



YORK COUNTY MANAGEMENT STATEMENT ON SILFAB SOLAR

June 25, 2024

York County, SC: York County Management has heard the many concerns voiced about the Silfab Solar site in the Fort Mill area. While we take the issues raised seriously and encourage public comment, we also want to make sure our citizens have accurate information. We believe many of the concerns raised are based on misinformation.

At the outset of the Board of Zoning Appeals (“BZA”) meeting on May 9th, the Board Chairman made this statement:

“The case as we hear it 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 that particular type of manufacturing, in that particular zoning district. That is all.”

The decision by the BZA on May 9th did not apply to Silfab. The BZA was aware of this fact at the time of the meeting, and communicated that to the public in attendance.

Moreover, Silfab received an official zoning verification letter 18 months ago in December of 2022. As a verification by York County staff, and outside of and independent from any action by York County Council, the letter confirmed for Silfab that solar panel manufacturing is allowed in the light industrial zoning district. That official letter gave Silfab the legal right to develop the property for its intended purpose. In fact, for any business choosing to locate in York County, verifying zoning is the very first step taken before a major development can begin.

In many cases, zoning verification letters are issued months or years before a project begins. Those developments can’t be jeopardized by later requests for zoning interpretations from opponents of those projects.

The BZA decision on May 9th applies only to future projects in the light industrial district. As our County Code states:

§ 155.1095 SCOPE OF APPROVAL. (A) A Zoning Code interpretation will become effective upon execution by the Zoning Administrator. (B) A

Zoning Code 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.** (*emphasis added*)

As for the processes, chemicals and products to be used on site at Silfab; reviewing, approving and monitoring chemical use and storage is within the sole jurisdictional authority and purview of SCDHEC. Silfab has received the necessary permits to construct its facility. In response to public inquiry, York County sought and received additional information supporting SCDHEC's issuance of its permit to Silfab and underscoring the Company's efforts to protect the public health and safety in its operations. This information can be located at: [PowerPoint Presentation \(yorkcountygov.com\)](#) and [Silfab-SCDHEC-StatementPDF \(yorkcountygov.com\)](#)

Below is a timeline which details the history of the Silfab site to the current date.

TIMELINE

In 1992 the County rezoned a large parcel owned by the Eubanks family to LI (Light Industrial). The property includes what is now the Silfab site at 7149 Logistics Lane, as well as land later bought by the Fort Mill School District in 2017 and 2020, all zoned LI.

In 2019, York County Planning approved a traffic analysis for three buildings, including 7149 Logistics Lane, and in 2020 approved subdividing those parcels.

In August of 2021, responding to external requests, York County Economic Development asked Planning whether solar panel manufacture was allowed in the LI District both in the current code, as well as the updated code, which was being developed. Planning confirmed that both versions allowed it as "Electronic Products Manufacturing" or "Computer and Electronic Product Manufacturing" in the LI District.

In March of 2022, the County updated its zoning code. As part of that update, schools were eliminated as a permitted use in the LI and Industrial (ID) Districts to minimize the potential incompatibility of schools with industrial settings.

In October of 2022, the school district applied to rezone its undeveloped land to build two new schools, and Council granted that request in March of 2023. The adjacent parcels remained LI.

On December 21, 2022, Silfab approached the County about zoning. The Company provided information on the business, and classified its use as "Semiconductor and related Device Manufacturing." Planning staff confirmed that solar panel manufacture was allowed in the LI District as "Electrical Equipment, Appliance, and Component Manufacturing."

On December 22, 2022, Silfab requested an official zoning verification letter from the County.

On December 27, 2022, Planning issued that letter which stated that solar panel manufacture was allowed in the LI District as “Electrical Equipment, Appliance, and Component Manufacturing.” Arguably, a more appropriate use description might have been “Computer and Electronic Product Manufacturing,” but both are allowed in the LI District. Once such a letter is issued, it can only be appealed within 30 days.

From January through October of 2023, Silfab leased the site, applied for a Fee-In-Lieu of Tax (FILOT), received a state development grant and submitted several items to the County including: an updated traffic study, upfit plans, power supply letters, and confirmation of water and sewer availability.

In the summer of 2023, Silfab applied for its air permit from DHEC and received the permit on March 1, 2024. The air permit covers the safety of the plant on a routine basis, extensive emergency planning, and accident prevention requirements.

In January of 2024, Planning staff started receiving emails from residents about zoning issues.

On February 14, 2024, a county resident requested an interpretation as to whether solar panel manufacturing was allowed in the LI District.

On February 16, 2024, the Zoning Administrator notified the resident that solar panel manufacturing was allowed in the LI District based on staff’s analysis. There was no reference to Silfab or any particular site in the response.

On March 14, 2024, the resident appealed that determination to the Board of Zoning Appeals.

On May 9, 2024, the BZA heard the appeal and reversed the Administrator’s determination.

Meanwhile, from February to May of 2024, prior to the appeal hearing, Silfab submitted various plans for the property related to signs and upfit of buildings, including a civil construction plan and an associated stormwater permit for a new parking area and moving utilities. Silfab also received conditional site plan approval from the County.

On May 30, 2024 the BZA issued its formal written decision on the appeal.

Currently, there is a 30-day appeal period which expires on June 29th.
