

air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

~~(a)~~

(a) No later than the commencement of the sale of crushed stone from the ID3 Property, wheel wash and load wet-down rack infrastructure will be installed for traffic leaving the ID3 Property.

(b) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property-~~owner or,~~ as ~~requested~~acknowledged by ~~the County~~DHEC, pursuant to the State Mine

Permit, DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. From the submission of the complaint until DHEC's determination, Operator shall supply water (e.g., via a water tank, etc.) to the affected property owner as needed for such owner to receive the volume of water historically drawn from the property owner's well. If DHEC determines that Mining Operations ~~has~~have caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.

9. Blasting.

(a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.

(b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.

(c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.

(d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing

assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations ~~other than blasting~~ shall not exceed ~~80dba of continuous noise~~, for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property, (i) 80dba of continuous noise from 6:00 a.m. to 6:30 p.m. or (ii) 70 dba of continuous noise from 6:30 p.m. to 6:00 a.m. (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit. Operator shall maintain readings from such monitoring devices for a period of three (3) years and make such readings available to the County upon request.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations: (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programing or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

15. Plant Modifications.

(a) At such time as the pit reaches an average depth of 150 feet from the top of the rock and Operator installs a permanent Primary Plant within the pit, (i) Operator shall cease use of any temporary Primary Plant located outside the pit, and (ii) any dump-hopper within the pit shall have an elevation no higher than the top of the cut of the pit (i.e., the initial ground elevation before excavation of the pit).

(b) Upon installation of the permanent processing plant (for secondary, tertiary and/or finishing phases of plant operations), all screens and crushers above the top of the cut of the pit on the ID3 Property shall be enclosed for noise abatement.

16. Transfer of Special Exception. This Special Exception to allow Mining Purposes on the ID3 Property shall automatically terminate if operation of the stone quarry on the ID3 Property is transferred to a new quarry operator (hereinafter, the "transferee") that has not been deemed acceptable by the County Council. A transferee may continue to operate hereunder if, prior to the transfer, a transferee is determined by the County Council to be an acceptable operator of the stone quarry located on the ID3 Property. A determination of a transferee's acceptability shall be initiated by a written request from the Applicant to the County Council. Upon receipt by the County Council of a written request by the Applicant and required supporting documentation, the Council shall have thirty (30) days to review the request and issue a determination as to the acceptability of a transferee. Supporting documentation to be considered by the Council shall include: (i) a financial report that demonstrates a transferee's financial ability to comply with all applicable rules and regulations, (ii) a letter from the state agency responsible for the regulation of stone quarries of each state in which a transferee owns or operates a stone quarry facility, if any, indicating whether a transferee is in compliance with all applicable state rules and regulations, and (iii) a list of each locality in which a transferee owns or operates a stone quarry, if any. This 30-day review by the County Council is not intended to constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld, conditioned or delayed.

17. Correction Plans. In the event of an alleged violation of the conditions of this Special Exception that the County's Planning Director reasonably believes could give rise to the termination of the Special Exception, prior to the County taking any action to terminate the Special Exception or modify its conditions, the County's Planning Director shall notify the Applicant and Operator in writing of the alleged violation (together with any evidence in support thereof) and the Applicant and/or Operator shall meet with the County's Planning Director within a reasonable time after receipt of such written notice. If a violation is determined to have occurred, then Operator shall, within thirty (30) calendar days or such other reasonable time agreed to by the Operator and the County's Planning Director, prepare a correction plan detailing the nature and timing of such correction, all as commercially reasonable and consistent with applicable industry standards, to be reviewed and approved by the County's Planning Director, such approval not to be unreasonably withheld, conditioned or delayed. Each such correction plan, if applicable, shall be implemented promptly following approval from the County's Planning Director and in accordance with its terms. If the same violation giving rise to such correction plan occurs two or more times after approval of the correction plan by the County's Planning Director (and after allowing for such corrective time as is set forth in the plan), then the County may impose a daily monetary penalty on Operator until such violation is corrected, not to exceed \$500 per day. If any such violation shall remain uncorrected for a period of sixty (60) days after the correction date

identified in the applicable correction plan, the County may thereafter take action to terminate the Special Exception.

Document comparison by Workshare 10.0 on Wednesday, February 1, 2023
5:28:04 PM

Input:	
Document 1 ID	iManage://IMANAGEDMS/Active/142591073/1
Description	#142591073v1<Active> - Chester County Application Conditions_1172022
Document 2 ID	iManage://IMANAGEDMS/Active/142591073/7
Description	#142591073v7<Active> - Chester County Application Conditions_1172022
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	28
Deletions	10
Moved from	3
Moved to	3
Style change	0
Format changed	0
Total changes	44

Conditions applicable to properties included within the Luck Stone Corporation (the “Applicant”) application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled “Proposed Zoning and Special Exception Plan” as (i) “ID1” containing 79.41 acres (the “ID1 Property”), (ii) “GC” containing 25.72 acres (the “GC Property”), (iii) “ID3” containing 247.87 acres (the “ID3 Property”) and (iv) “AG” containing 90.39 acres (the “AG Property”).

Condition applicable to all properties:

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

Conditions applicable to the ID1 Property:

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:
 - i. Grain Milling
 - ii. Reconstituted wood products
 - iii. Converted Paper Products
 - iv. Mineral and Earth
 - v. Misc. Nonmetallic Mineral
 - vi. Aluminum Production
2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the “Park and Trail Easement”) shown on the plan included in this application dated November 11, 2022 and entitled “Updated and Compiled General Development Plan” (the “GDP”) on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
3. **Entrance Landscaping and Beautification.** The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

4.

Conditions applicable to all areas rezoned to the GC classification (the “GC Property”):

1. Dedication of Property for Governmental Use. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the “Governmental Use Property”) as generally shown on the plan included in this application entitled “Updated and Compiled General Development Plan”. The County may accept the offer of dedication at any time within ~~five~~six (56) years after delivery by Applicant to the County of written notice of the commencement of mining activities on the ID3 Property; provided, however, that if the County does not respond to the offer of dedication, then Applicant shall send the County a written notice at the end of the 6-year period and the County shall have one (1) additional year to accept the offer of dedication. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property. For purposes of this condition, all written notices to the County shall be delivered to the County attorney, with copies to each of the County’s zoning administrator, the clerk of the County Council, and the County’s administrator (or their equivalents at the time of such notice).
2. Entrance Landscaping and Beautification. The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. Cemetery Access. The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

Condition applicable to the area rezoned to the AG classification (the “AG Property”):

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for

Luck Companies - Chester County, SC: Rezoning and Special Exception Conditions

\$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):

1. No portion of the ID3 Property shall be used for any of the following uses:
 - i. Biological and allied wholesaling
 - ii. Manufacturing of animal, chemical, gas, or arms and munitions
 - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
 - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
 - v. Hazardous waste carriers
 - vi. Municipal solid waste landfill
 - vii. Airport

2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.

3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.

5. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within ~~five~~^{six} (5~~6~~⁶) years after delivery by Applicant to the County of written notice of the commencement of mining activities on the ID3 Property; provided, however, that if the County does not respond to the offer of dedication, then Applicant shall send the County a written notice at the end of the 6-year period and the County shall have one (1) additional year to accept the offer of dedication. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement. For purposes of this condition, all written notices to the County shall be delivered to the County attorney, with copies to each of the County's zoning administrator, the clerk of

the County Council, and the County's administrator (or their equivalents at the time of such notice).

Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions, which shall be and remain in effect for the duration of the SC DHEC Surface Mining Permit applicable to the ID3 Property:

1. Hours of Operation. Hours of operation shall be limited as follows:
 - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through ~~Saturday ("Standard Operating Hours")~~ Friday only except as provided below.
 - (b) Shipping, Loading and Limited Processing: 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. Saturday ("Standard Operating Hours") except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
 - (c) Processing Plant (secondary, tertiary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
 - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).
5. DHEC Mining, Water Discharge and Air Permits.
 - (a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining

Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

~~(a)~~

(a) No later than the commencement of the sale of crushed stone from the ID3 Property, wheel wash and load wet-down rack infrastructure will be installed for traffic leaving the ID3 Property.

(b) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property-owner or, as ~~requested~~acknowledged by ~~the County~~DHEC, pursuant to the State Mine Permit, DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. From the submission of the complaint until DHEC's determination, Operator shall supply water (e.g., via a water tank, etc.) to the affected property owner as needed for such owner to receive the volume of water historically drawn from the property owner's well. If DHEC determines that Mining Operations ~~has~~have caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
 - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
 - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
 - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
 - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor

where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.

11. Noise.

(a) Airborne noise produced from Mining Operations ~~other than blasting~~ shall not exceed ~~80dba of continuous noise~~, for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property, (i) 80dba of continuous noise from 6:00 a.m. to 6:30 p.m. or (ii) 70 dba of continuous noise from 6:30 p.m. to 6:00 a.m. (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit. Operator shall maintain readings from such monitoring devices for a period of three (3) years and make such readings available to the County upon request.

(b) In connection with the initial development of the ID3 property and in adherence to condition 11(a) above, Operator shall make best efforts above current permitted design to enhance any berms, buffers or vegetation in a manner to reduce noise to adjacent properties which may be produced from temporary facilities located outside of the pit.

12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations: (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programing or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by

truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

15. Plant Modifications.

(a) At such time as the pit reaches an average depth of 150 feet from the top of the rock and Operator installs a permanent Primary Plant within the pit, (i) Operator shall cease use of any temporary Primary Plant located outside the pit, and (ii) any dump-hopper within the pit shall have an elevation no higher than the top of the cut of the pit (i.e., the initial ground elevation before excavation of the pit).

(b) Upon installation of the permanent processing plant (for secondary, tertiary and/or finishing phases of plant operations), all screens and crushers above the top of the cut of the pit on the ID3 Property shall be enclosed for noise abatement.

16. Transfer of Special Exception. This Special Exception to allow Mining Purposes on the ID3 Property shall automatically terminate if operation of the stone quarry on the ID3 Property is transferred to a new quarry operator (hereinafter, the "transferee") that has not been deemed acceptable by the County Council. A transferee may continue to operate hereunder if, prior to the transfer, a transferee is determined by the County Council to be an acceptable operator of the stone quarry located on the ID3 Property. A determination of a transferee's acceptability shall be initiated by a written request from the Applicant to the County Council. Upon receipt by the County Council—verified by the clerk of the County Council—of a written request by the Applicant and required supporting documentation, the Council shall have sixty (60) days to review the request and issue a determination as to the acceptability of a transferee. Supporting documentation to be considered by the Council shall include: (i) a financial report that demonstrates a transferee's financial ability to comply with all applicable rules and regulations, (ii) a letter from the state agency responsible for the regulation of stone quarries of each state in which a transferee owns or operates a stone quarry facility, if any, indicating whether a transferee is in compliance with all applicable state rules and regulations, and (iii) a list of each locality in which a transferee owns or operates a stone quarry, if any. This 60-day review by the County Council is not intended to constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld, conditioned or delayed. Any approved transferee shall accept the special exception conditions as approved by the County Council and the County's Zoning Board of Appeals, as applicable.

17. Correction Plans. In the event of an alleged violation of the conditions of this Special Exception that the County's Planning Director reasonably believes could give rise to the termination of the Special Exception, or in the event that the County's Planning Director has determined that such a violation has occurred, prior to the County taking any action to terminate the Special Exception or modify its conditions, the County's Planning Director shall notify the Applicant and Operator in writing of the alleged violation or the determined violation (together with any evidence in support thereof) and the Applicant and/or Operator shall meet with the County's Planning Director within a reasonable time after receipt of such written notice. If a violation is determined to have occurred, then Operator shall (i)

immediately take action to remedy such violation in accordance with applicable industry standards, and (ii) within thirty (30) calendar days or such other reasonable time agreed to by the Operator and the County's Planning Director, prepare a correction plan detailing the nature and timing of such correction, all as commercially reasonable and consistent with applicable industry standards, to be reviewed and approved by the County's Planning Director, such approval not to be unreasonably withheld, conditioned or delayed. Each such correction plan, if applicable, shall be implemented promptly following approval from the County's Planning Director and in accordance with its terms. If the same violation giving rise to such correction plan occurs two or more times after approval of the correction plan by the County's Planning Director (and after allowing for such corrective time as is set forth in the plan), then the County may impose a daily monetary penalty on Operator until such violation is corrected, not to exceed \$500 per day. If any such violation shall remain uncorrected for a period of sixty (60) days after the correction date identified in the applicable correction plan, the County may thereafter take action to terminate the Special Exception.

Document comparison by Workshare 10.0 on Friday, February 3, 2023 10:42:40 AM

Input:	
Document 1 ID	iManage://IMANAGEDMS/Active/142591073/1
Description	#142591073v1<Active> - Chester County Application Conditions_1172022
Document 2 ID	iManage://IMANAGEDMS/Active/142591073/9
Description	#142591073v9<Active> - Chester County Application Conditions_1172022
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	37
Deletions	12
Moved from	3
Moved to	3
Style change	0
Format changed	0
Total changes	55

Chester County Planning Commission Minutes

December 20, 2022

- A. **CCMA22-25 Luck Companies request a portion (7.8 acres) of Tax Map # 089-00-00-005-000 at 1207 Lancaster Hwy., Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC).**

Ben Thompson stated he was with Luck Company and is here on behalf of the company. He understands I've been before you all previously, back in 2020. So, I am going to somewhat abbreviate what would be a typical presentation and kind of the full breadth of who we are as a company. Try to get a little more into details and in particular denote. What has changed from the last application to the current proposal that's in front of you. Would love to answer any questions you may have at the end. Also, I'm sure there will be some comments made during the public hearing. That would love the opportunity as questions arise from those to be able to answer and provide as much clarity and transparency on this project as possible. So, in 2020, we came before you we had a project that was exclusively comprised of a Creek Restoration Project, a quarry portion of the property, so a heavy industrial zoning request on the back of a property, and then a frontage request for light industrial which would be economic development. So, we stood before you, and it was COVID Time. Education ability was a little lower on our side, and we received a negative vote from this council and certainly understand why. And so, we decided, well, we need to get out of this period, do more work in the community, listen a lot more. So, in doing so, we've been present over the past two years. We do pride ourselves in relationships and getting out but received a lot of feedback during those times. That feedback enabled us to come back to you with an application that has some similar parts, but many different parts as well. So as a company, yeah, one of the things that near and dear to our heart is the people and relationships. And so, when you're doing a project like this, there's a lot of anxiety that pops up in communities. There's a lot of fear of the unknown, there's also a lot of oversight, and conversations and studies that you must engage in. All that goes back to learning and as you're learning we start to see how the projects can change. So, with a lot of that good feedback, we have a project now that has a request to approve an industrial zoning. So, you're one distinction here is you're not approving as a quarry. You're approving the zoning. The quarry is another step that we do need to take. So, we're in front of you requesting an ID-3 zoning on a portion of property and I have maps that will depict this. We are also requesting that you down zone a piece of property so there's an industrial property attached to our application that we're requesting changes from its current state of ID-1 to an agricultural state. We also have attached to our application, a recreation area, so a trail component, as well. As a 50 plus acre commercial business park and retail center. In addition to that, we have conditions wrapping all of this. So, the conditions speak to either direct concern that individuals may have and those are typical concerns that we hear. But it also does some things like make commitments to within our project there's a government give space. So, we've set aside 15.8 acres that could grow as the county grows and has a need for additional service areas, satellite office, what have you, that area would be a donation to the county. We also have a component that is a community fund. So, I'm sure lots of people here have seen our name be present in the community. That is something that as part of our mission of igniting human potential that we feel is very important. But we also recognize that there might be some

voices saying, well, you're just doing certain things to win favor to gain a permit. So, to combat that, we've gone in and committed ourselves to an ongoing give to the community. That is completely separate from the foundation we have as a company that many local nonprofits have already participated with. So, with the plan that you see in front of you, and I'm hoping it's a little more legible on your personal screens. But we must get into specifics 1.39 miles of trail on site, the 15-point acres I mentioned as the donation we are keeping greater than 40% of open space on our project in total. We have 200, a minimum of 291,000 feet, and that's on the western portion of the property. So, where you see buildings in orange that is the general commercial area and the business park component. We recognize there's a void in the county of smaller square footage buildings, so there's lots of land that could absorb a million square foot type building. What there is not is inventory that allows the existing business within the county to grow or the follow along businesses to house themselves in the county. We also have if you'll look at the top north of the CSX rail line. That's a 90-acre piece of property, that property is currently zoned industrial. primary access to that property is through a residential neighborhood. And so, we have proposed to take that property down zone it from industrial to agriculture, and we have made a commitment and our conditions to work to partner with the schools for ag education, whether that be the school program itself or partnering with FFA. But we see that as an opportunity to get kids to the site. Also, an opportunity for a revenue stream for those programs to be created. That could fund future scholarships or reinvest in the schools themselves. So, this is the retail and business center portion, the defining line, so on the bottom you'll see Hwy 9. As you run into north south orientation, you'll see a blue line there. That's Rocky Creek. So, this is everything west of Rocky Creek. The purple area is the denoted space for the government donation. The yellow buildings in the back of that property are our larger flex space buildings. So anywhere from 20,000 to 80,000 square foot buildings and then the front edge would be truer to retail office competitor. Again, this is the property on the north side you can see it's currently zoned industrial and for a fuller orientation, if you look to the right hand of the map there that is Boise Cascade. So just from a general orientation, we are immediately adjacent to Boise Cascade on Highway 9, one property to the west of it. And I can pause if there are any questions at this point or I'm happy to keep going. So, as you're running through the overall project, and I've stated the numbers on the right-hand side, the quarry portion of the property has become fully vetted as well. So, we spent about two and a half years in Chester County talking to people looking at various properties of land. A lot of the spring's property, a lot of farms. Rock is not pervasive. So, while you may hit rock, it may not be the quality, or you may see an outcropping of rock and you go 20 feet to the right of it and you don't hit a point of refusal as you put a drill in the ground. So, this is not a type of use or a type of geologic body that you just say, well, why don't you go two miles down the road. After looking at about 14 properties. And we were in conversation with Karlisa Parker, and she brought to our attention this property that was on the economic development list. So, we liked a couple of things about it. We're always looking to be on the main road. We do not want trucks on secondary roads unless they are going to a project. It had the access to the I-77 interchange, which we liked. We recognize that part of the comp plan. This was the area to focus industrial development as denoted in the comp plan. And then we also recognized, and this is in a stronger, more global state. This was a linchpin area for the state of South Carolina. So, now we have worked on this site, we have gone through all state permitting, we did so to ensure that the science was sound. The State really looks at it from two perspectives does science work and is this group a good steward of property? Our reputation covers that piece well. And, and we can talk about that from an environmental Award standpoint, or we can talk about it from a safety standpoint or just a culture as a company standpoint. But in doing so, we reviewed this piece of property for roughly two years. Many experts on the site we heard lots of

statements about well, maybe there's threatened and endangered species on the property. Well, that's part of the study that the state requires. Maybe there's cultural resource issues with the site. Well, that's a study that the state requires. So, from an erosion and sediment control from a groundwater overview and hydro geologic analysis. All these studies have been complete and approved by the state. What we didn't do, was take into account the county as a whole. So, where we were trying to address certain things like, well, there, there needs to be trails and things like that. There were a lot more statements than that. Our schools need to get better, and our retail needs to be upgraded. We don't have spaces for existing companies to grow within the county. So that's where we really took the initiative to move further to the west. Grab that piece of property and start to do an appropriate design for that. We also heard as we went through this from many in the Craigbrow neighborhood of, we need more buffer, it's too close. So, for us, and we have examples we can show. That neighborhood is one of the furthest neighborhoods away from any operation we have, and our footprint is running from Maryland to Georgia. So, we felt very comfortable with that. That does not alleviate the concern for those individuals. That's where we really focused on, well, I wonder if people even know that there's a property that can be developed right now and send industrial traffic through their neighborhood. So, in grabbing that, we felt like that was a good fit to bridge that with the schools and provide additional buffer for the neighborhood itself. These are also applications where when you're talking to the state, you're sitting there and laying out monitor wells. All the pieces and parts that would create anxiety or concern for individuals are addressed in those applications. Now we've doubled down on that, while those are state agreements, and certainly valid at the state level. We have also included those and many more in in this request proposal before you. So, as you're in and you probably got blurry eyed reading that, but we have about seven or eight pages that are just strictly conditions, everything from hours of operation to concern about noise and so we're placing decibel levels on things. As a as an example that we put in here we will not exceed 80 decibel levels at the property line. We received feedback just recently from some folks saying 80 seems okay but at nighttime that seems pretty loud. So just to go on record and then this would be addressed at the Zoning Board of Appeals. But we would reduce the nighttime different than the language you have to 70 decibel levels. And so those are the kinds of things when people engage and talk to you. We now can kind of have a working dialogue and make the applications even better. So, this is the zoning plan that would be the vote for this evening. So, you'll see in the hatched area that is a request to zone two ID-3. So, we were very purposeful to try to pull the ID-3 which is the heavier zoning off the Hwy 9 corridor and leave ID-1 on the front to ensure lower intensity uses. We also went into ID-3, and we said the ID-3 zoning category has a lot of allowed uses that may create concern for people. So, we went into ID-3, and we struck through most of the uses that are in ID-3. Really the only reason we want ID-3 is because that's the category to move forward with a special exception for a quarry. So that area and again, greater than 40% of that property will be open space. And from a quarry standpoint, for the first 20 years, we will only be operating in about 30 acres of a of a 260-acre portion of property there. The ID-1 is the darker purple on the property. And it's got kind of a linear shape to it. So, what that capture is the frontage in front of ID-3 and wraps behind it as it crosses the river for the business park component. The other zoning is GC which is General Commercial. That'll be for the retail office component, as well as the government use component that falls within the GC category. So, I'm not going to try to speak through this. But simply want to call out that every portion of the project like this is about engaging with stakeholders, whether that's community whether that's politicians, whether that's regulators and trying to bridge all those desires to make the healthiest project possible. You'll see that we are at the tail end here. We have all our necessary permits. This is really a zoning exercise that we need to undergo. While the state may say it's okay. What we really

need at this point is the County to bless it. So, a lot of people in and I don't want to be redundant here, but we have been very present and the community. That is very genuine to us. It's an authentic thing that will persist. So, one of the best compliments that I've received since being in Chester is that since you guys showed up and started participating, we've seen other businesses start to engage. Whether that's given money, whether that's time all those things are hugely valuable to communities. So, when you're talking about kind of just the general premise of sustainability, couple things are important. You got to have services, you got to have supply of materials. You got to have the oversight to be able to manage appropriately. And you got to have leadership.

I believe the project that we have before you today address all those things, and we want to remain with that. But we have further conditioned ourselves that there will be a community engagement group that's attached to our project. So, on a quarterly basis, we've committed that a community citizen group will meet with us, during that time, we will share where we are, what's going on, where's our planning. It will also be an opportunity for feedback. So, if there's any ongoing concern, we can hear it and address it. That grows relationships and in addition to that, we've also said that we're going to take a percentage of net revenue and that is going to be appropriated to community groups. So, this is a way to make sure that we are pushing our goodwill out in the community as we're receiving. And we really do operate in this space where there's a belief and rising tide raises all ships. And so, as Chester grows and as Chester improves and its schools get strong, all that benefits our business and our community members that are here. In this just restate so in our conditions, you'll see things addressing as well. You'll see sound, you'll see concerned about blasts, you'll see things about dust, and you'll see things about truck traffic. SCDOT has looked at this level of service does not change on Highway 9. Also, when you have a local source here on the main road and ensures that the product is not traveling from the north coming down secondary roads, longer miles. The things we haven't talked about here today are things like reclamation plans, investment, jobs, glad to talk about all those. With reclamation. We do have a reclamation plan on file with the state. We are not a group that at in the life puts a fence around something and just lets it be abandoned. This is a great value in other communities. We've done parks, we've done water reservoirs. We did a project in Fairfax County, Virginia not too long ago, where the development community there has an issue due to natural topography, no site ever balances there's always an excess of material. And so, we received clean fill dirt in one of our quarries now, and ultimately that will have a next generation life use. It's hard to contemplate what 50 plus years from now will be the right use for this site. But there is no default of we can just go do something now. All of those are community conversations and would necessitate the need for another zoning conversation. So again, our ask is that you concur with the state of South Carolina, SCDOT, DHEC, DNR, US Fish and Wildlife. This does meet the comprehensive plans criteria. We've scoured that and looked at that information. And by and large there is a community voice stayed in support for this. I'm going to shut it down there be respectful of time that would like to answer any questions you might have.

Commission Howell asked if the business park that you proposed, will that be limited to the same decimals to the quarry would be limited to?

Mr. Thompson stated yes and actually it's from a US standpoint predominantly enclosed. So yes, it would be.

Commissioner Grant asked how long do you estimate this will be quarry?

Mr. Thompson stated so lifespan of quarries are deposit dependent and market dependent. So, the larger market gets and the more demand the more stone goes up quicker. I would say in our estimation, this is somewhere between a 50- and 70-year quarry. That's pretty wide span that's 20 years span. But the energy that is coming north to south along the I- 77 corridor, and the so Chester's got a phenomenal location. It does have an inventory of land and it's got a strong work base. So, I think opportunities are going to continue to come and we want to be a part of that. So, I would say it's reasonable to think 50-year mark.

Commission Grant stated he had an opportunity to visit the quarry in VA, so how long has that one been in operation?

Mr. Thompson stated that one's a larger operation. So had more acreage because when you develop a floor you have to stair step down. So ultimately, depending on size you run out of space at the bottom. That one has been there since 1932.

Commissioner Grant asked when would you anticipate putting the trails in. Take into account that all of this is approved, and you get the exception permit. How long before would you start saying we have boots on the ground or shovel in the dirt?

Mr. Thompson stated so from a site work standpoint, we would need to coordinate with county planning office and building. It takes about six to eight months to prep the site to be able to start to remove material for sale. There is a requirement associated with this site that we have to put in monitor wells, and this has become more of a routine attachment to every mine permit in the state. So, we would monitor those wells for a year period of time, create a baseline. And so, it's reasonable to say that from approval the earliest would be a year's timeframe, more than likely it would be in that year to 18 months. So, in year terms it would be 2025 would be a good benchmark.

Commissioner Grant stated all that you are going to give to the County, and you know, turn the deeds over and all that kind of stuff. What's holding you? Is there an official agreement between you and the County that will be made?

Mr. Thompson stated that is a great question. There's no current official agreement. However, when you attach to zoning conditions like this, and Joanie can speak to this as well. When you attach it becomes legally binding. So, our zoning would be approved with these conditions attached.

Commission Grant asked that these conditions are the ones you spelled out yourself?

Mr. Thompson answered yes.

County Attorney Winters stated that would be my question because you provided this commission with written documents of special exception conditions and zoning conditions. So, you're saying that if this is approved, this would be part of that approval?

Mr. Thompson answered yes and the difference to that would be the conditions attached to the special exception. So, the more quarry uses specific, those would be attached upon approval of the special exception. The ones for the zoning would be attached per the approval of zoning.

County Attorney Winters stated that the zoning conditions are a three-page document, and the commission has that attached to the application. If the Commission decides to approve, it would be contingent on these conditions being a part of the approval.

Commission Grant stated that he was privileged enough to go see the VA quarry. From what I saw, you were in middle of a neighborhood with \$700,000 to \$800,000 houses. A couple of million-dollar houses on the very end. And the other thing that impressed me was, is that you washed the truck wheels before hitting the road. Is that something you would intend to put here to?

Mr. Thompson stated absolutely. So much of what we do, whether it's community or on-site practice is about our brand. And so, our brand means a couple of different things. Our brand means the nicer our sites are and the healthier work environments we have, the more recruitment we can have of individuals to work force and retain them. But it's also about growth. So, you know we permitted a site and just from a South Carolina standpoint, permitted a site in Spartanburg we have a site and an additional permit in Kershaw County, we permitted the site in Fairfield. If we are not responsible citizens and we are not in good favor with communities and doing everything to the best of our abilities. That word is going to travel pretty quick. And Facebook's an easy avenue and Twitter's an easy avenue. The next county we go to if we're not responsible and thought well of, that's going to impact our ability to grow. And so, there is a selfish component to doing everything the right way also.

Vice Chairman Smith asked a question about the permits and applications with DHEC and other state agencies. When you first submitted those, when was that and are you planning on submitting them again, what is the time difference, and are there any time stipulations associated with that?

Mr. Thompson stated we came before you all I believe it was 2020. About four months prior to that we received our approvals from DHEC for the mine permit. We do not need to revisit that unless there is some modification or dramatic change. It's considered a valid permit and it just awaits your blessing on land use. Those permits are 99-hundred-year permits. That is not indicative of how long people expect to mine. That's just the 10 year of the permit itself. And it is one of many.

Vice Chairman Smith stated he had another question if you remember the hearing in 2020. The topic came up of the noise level, the decibel levels, and about the crusher right in 24 hours. What's the status on that? I mean, I know you say we're going to lower to 70 but as at shutting down the crusher at certain times.

Mr. Thompson stated when people are at a site, the primary noise creator is the primary crusher. So, we do a couple of things outside of the hour's operation, which I'll get to. So, we use topography for that. So, we put the crusher down in the pit as we're going, which is able to use the topography as a noise abatement opportunity. Then you have berms that are vegetated and so that's one component and distance helps with sound. We have hours of operation that say the primary crusher will not run at nights and on the decibel levels. What we've said is that will be measured at the property line. And we've written

a condition for 80, which is just a blanket day or night. And what I'm saying that we will amend it to is 80 during the daytime, 70 at nighttime.

Commissioner Howell stated that what you are saying is that you will be quieter than a train going through there. You will be a quiet neighbor.

Mr. Thompson stated Yes. So, we also did in, and this isn't we have boards that we can show this to, but we did do a fair amount of noise readings. And what we did was travel around the site and take ambient level noise readings, for you know, obviously we're not there operating. And then we took it to similar distances at our operating sites and took noise readings. And it did demonstrate that the ambient noise they're not with the train running just standard ambient noise is higher than our decibel readings that are our operating locations. Yes, I do understand there are some by right uses on Highway 9 that are operating nighttime hours. And there is noise and so I do get the concern about noise. I just don't want it to be played that we are a major contributor to that. And for those that have been to our sites. You can see how the berms changed things and you can see how distance alleviate sound.

Commissioner Grant asked how deep is the quarry in VA?

Mr. Thompson stated the one in Goochland is 350 feet and actually in its kind of far, but you can see some pictures over here and this speaks to both depth and in relationship to water. But the one on the top there is in downtown Richmond. The distance between the water and the edge of the pit at the narrow spot is around 75 feet and that one's 350 feet below the James River, which is the primary water body in Virginia, inland water body.

Vice Chairman Smith asked if there were any plans for transporting rock via rail?

Mr. Thompson stated No, we've reserved that right. But this site is predicated on local supply. The rails are tricky and, in many times, more costly than you would imagine. We don't envision in any kind of any near-term fashion, that would be a component use of this property. But we do fully recognize that L&C rail sitting right there as well as the CSX mainline. So, if there is an opportunity, we'd like the opportunity to have that conversation. I can tell you one thing from our design. So, we have been thoughtful. You'll see a berm stretching along the back of our property. One of the thoughts of that berm is that if you were to do a spur that you bring it inside of that berm so that the spur sits between the berm and any offsite properties.

Vice Chairman Smith asked how similar the Kershaw plant is compared to the one in Chester.

Mr. Thompson stated my smile is because the plant manager for the commercial operations is here and I'm getting ready to speak a little poorly about it. So, we acquired that site. And Tim done a phenomenal job of bringing it up to our standard, but it's much harder to, it's a lot easier to make something your standard when you're starting from scratch. So, when we acquired that site, it didn't have indoor plumbing, didn't have electrical permits on most of the buildings. They're just it was kind of a duct tape and pretty poorly run operation, especially to our standards and so we progressively been working to bring it up. Things like it's got a dirt road access to the site. When we build our own operations and it's a

condition and they're you know, we're paving the first 3000 feet driveway into the operation has to ensure there's no dust escape that comes out. Dust suppression in and of itself. You're having to modify things to create dust suppression on the Kershaw site, whereas when you're building from scratch, you're employing all those tactics into all of the initial setup. So, and conditions like that are within your document as well. So, I guess short answer, it will be our standard, but it is not our standard now.

Vice Chairman Smith stated he has one last question. Right off the bat, like within the first couple of years. How many jobs total do you envision?

Mr. Thompson stated Yeah, So, jobs are in a couple different categories. So direct to the plant itself, the quarry. That's going to be somewhere between initially 15 to 20. That likely ramps up by about year 12, to 15 to 25. Where most of the numbers come from, is on the trucking side. We purposely make a choice not to employ our own trucking. What we feel that does is if you in our community, and you start to offer a bunch of trucking jobs, you're displacing existing trucking that's in the community. So, our process is to work with those groups. Allow somebody that owns one truck to grow to three trucks or a fleet of 10 to become 20. Typically, there's about 50 to 70, haulers, truck jobs. Those are not direct employees. Those are contractors. On the business park side that's a little more speculative. That could be somebody like a distribution group that comes in that has 350 jobs or could become piecemeal and be you know 20 jobs per 10,000 feet as it goes. These are good jobs. And glad to talk about our benefits and our packages and all that if you be interested.

Vice Chairman Smith asked if any other Commissioners have questions for Mr. Thompson?

Commissioner Walley asked if they would start in Chester County for the trucking jobs or do you have to go outside the county? How do you determine those jobs?

Mr. Thompson stated so there is always, and it doesn't just stop in the trucking competitive. There's always preference for the local. So, it goes back to that notion of you support local support to you. Yes, and we have done research on the trucking there is a good trucking base here. The other component that I didn't mention, and I thought you were going to go somewhere else with your question, but when you have contract haulers, it's a lot easier to dictate expectations to contract haulers. And that's not to say if, if they were our associates, they'd be doing anything differently, but you can give a warning. And anytime a vehicle leaves our site, it doesn't matter whose name on the door. It's going to be tied to us. And so that's the kind of rigor and expectation that we attach to it. And so, we are explicit down to giving the exact directions. People that haul for us they have an app on their phone. That app allows us to see that they are taking the route. It also allows us to communicate with the customer. When exactly they can expect receipt and the customer also has visibility to that. So, they can say the truck is 10 miles away and I need to get to my house for my driveway.

Mr. Howell asked if the substandard trucks, they wouldn't be allowed to haul your stone?

Mr. Thompson stated Yes, we do have standards that they meet now if they don't meet that, we absolutely work with people to whether it's getting them the right insurance and walking them through that process or ensuring that the inspections are done on their truck to bring it up to the right quality. There is an expectation that they are environmentally doing the right thing, doing the right thing from a safety

standpoint, and they are legally responsible. So, all of that while they might be independent. That's where I say all of it ultimately kind of falls under our umbrella. And so, we're very attended to that.

Vice Chairman Smith stated we would take a ten-minute break and then start with the public comments. Vice Chairman Smith stated to the public comment section, and we have a list here where we've had folks sign up to speak. I just want to remind everybody, there's a three-minute time limit. And we're going to keep a close watch on that because we do have several speakers. We're not trying to stay up here all night. After the comment section, we're going to give Mr. Thompson 10 minutes for rebuttal. With that being said, I'm going to go ahead and move forward and call up the names of people who sign up in order. And the first one on the list is Brandon Lindsey. Please come forward to the microphone. And this is for every speaker, state your name and your address and after you do that, you'll have three minutes to speak.

Brandon Lindsay stated he lives at 10630 Sweet Haven Lane, Harrisburg North Carolina. I'm here representing Hoopaugh Grading Company tonight. Hoopaugh Grading is a large general site development contractor. We've been doing projects in this community since 1953. We have 725 team members representing 725 families, many of which reside in Chester County. We're here tonight to voice our support of Luck. Our support of Chester County and our support have continued emphasis on responsible growth. You guys have been successful in that over the years, and we too are in support of that responsible growth. In fact, we have 725 families that are absolutely dependent on that responsible grid. We've been blessed to have been part of some very significant projects that this county has had over the last several years and we're excited to be part of many more in the future. Those projects even responsible growth require significant investment in infrastructure, roads, sidewalks, utilities, water, sewer erosion control. And all of that requires the use of materials everything that we do at Hoopaugh Grading requires the use of aggregates. And so, I will tell you that having a source for those materials is absolutely critical to being able to achieve the goals, the growth goals of the county but having a local source of those materials is absolutely critical. Given the cost of transportation and how difficult it is to find those materials. I believe truly that having a local source of those materials is critical to being able to achieve the goals. We have had the pleasure of being able to partner with Luck on some projects and we have found them to be exactly what they've told you. They've been very transparent. They've been great partners. They've been very honest, very fair, and they are very committed to investing back into the communities in which they live and work. It is our belief that they will be great partners for this county that they will be great neighbors and they will be great ambassadors for the county. Thank you.

Jay Williams stated my wife and I live in 1652 Woods Road. Here in Chester. We own a cattle farm, and we are within probably a mile through the woods from this quarry. Now I am in favor of this quarry very much so. We get up in the morning. You set your feet on the floor, foundation of house, the stone made from a quarry from somewhere. Your driveway to get you to the road is made from a quarry. The road you drive to work, to school, to the grocery store are made from a quarry. So, you can do everything you touch in life, stone gets you there one way or the other. So, people need to realize how valuable this is to Chester County. The things that they have offered to do for Chester County are phenomenal like 15 acres, the business park, the schools, the agriculture property that they've set aside. These things all need to be considered very positive. Now we have a farm. I got two ponds, two wells that I dug and built. If the waters going to be drained. That's detriment to me. But I have sat down and voice these concerns with Luck

Stone. Personally, one on one. And they always came back with an answer. That was positive and that they were not here to hurt anybody, that they were here to build a good reputation within the county and support the county. Now I've been in this county for 25 years, and I really worked hard for this county. I mean very hard at no pay. I've been in most of the houses and in the community, we live in when people were in trouble. So, this is something that I feel like will help support this County. And I hope you'll consider that.

Debbie Parsons stated my name is Debbie Parsons and I live at 1051 Craibrow Circle. Before I get into the remarks that I intended to make, I'd like to remind you as a country girl, that you all are the keepers of the barn door. And once those horses get out, it's awfully hard to round them back up and put them in their stable. So, keep that in mind as you hear the remarks that some of us have to make this evening. I am speaking to ask you to deny the zoning request being made by Luck Corp. You have previously heard our concerns regarding air quality water levels, especially in neighborhoods like ours and surrounding areas that have wells and septic systems. Noise levels which have been addressed to some part tonight. But we live where we do because we want to be in a quiet, peaceful neighborhood. Where we can enjoy outdoor activities. Lots of my neighbors walk through our neighborhood on a regular basis. And we don't want that to stop. We know there will also be increased traffic in our county, not necessarily on our secondary roads, but in our county. So, all of those concerns that we've always previously still exist. In addition, there are some other factors for your consideration. One there was a recent Fairfield County study that shows that property values decline, the closer you get to a quarry. So, keep that in mind. There is proof in an article that was researched to show that property values decline the closer they are to a quarry. Scientists from North Carolina particularly meteorologists have reported that in areas where there is high dust, maybe not even dust that you can see, you would still need to limit your time outdoors, because it would be dangerous for you to breathe that dust in what love would bring to our life would be a detriment to our air quality. The same meteorologists have also recently reported in North Carolina that a quarry blast resulted in activity strong enough to result in a recorded seismic activity. It was not an earthquake, but it was a blast from a quarry. Our county is poised to become a destination based upon natural resources. Tourists don't need to see or hear and unsightly quarry as they traveled to destinations looking for clean air and water. And most importantly our county strategic plan should be your guide and all decision-making regarding planning and zoning. Nowhere in that strategic plan, do I find a quarry mentioned. Do not allow all-expense paid trips to a demonstration that can be controlled by a company, cloud your judgment or your responsibility to follow the county strategic plan and to look out for the welfare of our citizens who are your neighbors. Thank you.

Don Foster stated he lives 1036 Craibrow Circle. Luck Stone has been pretty busy in the last year and a half. They wrote checks to the school board. They've wrote checks to the Chester Chamber of Commerce. They come in her saying that they're answering questions. But if anybody from Craibrow had a question, I'd go to Chamber of Commerce or the school board or go skeet shooting or go to a downtown develop to even see them. Ain't nobody in Craibrow seen them since they pulled their permit. So that's bull. We have a constitutional right to be heard. Here we are, we're being heard. We have the constitutional right. Freedom of speech. Everybody said what they had to say. We had the constitutional right to own and bear arms. I don't say Chester County's confiscate nobody firearms. Who have the constitutional right to have religious liberties. I don't say Chester County shut down no church. Now if you will bear with me just a second. I want to read something to you. We the People of the United States in order to form a more

perfect union, which that is the constitution United States, established justice to ensure domestic tranquility. Let's stop there. Because time restraint. I'll looked in the Webster dictionary and it says these three words, ensure domestic tranquility and ensure to make certain domestic related to household, family, neighborhoods. Tranquility, free from agitation, free from disturbance, quiet, serene, peaceful, tranquil tranquility. That is our constitutional rights. And nobody in Chester County had the right to take our constitutional rights away from us, and they don't have the right to pick and choose what constitution that they can give the citizens of Chester County. And they sure don't have the right to put it up for sale for Luck Stone to buy. They bought the school board and Chamber of Commerce out. If they act like they do in Craigbrow a flavor about building a berm. They have to pile that dirt up somewhere. They're not here for dirt, they are here for rock and then they say they're going to plant grass on it and trees. They have to, that's erosion control. So, it's our constitutional right to live in peace and quiet. And not to be disturbed or agitated. I'm through.

Joyce Aragon stated my name is Joyce Aragon I live at 1579 Peden Bridge Road here in Chester. I was born in Chester County and have lived here on and off most all of my life. We my husband and I have a small farm that we ride horses and have pastureland here on Peden Bridge Road. We were at the last meeting at Gateway. And I know that y'all denied the permit. And I thought that was the end of it. And I thought you know this is a great thing that y'all just did. Because for 25 jobs. They're going to destroy hundreds of acres, hundreds, and hundreds of acres. And it's what everybody had wanted to rename gateway road, the gateway into Chester, and there's where all of the destruction is going to be. And I'm just really worried about the water table. I know that was a big issue, but we were down at the Gateway talking about it. My house is on a well and a septic tank. And I did read in the paper where it said that if what they were doing disturbs your water and you lose water. They will find some way to get you some more water. Now where are they going to get it from? Because Chester has got old iron pipe and stuff you know in the City of Chester, I'm way outside the City of Chester. I don't think there's any way they're going to be able to fill my well back up with water. It is definitely, they know that is going to lower the water table suing in all those millions of gallons of water that they're doing trying to keep the dust down. Like bought up farms and farmland. I've been trying to relocate from the road that I'm on to just a little smaller section and looking for a farm and I've been watching that old pile of Hollander piece of land there on Lancaster Road. My husband and I were riding down that road and there was a rezoning on it and I'm like why we backed up, pulled up in the driveway and Luck Stone bought it. And I just read something from Tim Scott on Facebook today and it's talking about Chester County and how we have lost people here in the county. And Luck Stone is not going to bring a big factory of jobs here. They're going to have 25 jobs. And I just don't know why that is enough to destroy all the property and upset all the people in Chester over that. You've already voted no to their rezoning. I expect that you would still vote no for it, and I don't know why they're still here. Thank you

Speaker Mr. Ervin declined to speak. Another citizen wanted to speak in their place. They didn't see the sign-up sheet before the meeting.

Vice Chairman Smith suggested to see Planning Director Mike Levister.

Planning Director Mike Levister asked County Attorney Joanie Winters if that was allowed.

County Attorney Joanie Winters stated that we can't yield time. There was a sign-up sheet out in the hallway for everyone. This is not a debate. It's a hearing. It's parliamentary procedure. Let's see how this goes. And if we're tracking on time, then we'll allow it but we'll only allow one person because we allow you to do and then we have to open it up to anybody else who didn't sign up. So, do you see the issue? That's how public hearings work. You have to sign up to talk so we'll see how much time we have left. We're trying to stay on track so that y'all get home and have dinner or whatever else you need to do but y'all need to also have the opportunity to speak. We don't want to shut anybody down from speaking, but we do have rules. Okay, so we'll hold that in abeyance for right now if that's okay. Thank you.

Matt Pulling stated my name is Matt Pulling. I live at 133 Colony Drive. I'm the current plant manager at our Kershaw and Fairfield operations here in South Carolina. I've worked with Luck Stone for over 12 years now. In a few different operational roles throughout the company. And I know you guys have heard this over and over tonight. But I just wanted to reiterate that our mission is not around the product that we produce, but it is around making an impact on people. And it's not just the impact that we make on people inside of our gate, such as our customers or our associates. It's the impact that we make on our communities and neighborhoods where we live and where we work. So just wanted to go over a few things that we have done in the community since we've been here in South Carolina. There was a need to help with a workforce planning program that historic Camden was designing and putting on, so we leaned in to help donate some property and some tools to let them learn some new skills and trades that they could further their career paths. We've donated to the food banks in Kershaw County and Fairfield County. We partnered with United Way of Kershaw to help them finish a mobile Nutrition Center and mobile nutrition Van, which is now currently being used to deliver food out to the more rural areas of Kershaw County. When the tornado came through and destroyed, North Central High School, we helped donate some money so they could rebuild the school. So those are just a few of the things that we've done since we've been here in South Carolina and to make a positive impact. So just wanted to share those with you guys. Thank you.

Clyde Roberts stated my name is Clyde Roberts. I live at 105 Irwin Street Chester, South Carolina. I'm totally against this Luck rock quarry because I can't see where it's going to do any good for anybody. But not to mention this how close the schools are to this Luck rock quarry, but the accidents do happen. When you are involved in the operations you have, and I have something here from Rock Blasting exercise shows what's safe in light of recent violations. In less than a second 33,000 tons of rock is created from a pit that is created by Luck Stone. The demonstration comes a year after folks, after rock went flying and damage homes and cars and businesses in Sterling, I guess that's in Virginia. So, in January 2015, the Virginia Department of Mines, Minerals an entity has taken 17 complaints from quarries in Loudoun County and two of them have been in violation. We know accidents happen, you know, in neighborhoods. People going to get hurt. And they do happen. And so, another thing comes from Chantilly, Virginia, we watch the blast rocks from Bull Run Quarry in Loudoun. You can feel the foundation shake your house. Kind of rambled a little bit. It makes you uneasy as a homeowner which I can understand that, and I got one more little thing. So, day in and day out the trucks go to and from luck stone quarry on Belmont Ridge Road near Leesburg, Virginia. Trucks enter and exit the quarry about 600 times each weekday. According to officials that Luck Stone and the Belmont Green neighborhood residents say there's always a film of gray dust on houses and trees and trucks and the blasting and crushing of trap rock inside Luck Stones 500-acre plant. The residents think the dust is making them and their trees sick. They say that chronic bronchitis and

asthma are common. Ear infections has skyrocketed. A dozen trees have died. We have people who suffer from respiratory things. Much of a 100-foot buffer of trees between them and the quarry has been cut down to make room for utilities. A half dozen neighbors heard the complaints at a hearing before the Loudon County Supervisor. We're not saying that the dust is totally Luck Stones. It's like the board is not thinking of environmental impact. So, they're you know that's the gateway to our town. It's you know, that's where any other industry, anybody going to come down that road, and they're going to see a rock quarry. And, you know, they're dynamite, and they've been here for dynamite. You know, if they're above their decibel level, we're going to hear that. So, it was something else there. Can I just make one more comment. Logging trucks, school buses. Busiest highway in Chester County.

Daniel Whiteman stated my name is Daniel Whiteman. I live at 608 Old Richburg Road. I'm Pastor of Orrs Baptist Church. I am directly across from where this environmental disaster is scheduled to be. I'm well aware of the dangers of this plan. I have worked as an environmental monitor in Kentucky and also some in Tennessee with some of my jobs there. I know what this does to people and the lungs. My daughter who was a high school runner, exercises right there where all the silica dust will be coming because it cannot be stopped in such a way as they may want to claim. This product might produce useful product, but it produces a byproduct that is dangerous and a carcinogen. Mr. Thompson when I met with him two years ago, told me that I believe there are going to be 10 to 12 employees only I see that numbers doubled now. That's a change or a change of statement there. But here's what I'd like to say. Mr. Thompson, you say that you're a goodwill company. If you are, I appreciate that. I'd like to tell you Welcome to South Carolina. Now take your business and go home.

Joanna Timms stated Hello, good evening. I am Joanna Timm's I reside at 1110 Dogwood Lane also in the Craigbrow community and before I start, I just want to say I personally am a person who believes in trusting people, but that trust needs to be earned and there has been nothing that Luck Stone has done to earn my trust. I've heard the commute about the community involvement. The only time I have seen them in the last two years was in the parade to wave at us. That's the first time I've seen you guys. So that just doesn't seem to add up. I have been a resident of Chester County for nearly excuse me, let me put my glasses on so I can see for nearly four decades and more than half of that has been in the Craigbrow community. My husband has retired from the Chester County wastewater recovery in 2018 and has nearly three decades of service to this county. He's currently the CEO of Timm's Environmental Consulting as well as the vice president of ETT Environmental. I own my own health and wellness business and I am also a mother of eight and grandmother of two. My family is very passionate about the environment and how it affects our health. I stand before you today to voice one or a few of the many concerns that is regarding this proposed quarry on behalf of myself and my community and my children and grandchildren as well. Luck's hydrogeological assessment suggests that water requirements for the quarry will be 100,000 gallons of water a day. This threatens not only the hundreds of wells nearby, which many of us fought to get in 2004 when our community well exploded, but also streams and lakes that support local wildlife and cattle. CMD and CWR are both privately owned, and they do not have any current plans to expand the water and sewer to our community leaving us 100% dependent on our wells for our clean water. There is no way that Luck Stone can guarantee there will be no contamination in the water table since they have to use equipment in the water table to get to the granite that is below it. Water sustains life. In addition to the water contamination concerns I have also spoken with a resident who purchased a home near a quarry. Sara states we had been living in our home for one week when I felt the first blast, I thought it was

an earthquake. Our home has cracks in the drywall and on blasting days the air is filled with so much dust many homes are completely gray. The truck traffic has destroyed our roads and our yards are full of potholes. I hope you reconsider for the sake of your community, Sarah Saldana. Lastly, I would like to ask that the imposed impact fees are for this proposal and is Chester County prepared to foot the bill for the damages caused to our wells, our roads, and our overall quality of life. I am publicly appealing to the planning commission today to deny all Luck requests in sections G through P two for rezoning and Chester County has nothing to gain for this, but much to lose.

Joan Hyde stated good evening, Joan Hyde 2440 Gill Jordan Road, Chester. My sources are the quarry mine case study in the Loudoun Times Virginia newspaper, The Chester News and Reporter, and the Federal Motor Carrier Safety Administration. Between the years 2013 And 2021, 30 inspections were done on Luck trucks in Virginia. And there were 26 violations and those violations included failure to secure load cargo, tires that were bald, or the ply showing, and there were accidents. In the last two years, Luck Stone in Virginia had four mine citations. Now because of the time, I can't go on to other plants. So, my focus was Virginia. In 2015, a truck driver died after he was buried beneath debris because Luck Stone failed to follow up from a 2012 inspection whereby recommendations were made, and they were not followed, or necessary actions taken. The failure to make sure proper safety inspections were completed for the US Department of Labor, Mine and Safety Health Administration. However, Mr. Kesterson, a Luck Stone employee you know when he said those accidents are far and few between. Tell that to the family of the man who died. Blasts have sent rocks into cars, homes, and businesses; management has failed to provide proper safety protocol. Blasting is to believe to cause dust, water pollution, traffic, and decrease property values between negative 4% to negative 39%. Excessive water uses per Luck even said this on a DHEC permit, thereby affecting the wells water table. There was a mine in Virginia that the neighbors someone referenced it earlier. There's the 750,000-million-dollar homes. They were on kind of okay at first with the mine. But now Luck Stone wants to increase that mine and the people have now said that the traffic has increased. The buffers trees which were reiterated earlier were cut after the initial build. That there's great dust from the blasting in the crushing and they believe it's making them sick with chronic bronchitis as my ear infections, and the trees have died. The Chester effects close to home. The explosives on the site will be hauled by semis, this is per Luck Stone. The 400 to 500 feet quarry, that can never be filled if they decide to leave town in five years, two years. 10 years can't be filled. And only 20 jobs and damage to Rocky Creek. One of the largest Chester County creeks. Questionable tactics to get approved. Luck calls citizens who opposed this plan, naysayers. They said some people had nothing to do but to attend meetings. And those were people who are persisted with opposition. If approved. They want this Joint School program, which was mentioned tonight, and they would donate 15.8 acres to Chester County. Vote no, vote no to recommendation to the County Council. This is for our health, our safety, the roads, everything. Quarry no! If they want to maybe do some economic development in this county. Fine. We could maybe listen to that. But no quarry. Thank you.

Eileen Brown stated I'm Eileen Brown, I live at 1211 Dogwood Lane. And I just got a couple questions. I want to know why since he cannot do anything about the water and wells because Robbins Circle has every home. Could he not use city water? And if he can't use city water, is he willing to pay to have City water run to all the houses and I forget the name of the place, Craigbrow.

Vice Chairman Smith state that Mr. Thompson will have a rebuttal at the end to answer questions.

Patrick Young stated Good Evening now, my name is Patrick Young. I live at 1091 Craighbrow Circle. I've lived there for roughly 18 years. Like my neighbors I am concerned noise, dust, water, traffic, and all these issues. Luck Stone has made some effort looks like to try to correct some of these things. But I am still opposed to this, and I hope the commission is. One of my bigger concerns is the water. We went to one of the open houses that they had at the Gateway Center. Talk to one of the Luck Stone employees and they say well if it does affect your well, we'll bring you bottled water out there until you know you can get another well in and or you can tie into the municipal system. There is no municipal system even remotely close to Craighbrow. So, I see this is you know Luck Stone is not going to be a good fit for Chester. It is not worth the impact for 15 or 20 jobs for what is going to do to our community in our neighborhood. Thank you.

Joanna Ingle stated Thank you, I'm Joanna Ingle and I live at 2762 Blaney Road and Lewis Turnout. And here we go again. Five days before Christmas. I want to emphasize why the three parcels Luck Stone is seeking to have rezoned to ID-3 don't qualify for ID-3. I would like to call your attention to a critical point from the Chester County Zoning Ordinance adopted January of 2020 which says ID-3 districts are intended for heavy industrial manufacturing and processing uses in areas isolated from residential, rural, and agricultural districts. Now, the area that they wish to rezone to ID-3 is immediate proximity to more than 200 homes in three of the County's most stable and desirable neighborhoods. They are less than one mile from one of the largest Elementary School complexes in South Carolina. A public middle school, a private church school, the Chester campus of York Technical College, two churches, a public park, a golf course, and a very large cattle farm. Though those properties they wish to rezone are not isolated, they are not isolated, and they do not qualify for ID-3. Thank you.

Dan Huntsinger stated good evening my name is Dan Huntsinger and I reside at 918 Craighbrow Circle, Chester, South Carolina. My wife and I moved to Craighbrow Circle three years ago. And we moved from York County and the reason we did was we wanted quiet we wanted wonderful neighbors. We wanted room and we found it there. Our neighbors are wonderful. We've seen our real estate cost, real estate value go way up. We see new homes built in the area. We've seen a home in our neighborhood just about a year and a half ago when it for sale and there were eight bids the first day. That's happening in Chester County. Putting in a rock quarry in that is going to mess all that up. There's no doubt about that. As Debbie said, it's proven that property values go down. Two years ago, you folks rejected the request. The gentleman has come back today and made some adjustments. But keep in mind he says well subject to later zoning. He can go come back in two years and change everything. This is just any company that is detrimental to all the citizens doesn't have to do all the things that he mentioned today. They come in and they do business and everybody's happy. Nobody wants to rock quarry. You may know this, but our neighbors in Lancaster County just miles away. Last year, denied a rock quarry by a seven to nothing vote on the Zoning Commission, 7.0. You denied it last time. Why would that change? Because he makes a few changes that are subject that, he can change in a year or two. When you folks are gone, he can come back and say you know we're going to do this. The bottom line is he wants to dig holes. He wants to have a rock quarry and it's detrimental to our community. I was looking at his new proposals and one of them had to do with the water. They said, well if DHEC determines your well was messed up, how long does that take six months. What are we going to do for showers. How are we going to wash our clothes for six months? And then if they do determine that is what are they going to do? Bring a water truck and park in your front

yard. We are your neighbors? Would you all like that to happen to you? I don't think so. The bottom line please don't vote for this. I have two grown daughters and years ago I had a 12 o'clock curfew for them. And they said dad that we want to stay out we want to stay out, and I said honey, nothing good happens at 2am in the morning. Nothing good happens when you bring a rock quarry into your community. Please, please we're your neighbors. There are hundreds of us, for 25 jobs please say no like you did last time. No reason to change your mind. For a quote unquote a few little things that could go away in a year or two. Thank you very much.

Vice Chairman Smith stated that was the end of the list of folks that were signed up to speak but we do have time so we're going to allow one more speaker. The gentleman who was sitting over here, please come up to state your name and your address for the record. And there's a three-minute timer on it.

Trent Bagley stated I apologize; I did not see the list, and this is my first time being in here. My name is Trent Bagley. I'm here representing myself and my mom at 1076 Craighbrow Circle. And when luck had their first meeting, I don't think there was a bigger opponent than me. I was so anti it, I wouldn't visit Virginia. I was heavily concerned, and I believe my mom's property is the largest and closest to the project. That's in Craighbrow. Because of these concerns, I started to do research on how I could stop them without cost. I went through the creeks, and I looked for endangered species. I mean, you name it I did. Ironically, the research that now has me on their side. I've seen the way they make things look nice. I've seen their safety record when I went to the Kershaw plant, and I've seen their environmental and their community approach which is grown this time around. The truth of the matter is that another company that comes may not offer these things may not have the safety aspect. You're not going to get a list of qualifications from them. And they're given that to us. If you read through their zoning qualifications and conditions, I believe they have addressed the possible issues head on. And following my research. I initially started to back Luck for the simple fact that I felt like there would be a better neighbor of lesser of two evils if you would say. That change with the community outreach that they're making right now. The Nature Trail, if we can walk down the Nature Trail, and we're not having issues that's them putting confidence in their system in there, their ways. They've not been guarded with us. I've hounded the death out of them and DHEC, and it's my thought that the sciences from DHEC and the sciences, it's okay. The qualifications that they're putting with the permit are what makes it legally they have to abide by. So, if the science is wrong, per chance we still have that legal opportunity with the qualifications. It's for these reasons that we support Luck Stone zoning change. Thank you for your time and I appreciate that.

Vice Chairman Smith stated that's the end of the public comment section and now we will give Mr. Thompson a ten-minute rebuttal to the concerns.

Mr. Thompson stated Thank you, Mr. Chairman. Again, my name is Ben Thompson with Luck Companies. I've heard a lot of concerns and I wanted to point out how many of those are very directly addressed. One of the things the young lady in front row here, stress concerned about wells that came up several times. So wanted to kind of talk about the process and then the condition that's in front of you. So as a process, we had to do a hydro geologic study at the property, which understands how water moves in the ground. It also does pump tests to ensure the recharge rates of those wells. Those monitor wells stay in place. They're monitored for a year prior to operation so that you have a baseline and then those are the first wells where identification of any concern would take place. That's a safety mechanism. On the concern

point of is my well going to go dry. DHEC does not approve something if the science doesn't show that there's consistent competent rock there, and that the water body and aquifer are not impacted. So, if there is a complaint, a third party comes in. DHEC oversees it. It's the operator if found to be in fault, and this is standard language. We've also provided it to the county as condition. If there is deemed to be fought, then the operator is responsible for digging the new well or providing water to that person in some form or fashion. As a company practice, we also provide water while that investigation is ongoing. So, when individuals have heard well, we could extend local water lines to you. That's a comment that is a general umbrella. It's meant as an insurance policy. It's also an insurance policy for us. As we go through. The appearance question came up you can see the highway 9. I would also say that we have done line of sight studies from all adjoining properties to ensure that there's no visible insight into our operation. That does come with one exception. That exception is along the trail that we intend to build. There will be an overlook and if committed to build, there will be an overlook where people can see it. A big part of putting that trail in is so people can visibly see Rocky Creek. There was some stress concern about Rocky Creek. Rocky Creek is in a pretty bad shape right now. It's had a lot of cows in it for a lot of years. Not only on our property, but also upstream. There's pretty high E coli factor within there. And so, and I didn't stress this we also own a business that stream bed restoration management and so part of that is to make that a laboratory and a visible aspect where everyone in the community can see the change within. There were several comments to air quality. We have dust suppression on all of our sites. We also there was some allusions to cancerous product. We also in there is some reality to a competitive desk called silica which is a shaped material. We do testing on site that really is an operator concern or something that an operator can address his it's in very low ventilated areas. So, our site is open air. It also is not a concern in America from that standpoint. We also have a dust permit attached to that so part of when I say not only not only there's these state conditions, also putting them local. The difference there is if they're local, the local body doesn't have to look to DHEC, they can say you run afoul of your conditions and therefore we are pulling your permit. So that is part of further confidence and trying to put that forward. There were a couple articles or quaza articles that were tough to follow. We don't have an operation in Sterling, Virginia so don't think that was anything related to us. Again, it goes back to brand and how we show up. That's why we have been very open to anybody and everybody to contact us. We've put our phone numbers out there. We've offered everybody trips. That is something so there's visibility, and it's not just somebody standing at podium professing something. So, people can see it for themselves. Hear for themselves. know it to be true. In an addition to the words that you're hearing. The blasting component, there's a condition in there also, that we do pre blast surveys prior to any blasting occur. We don't use dynamite. The mechanisms are separated, so there's no possibility for ignition until it's digitally ignited. It's a millisecond event. Those that have seen it know that the rock simply just slumps down on the bench in front of it. It's not the dramatic Hollywood event that is in a lot of people's minds. That is on a frequency of about once every week and a half to two weeks. So, a millisecond event. It's done during the daytime we don't blast during lunch in the event that somebody comes to wants to go home to eat for lunch and all of a sudden didn't know this was going to happen. We also have call list, and we will call people and tell them Hey, this time tomorrow we're going to blast. Typically, what you see is the concern that was expressed a moment ago. Typically, what you see three or four years from now is that was a great group. Those concerns were unfounded, and it becomes much more comfortable. And I know that is upsetting for some to hear tonight. But that is the reality. We also have provided in the appendix to this application, current date pictures of Rocky Creek. All what I'm trying to impress is that everything we're doing and talking about is very visible. We don't have anything to hide, which is why we offer those visits. We want people