

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT
OF THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

CONCERNED CITIZENS OF)
SPARTANBURG COUNTY,)
)
)
Plaintiff,)
)
v.)
)
VALARA HOLDINGS, LLC,)
SPARTANBURG COUNTY)
and SPARTANBURG)
COUNTY ADMINISTRATOR,)
)
Defendants.)
_____)

Case No. _____

SUMMONS

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

s/ Frank S. Holleman III
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Attorney for Plaintiff

Charleston, South Carolina
July 6, 2026

Upon information and belief, this is the most expensive development in the history of Spartanburg County.

3. The images below show the massive construction being undertaken by Valara.





4. Yet Valara has filed a permit for only a Minor Land Development and has been allowed by Spartanburg County to advance this project through the County's abbreviated Minor Land Development permitting process without Planning Commission review. Meanwhile, while the application remains under review, Valara is actively constructing its sprawling data center and 450-megawatt gas-fired power plant that will emit harmful air pollution, clear many acres of trees, and fundamentally alter the character of surrounding neighborhoods.

5. Processing this permit as a Minor Land Development is a clear violation of law. This violation eliminates government accountability and transparency and deprives the public, Plaintiff, and its members of rights provided by the ULMO and South Carolina law for Major Land Developments, including rights to (1) attend the public meeting of the Planning Commission; (2) submit comments and materials to the Planning Commission and its members; (3) learn about the

Data Center from materials published with the agenda of the upcoming Planning Commission meeting under the Freedom of Information Act, at the public meeting, and during the Planning Commission's review; (4) make comments during any comment period at the Commission meeting; (5) attend and participate in any public hearing held by the Planning Commission; (6) a public vote by the Planning Commission on the application, and (7) an explanation by the Planning Commission for its decision.²

6. To make matters worse, Valara and the County have bifurcated and split the permitting process for this Data Center in two, thereby initially withholding from the public the true size of this proposed data center. Rather, Valara and the County are attempting to process the massive Data Center *twice* as a Minor Land Development without full and transparent review as a Major Land Development. In July 2025, Valara filed a Minor Land Development permit for only a portion of this data center development. The County processed and approved the application as a Minor Land Development even though, as they both now admit, Valara and the County knew the true size of the development was many times larger than the development disclosed in the initial application. Valara and the County thus avoided full Planning Commission review. As a result, the rights of the Plaintiff, its members, and the public were eliminated, with a clear disregard for the actual size of the development Valara planned to impose on the residents of the surrounding community and the County.

7. Now, Valara has applied for a second Minor Land Development permit. The County is again processing the application as one for a Minor Land Development, despite the massive scale and impacts of the Data Center development, evident from the photos above.

² See SPARTANBURG CNTY. PLAN. COMM'N RULES & PROCS. (2024), available at <https://www.spartanburgcounty.gov/DocumentCenter/View/14302/Rules-of-Procedure---Spartanburg-County-Planning-Commission---2024?bidId=> (Exhibit 2).

8. Plaintiff therefore seeks an order from this Court declaring that the County must comply with its own ordinance and require Valara to obtain a Major Land Development permit, and a permanent injunction barring the County from processing Valara's Minor Land Development permit application.

JURISDICTION AND VENUE

9. This Honorable Court has subject matter and personal jurisdiction over the parties to this action.

10. Venue is proper in Spartanburg County because the questions, actions, or controversies at issue in this case arise in Spartanburg County, including the site of the Data Center, Valara's application for a Minor Land Development permit, and the County's failure to require Valara to apply for a Major Land Development permit. Further, Spartanburg County is a defendant in this action.

11. The ongoing construction of the Valara facility underscores the immediacy of the controversy and the need for judicial intervention. Judicial review is necessary now to prevent the denial of the rights of the Plaintiff, its members, and the citizens of Spartanburg County to ensure that construction of the Data Center does not continue without the necessary approval required by the ULMO. Timely review by this Court can ensure that the County complies with its own ordinance before Valara engages in further development of the Site and that the Plaintiff, its members, and the citizens of Spartanburg County are afforded their procedural rights before any permit is issued. *See Crescent Homes SC, LLC v. CJN, LLC*, 445 S.C. 164, 183 (S.C. Ct. App., 2024) ("The [Declaratory Judgment] Act should be liberally construed to accomplish its intended purpose of affording a speedy and inexpensive method of deciding legal disputes and of settling legal rights and relationships, without awaiting a violation of the rights or a disturbance of the

relationship.”) (quoting *Sunset Cay, LLC v. City of Folly Beach*, 593 S.E.2d 462, 466 (S.C. 2004)).

PARTIES AND STANDING

12. Concerned Citizens of Spartanburg County is an association of individuals living and owning property near the proposed Data Center in Spartanburg, South Carolina.

13. Plaintiff has statutory, constitutional, public importance, and associational standing to seek and obtain the declaratory relief sought herein.

14. Concerned Citizens’ mission is to protect the health, safety, property, environment, and quality of life of the citizens of Spartanburg County from the proposed Valara Data Center. Concerned Citizens seeks to achieve this mission by preventing harm to the environment, health, safety, and surrounding communities from the proposed data center, requiring Valara to thoroughly disclose the environmental impact, negative health consequences and energy requirements of their proposal, and requiring Valara to halt operation of the data center and power plant. Concerned Citizens include members who live adjacent to and near the Data Center, who are affected by the ongoing construction, who are and will be affected by the existence of this massive Data Center in this residential community, and who desire to and would participate in the process provided by the review of a Major Land Development permit application. Concerned Citizens and its members therefore have a direct, concrete, and particularized interest in the outcome of this litigation.

15. Members of Concerned Citizens include, among other individuals, Mark Felk, Ricky Heath, and Kip Darwin.

16. Mr. Felk and his wife reside and own a home at 1005 Oak Creek Drive, just 1,500 feet from the Site where the proposed Data Center is being constructed. Mr. Felk is deeply concerned about the Data Center proposal and ongoing construction at the Site. Mr. Felk has lived at his home since 1995 and has always enjoyed the peace and solace he experiences there.

Unfortunately, his once-dream home has now become a nightmare due to ongoing construction and eventual operation of the Data Center.

17. Mr. Felk is harmed by the lack of transparency surrounding the proposal because he is not able to understand the full scope of what is being proposed, what is being approved, or the full scope of harmful impacts. Not knowing this information causes Mr. Felk significant concern and takes away from his peace and solace. Mr. Felk is also being harmed by the tree clearing, noise, dust, and traffic caused by ongoing construction at the Site, and will be harmed by the significant activities associated with the Data Center, including noise, air, light, and water pollution. He specifically feels that the County's actions have denied him the opportunity to receive full information concerning this proposal, have his voice heard on this proposal, including by denying the opportunity to submit information to the Planning Commission and give public comment, and feels that he has not been provided full information to understand the County's land use decisions for the Data Center.

18. Mr. Heath and his wife reside and own a home at 1009 Oak Creek Drive, also across South Pine Street from the Data Center and, like Mr. Felk, he is already being impacted by ongoing construction at the Site and is worried about the host of environmental, health, and community impacts that the Data Center will bring.

19. Mr. Heath has lived in Spartanburg, and at his home near the Site, for over 20 years. Mr. Heath first learned about the proposed Data Center in 2025. He did not come to understand the full scope of the proposal—particularly, the Data Center's significant onsite power generation—until earlier this year in 2026.

20. Mr. Heath is currently being harmed by development activities at the Site, specifically, the tree clearing and loss of wildlife habitat that is occurring and which he has

historically valued about the Site. In addition to the harm Mr. Heath is experiencing from the development itself, he is deeply concerned about how the Data Center operations will impact him and the lack of transparency surrounding the proposal. The abridged permitting process associated with a Minor Development Permit has denied Mr. Heath any opportunity to provide comments on the proposal, attend meetings of public officials, or fully understand the decision-making process of the County. Mr. Heath is very concerned about the harm he will experience from the air pollution and noise pollution during operation of the Data Center, and the water use required by the Data Center.

21. Mr. Darwin owns a home and resides with his family at 3 Matchlock Commons in a neighborhood across South Pine Street from the Data Center. Like Mr. Felk and Mr. Heath, Mr. Darwin is deeply troubled by the impact the Data Center and Power Plant will have on his use and enjoyment of his property and his quality of life.

22. Mr. Darwin has lived in Spartanburg his entire life, with the exception of the three years he spent in Columbia during law school. Mr. Darwin has lived in his current home since 2004. Mr. Darwin is very concerned about how the Data Center's development will harm him and his use and enjoyment of his home. He is concerned that the noise pollution and air pollution from operation of the onsite power plant will harm his health, his family's health, and his quality of life. Mr. Darwin is also harmed by the lack of transparency surrounding the facility and the fact that the public has not been adequately informed about the full scale of the Data Center or the full scope of impacts these facilities will have on the surrounding neighborhoods. If Valara were required to go through the more public Major Land Development permitting process, he would participate in every opportunity available.

23. For these reasons, Concerned Citizens of Spartanburg County and its members

have a significant interest in ensuring the Data Center complies with all applicable local, state, and federal law, including the ULMO, that Valara does not continue to proceed with its plans, and that the County not process the Data Center's permit application without the requirements and review applicable to Major Land Developments. If the County does require Valara to seek a Major Land Development permit, the harms of Concerned Citizens' members would be addressed, particularly because Major Land Development permits provide a more transparent review process and many rights to citizens of Spartanburg County, as set out above.

24. If the County does require Valara to seek a Major Land Development permit, Concerned Citizens' members would engage in the public process, including by submitting written comments, attending Planning Commission meetings, reviewing documents published by the Planning Commission, taking advantage of any opportunity to provide oral public comment, and reviewing any decision by the Planning Commission. Participation in this public process could alter whether, and how, this project is approved and could result in the imposition of meaningful conditions on the development to minimize harm to Plaintiff's members.

25. Defendant Spartanburg County, South Carolina is a county government and body politic created under and subject to the laws of South Carolina.

26. The Spartanburg County Administrator, or its designee, is tasked with administering the requirements of the ULMO, including processing applications and administering permits.

27. Valara Holdings is a limited liability company, incorporated in Delaware, that conducts business in South Carolina. Valara is responsible for the construction and operation of the data center that is the subject of this action.

LEGAL BACKGROUND

28. Plaintiff seeks a declaratory judgment and permanent injunction under S.C. Code Ann. § 15-53-30 and Rule 57, SCRPC, to resolve one or more actual cases and controversies between and among the parties to this case.

29. S.C. Code Ann. § 15-53-30 provides that any person whose rights, status, or other legal relations are affected by a contract, statute, or ordinance may have determined any question regarding construction or validity and obtain a declaration of rights, status or other legal relations. Here, the rights of Plaintiff and its members are affected by the County's failure to properly implement its statutory obligations under the ULMO. As set out above, the way that Valara and the County have managed and implemented these Minor Land Development applications is denying the Plaintiff, its members, and citizens of Spartanburg County the rights and benefits associated with Spartanburg County Planning Commission review including the transparency and information provided by the public process of the Commission, the information provided with the publication of the Commission's agenda, the right to attend the Planning Commission meeting where the Major Land Development application is reviewed, the right and opportunity to submit comments to the Commission and its members in advance of their review and vote on the application, the opportunity to speak at any public comment period during the Commission meeting, the right to participate in any public hearing held by the Commission, the right to public deliberation and a vote by the Commission on the application, and the right to an explanation by the Commission of its decision on the application. *See* Ex. 2; S.C. Code Ann. § 6-29-1150(B).

30. In accordance with South Carolina's Comprehensive Planning and Enabling Act, S.C. Code Ann. § 6-29-310 *et seq.*, Spartanburg County utilizes its ULMO to govern development and land use decisions. Ex. 1.

31. The purposes of the ULMO include “promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare,” “providing adequate light, air, and open space,” and “facilitating the creation of a convenient, attractive, and ecologically sensitive areas.” *Id.* Preamble.

32. The Spartanburg County Administrator, or its designee, is tasked with administering the requirements of the ULMO, including processing applications and administering permits. Ex. 1 § 1.01.

33. Property owners wishing to develop land, including “all land use and development activity” covered by the ULMO, must apply to the County for a permit to develop or alter the use of land. Such applications are classified into two categories: minor or major land development. Ex. 1 § 1.02.

34. The ULMO defines a minor land development as “any land development or land altering activity requiring a permit from the County other than a subdivision or Major Land Development.” Ex. 1 § 1.02(2). Exhibit A to the ULMO identifies examples of minor land developments, including signs, single family dwellings, and temporary uses. Ex. 1 at 5.

35. An application for minor land development requires only staff-level review prior to approval. Ex. 1 at 4.

36. In contrast, a Major Land Development “includes but is not limited to commercial and industrial parks and subdivisions, townhouse developments, shopping centers, manufactured home parks, condominium and apartment complexes, and similar developments.” Other examples of Major Land Developments include storage and distribution facilities for asphalt and fuel products, waste management facilities, and asphalt plants. Ex. 1 at § 1.02(1).

37. An application for a Major Land Development must go through the Spartanburg

County Planning Commission prior to approval. This process allows for the Commission to fully review the application and impose conditions on the development. It also provides a critical opportunity for public comment, engagement, and information.³

38. The Planning Commission is required to set out the grounds for its approval or disapproval of a Major Land Development. S.C. Code Ann. § 6-29-1150(B). Any record of all actions taken on development plans must be maintained as a public record. *Id.*

STATEMENT OF FACTS AND DISCUSSION

A. The Valara Data Center

39. Upon information and belief, the public at large first learned of Valara’s Data Center in early 2025 when the Post and Courier reported that Spartanburg County Council had held an initial reading and vote to approve a tax break for “[a]n undisclosed company,” referred to under the code name “Project Moc-1.”⁴

40. The Post and Courier further reported that then-Councilman David Britt stated that the project was “not a data center”⁵ and would “not use more power than the site’s existing facility.”⁶ Upon information and belief, these statements were later contradicted by Valara’s own filings for various permits.

41. In April 2025, Spartanburg County approved a fee-in-lieu of tax (“FILOT”) agreement for the project.⁷

³ See generally Ex. 2.

⁴ Max White, *Spartanburg County Could See a \$2.8 Billion Investment, One of the Largest Ever in SC. What to Know*, POST & COURIER (Feb. 18, 2025), <https://perma.cc/462Q-QQQD>.

⁵ Although Valara has referred to the facility as a “high-performance computing center,” upon information and belief, there is no meaningful difference between a high-performance computing facility and a data center in terms of potential environmental and community impacts, such as air pollution and noise pollution. “Data center” appears to be the colloquial and publicly familiar term for these facilities and thus this statement misled the public.

⁶ White, *supra* note 4.

⁷ Christian Boschult, *Spartanburg data center that got tax breaks wants 400 megawatt energy production increase*, POST & COURIER (Apr. 22, 2026), <https://perma.cc/5N4H-3H7B>.

42. On July 11, 2025, Valara submitted an application for a Minor Land Development permit to Spartanburg County. The County issued the permit on August 27, 2025. The public later learned that this permit only covers Phase I of the Data Center's construction. Thereby, Valara and the County did not disclose the full extent of the Valara Data Center development or its full impact on the surrounding community and Spartanburg County.

43. Shortly after receiving this tax break and Minor Land Development Permit from the County, Valara applied to the South Carolina Department of Environmental Services ("DES") for a Clean Air Act permit authorizing air pollution from approximately 50 MW of onsite power generation.⁸

44. On July 18, 2025, DES issued a public notice announcing a comment period for Valara's draft Clean Air Act permit.⁹ In the draft permit, DES explained that "[t]he facility will construct a data center" and "[t]his data center is powered by twenty-four 2103 kW natural gas generators[.]"¹⁰ Just two months later, on September 17, 2025, DES issued a final air permit authorizing construction for multiple gas-fired generators, totaling approximately 50 MW of power generation, and the associated air pollution.¹¹

45. In December, just three months after receiving this initial air permit, Valara contacted DES about a modification to its air permit to authorize air pollution from an additional **400 MW** of onsite gas-fired generation at the Site.¹² This represents an **eight-fold** increase over Valara's original air permit.

46. On May 26, 2026, DES issued a public notice for the modified draft air permit.

⁸ *Id.*

⁹ Dep't of Env'tl Servs., *Public Notice: Draft Air Synthetic Minor Construction Permit* (July 18, 2025) (Exhibit 3).

¹⁰ *Id.*

¹¹ Dep't of Env'tl Servs., *Draft Statement of Basis 1* (March 4, 2026) (Exhibit 4).

¹² Boschult, *supra* note 7.

According to the draft permit DES issued for Valara’s 450-MW electric generating plant, the Power Plant’s onsite generation is estimated to emit approximately 220 tons per year (“TPY”) of Nitrogen Oxides (“NO_x”), 201 TPY of Carbon Monoxide (“CO”), 158 TPY of Particulate Matter (“PM_{2.5}”), 9.5 TPY of Sulfur Dioxide (“SO₂”), 60 TPY of Volatile Organic Compounds (“VOC”), and 19 TPY of Hazardous Air Pollutants (“HAPs”), including 9.40 TPY of formaldehyde.¹³

47. Upon information and belief, these estimates, if correct, mean the Power Plant could be the *largest industrial source* of NO_x, CO, PM_{2.5}, SO₂, and formaldehyde in Spartanburg County based on a comparison to the U.S. Environmental Protection Agency’s 2020 National Emissions Inventory (“NEI”) Data.¹⁴ It could also be a top 10 source of particulate matter pollution in the entire state—far exceeding the last reported emissions of the former Kohler facility that operated on the Site, also according to the U.S. Environmental Protection Agency’s 2020 NEI Data.¹⁵

48. The pollutants associated with Valara’s proposed power plant pose serious public health risks. Formaldehyde is a known human carcinogen;¹⁶ PM_{2.5} is associated with increased risks of heart attack, pneumonia, cardiovascular disease, stroke, and cancer;¹⁷ and NO_x contributes to ground-level ozone (smog) and respiratory harm.¹⁸

49. Upon information and belief, the estimated air pollution associated with the Data

¹³ Dep’t of Env’tl Servs., Draft Statement of Basis at 6–7.

¹⁴ See 2020 National Emissions Inventory Data Retrieval Tool, EPA, <https://perma.cc/57XN-T97F> (select “Facility Data,” then select “South Carolina” under “State,” “SC-Spartanburg County” under “State-County,” and “Nitrogen Oxides,” “Carbon Monoxide,” “PM_{2.5} Primary (Filt + Cond),” “Sulfur Dioxide,” and “Formaldehyde” under “Pollutant”).

¹⁵ See 2020 National Emissions Inventory Data Retrieval Tool, EPA, <https://perma.cc/57XN-T97F> (select “Facility Data,” then select “South Carolina” under “State,” select “PM_{2.5} Primary (Filt + Cond)” under “Pollutant”); see also EPA, 2020 National Emissions Inventory Data Retrieval Tool (select “Facility Data,” then select “South Carolina” under “State,” “SC-Spartanburg County” under “State-County,” and “2851 Southport Road” under “Street Address”) (listing PM_{2.5} emissions from Kohler facility formerly at the Site as approximately 3 TPY).

¹⁶ Integrated Risk Information System Toxicological Review of Formaldehyde (Inhalation), at 2, EPA (Aug. 2024), <https://perma.cc/3HAQ-T88S>.

¹⁷ Particulate Matter (PM) Basics, EPA, <https://perma.cc/68EU-3FH3>.

¹⁸ Basic Information about NO₂, EPA, <https://perma.cc/MNL6-BQMV>.

Center is orders of magnitude more than that produced by the now-closed Kohler facility. For example, the Data Center projected emissions, compared to Kohler’s actual emissions, anticipate approximately 180 more tons per year of CO; 200 more tons per year of NOx; 150 more tons per year of PM_{2.5}; and 10 more tons per year of formaldehyde.¹⁹

50. Upon information and belief, in addition to the air pollution, the Data Center will operate 24/7, producing significant noise pollution.

51. On April 6, 2026, Valara filed a second Minor Land Development application with the County. In the pending “minor” land development application, Valara states that “Phase II improvements . . . consist of four (4) proposed buildings with [total] floor areas of approximately [500,000 square feet].”²⁰ It also includes “a power yard, internal roadways and site access road, electrical equipment houses, transformers, modular yard areas, equipment trestles, a metering station, mechanical cooling system, stormwater management ponds, and ancillary improvements.”²¹ The total development will cost almost \$3 billion and, upon information and belief, is the most expensive single development in Spartanburg County history.

52. The Valara Data Center has been plagued with significant transparency failures from the start. The general public, including the impacted communities around the proposed Data Center, were not timely informed about the proposal’s true nature, scale, and impact, resulting in widespread public outrage when this information came to light. Impacted community members reasonably feel misled. Valara bifurcated the entire permitting process, including both air and land use permits, and thereby did not initially disclose to the public the true size of its proposal. For

¹⁹ Compare DES Statement of Basis, with 2020 National Emissions Inventory Data Retrieval Tool, EPA, <https://perma.cc/57XN-T97F> (select “Facility Data,” then select “South Carolina” under “State,” “SC-Spartanburg County” under “State-County,” and “2851 Southport Road” under “Street Address”).

²⁰ Spartanburg County, Citizen Self Service, Permit No.: DEVELOPPER-0426-1062.

²¹ *Id.*

both permits, Valara first applied for smaller impacts and scale, and shortly after applied for a significant increase in the scope of development.

B. The Valara Data Center is a Major Land Development.

53. The ULMO defines a Major Land Development as one similar to specified land uses, including industrial parks and other large-scale, high-impact, and potentially controversial developments. Ex. 1 at § 1.02. A Minor Land Development includes development that is not classified as major, including signs, single family homes, and temporary uses. *Id.* § 1.02; Ex. (A). The ULMO definitions require the County to engage in a common-sense, comparative analysis. In other words, to determine whether a proposed land use is a major or minor development, the County must determine whether it is more similar to the major uses (e.g., industrial parks, office parks, subdivisions) listed in the ordinance or the minor uses (e.g., signs, single-family homes).

54. This Data Center development is, upon information and belief, the most expensive single development in Spartanburg County history. It will cost almost \$3 billion.²² The Data Center includes, among other things, a power yard, internal roadways and site access road, electrical equipment houses, transformers, modular yard areas, equipment trestles, a metering station, mechanical cooling system, stormwater management ponds, and ancillary improvements.

55. In addition, the Data Center includes 450 MW of onsite power generation—a capacity comparable to that of other utility-run power plants in South Carolina. This level of industrial infrastructure is wholly inconsistent with the types of projects classified as minor under the ULMO.

56. The projected emissions from the onsite power plant would make the facility the largest industrial emitter of multiple pollutants in Spartanburg County and a large industrial emitter

²² White, *supra* note 1.

of particulate matter in South Carolina. A development with such significant environmental impacts cannot reasonably be considered “minor.”

57. The Data Center itself will include buildings totaling approximately 500,000 square feet—exponentially larger than any of the types of project types identified as “minor” in the ULMO.

58. Drone videos and images from the Site show clearing and grading occurring, which will significantly expand the footprint of the data center as compared to the former Kohler facility on the property. *Infra* ¶ 3.

59. Upon information and belief, the light and noise pollution from the Data Center and its servers, generators, and turbines running 24/7 will significantly impact the surrounding neighborhoods—disrupting residents’ quality of life.

60. In contrast to the Data Center proposal, the types of projects identified as “Minor” in the ULMO are clearly much smaller in scale, less controversial, and have nothing like the environmental and land use impact of the Data Center. There is no reasonable argument that a massive, destructive, and controversial, almost \$3 billion²³ data center—with utility-scale onsite power generation—is more similar to a sign or single-family home than to an industrial park.

61. In every sense of the word, the proposed Valara Data Center is a “major” development.

62. Indeed, the Valara Data Center is far from a “typical” project. It is a highly controversial project that the County failed to adequately inform citizens about its full scale and impacts until after it issued initial approvals and massive tax breaks. This is exactly the type of development that requires more stringent review at the Planning Commission.

²³ White, *supra* note 1.

63. Despite significant public concern and explanations to the County demonstrating that the proposed Valara Data Center qualifies as a Major Land Development, the County has not corrected course and continues to treat the project as minor. This action is in direct violation of the ULMO that the County is tasked with administering.

CLAIM FOR RELIEF

(Declaratory Judgment Act - The Data Center is a Major Land Development)

64. Plaintiff incorporates by reference all preceding paragraphs.

65. Spartanburg County’s ULMO classifies any application for land development as either major or minor.

66. Valara has applied for a Minor Land Development permit for Phase II of constructing its massive data center, and the County is processing the application as one for a Minor Land Development.

67. The Data Center is without doubt a Major Land Development under the ULMO, which encompasses industrial parks, office parks, manufacturing facilities, and other large-scale development.

68. Valara has violated the ULMO by submitting a permit application for a Minor Land Development, and the County is violating the ULMO and South Carolina law by processing the Valara Data Center application as a Minor Land Development.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the declaratory relief requested and grant such other, further, or different relief as may be deemed just and proper.

Plaintiff respectfully requests that the Court:

1. Declare that the Valara Data Center is a Major Land Development under Spartanburg County's ULMO;
2. Declare that the County must immediately cease processing Valara's Minor Land Development permit application;
3. Permanently enjoin Spartanburg County from processing any Minor Land Development permit application submitted for this facility.

Respectfully submitted this 6th day of July 2026.

s/ Frank S. Holleman III
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