

In re:

U.S. TIMBER HOLDINGS, LLC
MADDEN SOLAR CENTER, LLC
Modification of Special Exception SE-17-03
(MOD SE-17-03)

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the property of U.S. TIMBER HOLDINGS, LLC (Owner), MADDEN SOLAR CENTER, LLC (Agent/Developer)(collectively, “Applicants”), specifically 1,050 acres of land, more or less, the same being a portion of a tract consisting of 1671 acres designated as Pike County, Georgia Tax Parcel Numbers 031-003A, 031-004 and 032-112 (the “Subject Property”) zoned Agricultural-Residential (A-R), subject of the attached Application for Modification of Special Exception SE-17-03 (“Application”), which seeks authority to expand the size of a solar farm to be located on the Subject Property), the Applicants give notice of the following evidentiary objections based on, *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

With the Application, Applicants filed a Constitutional Objection to the denial of the expansion on the development of a solar farm in the Agricultural-Residential (A-R) zoning district which is incorporated herein by reference as if fully set forth.

Applicants object to comments provided by any and all members of the public presented before the Board of Commissioners in opposition to the Application to the extent that (but not limited to) such individuals lack standing to challenge the Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion

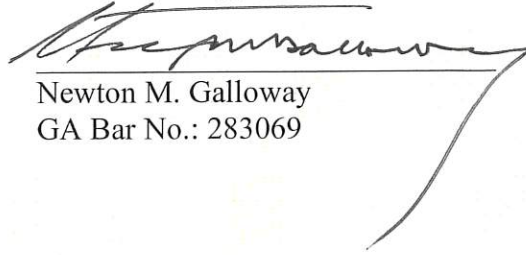
without such individuals being qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of a special exception set forth in Section 156.27 of the Pike County, Georgia Zoning Ordinance; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Applicants object to any action of the Board of Commissioners that does not approve the Application or approves modifications to Special Exception SE-17-03 with unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of the Board of Commissioners; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a special exception set forth in Section 156.27 of the Pike County, Georgia Zoning Ordinance.

By and through this *York* Objection, Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the Board of Commissioners of Pike County, Georgia.

WHEREFORE, Applicants request that Pike County, Georgia approve the modification of Special Exception as specified and designated in the Application.

GALLOWAY & LYNDALL, LLP.
Counsel for Applicants

A handwritten signature in black ink, appearing to read "Newton M. Galloway", is written over a horizontal line. A long, sweeping flourish extends from the end of the signature down and to the right.

Newton M. Galloway
GA Bar No.: 283069

The Lewis-Mills House
406 North Hill St.
Griffin, GA 30223
(770) 233-6230
ngalloway@gallyn-law.com