



**SOUTH CAROLINA  
ENVIRONMENTAL  
LAW PROJECT**

*Lawyers for the Wild Side*

*PO Box 1380, Pawleys Island, SC 29585 | (843) 527-0078 |  
www.scelp.org*

**Executive Director & General Counsel**  
Amy E. Armstrong | amy@scelp.org

**Deputy Director**  
Michael G. Corley | michael@scelp.org

**Attorneys**  
Benjamin D. Cunningham | ben@scelp.org  
Leslie S. Lenhardt | leslie@scelp.org  
Lauren Megill Milton | lauren@scelp.org  
Emily S. Poole | emily@scelp.org  
Kenzie Poole | kenzie@scelp.org  
Monica K. Whalen | monica@scelp.org  
Jessie A. White | jessie@scelp.org

August 17, 2026

**VIA E-MAIL AND U.S. MAIL**

G.P. Callison  
McCormick County Attorney  
610 South Mine Street  
McCormick, SC 29835

**RE: McCormick County Council's Proposed Ordinance 25-11, Scheduled for Third  
Reading on Tuesday, August 18, 2026**

Dear Mr. Callison:

On Tuesday, August 18, 2026, the McCormick County Council will be considering third reading of Ordinance 25-11. This ordinance would amend the County's zoning ordinance and zoning map to change the zoning district designation for five properties from Forest Agriculture (FA) to Service/Industrial (SI). The specific tax map parcels involved include: 139-00-00-003, 153-00-00-004, 152-00-00-049, 152-00-00-005, and 140-00-00-010, all of which are owned by either Pollard Land Company Inc. or Pollard Lumber Company Inc. (collectively, "Pollard").

Both state law and McCormick County's zoning ordinance require that either County Council or the Planning Commission hold a public hearing on the amendment of any zoning regulations or maps, which must be advertised according to lawfully prescribed procedures. Importantly, both the state statute and local ordinance applicable here require that notice of the public hearing be placed in a newspaper of general circulation at least fifteen (15) days prior to the hearing. *See* S.C. Code Ann. § 6-29-760(A); McCormick County Zoning Ordinance, §§ 4.2.3; 4.2.5; *see also Brown v. County of Charleston/Charleston County Council*, 303 S.C. 245, 247, 399 S.E.2d 784, 785–86 (Ct. App. 1990) ("[Zoning amendments are] subject to general principles of due process that require notice which fairly and reasonably apprises those whose rights may be affected of the nature and character of the action proposed. Amendment of a zoning ordinance accomplished pursuant to defective notice is void.") (internal citations omitted).

Pollard's rezoning request was first considered by the McCormick County Planning Commission on January 8, 2026. A public hearing was held at that meeting, for which notice was published in the Journal Messenger and Reporter on December 25, 2025 and January 1, 2026. *See Attachment A* and *Attachment B*. These dates are fourteen (14) and seven (7) days before the public hearing date, respectively. Because notice of this public hearing was not placed in a

**Board of Directors** - Jerry Schulze, Chairperson, J. Mac Bennett, Keith Bowers, Jamelle Ellis,  
Terry Grayson-Caprio, Liz Igleheart, Tom Kester, Bess Lochocki, Michelle Mapp, Carla Pinckney,  
Cynthia Powell, Greg VanDerwerker, Davis Whitfield-Cargile, Keith Williamson  
**Board Member Emeriti** - Frances Close, Robert Schofield

newspaper of general circulation fifteen (15) days before the hearing, the notice requirement established by state and local law was not met. Upon current knowledge, information, and belief, no other public hearing has been noticed or held. **Therefore, County Council cannot approve Ordinance 25-11 unless and until a properly noticed public hearing is held, which cannot be accomplished by August 18, 2026.**

Procedural and notice requirements are not mere formalities; they are foundational to the administration of local government. These safeguards allow citizens to be prepared for the actions that a local governing body plans to take, and citizens also learn how and when they can make their voices heard throughout the process. As a result, citizens are better equipped to meaningfully engage in local government, leading to more robust input and informed decision making. Further, because public notice and other procedures ensure that a government's actions are visible to the public they serve, following these requirements builds transparency and accountability between the local government and its citizenry. The basis for these procedural steps includes due process and other rights that people affected by the decisions of a local government are afforded under federal and state law, so complying with each and every element of notice and other requirements protects individual rights while also bringing legal validity to the actions of the governing body.

McCormick County Council recognized the importance of public hearings and their procedural requirements while considering this particular rezoning request at the Council's second reading of Ordinance 25-11 on March 17, 2026. At that meeting, the following dialogue took place:

Administrator Upchurch: My plan at this time is to have a special called meeting prior to the third reading in which Council will be able to answer questions and additional information will likely be provided. We're still waiting for information or I would already have that date for you. Um, and so the plan is before the third reading to have that special called meeting.

Councilman Cook: Are we going to do a public hearing at that time?

Administrator Upchurch: I won't say at that time, **but we will have a public hearing.**

Attorney Callison: Actually, you know, under the statutory law, because the Planning Commission had a public hearing, you don't have to, but on issues such as this, that may impact the public, **traditionally Council has a public hearing. Every zoning request I've been involved in did that.**

Chairman Hamby: That's a good thing.

Administrator Upchurch: Does that answer your question, Mr. Cook?

Councilman Cook: Yes. We can work that out when we have the special called meeting or hear additional objections at the public hearing.

Administrator Upchurch: Yes, sir.

Councilman Cook: Very good. Thank you.

Chairman Hamby: And just for information too for the public, if we do call a special meeting, the public will be invited to that. So, it's not an executive meeting. [. . .] We need to know, the public needs to be aware of some sort of idea of what we intend to do by third reading before we do that final vote and have that public hearing. That's what I'm, you know, what I'm planning to, you know, **we want to be as transparent as we can and protect, you know, the integrity of our County and what we have here.**

[. . .]

Chairman Hamby: We have the reputation of our third reading having the public hearing right before the vote and the public doesn't have time but a couple days to consider what we're making a decision on. **So, we want to improve that image and do a better job allowing the public to voice their concerns and their opinion.**

*See* McCormick County Council Meeting Livestream, March 17, 2026, <https://www.youtube.com/watch?v=obVt87aCuts> (emphasis added). Unfortunately, much of Council's aspirations voiced at this meeting have not come to fruition. The public has not been given the opportunity to be heard on this rezoning request in a public hearing, as Council discussed. Because third reading of Ordinance 25-11 has been scheduled for August 18, 2026 without a prior public hearing, Council appears ready to pass Ordinance 25-11 without holding a public hearing of its own at all, despite that being the County's regular practice, and despite that being necessary in this case because of the defective notice of the Planning Commission's public hearing in January. Even the Chairman's promise that the upcoming meeting(s) on this rezoning request would not be executive meeting(s) has not occurred, as County Council has held four executive sessions since March 17, which took place on April 2, July 6, July 10, and August 14. Pollard's rezoning request was a specific item of discussion on the agenda for July 10 and may have also been discussed at the other three executive sessions as well.

The need for at least one properly noticed public hearing on Ordinance 25-11 is especially essential given how little information the public has received about Pollard's intentions for the properties once rezoned to Service/Industrial. The public only began to hear rumors that Pollard's proposal included a data center in July, which was many months after it was considered by the Planning Commission (January 8, 2026) and given first reading (February 17, 2026) and second reading (March 17, 2026) by County Council. No further details were communicated to the public until August 11, 2026, which was one week before the scheduled third reading. On that date, Pollard held a community information session that presented "Project Palmetto," a one-gigawatt sized data center proposal that would be powered entirely by on-site gas generation. Countless questions still remain about the proposal and its impact upon McCormick County's communities, natural resources, public health, and electric capacity, yet the rezoning request seemingly moves forward without any additional answers.

Data centers and their associated facilities have an intense, negative impact upon the environment and communities. Without protections in place, sprawling data center development can destroy the natural beauty and unique character of counties, impacting water systems, wetlands, and rivers; driving new fossil fuel plants; reshaping rural communities and land-use patterns; and exposing communities to increased air pollution, noise, and vibration. Communities deserve clear, complete information before irreversible approvals are granted, but this is not what occurs with data center proposals, which are often shielded behind non-disclosure agreements (NDAs), trade-secret claims, and redacted filings. McCormick County has a chance to lead by example and do the right thing before it is too late by showing its citizens that it is willing to preserve their voice and share full project information before a decision is made.

In conclusion, McCormick County Council cannot approve Ordinance 25-11 on August 18, 2026 and must instead postpone its decision until a public hearing is properly noticed and conducted. As Council recognized in March, transparency and accountability would be best upheld by holding the public hearing separately from third reading of Ordinance 25-11. In the meantime, SCELPA encourages County Council to enact the temporary moratorium on the August 18, 2026 agenda, Ordinance 26-07, so that the County can carefully study, research, and hold a series of public meetings to determine whether data centers are appropriate within the jurisdiction and the strict conditions and regulations that should be placed on these developments. Regulatory changes that are crafted with substantial public input are essential before a data center project is approved without the necessary protections in place. This same, reasonable approach is being followed by a growing list of counties across South Carolina, including Newberry, Chesterfield, Colleton, Greenwood, Spartanburg, York, Chester, Anderson, Orangeburg, Sumter, and Laurens. Taking the time to implement guidelines, regulations, and protections allows the County and its citizens to move forward responsibly, transparently, and *together*.

Thank you for your consideration of these critical concerns. We look forward to remaining engaged in this process as McCormick County Council considers Pollard's rezoning request and data center policies and protections. If you have any questions or would like to discuss any of these matters further, please feel free to contact me at [emily@scelp.org](mailto:emily@scelp.org) or (843) 527-0078.

Sincerely,



Emily S. Poole

Enclosures:

cc: Bernard Hamby | McCormick County Council Chairman, District 2  
Charles Jennings | McCormick County Council Vice Chairman, District 4  
David Morrah | McCormick County Council, District 1  
Charles H. Cook | McCormick County Council, District 3  
Jacqueline F. Brown | McCormick County Council, District 5  
James Upchurch | McCormick County Administrator  
Crystal B. Barnes | McCormick County Clerk to Council

Publication Name:

**The Journal Messenger and Reporter**

Publication URL:

Publication City and State:

**McCormick, SC**

Publication County:

**McCormick**

---

Notice Popular Keyword Category:

Notice Keywords:

**Pollard**

Notice Authentication Number:

**202608131112377985450**

**1809468259**

Notice URL:

[Back](#)

Notice Publish Date:

Thursday, December 25, 2025

**Notice Content**

NOTICE OF PUBLIC HEARING

Pollard Land Company has submitted a zoning map and text amendment application to the McCormick County Planning Commission for the rezoning of six parcels that are currently zoned Forest Agriculture to Service Industrial.

The property is located behind the former Georgia Pacific site, 1664 S. Main Street, and is adjacent to Whitetown Road. The properties are as follows: tax map # 139-00-00-003, 153-00-00-004, 152-00-00-049, 152-00-00-005, 152-00-00-001. The sixth property adjoins the McCormick County Airport at tax map # 140-00-00-010. The parcels total roughly 990 acres, and Pollard is requesting the rezoning for future development.

The public hearing will be held on Thursday, January 8, 2026, at 5:30 p.m. in the McCormick County Administration Center, 610 S. Mine Street, McCormick, SC 29835. 12 25 1tc

[Back](#)

Publication Name:

**The Journal Messenger and Reporter**

Publication URL:

Publication City and State:

**McCormick, SC**

Publication County:

**McCormick**

---

Notice Popular Keyword Category:

Notice Keywords:

**Pollard**

Notice Authentication Number:

**202608131113541335161**

**1809468259**

Notice URL:

[Back](#)

Notice Publish Date:

Thursday, January 01, 2026

**Notice Content**

NOTICE OF PUBLIC

HEARING

Pollard Land Company has submitted a zoning map and text amendment application to the McCormick County Planning Commission for the rezoning of six parcels that are currently zoned Forest Agriculture to Service Industrial.

The property is located behind the former Georgia Pacific site, 1664 S. Main Street, and is adjacent to Whitetown Road. The properties are as follows: tax map # 139-00-00-003, 153-00-00-004, 152-00-00-049, 152-00-00-005, 152-00-00-001.

The sixth property adjoins the McCormick County Airport at tax map # 140-00-00-010. The parcels total roughly 990 acres, and Pollard is requesting the rezoning for future development.

The public hearing will be held on Thursday, January 8, 2026, at 5:30 p.m. in the McCormick County Administration Center, 610 S. Mine Street,

McCormick, SC 29835. 12 25

1tc

[Back](#)