 2023. Silfab has since made significant investment on site and currently employees 682 employees in Fort Mill, S.C.

*York County Council Chair*  
*6 South Congress Street, Post Office Box 66, York, S.C. 29745*  
*Phone: (803) 628-3954 Website: [www.yorkcountygov.com](http://www.yorkcountygov.com)*

established processes. Beginning in 2024, numerous lawsuits were filed challenging these various zoning determinations.

As you know, all appeals regarding the zoning, permitting and objections related to the uses allowed on Silfab's site are currently pending before the courts (not council) for review and decision. Council is informed that it cannot usurp the courts. This process is consistent with your office's July 14, 2025, letter, which declined to provide an official opinion, stating, "because the matter is before the court, the answer will depend upon the facts, which we cannot address in an opinion. As we have consistently stated, such factual determinations are the province of the court."<sup>3</sup>

Community members have reached out to Council demanding revocation of permits it did not issue, citing communications from your office as the source for such authority. Council, however, is informed that there is no official AG opinion or direct legal authority authorizing such action by council under the current circumstances. Council is further informed that at this specific juncture no justifiable legal basis exists for Council to take action outside of the normal legal processes, particularly where these specific issues are already before the courts and they have declined to take the very action sought.<sup>4</sup>

Council takes this issue very seriously and welcomes all information, legal authority, official AG opinions, etc. available on this matter. Council further supports all efforts to expedite the legal decision-making by the courts and looks forward to final resolution by the appropriate courts. It is Council's understanding that the first lawsuit (BZA appeal) is scheduled for hearing on May 26, 2026. Currently there is no chemical/manufacturing processing on the site, and the County expects no such operations until after the conclusion of this hearing. Again, I appreciate the Attorney General's interest in this matter and welcome further dialogue, meeting, and communications with you and your office. The County's responses to the specific questions posed by your letter are enclosed. Please advise if you require anything further from Council.

Sincerely,

Christi Cox

York County Council Chair

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<sup>3</sup> On advice of counsel, Council's longstanding policy is to avoid publicly commenting on issues that are in active litigation or acting in a manner that could be viewed as an attempt to usurp the authority of the courts, similar to the position expressed in your office's July 14, 2025, letter explaining the office's longstanding policy of avoiding the issuance of formal opinions regarding matters in pending litigation.

<sup>4</sup> The July 14, 2025 letter also specifically states that in none of the cases cited was action by Council upheld by the reviewing courts.