THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

South Carolina Native Plant Society, Appellant,

v.

The Spartanburg County Planning Commission and Blue Sky Associates, LLC, d/b/a T. Tree Farms RV Park, Respondents,

and

The Enclave at Fairview Farm Homeowners' Association, Inc., Golden Hills of Fairview Homeowners Association, Inc., Greenspace of Fairview, LLC, North Pacolet Association, Inc., Debra A. Whitaker, Charles D. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judie R. Klapholz, Trustee of Judie R. Klapholz Trust, and Slater Properties, Inc., d/b/a Caroland Farms, Appellants,

v.

Spartanburg County, SC, Spartanburg County Planning Commission, and Blue Sky Associates, LLC d/b/a T. Tree Farms RV Park, Respondents.

Appellate Case No. 2024-001828

Appeal From Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

Unpublished Opinion No. 2026-UP-403
Heard May 6, 2026 – Filed August 5, 2026

APPEAL DISMISSED

Frank S. Holleman, III, of Southern Environmental Law Center, of Greenville; and Emily Wyche and Susan Ness Carlson, both of Southern Environmental Law Center, of Charleston, all for Appellant South Carolina Native Plant Society.

Carl F. Muller, of Carl F. Muller, Attorney at Law, P.A., of Greenville, for Appellants The Enclave At Fairview Farm, Homeowners' Association, Inc., Golden Hills of Fairview Homeowners Association, Inc., Debra A. Whitaker, Roxanne M. Hellman-Wojan, Richard G. Wojan, Judies R. Klapholz, Slater Properties, Inc., Greenspace of Fairview, LLC, and North Pacolet Association, Inc.

Alexander George Shissias, of The Shissias Law Firm, LLC, of Columbia, for Respondent Blue Sky Associates, LLC.

James Nathan Ozmint, of Willson Jones Carter & Baxley, P.A., of Greenville, for Respondent The Spartanburg County Planning Commission.

PER CURIAM: In this consolidated appeal, the South Carolina Native Plant Society (the Native Plant Society) and Homeowners[1] (collectively, Appellants) argue the circuit court erred in (1) finding the Spartanburg County Planning Commission (the Commission) did not violate multiple provisions of the Spartanburg Unified Land Management Ordinance (the Ordinance) in conditionally approving the application of Blue Sky Associates, LLC d/b/a T. Tree

[1] "Homeowners" refers to other individuals and interested groups challenging the conditional approval of the proposed development (the RV Park).

Farms RV Park (Blue Sky) to develop an RV Park; (2) concluding the Commission did not act unlawfully, arbitrarily, or capriciously or abuse its discretion in failing to offer any explanation for this conditional approval; and (3) remanding this matter to the Commission after finding the conditional approval violated certain requirements of the controlling Ordinance. Because the circuit court's order is not an appealable final order, we dismiss this appeal.

Facts and Procedural History

In 2021, Blue Sky completed a major land development application[2] for a proposed RV Park in Campobello. The Commission conditionally approved the application and required, among other things, that the RV Park be supplied by Inman Campobello Water, a public water system, but Blue Sky was unable to obtain public water service at that time.

On February 8, 2023, Blue Sky submitted a revised land development application after changing the water supply source to well water and reducing the number of RV spaces from fifty to forty-nine. On March 7, 2023, the Commission voted 6-2 to approve the RV park proposal "contingent upon receiving approvals from Spartanburg County Public Works (Engineering, Stormwater, and Encroachment), [South Carolina Department of Health and Environmental Control (DHEC)] (Permit to Construct a Production Well), and withdrawal of the previous application which received contingent approval in March of 2021." Appellants asked the Commission to reconsider this conditional approval, but the Commission declined to do so.

Appellants then challenged the conditional approval in circuit court, and the court consolidated their appeals. Following a hearing, the circuit court vacated the conditional approval. The Commission and Blue Sky (collectively, Respondents) moved to alter or amend, and after another hearing, the circuit court clarified that for the purpose of its order, the term "vacate" meant "the matter is remanded to the [C]ommission."

Appellants timely appealed to this court, and Blue Sky moved to dismiss the appeal as premature on the basis that the Form 4 Order was "not final and is not

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[2] Section 1.02 (1) of the Ordinance provides that 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."

immediately appealable." Appellants opposed dismissal, arguing the circuit court's Form 4 Order is an appealable final order. This court declined to dismiss the appeal at that early stage, but notified the parties that they were free to present their arguments for and against dismissal in their briefing.

Analysis

Appellants argue the Form 4 Order is an appealable final order and their appeal is thus properly before this court. We disagree.

Following the first hearing on the consolidated appeal, the circuit court granted Appellants limited relief, ruling "the Court grants Appellants' appeal in part and reverses and vacates the Commission's conditional approval of the T. Tree Farms RV Park site plan dated March 7, 2023." At the hearing on Respondents' motion to alter or amend, the circuit court stated, "[Y]ou raised the issue of remand versus vacate. I can put that in a very short order saying vacate equals remand and it should be so." In its Form 4 Order, copied in pertinent part below, the circuit court sought to clarify the meaning of "vacate" in the context of its ruling:

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

These consolidated appeals came before this court on Sptbg County's, Sptbg County Planning Commission's, and Blue Sky's Motion for Reconsideration of an Order electronically issued on April 22, 2024. After receiving briefing and arguments from all parties, the motion is granted to the extent that the court needs to clarify the term "vacate". The term vacates means that the matter is remanded to the commission. This court declined the invitation to give further direction to the commission.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

Additional Information for the Clerk : **See page 2 for additional information. Formal Order to follow.**

The Form 4 Order initially indicates this ruling is the "Statement of Judgment by the Court" rather than "See attached order (formal order to follow)." Yet, following this section, the "Order Information" portion of the Form 4 specifies that the order "does not end the case" and notes there is a "formal order to follow." The circuit court did not issue a formal order addressing Respondents' motion to reconsider before remanding the matter to the Commission. And, although in the Form 4 Order the circuit court provided its interpretation that "vacate equals

remand," it had previously explained to the parties at the hearing on Respondents' motion to alter or amend that this case has "got to go back down period."

We interpret the circuit court's order as vacating the conditional approval—with no formal order to follow—and remanding the matter to the Commission to properly consider the site plan application in accordance with the requirements of the Ordinance. Specifically, the circuit court determined "the Commission's conditional approval of the RV park violated Section 3.13(8) of the Ordinance requiring public water and Section 3.13(4) requiring comfort stations." Thus, the circuit court vacated the conditional approval of the RV Park site plan dated March 7, 2023. At the Rule 59(e) hearing, the circuit court sought to clarify its ruling, explaining, "I just don't see that—that me saying that it is a remand or a vacate is going to solve or move the case along because it's got to go back down, period." This is the lens through which we must consider whether we have jurisdiction.

"An appeal ordinarily may be pursued only after a party has obtained a final judgment." *Cozby v. Oliver*, 447 S.C. 437, 441, 927 S.E.2d 90, 92 (Ct. App. 2026) (quoting *Hagood v. Sommerville*, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005)) "The right of appeal arises from and is controlled by statutory law." *Id.* (quoting *Hagood*, 362 S.C. at 194, 607 S.E.2d at 708). "'The determination of whether a party may immediately appeal an order issued before or during trial is governed primarily by' section 14-3-330 of the South Carolina Code." *Id.* (quoting *Hagood*, 362 S.C. at 195, 607 S.E.2d at 708). Under the arguably applicable subsections of section 14-3-330, this court has appellate jurisdiction to consider:

> (1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from; [and]
>
> (2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action[.]

S.C. Code Ann. § 14-3-330 (2024). Additionally, Rule 201(a), SCACR, states in pertinent part that "[a]ppeals may be taken as provided by law, from any final judgment, appealable order or decision."

Our supreme court's decision in *Charlotte–Mecklenburg Hospital Authority v. South Carolina Department of Health and Environmental Control*, 387 S.C. 265, 265–67, 692 S.E.2d 894, 894–95 (2010), provides guidance here. There, both parties appealed an order granting Amisub's motion for partial summary judgment, granting the Hospital's motion for summary judgment, and remanding the matter to DHEC to determine which party, if any, was entitled to a certificate of need. *Id.* at 265–66, 692 S.E.2d at 894. Finding the ALC's order was not an appealable final order, the supreme court explained:

> If there is some further act which must be done by the court prior to a determination of the rights of the parties, the order is interlocutory. A judgment which determines the applicable law, but leaves open questions of fact, is not a final judgment. A final judgment disposes of the whole subject matter of the action or terminates the particular proceeding or action, leaving nothing to be done but to enforce by execution what has been determined.

Id. at 267, 692 S.E.2d at 894–95 (cleaned up).

Bone v. United States Food Service is also helpful to our analysis. 404 S.C. 67, 71, 744 S.E.2d 552, 554 (2013). There, a workers' compensation claimant sought judicial review of an Appellate Panel decision upholding the denial of her claim for benefits. Under the procedure then in place, Bone appealed to the circuit court, which found the injury was compensable and remanded the matter to the Appellate Panel for further proceedings. *Id.* at 70, 744 S.E.2d at 554. The employer and its insurer appealed, and this court dismissed the appeal "on the basis the order was not a 'final judgment' and thus not immediately appealable because further proceedings were ordered before the administrative agency." *Id.* Ultimately, our supreme court affirmed this court's decision that the circuit court's order remanding the matter to the Appellate Panel for further proceedings did not constitute a final judgment and thus was not immediately appealable. *Id.* at 84, 744 S.E.2d at 562.

For these reasons, we conclude the Form 4 Order remanding the case to the Commission is not an appealable final order. Although we are sympathetic to Appellants' arguments and, like the circuit court, we question the Commission's conditional approval based on the stated requirements of the Ordinance, we lack jurisdiction to consider this matter at this time.

APPEAL DISMISSED.

THOMAS, MCDONALD, and TURNER, JJ., concur.