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STATE OF SOUTH CAROLINA COUNTY OF McCORMICK WILLIAM GREGORY SEIGLER; NATHAN R. ARHELGER; TRACIE L. ARHELGER; WAYNE MANFREADY; NANCY MANFREADY; JOY WHITE; and DOUGLAS W. CHARLES, Plaintiffs, vs. McCORMICK COUNTY; McCORMICK COUNTY COUNCIL; POLLARD LAND COMPANY, INC.; POLLARD LUMBER CO., INC., Defendants,	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT Case No.: 2026-CP-35-_____ **SUMMONS**

TO THE DEFENDANTS NAMED ABOVE:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer upon the undersigned counsel at the address shown below within thirty (30) days after service hereof, exclusive of the day of such service. If you fail to answer the Complaint within the time prescribed, judgment by default may be entered against you for the relief demanded in the Complaint.

Respectfully submitted,

SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT

s/Lauren Megill Milton .
Lauren Megill Milton (Bar No. 100389)
Benjamin D. Cunningham (Bar No. 76396)
P.O. Box 1380 | Pawleys Island, SC 29585
lauren@scelp.org | ben@scelp.org | (843) 527-0078

Attorneys for Plaintiffs

Columbia, S.C.
November 6, 2026

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Plaintiffs, by and through undersigned counsel, bring this action against Defendants and allege as follows:

NATURE OF THE ACTION

1. Plaintiffs challenge McCormick County Ordinance No. 25-11, adopted September 10, 2026, which rezoned approximately 677.52 acres from Forest/Agriculture ("FA") to Service/Industrial ("SI"). Plaintiffs allege that the County failed to substantially comply with mandatory zoning amendment procedures and enacted an amendment not made in accordance with its adopted Comprehensive Plan.

2. Ordinance No. 25-11 applies to McCormick County Tax Map Nos. 139-00-00-003 (231.62 acres), 153-00-00-004 (124.31 acres), 152-00-00-049 (197.59 acres), 152-00-00-005 (100 acres), and 140-00-00-010 (24 acres) (collectively, the "Rezoned Property").

3. The County's Zoning Ordinance identifies FA with the Comprehensive Plan category "Undeveloped Land" and SI with "Industrial Growth." Ordinance No. 25-11 changed the

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legal uses of substantial rural and forested acreage, including land facing homes, working forestland, and small businesses across Whitetown Road. It made a broad range of industrial uses available under SI without further rezoning.

4. Ordinance No. 25-11 immediately changed the zoning classification of all five parcels from FA to SI. The new classification authorizes the uses allowed in the SI district without limiting the land to a particular industrial project or conditioning the rezoning on later adoption of additional standards, including data center standards.

5. South Carolina law requires zoning regulations to be made in accordance with the Comprehensive Plan. McCormick County also requires application documentation, review and recommendation by its Zoning Officer, prescribed notice, and Planning Commission evaluation of specific relevant factors. Those required procedures and processes were not followed prior to the change from FA to SI across the five parcels.

6. Plaintiffs seek a declaration that Ordinance No. 25-11 is invalid, correction of the Official Zoning Map, and appropriate injunctive relief to prevent reliance upon an unlawfully enacted zoning classification.

PARTIES

7. Plaintiff William Gregory ("Greg") Seigler, Esq. resides at 771 Cimarron Road in McCormick County and owns or co-owns real property corresponding to Tax Map Nos. 152-00-00-015, 152-00-00-008, and 152-00-00-046 along Whitetown Road. In a January 29, 2026 letter submitted on his behalf, his attorney also identified Tax Map Nos. 151-00-00-030 and 152-00-00-025 among the properties in which Mr. Seigler has an interest. His Whitetown Road properties face rezoned parcel 152-00-00-049 across the roadway. He uses his land and the surrounding

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waterways for hunting, fishing, and recreation. His executed affidavit is incorporated herein as **Exhibit A**.

8. Mr. Seigler attended the January 8, 2026 Planning Commission hearing, questioned the lack of information about the proposed industrial use, and objected to approval without the analysis required by the County's ordinance. His attorney, Paul Agnew, submitted a written objection on his behalf on January 29, 2026 identifying the Commission's duties under § 4.2.4. Mr. Seigler has particular interests in the effects of industrial development on nearby waterways, access, traffic, noise, vibration, lighting, and his use of his property.

9. Plaintiffs Wayne and Nancy Manfready own and reside on approximately twenty acres at 1986 Whitetown Road, Tax Map No. 152-00-00-006, immediately across Whitetown Road from rezoned parcel 152-00-00-049. They have lived there for approximately six years and use their property daily for recreation, family activities, and wildlife observation. Their jointly executed affidavit is incorporated herein as **Exhibit B**.

10. The Manfreadys maintain outdoor spaces used by their family and grandchildren, including a pool and playground, and intend to keep the property in their family. Wayne Manfready has chronic obstructive pulmonary disease (COPD) and Nancy Manfready has heart disease. The expansion of industrial zoning opposite their home creates specific concerns about air emissions, traffic, noise, lighting, and interference with their health and their existing use and enjoyment of the property.

11. Plaintiff Douglas ("Doug") W. Charles resides at 1030 Cimarron Road on approximately 168 acres, Tax Map No. 152-00-00-050, facing rezoned parcels 152-00-00-049 and 152-00-00-005 across the Whitetown Road corridor. County property records identify Douglas W. Charles as Trustee in connection with this parcel. He has lived there for approximately twenty-

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three years, personally manages the land, and has possessory, residential, and other property interests affected by the rezoning. His executed affidavit is incorporated herein as **Exhibit C**.

12. Doug Charles actively manages his land as a tree farm certified through the South Carolina Tree Farm program and recognized by the State as a Heritage Tree Farm, conducts periodic timber sales, maintains wildlife habitat, and uses the property for hunting, fishing, family gatherings, and recreation. His home depends on a private well. Industrial development opposite the property threatens these existing productive uses and raises particular concerns about water quality and quantity, runoff, lighting, noise, traffic, and property conditions.

13. Plaintiffs Nathan R. Arhelger and Tracie L. Arhelger reside at 2124 Whitetown Road, Tax Map No. 152-00-00-052, immediately across Whitetown Road from rezoned parcel 152-00-00-049. Their family has held the property since approximately 1996.

14. The Arhelgers operate two family businesses from their property, including a weekend bakery farmstand. Customers travel on Whitetown Road to reach their businesses. The expansion of SI zoning across that road threatens the rural setting in which they reside and upon which their businesses depend, as well as customer access and their use of the property. They have observed timbering, surveying, and utility activities in the area in connection with prospective development.

15. Plaintiff Joy White owns real property identified in the County parcel ownership records as Tax Map No. 152-00-00-055, directly across Whitetown Road from rezoned parcel 152-00-00-049. Ms. White has longstanding family ties to McCormick County and enjoys the quiet rural setting, including hunting, fishing, exploring, and outdoor activities with her children. Ordinance No. 25-11 replaced the FA classification facing her property with a district authorizing materially more intensive industrial uses. She is particularly concerned about increased traffic and

noise, air quality and her child's allergies, effects on wildlife and the rural setting, and loss of property value and enjoyment of outdoor family activities.

16. Defendant McCormick County is a political subdivision of South Carolina. McCormick County Council adopted Ordinance No. 25-11, and its officials administer and maintain the Official Zoning Map and the County's zoning regulations.

17. Defendant McCormick County Council is the governing body of McCormick County and exercises the County's legislative zoning authority under S.C. Code Ann. § 6-29-720. County Council adopted Ordinance No. 25-11 on September 10, 2026. Plaintiffs join County Council as the body responsible for the challenged legislative action and for any further Council proceedings required by the relief sought.

18. Defendant Pollard Land Company, Inc. owns rezoned parcels 152-00-00-049 and 140-00-00-010. Defendant Pollard Lumber Co., Inc. owns rezoned parcels 139-00-00-003, 153-00-00-004, and 152-00-00-005. Each claims the benefit of Ordinance No. 25-11. Both are parties whose interests would be affected by the requested declaration and are joined under S.C. Code Ann. § 15-53-80 and Rule 19, SCRCP.

JURISDICTION, VENUE, AND STANDING

19. This Court has subject matter jurisdiction under S.C. Const. art. V, § 11, the South Carolina Uniform Declaratory Judgments Act, S.C. Code Ann. §§ 15-53-10 et seq., and Rule 57, SCRCP, and may grant appropriate equitable relief. Venue is proper in McCormick County because the rezoned property is located there and the challenged legislative action occurred there.

20. County Council adopted Ordinance No. 25-11 on September 10, 2026. Plaintiffs bring this action within sixty days of the County's decision.

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21. Plaintiffs have standing to challenge Ordinance No. 25-11 based on the concrete, particularized injuries to their property, residential, and business interests alleged in this Complaint. Plaintiffs further assert statutory standing under S.C. Code Ann. § 6-29-760(C) based on their ownership of land adjoining the Rezoned Property. Independently and in the alternative, Plaintiffs invoke public importance standing because this action presents substantial and recurring questions concerning the County's compliance with mandatory zoning amendment procedures and its obligation to make zoning decisions in accordance with the Comprehensive Plan.

22. Plaintiffs also have concrete, particularized interests affected by the change in allowable uses on land adjoining their properties. The Manfreadys and Arhelgers reside immediately across Whitetown Road; Mr. Charles maintains a residence, manages a productive tree farm, and relies on a private well; Mr. Seigler uses his properties and nearby waterways for hunting, fishing, and recreation; the Arhelgers operate businesses that depend on customer access and the rural setting; and Ms. White owns, uses, and enjoys her property directly facing the newly authorized industrial uses. The rezoning allows for intensive industrial activity, including truck traffic, lighting, noise, emissions, stormwater, and utility demands immediately opposite from Plaintiffs' identified properties, homes, access routes, private water supplies, working forestland, and existing uses. These are property-specific injuries and threats, not merely objections to County policy.

23. Ordinance No. 25-11 immediately removed the FA restrictions that had governed the five parcels and made substantially more intensive SI uses legally available without any further zoning map amendment. The change directly affects the planning and land use setting of Plaintiffs' facing properties and exposes their present uses to consequences from the newly authorized industrial classification.

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24. Plaintiffs' injuries are fairly traceable to the adoption of Ordinance No. 25-11, which immediately changed the permissible land uses on the Rezoned Property. A declaration invalidating that ordinance and directing correction of the Official Zoning Map would eliminate the challenged SI classification and restore the lawful zoning restrictions applicable absent Ordinance No. 25-11. The requested relief would therefore redress those injuries.

25. Alternatively, this action presents questions of substantial public importance requiring judicial guidance regarding the County's ongoing obligation to follow its mandatory zoning amendment procedures and make zoning regulations in accordance with its adopted Comprehensive Plan as required by the South Carolina Local Government Comprehensive Planning Enabling Act. The questions include whether the Planning Commission adequately evaluated the capability of the County or other government agencies to provide services, facilities, or programs that might be required if the rezoning were approved, the potential effects on the condition and value of surrounding properties, and the precedents these decisions could establish for future rezoning requests, as contemplated by § 4.2.4(C)–(E). They also concern the breadth of uses authorized by Service/Industrial zoning and how consistency with the Comprehensive Plan should be independently evaluated when the County historically has used the existing zoning map as a future land use reference.

26. These questions are recurring matters of County administration and public governance, not simply objections to one proposed development. The County has considered other FA-to-SI rezoning requests and data center regulations while applying the same amendment procedures. The meaning of those procedures affects property owners, the Planning Commission, and County Council in future zoning decisions. Plaintiffs assert public importance standing independently of their statutory and particularized-injury grounds.

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27. An actual and present controversy exists. The County treats Ordinance No. 25-11 as effective, the Pollard Defendants claim the resulting SI classification, and Plaintiffs contend that the ordinance was enacted contrary to state and County law. The legality of the completed amendment is ripe for determination.

GOVERNING LAW AND COUNTY ZONING REQUIREMENTS

28. The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. §§ 6-29-310 et seq. (the "Enabling Act"), governs the County's planning and zoning authority. Under § 6-29-510(A), the Planning Commission must maintain a continuing process for preparing, evaluating, and updating the planning elements necessary to guide the County's development.

29. Section 6-29-510(D)(7) requires a land use element considering existing and future land use by categories, including residential, commercial, industrial, agricultural, forestry, mining, public and quasi-public, recreation, parks, open space, and vacant or undeveloped land. Section 6-29-510(E) requires review of the Comprehensive Plan in light of changes in the amount, kind, and direction of development.

30. S.C. Code Ann. § 6-29-710(A) requires zoning ordinances to guide development according to existing and future needs and to be made with "reasonable consideration" of applicable purposes, including "to protect and preserve scenic, historic, or ecologically sensitive areas" (§ 6-29-710(A)(4)); regulating land uses for "trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto," § 6-29-710(A)(5); and facilitating the provision or availability of "transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities," § 6-29-710(A)(6).

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31. Section 6-29-720(A) authorizes adoption of zoning regulations "to help implement the comprehensive plan." Section 6-29-720(B) commands: "The regulations must be made in accordance with the comprehensive plan for the jurisdiction, and be made with a view to promoting the purposes set forth throughout this chapter."

32. McCormick County's Comprehensive Plan (the "Comprehensive Plan" or "Plan") was revised in 2023. The Plan addresses land use, economic development, natural and cultural resources, housing, community facilities, transportation, public investment, and resilience.

33. County Zoning Ordinance § 2.1.1 and Table 2.1.1-1 expressly link the FA district to the Comprehensive Plan's "Undeveloped Land" category and the SI district to its "Industrial Growth" category. The Zoning Ordinance therefore identifies an important planning distinction between the classification the County removed and the classification it substituted for the Rezoned Property at issue.

34. The stated purpose of FA is to preserve natural areas and agricultural uses and accommodate very low-density residential development where public infrastructure is unavailable and more intensive development is premature or inappropriate.

35. The SI district is intended for more intensive industrial uses, including manufacturing, fabrication, assembly, warehousing, storage, and heavy truck traffic. The County's land use matrix lists heavy industrial uses among those permitted in SI.

36. County Zoning Ordinance § 4.2.2(A) provides: "Any amendments, change or supplement to the Zoning Map or ordinance must first be submitted to the Zoning Officer for review and recommendation." Section 4.2.2(B) requires the officer to review an application for proper form, give written notice within fifteen working days when the application is incomplete

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or information is required, and transmit the complete application and the officer's recommendation to the Planning Commission within fifteen days of receipt of a complete application.

37. Section 4.2.2(C) requires the applicant to provide a detailed description of the requested amendment and, for zoning-map changes, "A legal description and street address of the subject property," a boundary map where required, the names of the applicant and property owners, the applicant's interest where not the fee owner, and the "Applicant's and property owner's signature." These required facts identify the land and the parties entitled to request and support the rezoning.

38. County Zoning Ordinance § 4.2.3(A) requires newspaper notice "at least fifteen (15) days prior to the hearing." Sections 4.2.3(B) and (C) separately require signs visible from each public street bordering affected property, posted at least fifteen days before the hearing, and advance mailed notice to adjoining owners. Section 6-29-760(A) independently requires conspicuous posting visible from each abutting public thoroughfare. Section 6-29-760(B) provides: "If a landowner whose land is the subject of a proposed amendment will be allowed to present oral or written comments to the planning commission, at least ten days' notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property."

39. Section 4.2.4 mandates: "In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition." The ordinance identifies the following potentially relevant factors, among others: (A) "Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original Ordinance." (B) "Whether or not the requested zoning change is consistent with the Comprehensive Plan." (C) "The precedents and the possible effects of such

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precedents, which might result from approval or denial of the petition." (D) "The capability of the County or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved." (E) "Effect of approval of the petition on the condition and/or value of property in the County." The final factor, (F), concerns the "Effect of approval of the petition on adopted plans and policies of McCormick County."

40. Section 4.2.5 requires: "County Council shall review the Planning Commission report and comments made at the Public Hearing before taking action to either adopt or reject the Ordinance." Section 4.2.7 requires completion of the hearing and Planning Commission review before the amendment is submitted to Council for adoption.

41. S.C. Code Ann. § 6-29-360(B) requires the Planning Commission to maintain a public record of its resolutions, findings, and determinations. The February 6, 2026 written recommendation records the Commission's votes and an asserted original zoning-map error, but does not describe an evaluation of governmental service capacity, effects on surrounding property, or consistency with the Comprehensive Plan for the five-parcel amendment.

THE COMPREHENSIVE PLAN

42. The Comprehensive Plan's Land Use Element addresses land classified as "Undeveloped Land" as generally expected to continue with existing uses. Under "Undeveloped Land," printed page 37 calls for special care as previously undeveloped land becomes developed. It expressly identifies "available infrastructure, soil capacity, environmental hazards (wetlands, floodplains, etc.), slope constraints, compatibility with existing uses, and the overall development goals for the County" as factors to consider when changes take place, and recognizes the value of open space in maintaining rural character. Because the County's Zoning Ordinance associates the FA district with the Plan's "Undeveloped Land" category, these considerations were relevant to

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evaluating whether the proposed conversion of the Rezoned Property from FA to SI was consistent with the Comprehensive Plan.

43. Under "Industrial Growth," the Plan states that "The County has positioned industrial development product with the Speculative Building and the ECO Industrial Park located near Plum Branch on Highway 28/221." It also describes the availability of adjoining acreage for expansion and efforts to secure additional industrial sites along Highway 378, which encountered resistance. The Plan thereby identifies particular industrial development opportunities and locations for planned growth, but does not identify the full acreage extending toward Whitetown Road as an area selected for concentrated industrial growth.

44. Land Use Goal Two directs the County to "Identify corridors and direct growth to those corridors." It further states: "The Planning Commission, the Economic & Community Development Department, the Chamber of Commerce, local towns and major utilities should identify areas for concentrated industrial and residential growth, commercial activities, and tourism." Land Use Goal Three calls for the County to "Upgrade infrastructure where necessary" and to "Target areas for immediate and long-term infrastructure expansion or upgrade using the resources of utilities, the Chamber of Commerce and local towns." The Plan's identification of the Speculative Building and ECO Industrial Park near Plum Branch implements this directed-growth approach. These policies were relevant to evaluating the rezoning's location, surrounding uses, infrastructure demands, and consistency with identified growth priorities.

45. The Plan's description of "Residential Growth," printed page 37, states: "Plans are ongoing to identify potential residential development properties that would not be in close proximity with industrial development areas." The homes and businesses on Whitetown Road existed when the County extended SI zoning to the opposite side of the road. Those established

uses should have made the location and compatibility of this industrial expansion relevant to the County's determination under the Plan and § 4.2.4, rather than a concern to be deferred exclusively to later development review.

46. The Natural Resources Element states: "Each site should be tested individually to match the proper soil to the type of proposed development." It also discusses the consequences of steep slopes, wetlands, floodplains, erosion, drainage, and runoff affecting neighboring properties and waterways. Those policies were relevant to the land-use suitability and compatibility considerations raised by the proposed SI classification. The Commission's recorded proceedings do not show how it evaluated those considerations for the five-parcel rezoning.

47. The Natural Resources Element identifies soil limitations as important planning considerations and recommends development guidelines addressing connections to municipal water and sewage systems for existing urban-type development where feasible, restrictions on development in floodplain and wetland areas, and requirements that developers "satisfactorily overcome severe soil conditions so as not to adversely affect surrounding areas." These considerations were relevant to evaluating the consistency of the proposed SI rezoning with the Comprehensive Plan's natural-resource and infrastructure policies, particularly given the extent of the forested acreage and the existing residential, forestry, water, and drainage uses of surrounding property.

48. The Natural Resources Element identifies forestry as a vital component of McCormick County's economy and states: "Forestry is the largest income producing industry in McCormick County. It provides protection of our water resources, air quality, and visual appearance for residents and visitors." The County's planning duties therefore required

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consideration of forestry as a productive industry with environmental and scenic benefits, not merely as vacant acreage awaiting industrial conversion.

49. Natural Resources Goal Five calls for maintaining a strong relationship with Georgia Pacific and other businesses "to revive the forest product industry in our county." Pollard's application referred to the "recently purchased GP Site" and requested similar SI zoning for six parcels for "Future Development." The application did not identify a proposed forest-products use or explain how the requested industrial expansion across the surrounding forested acreage would advance that objective. The Plan's forest-products and other land-use objectives were relevant to the Planning Commission's evaluation of the proposed rezoning under § 4.2.4(B) and (F).

50. The 2023 Plan's Natural Resources Element, under "Heritage Corridor," identifies portions of SC Highways 28 and 81 and US 221 as part of the Savannah River Scenic Highway and South Carolina National Heritage Corridor. The Plan expressly states: "This designation makes it important to protect and enhance the scenic beauty of this roadway and the many natural resources that are adjacent to or accessible from the route." These adopted policies provide additional scenic and natural-resource context for evaluating industrial growth. Plaintiffs allege that the Commission's recorded proceedings do not show how it addressed the applicability of those policies to the proposed rezoning.

51. The Community Facilities Element observes: "it is important for local governments to work closely with representatives of utilities to target areas of future growth and guide growth to areas with adequate services." It identifies current sewer capacity for new residential, commercial, or small industrial growth but notes that sewer service is available only in part of the

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County. Whether the relevant agencies could provide services and facilities for the range of uses newly permitted across 677.52 acres was a material part of the required § 4.2.4(D) review.

52. The Comprehensive Plan's economic development policies must be read together with its adopted policies governing the location of industrial growth, infrastructure capacity, protection of natural resources, and compatibility with surrounding properties. The Commission's review did not substantively reconcile the proposed 677.52-acre industrial expansion with those policies.

53. The Housing Element addresses the need to coordinate housing planning with community infrastructure, the physical characteristics of land, and other County planning objectives. The Land Use Element describes ongoing efforts to identify residential development locations away from industrial development areas. The Transportation Element addresses changing transportation needs. These policies were relevant to the Planning Commission's evaluation of the proposed SI rezoning, including its location and scale, the existing homes and family businesses along Whitetown Road, the range of industrial uses authorized by the new classification, and the potential effects of those uses on surrounding properties and transportation demands.

54. The Priority Investment and Resiliency Elements reinforce the scope of required planning review: industrial growth implicates capital infrastructure, drought and water resources, flooding, hazardous incidents, and emergency response. These policies were relevant to the Plan-consistency and public-services inquiry required by § 4.2.4(B), (D), and (F), and the Commission did not demonstrate an evaluation of their application to the five-parcel rezoning proposal.

55. The 2023 Comprehensive Plan refers to a future land use map but contains no separate map identifying the Rezoned Property for Industrial Growth. On August 28, 2026, County

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Zoning Officer Avery Gambrell confirmed that the Plan did not include a separate future land use map and explained that the County had historically used its zoning map as a future land use reference.

56. The existing zoning map could not, by itself, demonstrate that changing that same map from FA to SI was consistent with the adopted Comprehensive Plan. The County was required to evaluate the proposed industrial expansion against the Plan's independently stated growth-location, infrastructure, residential-compatibility, forestry, and resource-protection policies. The Commission's recorded deliberations and recommendation do not reflect a substantive reconciliation of those policies with the five-parcel, 677.52-acre rezoning.

APPLICATION AND COUNTY ACTION

57. Pollard signed Hearing Request Form 1 on November 20, 2025, and the County's form records a filing date of November 26, 2025. The application sought to rezone six parcels from FA to SI and included Hearing Request Form 1 and Zoning Map Amendment Form 2. The application identified timberland as the existing use, and Form 2 gave "Future Development" as the reason for the requested amendment.

58. In Zoning Map Amendment Form 2, Pollard described the reason for the rezoning using the words "Future Development" and referred to the "recently purchased GP Site"; it stated that Pollard wanted all of the properties zoned similarly. The form listed six tax map numbers, including Tax Map No. 152-00-00-001, together with a single address associated with the former Georgia-Pacific site. It did not supply individual legal descriptions for the parcels; its lot-area field was blank. The application did not explain the particular suitability, service demands, or neighboring-property effects of extending SI zoning across the large forested tracts.

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59. On Hearing Request Form 1, Pollard Land Company identified itself as the applicant and claimed a 100% ownership interest; the field for other owners was left blank. Pollard Lumber Co., Inc., a separate corporation, owned three of the five parcels ultimately rezoned under Ordinance No. 25-11. The application did not identify Pollard Lumber as an owner or establish the signer's authority to act on behalf of that corporation. Those omissions concerned the ownership and signature-authority information required by § 4.2.2(C).

60. County Zoning Ordinance § 4.2.2(A) and (B) required the Zoning Officer to review the proposed amendment and transmit a complete application with a recommendation to the Planning Commission. The County-produced application file contains no separately identifiable recommendation or transmittal documenting compliance with those requirements. The Commission proceeded to consider an application whose produced materials lacked the required owner identification and legal descriptions.

61. At the December 16, 2025 Council meeting, County Administrator James Upchurch reported that he and Economic Development Director Mark Warner were working with the McCormick Commission of Public Works ("CPW") concerning short- and long-term water capabilities. The County had provided CPW an existing Thomas & Hutton water model for additional engineering assessment. These inquiries occurred while Pollard's industrial rezoning application was pending and before the Planning Commission's January and February 2026 proceedings.

62. The newspaper editions identified as providing notice of the January 8, 2026 Planning Commission hearing were dated December 25, 2025 and January 1, 2026, fourteen and seven days before the hearing. Those dates did not satisfy the local ordinance's command that newspaper notice be placed "at least fifteen (15) days prior to the hearing." The Commission

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nevertheless conducted the January hearing and subsequently relied upon that proceeding when it closed public comment on February 5.

63. County Zoning Ordinance § 4.2.3(B) required conspicuous signs posted at least fifteen days before the January 8 hearing and visible from every public street bordering the affected property. Section 4.2.3(C) separately required advance mailed notice to adjoining property owners. The County-produced administrative file contains no complete posting or mailing records establishing compliance with those requirements.

64. At the January 8 hearing, Pollard described possible industrial uses, including biomass related ideas, but did not identify a committed development proposal. Commissioners and residents questioned how the County could evaluate the application without knowing what would be built. The Planning Commission voted to defer its decision and asked Pollard to consider the parcels separately. At the same hearing, Pollard represented that the possible industrial developments it was considering would bring employment without taxing County infrastructure, although no particular development or supporting infrastructure analysis had been identified.

65. County representatives explained that changing the zoning would allow the property to be marketed for industrial development before a specific operator, site plan, or infrastructure program was selected. The Commission's task was therefore to evaluate the uses that SI zoning would authorize, not simply the possibilities then being discussed by the applicant.

66. At the January 20, 2026 County Council meeting, Councilman Cook requested an update on a working group appointed by the County Administrator to address water and sewer problems with CPW. The existence of that working group was publicly acknowledged before the Planning Commission voted on February 5. The Commission's recorded discussion does not show

an examination of the group's work or of service capacity in connection with the broad industrial zoning requested.

67. On January 29, 2026, attorney Paul Agnew, representing Mr. Seigler, submitted a written objection to the Planning Commission. The letter expressly addressed each of the six factors listed in County Zoning Ordinance § 4.2.4(A) through (F), including Comprehensive Plan consistency, effects on property and precedent, public-service capability, and adopted County policies. It stated that the Commission lacked the information necessary to evaluate the uses Pollard sought to authorize and urged denial of the rezoning request. The Commission received this objection before voting on February 5.

68. At the February 5 meeting, the Planning Commission Chairman acknowledged receipt of Mr. Seigler's written objection before the Commission voted.

69. At the February 5, 2026 meeting, the Chairman announced that the Planning Commission would not take public comment because it had held a public hearing in January. The Commission then received oral statements from the applicant concerning Pollard's priorities and preferences among the parcels proposed for rezoning, while interested members of the public were not allowed to respond before the vote. Section 6-29-760(B) expressly requires notice and "an opportunity to comment in the same manner" when the subject landowner is permitted oral or written comments to the Planning Commission. Plaintiffs allege that the County violated this statutory mandate by failing to provide the equal comment opportunity.

70. On February 5, 2026, the Planning Commission voted separately on the parcels. The first recommendation encompassed four larger tracts and the approximately 24-acre parcel, Tax Map No. 140-00-00-010, all five of which became Ordinance No. 25-11. The February 6 recommendation records five members in favor and one recusal. The Commission separately

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considered parcel 152-00-00-001, which Pollard later withdrew. That parcel is not included in Ordinance No. 25-11.

71. The Planning Commission's February 5, 2026 discussion described a smaller tract next to the former Georgia-Pacific industrial property as having been overlooked when the original zoning map was adopted. The approximately 24-acre parcel, Tax Map No. 140-00-00-010, was the smaller tract included with the four larger parcels in the recommendation for Ordinance No. 25-11. The February 6 written recommendation did not identify the original adopted map, ordinance, or contemporaneous record establishing that a mapping error had actually occurred.

72. Commissioner Thompson described the approximately 24-acre tract near the former Georgia-Pacific industrial property as the subject of a purported original zoning "technical error." He also expressed a retrospective view that land near the railroad and existing industrial site might have been recommended for industrial zoning when the original map was adopted. That retrospective view does not, by itself, establish that the adopted map erroneously classified the four larger parcels, totaling approximately 653.52 acres. All five parcels were included in the Planning Commission recommendation and rezoned through Ordinance No. 25-11.

73. The Planning Commission violated the ordinance because it recommended the five-parcel rezoning as a group without the substantive evaluation required by § 4.2.4(B) and (D). Its recorded proceedings do not show an evaluation of governmental agencies' ability to furnish the services and facilities potentially required by SI uses authorized across 677.52 acres or a reconciliation of the proposed industrial expansion with the Comprehensive Plan's industrial-growth, residential-compatibility, and infrastructure policies. County officials' contemporaneous inquiries into water and wastewater capacity underscored the materiality of those issues.

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74. The Commission's recorded proceedings do not show a substantive evaluation of how the proposed industrial uses throughout the Rezoned Property would affect the condition or value of nearby homes, family businesses, and working forestland, or of the possible precedents and effects of approving SI zoning across four large rural tracts. Those were relevant considerations expressly identified in § 4.2.4(C) and (E) and the failure to assess them was a violation of that ordinance.

75. Pollard's application sought SI zoning for six parcels for "Future Development" and referred to the "recently purchased GP Site," without identifying specific industrial uses or evaluating their impacts for each parcel. Despite the lack of necessary information, the Planning Commission nevertheless recommended the five-parcel SI rezoning without a substantive evaluation of the infrastructure, compatibility, and property consequences of the range of industrial uses the new classification would authorize. Later correspondence between Pollard and County administration identified data center interest and prospective water needs while the rezoning remained pending before Council.

76. County Council gave Ordinance No. 25-11 first reading on February 17, 2026 and second reading on March 17, 2026. Those readings concerned the five-parcel amendment later enacted as Ordinance No. 25-11. The separate sixth parcel, Tax Map No. 152-00-00-001, was withdrawn by Pollard on May 28, 2026 and was not included in Ordinance No. 25-11.

77. Before final adoption, County administration received specific information concerning possible industrial water service. In a June 30, 2026 email to Administrator Upchurch, CPW representative Cheryl Daniels stated that she had sent Pollard Lumber a letter committing CPW to one million gallons of water per day. Ms. Daniels asked whether the project would proceed

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before CPW committed water to other large users. County officials thus received information about a significant prospective water commitment before Council's final rezoning vote.

78. That correspondence directly implicated the Comprehensive Plan's directions concerning water and sewer capacity, the location of industrial growth, and coordination of infrastructure. It preceded the County Council's final vote on the rezoning.

79. On July 31, 2026, Bert Pollard described earlier communications with County officials concerning industrial development of the property. On August 8, Pollard requested an updated proposed data center ordinance from County Administrator James Upchurch, who sent a draft on August 9 while expressly stating that it was not final. In an August 11 email, Pollard characterized related materials as a draft rather than a site plan. On August 20, Upchurch referred to "the data center company you've been working with" in correspondence with Pollard, who responded that day. Those exchanges demonstrate that County administration was directly discussing prospective data center use while Ordinance No. 25-11 remained pending.

80. Third reading of Ordinance No. 25-11 was removed from the August 18, 2026 Council agenda, and the scheduled August 18 meeting was subsequently canceled. The County thereafter advertised and held a public hearing on September 10, 2026, at which Council adopted Ordinance No. 25-11 at third reading by a three-to-two vote. That subsequent Council hearing did not substitute for the separate Zoning Officer review required by § 4.2.2 or the Planning Commission's earlier evaluation under § 4.2.4.

81. At the same September 10 meeting, Council rejected a proposed data center moratorium and approved only first reading of Ordinance No. 26-06, a proposed separate set of data center standards. At its October 20 meeting, Council postponed third reading of proposed 26-06 and referred the amended draft back to the Planning Commission; proposed Ordinance No. 26-

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08, involving three separate parcels, was tabled. Neither proposal was finally enacted at the October 20 meeting. Ordinance No. 25-11 was not made conditional on the passage of either ordinance.

82. In a statement incorporated into the September 10 Council minutes, Councilman Charles Cook explained that the County sought to rezone the property before receiving a definite development proposal and contemplated later project-level review of site impacts. The County adopted the SI classification before that later review, notwithstanding the separate zoning-amendment evaluation required by § 4.2.4.

83. At the October 20, 2026 Council meeting, a Rural Infrastructure Authority presentation and engineering assessment described longstanding County water and wastewater problems, including pressure and operational issues, sewer maintenance, and the need for engineering work and capital improvements. These conditions were consistent with infrastructure concerns County officials had been aware of before the rezoning application at issue.

84. At the October 20 meeting, County Council Chairman Bernard Hamby acknowledged that residents had regularly raised concerns about longstanding water and sewer problems, and Councilmember Jacqueline Brown described infrastructure as more than forty years old.

85. The Rural Infrastructure Authority discussed the County-operated water and wastewater system, which obtains water from CPW and other sources. The June 30 CPW communication separately concerned possible service to Pollard. Together, those records underscore the importance of water supply, service capacity, and coordination among providers as a component of the County's industrial land-use review.

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86. In interviews reported September 15 and September 25, 2026, County Council Chairman Bernard Hamby described the time pressure surrounding Council's September 10 decisions. Hamby stated that Pollard Lumber Company had insisted upon a decision by September, notwithstanding his concern that the timetable did not allow sufficient public input and discussion. Hamby also described a September 18 deadline that Council understood to be associated with the potential availability of natural gas and explained that the prospect of losing that opportunity influenced his opposition to the proposed nine-month moratorium. Council approved Ordinance No. 25-11 at the same meeting, although no definitive data center proposal had been presented.

87. The County's decision to grant SI zoning was a legislative zoning amendment, not a site plan approval. No final development plan or project permit is challenged in this action. The defects alleged herein relate to the County's failure to comply with the requirements governing the zoning classification it actually enacted.

FIRST CAUSE OF ACTION
Declaratory Judgment: Material Failure to Comply with Mandatory Zoning Amendment Procedures

88. Plaintiffs incorporate the preceding allegations herein by reference.

89. McCormick County Zoning Ordinance §§ 4.2.2 through 4.2.7 impose mandatory procedural duties before a zoning-map amendment can be adopted. The applicant must provide the information specified by § 4.2.2(C); the Zoning Officer must review the application and transmit a complete application with a recommendation; and the Planning Commission "shall identify and evaluate all factors relevant to the petition" under § 4.2.4 before Council acts. The later review of a specific development proposal cannot substitute for the mandatory review of the rezoning itself.

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90. Pollard's Hearing Request Form 1 identified Pollard Land Company as the applicant, recorded a 100% ownership interest, and left the separate owner-identification field blank, although Pollard Lumber Co., Inc. owned three parcels affected by the requested amendment. The produced application did not identify Pollard Lumber Co. as a separate owner or establish the signer's authority to act for that corporation. Form 2 supplied tax map numbers and a single address but no individual legal descriptions for the affected parcels, as required by § 4.2.2(C)(1). The County-produced administrative record also contains no separately identifiable transmittal of a complete application accompanied by the Zoning Officer's required recommendation. These omissions deprived the Commission of information the ordinance expressly requires to verify the land and owners involved, determine the applicant's authority, and evaluate the petition on a complete application, and were material to its review and recommendation.

91. The Planning Commission discussed the general suitability of industrial zoning near the railroad and existing industrial property, as well as possible buffering of neighboring uses. Plaintiffs allege, however, that neither its recorded deliberations nor its February 6, 2026 written recommendation shows a substantive assessment of (1) the capability of governmental agencies to serve the range of industrial uses authorized across 677.52 acres, (2) possible precedents and effects on the condition or value of nearby property, or (3) consistency with the Comprehensive Plan's growth-location and infrastructure policies. Plaintiffs allege those omissions were material to the Commission's recommendation and its obligation under § 4.2.4.

92. The January 8, 2026 Planning Commission hearing proceeded after newspaper notices appeared in editions dated December 25, 2025 and January 1, 2026, fourteen and seven days before the hearing, respectively. Neither of those publication dates satisfied the County

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Zoning Ordinance's requirement of newspaper notice "at least fifteen (15) days prior to the hearing" under § 4.2.3(A). The Commission relied on that hearing in proceeding to its February 5 recommendation. Sections 4.2.3(B) and (C) separately required posted signs and mailed notice to adjoining property owners; the County-produced record does not contain complete records establishing when and where signs were posted or to whom notices were mailed. Plaintiffs allege that the newspaper-notice deficiency materially affected the Commission process preceding enactment of Ordinance No. 25-11 and rendered the rezoning invalid.

93. At the February 5, 2026 meeting, the Commission Chairman announced that public comment would not be taken because a public hearing had been held in January. The Commission nevertheless received oral statements from Pollard's representative regarding the applicant's preferences among the parcels proposed for rezoning before voting. Plaintiffs and other interested members of the public were not offered an opportunity to address the Commission in the same manner at that meeting. S.C. Code Ann. § 6-29-760(B) requires at least ten days' notice and an opportunity to comment in the same manner when the subject landowner is permitted to present oral or written comments to the Planning Commission. Plaintiffs allege that the Commission's failure to afford that comment opportunity to interested landowners and the public before recommending the five-parcel amendment violated § 6-29-760(B) and rendered the rezoning invalid.

94. The application defects concerned owner identification, signature authority, and the legal descriptions of affected land required by § 4.2.2(C). The Commission review defects concerned its failure to identify and evaluate material factors governing the SI classification and five-parcel expansion. The deficient newspaper notice and the restriction on public comment at the February 5 proceedings implicated the notice and participation protections prescribed by the

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County ordinance and state law. Each category was material, and together the failures deprived adoption of Ordinance No. 25-11 of substantial compliance with the procedures required by state law and the County's own ordinance. Plaintiffs seek a declaration that Ordinance No. 25-11 is invalid on these grounds, independently and cumulatively.

SECOND CAUSE OF ACTION
Declaratory Judgment: Rezoning Not Made in Accordance with the Comprehensive Plan

95. Plaintiffs incorporate the preceding allegations herein by reference.

96. Under S.C. Code Ann. § 6-29-720(B), zoning regulations must be made in accordance with the County's Comprehensive Plan. Section 6-29-710(A) requires reasonable consideration, where applicable, of transportation, public services, agriculture, forestry, natural resources, airports, and the safety and welfare of affected communities.

97. The County's own zoning provisions connect FA to the Comprehensive Plan category "Undeveloped Land" and SI to "Industrial Growth." County Zoning Ordinance § 4.2.4(B) expressly requires the Planning Commission to evaluate whether a proposed zoning change is consistent with the Comprehensive Plan. Those provisions, together with S.C. Code Ann. § 6-29-720(B), required consideration of the Plan's policies in evaluating the five-parcel amendment. The Plan addresses where industrial development should be directed, how growth should be served by infrastructure, and how that growth should be reconciled with natural resources and existing residential and agricultural uses. Those policies arise from the Plan's Land Use, Economic Development, Natural Resources, Housing, Community Facilities, Transportation, Priority Investment, and Resiliency Elements, as described above.

98. Ordinance No. 25-11 converted 677.52 acres from FA to SI, extending intensive industrial zoning beyond the existing industrial setting toward residences, working forestland, and small businesses along Whitetown Road. The Plan directs the identification of corridors for

concentrated growth, calls for targeted infrastructure expansion, and recognizes residential development locations away from industrial development areas. It also treats undeveloped land, forestry, scenic resources, and neighboring compatibility as affirmative planning considerations. By approving the full five-parcel conversion without reconciling the location and scale of the change with those adopted policies, the County enacted an amendment not made in accordance with the relevant elements of the Comprehensive Plan.

99. The rezoning also implicated adopted policies governing site suitability, the forest-products industry, industrial growth, transportation, scenic and natural resources, and public facilities. The Commission described the approximately 24-acre tract as the subject of a purported "technical error" and expressed a retrospective view about how additional nearby land might have been zoned originally. Those assertions did not, by themselves, establish that the adopted original map erroneously classified the other approximately 653.52 acres. The County's inquiries into water and wastewater capability reinforced the importance of evaluating the full proposed zoning change against the Comprehensive Plan before adoption.

100. Ordinance No. 25-11 was not made in accordance with the Comprehensive Plan or with a view toward the purposes of the Enabling Act and should be declared invalid and unenforceable.

THIRD CAUSE OF ACTION
Declaratory Judgment: Arbitrary and Unreasonable Legislative Zoning

101. Plaintiffs incorporate the preceding allegations herein by reference.

102. A legislative zoning amendment must bear a substantial relationship to legitimate public purposes, including public health, safety, and general welfare. Plaintiffs allege that Ordinance No. 25-11 did not satisfy that requirement in light of the location and scope of the SI

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expansion, its effects on established neighboring uses, and the public-service conditions known to County officials when the amendment was enacted.

103. The amendment authorized a broad range of industrial uses on approximately 677.52 acres of predominantly forested land opposite established residences, a productive tree farm, and family businesses. The resulting change in allowable uses exposed those neighboring properties and their existing uses to potential industrial traffic, noise, lighting, emissions, demands on public services, and effects on water resources. Those land-use consequences were material to the reasonableness of the Council's decision.

104. The Planning Commission referred to an alleged original zoning "technical error" involving the approximately 24-acre tract near the former Georgia-Pacific industrial property and to a retrospective view concerning the original zoning of land near the railroad and existing industrial site. Plaintiffs dispute whether any original map-drafting error is established by the adopted zoning records. Neither the February 5 discussion nor the February 6 recommendation identified an adopted original map or contemporaneous correction establishing such an error for the other four parcels, totaling approximately 653.52 acres. Those explanations did not, standing alone, resolve the land-use, public-service, neighboring-property, and possible-precedent considerations raised by extending SI zoning to the four larger tracts.

105. Before County Council adopted Ordinance No. 25-11, County administration had received information concerning existing public-service conditions and a prospective substantial industrial water commitment. That information included a June 30, 2026 CPW email, which postdated the Planning Commission's February 5 recommendation. The Commission's recorded proceedings do not show a substantive evaluation of service capability, possible precedents, neighboring-property effects, and Comprehensive Plan consistency for the range of uses

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authorized across the five parcels. Considering the breadth and location of the amendment, its effects on established neighboring uses, the identified public-service concerns, and the distinction between the smaller tract's alleged technical error and the broader industrial expansion, Plaintiffs allege that Ordinance No. 25-11 was arbitrary and unreasonable and lacked a substantial relationship to public health, safety, and general welfare. In an interview published September 15, 2026, Chairman Hamby said that Pollard had insisted on a September deadline and that he believed the time available was insufficient for adequate public input and discussion. His statements provide additional context for Council's decision to approve SI zoning before receiving a final development proposal or adopting the separately proposed data center standards.

106. Plaintiffs are entitled to a declaration that Ordinance No. 25-11 is invalid and unenforceable.

INJUNCTIVE RELIEF

107. Ordinance No. 25-11 now governs the zoning of the affected tracts. Reliance upon the unlawfully enacted SI classification in subsequent land-use and permitting decisions threatens Plaintiffs' interests in nearby homes, productive forestland, businesses, property access, and water resources. Such reliance would perpetuate the effects of the challenged rezoning and impair the effectiveness of the declaratory and injunctive relief sought in this action.

108. Plaintiffs seek permanent injunctive relief to implement a judgment invalidating Ordinance No. 25-11 and such provisional relief as may be established by motion under Rule 65, SCRCP.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

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A. Declare Ordinance No. 25-11 invalid and unenforceable on any one or more of the following grounds: material noncompliance with mandatory zoning amendment procedures; failure to make the amendment in accordance with the Comprehensive Plan; or arbitrary and unreasonable legislative zoning;

B. Direct McCormick County to correct its Official Zoning Map to reflect that Ordinance No. 25-11 is invalid and the affected parcels retain their prior FA zoning classification;

C. Permanently enjoin reliance upon the zoning classification found invalid and grant such provisional relief as may be established under Rule 65, SCRCP;

D. Award Plaintiffs taxable costs and such other costs as are recoverable under S.C. Code Ann. § 15-53-100 and applicable law;

E. If appropriate, remand the proposed amendment for proceedings complying with the application and Zoning Officer review requirements of § 4.2.2, the Planning Commission evaluation requirements of § 4.2.4, and all other applicable notice, hearing, and Council-action requirements; and

F. Grant such further declaratory and equitable relief as the Court deems just and proper.

Respectfully submitted,

SOUTH CAROLINA ENVIRONMENTAL LAW PROJECT

s/Lauren Megill Milton

Lauren Megill Milton (Bar No. 100389)
Benjamin D. Cunningham (Bar No. 76396)
P.O. Box 1380 | Pawleys Island, SC 29585
lauren@scelp.org | ben@scelp.org | (843) 527-0078

Attorneys for Plaintiffs

Columbia, S.C.
November 6, 2026