

PROFFERS

Vulcan Lands, Inc. (the “Applicant”) has applied for a zoning Reclassification of a 18.63 acre portion of Tax Map Parcel 20-3A and a 4.39 acre portion of Tax Map Parcel 20-4A, and a Proffer Amendment of those proffers running with Parcel 19-64 (99.64 acres), Parcel 20-2 (56.65 acres), Parcel 19-67T (16.13 acres), Parcel 20-4A (portion consisting of 146.53 acres), and Parcel 19-65 (239.41 acres) (the “Property”) and hereby proffers that the use and development of the Property shall be in conformance with the following proffered conditions (“Proffers”), provided the Stafford County Board of Supervisors (the “Board”) rezones the requested portions of the Property and approves the Proffer Amendment, and any accompanying Conditional Use Permits, or amendment to the existing Conditional Use Permits, as applied for by the Applicant without amendment except that expressly authorized in writing by the Applicant. In the event the above referenced Reclassification, Proffer Amendment and accompanying Conditional Use Permit or amendment to the existing Conditional Use Permit(s) are not approved as applied for by the Applicant, the below described Proffers shall be withdrawn and are automatically null and void and of no further force and effect. The Proffers shall be deemed accepted by the Board upon approval of the Reclassification, Proffer Amendment, accompanying Conditional Use Permit or amendment to existing Conditional Use Permit(s), as applied for by the Applicant, the expiration of the 30-day appeal period following the Board’s approval, and confirmation by the Board that no litigation has been filed challenging the zoning approvals.

The term “Applicant” shall refer to the owner(s) of the Property who have executed applications for Reclassification, Proffer Amendment and Conditional Use Permit(s), their successors and assigns.

1. Permitted Uses.

(A) Quarry -- The Property designated for “quarry use,” as shown on the Generalized Development Plan, dated August 22, 2019, prepared by Legacy Engineering (“GDP”), may be used for the following activities: processing, crushing and stockpiling of stone and stone products, depositing overburden and waste rock, operation of settling ponds, excavation of overburden and stone, stone testing, stripping, drilling, controlled

blasting, and other activities directly related to the operation of a quarry and production of the quarry product. The excavation of stone shall be limited to those areas so designated on the GDP. The areas not so designated may be utilized for the other uses noted above. Other than what has been described above, no fixed processing equipment or processing plant shall be located on the Property, with the exception of the Asphalt Plant and the Concrete Batch Plant, in the locations designated on the GDP.

(B) Asphalt Plant – That portion of the Property designated for Asphalt Plant on the GDP may be utilized for the following activities: the operation of a bituminous concrete (“asphalt”) plant, to include a mixing facility, storage of necessary materials for the manufacturing of asphalt, storage and maintenance of equipment and vehicles used to transport and locate raw materials and finished products, and related office space. The manufacture and sale of asphalt is presently authorized and underway on Tax Map Parcel 19-67T. The manufacture and sale of asphalt shall not commence on Tax Map Parcel 19-64 until such time that the operation of the asphalt plant on Parcel 19-67T ceases. Further, operation of the existing asphalt plant on Parcel 19-67T shall not terminate unless all State and Federal permits that are required to fully commence the authorized uses of the quarry and asphalt plant have been issued by the appropriate agencies. At any time that the asphalt plant at either location ceases, or is smaller than the area approved for the asphalt plant, the area no longer used or necessary for the asphalt plant may be utilized for the quarry activities described at Paragraph 1(A) above.

(C) Concrete Batch Plant – The portion of the Property designated “Concrete Batch Plant” may be utilized for the following activities: the operation of a concrete batch plant to include a mixing facility, storage of necessary materials for manufacturing and recycling ready mix concrete, storage and maintenance of equipment and vehicles used to transport raw materials and finished products, and related office space.

At any time that the Concrete Batch Plant ceases to operate, or operates in an area smaller than the area approved for the cement plant, the area no longer used for the Plant may be utilized for the quarry activities and uses described at Paragraph 1(A) above.

2. Buffers and Berm. The Applicant shall maintain a buffer of at least seventy-five feet (75') along the boundary of the Property, as shown on the GDP, and shall further provide a one hundred foot (100') undisturbed buffer where the Property abuts Aquia Creek. Within the buffer area the Applicant shall construct an earthen berm designed to include a minimum height of ten feet (10') with 2 to 1 side slopes, except in the immediate vicinity of the Asphalt Plant and the Concrete Batch Plant where the earthen berm shall be at least twenty feet (20') in height with 2 to 1 side slopes. The berms shall be vegetated with grasses and trees as may be approved by the Planning and Zoning Director. The Applicant may include stormwater conveyance and management, erosion and sediment control facilities, devices and measures within the buffer areas.

3. Fencing – The limits of the excavation area of the quarry, the asphalt plant and the concrete batch plant shall be fenced with an eight foot (8') high chain link fence or such other type as may be approved by the Planning and Zoning Director.

4. Transportation and Access

(A) Vehicular Access – Access for all trucks and vehicles entering the quarry, asphalt plant and concrete batch plant shall be limited to the existing signaled entrance on Garrisonville Road (Route 610).

(B) Interior Travelways – Roads, travelways, and parking areas used by the general public from Garrisonville Road (Route 610) shall be paved. Customers of the Applicant, the Asphalt Plant and the Concrete Batch Plant may access loading, storage and stockpiling areas on nonpaved services.

(C) Access to First Responders – Any restricted vehicular access points into the Property shall be equipped with a “Know Box” brand lock-box (or similar device) enabling emergency response vehicle access, at all public access points. The Sheriff and the Chief of the Stafford County Fire and Rescue Department shall be provided with a lock-box key at all times and shall be notified promptly if the lock box or similar device is changed or altered.

5. Reclamation Procedures – The Applicant proffers the reclamation procedures submitted in conjunction with the DMME application. The “Reclamation Plan” proposes that at