

**STAFFORD COUNTY PLANNING COMMISSION**  
**July 28, 2021**

The meeting of the Stafford County Planning Commission of Wednesday, July 28, 2021, was called to order at 6:00 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Barton Randall, Darrell English, Albert Bain, Kristen Barnes, Fillmore McPherson

MEMBERS ABSENT: Dexter Cummings

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Joe Valotta, Doug Morgan, Vicki Sowers

Adoption of Electronic Participation Policy

I see that we have an item to start with called the Adoption of Electronic Participation Policy, Mr. Harvey, Ms. Lucian is there anything you want to say about that?

Mr. Harvey: Mr. Chairman this is basically a continuation of your policy but it describes public, excuse me, participation in a non-emergency situation.

Mr. Apicella: Thank you Mr. Harvey, I'm assuming everybody's had a chance to read it, anybody have any questions? If not is there a motion?

Mr. Randall: I have one quick question, so it's 25% of our regular meetings? Is that correct? And then we had decided that the regular meetings are separate from subcommittee meetings, is that also correct? Okay. Thank you and then so I'll make a motion that we approve the adoption of electronic participation policy for the...

Mr. Apicella: Thank you Mr. Randall, is there a second?

Ms. Barnes: Second.

Mr. Apicella: Thank you Ms. Barnes, any further comments or-

Mr. Randall: No.

Mr. Apicella: Alright seeing none, please cast your vote on the approval of the proposed electronic participation policy.

Mr. Bain: It hadn't been used in a while it's a little rusty.

Mr. Apicella: Alright that motion carries 6-0 with one absent. Thank you.

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item?

Mr. English: Yes sir Mr. Chairman, I do, I have one, for item number four, the reclassification of Mainline, I'd like to recuse myself of that because there's English family, the English family's involved,

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they're not related to me but it could be distant so to make it clean and clear I'm going to remove myself from the dais when that, it comes up.

Mr. Apicella: Okay and the English family came over on the Mayflower or the Discovery or-

Mr. English: Something like that.

PUBLIC PRESENTATIONS

Mr. Apicella: Thank you. Alright so we're onto public participation, presentations, uh, the public has up to three minutes to speak on any item except the public hearing items on today's agenda, I know there's probably some folks here who want to talk about one or more of those so again there'll be a separate public comment period on those items when they come up so if you're here for something else and you'd like to offer some public comments, when you do so, when you come up to the podium, the green light appears it will indicate you have up to three minutes to speak, yellow means you have one minute left, and when the, when the light is red that means you need to finish up your comments so if anybody's here for a public comment please come forward now. Alright seeing nobody I'm gonna close the public presentations portion of the meeting and move on.

Mr. Randall: Mr. Chairman?

Mr. Apicella: Yes Mr. Randall?

Mr. Randall: I have an agenda change, I'd like to move that we change the agenda and move currently scheduled item number four, the reclassification of Mainline to be the first public hearing that we have this night.

Mr. Apicella: Thank you Mr. Randall. Is there a second?

Mr. Bain: Second.

Mr. Apicella: Thank you Mr. Bain, any comments Mr. Randall, Mr. Bain?

Mr. Randall: No, thank you.

Mr. Bain: No.

Mr. Apicella: Okay, cast your vote on that motion to alter the agenda as proposed by Mr. Randall, cast your vote. Okay that motion carries 5-1 with one absent. Mr. Harvey?

UNFINISHED BUSINESS

4. *RC20153340; Reclassification - Mainline*

Mr. Harvey: Thank you Mr. Chairman, just as a point of clarification this is unfinished business so it's not a public hearing, Mr. Valotta will come forward for staff to give an update to the application.

Mr. Apicella: Mr. Valotta it's good to see you in person, it's only been about a year and a half.

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Mr. Valotta: Good to see you too. Good evening Mr. Chairman, Planning Commissioners, Joe Valotta, Planning and Zoning presenting the, presenting an update for the unfinished business item, Mainline, and just as a reminder before we get started the Commission needs to cast a vote to accept the revised proffers that you received this afternoon.

Mr. Apicella: Okay can we do that now or can we wait until after the presentations are made?

Ms. Lucian: I think either way is fine.

Mr. Apicella: Okay I think we should wait until both you and the applicant make presentations, thanks.

Mr. Valotta: Okay. So this is a reclassification request from the R-1 Suburban Residential zoning district to the UD-3 Urban Development Residential Mixed Use zoning district for the purpose of developing up to 260 apartments, 114 townhomes, and 4,776 square feet of commercial space. The project site is approximately 44.5 acres, Richard Counselman is the applicant, Charlie Payne is the agent and the site is located within the George Washington election district. This item was first heard by the Commission on June 9<sup>th</sup> at which point the public hearing was closed and the item was deferred. Since then the applicant has submitted revisions to the proffer statement, master plan, and proffer analysis all of which will be summarized on the next slide. In that time the applicant has also submitted a support letter from the owner of nearby commercial property. The letter indicates that the property, the subject property is designated within a historically underutilized business zone or a hub zone for short. The hub zone contracting program is a federal support program for businesses that operate in an employ people who reside within hub zones and in summary the letter that was submitted states that the additional housing provided with this project would help businesses qualify with, would help businesses qualify for benefits through the program and that this would increase market ability of commercial property within the hub zone and economic development has provided some additional information on the hub zone program that you received with your packet tonight and ED staff is here to answer any hub zone related questions. Taking a look at the application revisions that were made since the 9<sup>th</sup>, the applicant has added 4,776 square feet of commercial space. This would be housed in the ground floors of two of the multi family buildings and as a result the maximum number of proposed multi family units has decreased from 264 units to 260 units. Additional recreational amenities have been added to the project including a basketball half court, two pickleball courts, a walking trail and a fullscale playground and the applicant has also proffered a phased construction between the dwelling units and the amenities. The revised proffers state that the clubhouse fitness center, swimming pool, two grilling and dining areas, and fire pit will be constructed prior to the first occupancy permit and that the remaining amenities will be constructed no later than the occupancy permit for the 144<sup>th</sup> apartment unit or 50<sup>th</sup> townhome unit whichever comes first. The applicant has also reevaluated cash proffer contributions and as a result cash contributions for schools has increased from 1.4 million to 1.8 million and on the other hand contributions for public safety has decreased from \$221,000 to \$59,000. With regard to transportation um-

Mr. Apicella: Can, before we move on-

Mr. Valotta: Sure.

Mr. Apicella: -on the public safety change, I can definitely appreciate the schools change upwards, can you help me understand why the public safety amount decreased?

Mr. Valotta: Yeah, so with the original proffer analysis um a service deficit was identified for Station 1 which is the fire station that would be impacted by the development and then the proffer analysis, the

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methodology provided a, a cash contribution that would mitigate service deficits within the service area of Station 1, the new proffer analysis however contemplates level of service at a County wide level and the, instead of utilizing construction costs for a new fire station of the service area it utilizes construction costs for a training facility that would service the whole County and the reason, the reason that the monetary value decreased was, the mathematics behind that for the original analysis it was the cost of a fire station divided by the number of citizens in the service area and the new dollar amount is a result of the cost of construction for the training facility divided by the entire population of the County.

Mr. Apicella: And so, so that's a net around \$150,000 reduction, what's the County's position on taking the approach that they have?

Mr. Valotta: Staff feels that the original proposal is more appropriate. Comp Plan policy recommends that level of service should be based on infrastructure needs for, for local service areas not the, not at a County wide scope.

Mr. Apicella: Okay, thank you.

Mr. Valotta: And in terms of transportation the right turn taper into the site is now proffered to be 200 feet in length and subject to VDOT and County approval left turn movements from the site onto Route 17 will be prohibited. VDOT could not attend the meeting tonight, they did preliminarily comment that they wouldn't necessarily object to left turns out of the site onto 17 but if that was put in place it would result in more U-turns at the intersection of Old Forge and 17 and result in level of service delays at that intersection.

Mr. Randall: Mr. Valotta, question, so they're prohibited but driving against the speed, driving over the speed limit is prohibited as well, what, that doesn't mean anything to me so what is, are there ways that we're going, are there things there that are gonna stop them if somebody is making a left turn or is it just a sign that's gonna say no left turn?

Mr. Valotta: I believe the new proffers say signage, so not a median.

Mr. Randall: Okay, so just like we all obey the speed limit, we know what's gonna happen trying to make a left turn out of there. Or a left turn in going east on 17.

Mr. Valotta: Right, yeah. It's, it might be more ideal than practical.

Mr. Randall: Very well said, I would agree. I would agree.

*Inaudible.*

Mr. Valotta: I don't know I would need to def-

*Inaudible.*

Mr. Randall: Alright and the other question now that we're in the question asking mode, this is age restricted, 55 and up?

Mr. Valotta: No.

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Mr. Randall: It's not?

Mr. Valotta: No.

Mr. Randall: Okay, thank you.

Mr. Valotta: So this is the revised Master Plan. As mentioned the newly proffered commercial space would be located in the ground floors of buildings one and 11 and the new basketball half court and two pickleball courts would be located on the east side of the site, the full scale playground on the west side of the site, and the new walking trail which is shown to be half a mile in length on the GDP, or excuse me the Master Plan, would be located on the north side of the site. And so staff is generally supportive of the application with the proffered conditions pursuant to Ordinance O21-34, however staff is not supportive of the revised public safety contribution due to the current service level deficit and should the Planning Commission be inclined to recommend approval this issue should be incorporated into the proposal and that concludes the staff presentation for the Mainline update.

Mr. Apicella: Thank you Mr. Valotta, questions for staff?

Mr. Bain: Yes Joe, what do you mean that it should be incorporated into the proposal? What-

Mr. Valotta: Staff feels or recommends that the applicant should revise proffers to reflect the original proposed contribution.

Mr. Bain: Alright, thank you.

Mr. Apicella: Other questions? Alright, thank you Mr. Valotta. Mr. Payne, good evening.

Mr. Payne: Thank you Mr. Chairman, other members of the Planning Commission, Charlie Payne with the law firm Hirschler, represent the applicant, I appreciate your time this evening. Thank you to staff for its presentation, just want to make a couple of comments and then some corrections and then also add some points regarding the proffers. But just since at our last meeting there were several issues that came up from the Planning Commission that we were asked to address. Obviously the public hearing was closed and that meeting was deferred until now and since then we actually went back to the drawing board and did quite a bit of work on addressing those issues. The bigger issue was one we were asked to reevaluate the proffers in the analysis including public safety and schools. We did so and as you can see there's an increase in the school proffers from approximately 1.5 million to 1.8 million so there was a significant jump there that we did our analysis. Now in the public safety analysis, just to respectfully correct Mr. Valotta what we had included in our initial analysis was the cost for the fire public safety training facility. There's not in the County's CIP a plan to build a new station or expand the current one in this service area so what that analysis included was everyone in that service area having to pay a pro rata share for that training facility. Well that training facility benefits the entire County, it's a training facility for all fire, for potentially all fire and rescue personnel, so when you do your impact analysis since it's a benefit to the entire County you spread out that pro rata number, so that's why that number went down. However, my client would not have a problem adding back that \$150,000 if that was the preference of the Planning Commission which I'm sure it may very well be so we're happy to do that but I wanted you to know what was behind the analysis and why okay. Also, Mr. Apicella and other Planning Commission members made a very good point about us taking another look at mixing in some commercial since this was within a targeted growth area, a mixed use target growth area, notwithstanding the discussions where I, you know we believe that this is going to generate some commercial investment

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around the site and I think the letter from the adjoining nearby property owner whose property is zoned office and has been since 1990 was very happy to see that this project was being proposed because they have been marketing the government contractors and part of that marketing process includes the fact that that site, that entire corridor is within a hub zone. I'm sure you're all familiar with the federal hub zone contracting program. The key requirement there for the purposes of this project is 20 percent of the people who work at your hub zone location must reside in a hub zone as well so uh, that property owner was excited to see that there would be a new influx that skilled workforce individuals who could be moving into this location in a hub zone, so we're happy to see that. As part of that commercial component we did lose four units, we added close to 5,000 square feet of commercial space which will be built at the same time that we build our multi-family units so you don't have to wait on it, that space will be there and available for commercial users. I know Ms. Barnes was interested in us expanding the playing field which we did, we significantly expanded those. We also proffered the delivery of our clubhouse, pool, fitness center, grilling area, and other amenities pursuant to the first CO, so I want to make sure that that was clear. The other amenities will be part of the development as we build out because if you build them now because of their location we'd have to tear them down and rebuild them so that's why they're spread out. Yes?

Mr. Randall: So to that point, Mr. Payne, so as Joe mentioned, the rest of the amenities would be by the occupancy permit for the 144<sup>th</sup>-

Mr. Payne: 114<sup>th</sup> I believe, multi-family unit, or 50<sup>th</sup> townhouse.

Mr. Randall: Okay so from, from the first occupancy permit how long do you expect that it would take to get to 114 apartments? Or to... give me a ball park. Pretty quick is what? In government work pretty quick means two years.

Mr. Payne: Six months.

Mr. Randall: Six months? Okay. Alright, thank you.

Mr. Payne: The other key proffers was Mr. Bain was very concerned about left turn movements out of that location onto Warrenton Road, we agreed to proffer that we would prohibit those left turn movements. Now, just to Mr. Valotta's comment thinking that it was only signage that we included, that's not completely accurate, signage was part of it, but the language speaks to the fact that the applicant agrees to prohibit left turn movements from the entrance of the project onto Warrenton Road which will include approved traffic control measures and/or signage so it's both, so when we get-

Mr. Randall: And/or means it could be one or the other.

Mr. Payne: We don't get to make that call, so the County and VDOT would make the call as to what we could put there to prevent that left turn movement so if it's a pork chop that you're desiring and we move forward with it and the County and VDOT approve that, that's what we'll put in.

Mr. Randall: So have we talked to VDOT about that possibility?

Mr. Payne: We haven't spoken to VDOT about it because we just got their comments back yesterday and then we immediately agreed to prohibit that left turn movement, so we have not had, and you wouldn't, I don't think VDOT would weigh in until we got to the site plan stage anyway as to what we could or could not put there but we, we would be more than happy to include that language if staff wanted

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to give me some additional thoughts on what that may be, I think measures and/or signage is something that we typically see on control, traffic controls but I, I defer to-

Mr. Apicella: I guess I'm where Mr. Randall is, I don't think signage is sufficient so I don't know what language to put there, maybe Mr. Valotta can help us out before this gets closed out this evening but I'd like to see something stronger than just signage.

Mr. Bain: I, I fully agree, Mr. Harvey can we ask for and have them agree as a proffer to put a restrictive island at their exit, is that within our authority?

Mr. Harvey: Commissioner Bain, yes you can ask an applicant and if they agree to it then the Commission could accept that proffer change. Ultimately though it's not the County's decision, it's VDOT's decision whether or not an island would be allowed at the entrance and/or what type of island.

Mr. Payne: So we include language so the nature that's in the proffer statement because I don't want to come back here and have to get a proffer amendment to include so that's why I say it's broad enough for the County to impose if you will, a desire to have a median there of some kind or other measure, that's why the measure comment's there.

Mr. Bain: Okay let's um, let's see if this will fly that the, would you agree to a proffer that would be the most restrictive entrance that VDOT would allow, with regards to limiting right turn, or left turn movements or prohibiting left turn movements? And then whatever the County and VDOT come up with, if the County, or if VDOT says no we can't, you can't do that at all then that's what it is, but I, I would like to eliminate that or as Mr. Randall was saying-

Mr. Payne: I am, we are happy to do that, our goal is to prohibit that left turn movement, I just don't want to have to come back here for a proffer amendment and start all over again.

Mr. Bain: Right, that's fine.

Mr. Randall: What's the, what's the size of that that entrance lane, I'm sorry the exit lane, coming out of that park-, what's the width of that?

Mr. Bain: It was two, two driving lanes, one for left turn and one for right turn.

Mr. Randall: Yeah, I want to know what the width is though.

Mr. Payne: I don't know. Our engineer is scrambling right now.

Mr. Randall: Yeah, yeah, yeah. He doesn't have that on, I would expect that he would have that on the top of his head right?

Mr. Bain: Probably 24 feet if it's two lanes.

Mr. Randall: I'm guessing, I'm hoping, but that's not what I just-, okay we can move on. He can roll that over to you when he's ready.

Mr. Payne: The bottom line is we're gonna accommodate your request to prohibit that left turn movement whether it's through some sort of physical impediment or other measures that be approved so whatever

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you desire we'll do. I just don't want to come back here, I want to keep it flexible so I don't have to come back.

Mr. Bain: You don't like us huh? You're getting tired of us.

Mr. Randall: He's under oath, don't make him say that in public.

Mr. Apicella: He'd come back as many times as he could if it was up to him.

Mr. Payne: It is the highlight of my life, there's no doubt. That's pretty much all that we have and I think we hit the key points that you asked us to take a look at and again we're happy to answer any questions you may have and we appreciate your participation and Mr. Bain and helping us to evaluate that process.

Mr. Bain: I will say, I think you've listened to us very carefully.

Mr. Payne: Yes sir.

Mr. Bain: Thank you.

Mr. Payne: Thank you.

Mr. Apicella: Yeah and I do appreciate the changes that you made, including adding the commercial and whatever fix we're gonna come up with on this left turn. Are there other questions?

Mr. Randall: Yeah I have a couple of other questions. So what was, what was your benefit, what was your basis of the, the split of one, two, and three bedroom apartments that you've got identified. Was there a particular reason why it was where it is and the split was where it was? And then I probably got, it's probably and then you broke down those to determine why you raised the proffers for schools? Is that what the basis of it was?

Mr. Payne: Well the split on the units is based on market. Most of them are, most of the units in the development being one and two bedroom with a lesser amount of three bedroom. What we used for purposes of the analysis on impacts is the County's number. So in the County it says the average number of school aged kids are X that are generated from multi-family units whether it's one, two, or three bedrooms they don't, they don't take that into account. They go this is the number of kids that are generated from that facility that's multi-family and that's the number we use. We don't get to make up the number.

Mr. Randall: Yeah, we've had questions about that already. Alright and then what's the process of filling those commercial spaces that you've got identified. How do I ensure that those are actually gonna be filled and not just empty spaces?

Mr. Payne: The market's there, we'd love to fill them, we don't want them empty either. I mean that, you know we're, we're hoping that the synergy that's created with the development is going to attract a commercial user, you know it could be, it could be a coffee shop, it could be maybe a small shared office space user, you know it could be any of those things, you know our initial presentation as you know was not generating excitement for commercial on this particular site but around us.

Mr. Randall: Sure.



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Mr. Payne: And how this residential footprint would benefit that commercial corridor which is intended under the Comprehensive Plan. Mr. Apicella I thought made some good points about us taking a look to incorporate commercial on site and how could we do it in a viable way and that's what we've proposed.

Mr. Randall: Okay, so-

Mr. Payne: But the space will be built when we build the multi-family units.

Mr. McPherson: So-

Mr. Randall: Go ahead.

Mr. McPherson: So are you just gonna wait for businesses to apply or do you have any that you're going to reach out to try to bring them in?

Mr. Payne: Yeah we're gonna market those spaces, you know maybe the Economic Development office may have some ideas about who would be marketable there, but we're gonna market it along with everything else that we're proposing on that site.

Mr. Randall: Right.

Mr. McPherson: So you haven't reached out to any companies yet?

Mr. Payne: No not yet.

Mr. McPherson: Okay.

Mr. Randall: So here's the problem that we have. For some reason developers and whoever, the owners of these buildings think that these small businesses have all the money in the world in their back pocket and they charge an excessive amount of rent to get any of these small businesses into these places. Is there some assurance that the priority will be to fill them versus leave them empty because we have a higher rate of rent per square foot? You know I'm not gonna hold you to that so it's kind of a rhetorical question but I would think that there should be some emphasis to, because this is just gonna be marketed really for the people in the back area. We wouldn't expect people to be driving into that location to go to these businesses right, because they're back in part of the development.

Mr. Apicella: I don't think it's the back part, it's the front part.

Mr. Randall: It's the front part but you're driving back 100, 200 yards to get to that business and you're driving in where it may not be convenient, you have other places on 610 if you want, if you want coffee if it's a coffee shop for example. So this is primarily gonna be for the residents in that local establishment in that local area.

Mr. Payne: I don't think we'd be, the businesses that went in there would be solely dependent on those residents. If you remember the layout we have in our project, it looks very, it's very inviting for, it looks like a commercial use and it's open, it's very open as you come in and then you come into a roundabout, so we think that would be adequate visibility from Warrenton Road to be attracted to those sites. I mean I think that Mr. McPherson's questions already we've got property owners who are thinking about

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marketing their property based on what we're proposing on this site so there's already some positive energy out there about what commercial opportunities could occur.

Mr. Randall: Totally agree. And that's a great location I just have seen several of them who, who are sitting empty, have been empty for months, years-

Mr. Payne: It doesn't do us any good to have them sit empty.

Mr. Randall: And, and, Mr. Payne, I hear that from all of them. And yet what do I get? They sit empty, right. And they all say the same thing, yes we are, yes it doesn't do us any good and yet here we are. So, I understand I'm anyway, it's not something that you can answer, I don't want you to, it's just something, it's a concern that I have because they are plenty throughout Stafford.

Mr. Payne: We promise you we're gonna market them-

Mr. Randall: Thank you.

Mr. Payne: Yup, thank you.

Mr. Apicella: Is it gonna be a bit like the Garrison with the commercial on the bottom and apartments up above it?

Mr. Payne: Yes, correct.

Mr. Apicella: Okay. Other questions for the applicant? Alright thank you Mr. Payne, I think we're probably going to and I'm gonna ask Mr. Bain if he'd like to make a motion but I suspect we're probably gonna defer this just until we can do the next item and you can work with staff to make the appropriate proffer change. Mr. Bain what would you like to do?

Mr. Bain: Yes, I would like to defer this until after the Vulcan Quarry-

Mr. Apicella: How about after the A-2 uses?

Mr. Bain: Oh, excuse me, oh that's right we have that still, yes, so that Mr. Payne and the client can work in the wording regarding the limitation of the right turn only-

Mr. Apicella: Left turn, left turn-

Mr. Bain: Right turn only to come out.

Mr. Apicella: Right but we're prohibiting the left turn.

Mr. Bain: Right prohibiting left turn and to add the, I believe the number he used was \$150,000 to the safety proffer.

Mr. Apicella: Okay so, Mr., before I take a second, Mr. Valotta you got the marching orders, you understand what we're trying to do here? Okay is there a second?

Mr. Randall: I'll second that.

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Mr. Apicella: Alright, thank you Mr. Randall, any further comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Anybody else? Okay so the motion to temporarily defer this item until we complete the action on the A-2 uses amendment agenda item this evening, please cast your vote. Okay that motion carries five with one abstention and one absent. Alright Mr. Harvey moving onto the next item.

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - An ordinance to amend and reordain Stafford County Code Sec. 28-35, Table 3.1, "Table of uses and standards," to amend uses within the A-2, Rural Residential Zoning District and how such uses are permitted. **(Time Limit: August 12, 2021)**

Mr. Harvey: Yes, Mr. Chairman, the next item is a proposed change to our zoning code regarding what uses are permitted in A-2 Rural Residential zoning category and Doug Morgan will be giving the presentation for staff.

Mr. Apicella: Mr. Morgan, how are you?

Mr. Morgan: Good evening Mr. Chairman, members of the Commission good to see you guys all in person again. The item before you, I know that you've been working on this for quite some months now, the background on it was begun a little bit before December of 2020. The Board requested the PC to evaluate current issues with the A-2 zoning district and make sure that those concerns were in conjunction with the recent change with the A-1 district. On January 13 the Planning Commission Committee established a proposed development committee to look over the A-2 districts and make sure that we were going through those to make sure that those two districts were compatible. PC received recommendations from the committee on March 24<sup>th</sup>, and modified the ordinance before sending it back to the Board of Supervisors. On May 18<sup>th</sup> the Board referred Item O21-02 to the Planning Commission for a public hearing and requested that the Planning Commission consider minimum lot sizes for certain agricultural districts and allow for other changes that the Commission deemed appropriate. On June 9<sup>th</sup> the Planning Commission authorized a public hearing with the changes as requested by the Board. Those changes have been vetted through the Commission and with the committee and in front of you this evening is the final product. What it does is it adds additional uses to the A-2 zoning districts, it's the following by-right uses, they were already allowed, like agricultural is now gonna have a change and have, include agricultural operation with a minimum lot size of three acres which is consistent with the A-1 district however right now in the A-2 district it is just allowed with no minimum lot size. Forestry on a minimum of 20 acres with planned development by the development of forestry, agricultural and forestry certification consultation with a forester. The changed three uses from by right to requiring a special exception, these were permitted by right with only a permit from the Zoning and Building office depending on changes, the bed and breakfast, golf course, and community use. Changes to following uses from conditional use to special exception was club/fraternal lodge organizations. And it did add the special exception with language, kennel commercial with a minimum of three acres and it also removed the following language as I mentioned in the first bullet. Agricultural as it read currently, it does change to agricultural operation with a minimum lot size of three acres and it did remove the parking and storage

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of commercial vehicles. So the proposed minor changes like I said previously is consistent with the A-1 district as you move into those smaller lot sizes those restrictions come inherent as they move toward a residential zone. Changes the text from non-commercial kennel to kennel, non-commercial, that's clean up that was noticed that needs to make sure that it's consistent with the defined definitions and changes to marina with or without accessory boat sales and manufactured home qualifying as a single family home under the Virginia code. The recommendation from staff is approval for the proposed Ordinance O21-01. The proposed amendments will bring the uses more in line with the permitted in, what's permitted in A-1 zoning district, keeping those districts separated but consistent as you move into smaller lot styles, lot sizes, while still permitting agricultural uses on larger lots. And that concludes my presentation for you this evening.

Mr. Apicella: Thank you Mr. Morgan, questions for staff?

Mr. Randall: Quick question, what, we're changing some of these, if somebody's in an A-2 right now and is currently doing these things are they grandfathered and for how long are they grandfathered?

Mr. Morgan: They're grandfathered and can continue those uses. The ones that um, like you're going back to bed and breakfast, golf course, communities, those were by-right uses so if you have a bed and breakfast, let's just say hypothetically right now in the A-2 district, you are allowed to continue and remain that use unless it's discontinued for two consecutive years.

Mr. Randall: Two consecutive years.

Mr. Morgan: So, legal non-conformity can remain in existence until it's deceased for those two consecutive year periods.

Mr. Randall: Okay, thank you.

Mr. Apicella: Okay any additional questions? Alright thank you Mr. Morgan. What's the will of the Commission with regard to amending the A-2 uses? Oh that's right we do, it is a public hear, my fault. Okay so this is a public hearing item, I'm gonna open the public hearing, as I mentioned before it's similar to the public presentations of the meeting. Anyone who wishes to comment has up to three minutes. When the light comes on and is green again you have three minutes, yellow means you have one minute left, red means you need to wrap up your comments. When you do come up please give your name and address so if there's anyone who would like to comment on this item please come forward now. Alright seeing no one rush to the podium, I'm gonna close the public hearing on this item and bring it back to the Commission for further deliberation and action.

Mr. McPherson: I move to approve amendment of the Zoning Ordinance Stafford County Code Section 28-35.

Mr. Apicella: Okay. So you're recommending approval of proposed Ordinance O21-01?

Mr. McPherson: Yes, thank you.

Mr. Apicella: Okay thank you Mr. McPherson, is there a second?

Mr. Bain: Second.

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Mr. Apicella: Thank you Mr. Bain. There's a motion to recommend approval of this item, any further comments? Mr. McPherson?

Mr. McPherson: No additional comments.

Mr. Apicella: Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Anyone else? Okay, I would just like to thank staff and the subcommittee members who worked on this for quite some time, I think it's fully squared away and it makes the A-2 uses very much in conformance with what's currently done in the A-1 district. Okay, motion on the floor is to recommend approval, please cast your vote. Okay, motion carries six with one absent, thank you everybody. I see that the applicant and staff I think have returned if we could bring that item back up.

4. RC20153340; Reclassification - Mainline

Mr. Apicella: Okay we're... *inaudible*. We'll just be in a holding pattern for just a minute or two if everybody could beg our indulgence.

Mr. Harvey: Yes Mr. Chairman I believe he's running upstairs to make copies.

Mr. Apicella: We're gonna call you flash.

Mr. Apicella: Okay, so again just for clarity, we're bringing back the Mainline item to consider amended proffers before we take final action on the overwriting item in front of us.

Mr. Valotta: Good evening again Mr. Chairman, Planning Commissioners, we have the two revised proffers, first the revised proffer for public safety cash contributions and revised proffer for the prohibited left turns. The new public safety contribution is a total contribution of \$219,072.60 and that breaks down into 114 townhome units with a contribution of \$639 per townhome unit and 260 multi-family units with a contribution of \$562.41 per townhome unit.

Mr. Apicella: Per multi-family unit.

Mr. Valotta: Correct, per multi-family, I'm sorry.

Mr. Apicella: That's alright.

Mr. Valotta: And for proffer 5E, the proffer prohibiting left turn movements, the new language reads "subject to applicable VDOT" or excuse me, I'm sorry, "subject to applicable Virginia Department of Transportation and County requirements and approvals the applicant agrees to prohibit left turn movements from the entrance of the project onto Warrenton Road which will include most restrictive traffic control measures and signage pertaining to the same notwithstanding the foregoing this left turn movement prohibition will not be applicable in the event a future traffic signal, green tee, or other similar intersection improvement is warranted and installed that will allow traffic control left turn movements from the project's entrance."

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Mr. Apicella: Okay thank you Mr. Valotta, that was a mouthful, we have it all in writing, right? So is there a motion to accept the amended proffers as further amended this evening?

Mr. Bain: I make such a motion.

Mr. Apicella: Okay is there a second?

Mr. McPherson: Second.

Mr. Apicella: Alright thank you Mr. Bain, any further comments?

Mr. Bain: No.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Nope.

Mr. Apicella: Anybody else? Okay, there's a motion to accept the amended, amended proffers, please cast your vote. Okay that motion carries five with one abstention and one absent. Okay on the overarching rezoning of the property Mainline RC19152631, is there a motion, this is in your district Mr. Bain.

Mr. Bain: Yes, but I think that's the wrong reference number. I make a motion to approve the reclassification RC20153340 Mainline Development as-

Mr. Apicella: Mr. Harvey, can you clarify because I'm looking at my version and I have 19152631. That was the staff report number.

Mr. Bain: Wait a minute that's right, excuse me, the agenda was amended. No...

Mr. Apicella: So we've got two different numbers, I hear you. We all have a different number, just again to clarify what is the right number?

Mr. Harvey: Yes, Mr. Chairman, I see the agenda's got a different number for some reason than the actual staff report.

Mr. Apicella: Does it make a difference?

Ms. Lucian: I think if you're clear enough on which application you're making a vote on it's fine.

Mr. Apicella: Okay so just to be clear, the item in front of us is the Reclassification Mainline, the agenda item on tonight's agenda, and there was a motion to recommend approval.

Mr. Bain: Yes.

Mr. Apicella: With the amended proffers. Alright, is there a second?

Mr. McPherson: Second.

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Mr. Apicella: Okay. Any further comments Mr. Bain?

Mr. Bain: No just to say thank you again to the applicant for being so responsive to our concerns.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No additional comments.

Mr. Apicella: Anybody else? Mr. Randall?

Mr. Randall: I have a quick-, yes, one, a couple quick comments. I think it'll be great for that area. Based on the amount of townhomes we talked about and apartments we talked about, based on the fair percentage there should have been a lot more commercial. You know that, we know that, but we have to start somewhere and as much as it grinds me to start with this little amount of commercial, it, it does have I think a great propensity to bring, start the process of doing something with that area. Because heaven help us we need something down there, alright. And so I think that it can be a good thing a good kickstart to that area, although I would, I obviously would like to see a lot more commercial in conjunction with this but you've made a good effort with that, I do think that there should be a significant effort to make sure those are filled obviously but I think this is a good step in the right direction for that area and helping that area. Thank you.

Mr. Apicella: Thank you Mr. Randall. Okay I've got some comments myself. I'm supporting the Mainline UD-3 rezoning application for the following reasons. It's in a designated targeted growth area in our Comp Plan and it meets the basic requirements of a TGA in that it has multiple housing types, both townhomes and apartments and other uses, in this case commercial and while traffic is definitely an issue along Warrenton Road, especially out in the east side, the east, on the west side of the I-95 exit, this particular site is on the east side of that exit. I do appreciate that the applicant mitigated our concern about the left turn out of Glen Alice by effectively prohibiting it. If this project ends up looking like it's sister development in Virginia Beach, and I think it will based on what I've seen, it'll be a higher end apartment complex with townhomes with nice amenities associated with it. Lastly while I've taken a very conservative and cautious approach with respect to other TGA proposals in front of us, I'm concerned that we won't get any more TGA projects here in Stafford County, some folks might think that's a good thing, the problem is that most of the growth in Stafford County continues to occur in the suburban areas. I think as much as 60 percent. Our goal is 50 percent of all new growth to be in the TGA designated areas and that's, that's not happening now. So, we need TGA projects and at the level of TGA development and we need them sooner rather than later. Especially since the County made the choice to reduce the amount of density that can occur in the rural areas so for all those reasons I'm gonna support this rezoning project, and I do appreciate the applicant working with us on the changes that they made. Alright, with that said, again there's a motion for approval please cast your vote. Okay the motion carries five with one abstention and one absent. Alright moving on to the next agenda item. Mr. Harvey?

2. RC19152912; Reclassification – Vulcan Quarry - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the M-2, Heavy Industrial Zoning District on 23.02 acres, consisting of portions of Tax Map Parcel Nos. 20-3A (18.63 acres) and 20-4A (4.39 acres); and a proposed proffer amendment on 558.36 acres zoned M-2, on Tax Map Parcel Nos. 19-64 (99.64 acres), 19-65 (239.41 acres), 19-67T (16.13 acres), 20-2 (56.65 acres), and a portion of 20-4A (146.53 acres) (collectively, "Property"). The zoning reclassification and associated proffer amendments would expand the area where stone extraction is permitted, allow for a new concrete manufacturing use, and provide a consistent series of development standards across the Property.

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The Property is subject to a concurrent conditional use permit (“Proposed Conditional Use Permit”) request. The Property is located at the northern terminus of Dun Rovin Lane, approximately 2,800 feet north of Garrisonville Road, and along Vulcan Quarry Road, within the Rock Hill Election District. **(Time Limit: August 20, 2021) (History: May 12, 2021 Public Hearing Continued to June 23, 2021) (June 23, 2021 Public Hearing Continued to July 28, 2021)**

2.A Revised Proffer Statement

2.B Sound Study

2.C Vulcan GDP 07162021

2.D Vulcan Rezoning Plats 07162021

3. CUP19152911; Conditional Use Permit – Vulcan Quarry - A request for a conditional use permit (CUP) to allow heavy industrial and heavy manufacturing uses not otherwise listed, specifically stone extraction, asphalt manufacturing and concrete manufacturing, in the M-2, Heavy Industrial Zoning District, on Tax Map Parcel Nos. 19-64 (99.64 acres), 19-65 (239.41 acres), 19-67T (16.13 acres), 20-2 (56.65 acres), 20-3A (21.91 acres), 20-4A (150.92 acres), and a portion of 20-3 (17.28 acres) (collectively, the “Property”). The Property is subject to a concurrent reclassification and proffer amendment request. The Property consists of 601.94 acres in total, located at the northern terminus of Dun Rovin Lane, approximately 2,800 feet north of Garrisonville Road, and along Vulcan Quarry Road, within the Rock Hill Election District. **(Time Limit: August 20, 2021) (History: May 12, 2021 Public Hearing Continued to June 23, 2021) (June 23, 2021 Public Hearing Continued to July 28, 2021)**

Mr. Harvey: Thank you Mr. Chairman. Next the two agenda items are the continuations of the public hearings for the Vulcan Quarry applications. They include a rezoning and proffer amendment application as well as a conditional use permit application. Mike Zuraf will be making the presentation for staff.

Mr. Apicella: Hi Mike, how are you?

Mr. Zuraf: Good evening Mr. Chairman, members of the Commission, Mike Zuraf with the Planning and Zoning department here to provide a summary on Vulcan Quarry. Since this is a continued public hearing I’m gonna provide an abbreviated summary of the proposal focused mainly on the changes to the proposal since the last meeting. Again this is a zoning reclassification request to rezone 23 acres from A-1 to M-2, Heavy Industrial and also amend proffers on the balance of the Vulcan property 558 acres that’s currently zoned M-2 and then a conditional use permit request to allow heavy industrial and heavy manufacturing uses not otherwise listed, that specifically being stone extraction, asphalt manufacturing, and concrete manufacturing in the M-2 district on 601 acres. This is in the Rock Hill district with Vulcan Lands as the applicant and Clark Leming as the agent. Here’s the site, I think everybody knows where it is along Garrisonville Road and so looking at the zoning again the zoning map shows the blue shaded areas is the M-2 zoned area which is the bulk of the existing Vulcan Quarry property, the red shaded area is the portion of the site that is subject to the zoning reclassification. So there are several changes to the proposal including proffers, new proffers and an updated generalized development plan. This shows a revised generalized development plan that was, this was a version that was received actually today, you should have received an email about that and maybe received a small paper copy of that at your desk. The staff report had noted some issues with the general development plan that needed to be



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fixed. The proposal does not change the planned relocation of the asphalt plant which was approved back in 2010. The operations that are presently occurring and approved will continue into the future with or without this rezoning. However the rezoning action would affect the following changes. It would expand the limits of both quarry pits which are into the areas highlighted in yellow. Then also add a concrete manufacturing plant on the site in the blue highlighted area. Since the last meeting the concrete plant has been shifted to the north to a more internal location on the site next to the existing asphalt plant. The new location is approximately 1500 feet from the closest residential lots in eastern view and 600 feet from the western perimeter of the site. The generalized development plan also does highlight the western boundary with a new color designation that lighter, or brighter green shade. Here there's a combination of things going on a buffer, berm stream diversion, and access road all kind of within this small area so the applicant made this separate designation and they included a cross section in the generalized development plan to explain what would happen in the future and so just to kind of point out what the cross section shows the edge of the property is... let's see if I can do this without messing up the system... alright well, so this is the western property line there would be a 25 foot un disturbed natural buffer then you have in this location a berm which is let's see, I'm not certain the specifics on, oh 10, minimum 10 foot high berm in that, in this location then you have the stream diversion and then a more of a safety berm in this location and then the asphalt plant access road at the point when the asphalt plant is relocated to the upper corner of the site. So there are also several proffer changes, the next few slides we'll kind of review these, the changes to the proffers. First proffer 1A, it does add some restrictions to the location of stone crushing and blasting. It requires a minimum 600 foot setback for stone crushing from the outer perimeter of the southern and eastern properties. Also there'd be no excavation or stone crushing permitted on Parcel 20-2 until excavation has ceased on Parcels 24-A and 23-A. That's the current active quarry pit so once they're finished there then operations can shift over onto 20-2 with those other restrictions in place. Also there would be no blasting would be allowed to occur within 400 feet of the outer perimeter. You did receive revised updated proffers that did also add an additional, well not an additional, but an increased setback of 600 feet for any blasting from eastern view. And I have a few images to kind of highlight what this all means on the plan. So, here is the 600-foot stone and concrete crushing setback. This would be, and the concrete crushing that gets addressed in the conditional use permit, that is not in the proffers but it's something that we added into the conditions. So the red dashed line that you see across the bottom and up the side that is the 600-foot setback, so no crushing in that, in those locations. Then also the orange shading is Parcel 20-2 where the crushing would not be permitted while things are still actively happening in the current quarry. Then this image shows the 400-foot blasting setback in addition to the 600-foot setback from eastern view.

Mr. Bain: I'm sorry, Mr. Zuraf, that's confusing. Go back to that. If there's a 600-foot setback from eastern view, why is that blue line closer than what the line was on the previous slide. See how much further away that kind of orange line is. That's 600 feet.

Mr. Zuraf: So 600 feet is the stone crushing setback so the 600-foot setback is from the eastern view so-

Mr. Bain: Go back two slides.

Mr. Zuraf: So eastern view ends here-

Mr. Bain: Go back two slides.

Mr. Randall: It's two separate things.

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Mr. Bain: Now keep going back to your text slide. Added a 600-foot blasting setback from eastern view, not rock crushing, blasting.

Mr. Zuraf: Right.

Mr. Bain: So that orange line was a 600-foot line but the other slide with the blue line implies that it's only 400 feet so there's some-

Mr. Zuraf: No, no so let me go to that, sorry, so this is 600 feet.

Mr. Bain: Oh, that's 600 feet.

Mr. Zuraf: And that's this, this is where the 600-foot ends-

Mr. Bain: Okay, alright, I see, I see, I'm sorry.

Mr. Zuraf: And then you transition to 400 feet.

Mr. Bain: Okay, alright. My mistake, thank you.

Mr. Randall: So Mr. Zuraf, currently what's the closest that blasting could happen to Eastern View. What's the closest that you could have blasting happen.

Mr. Zuraf: Well technically it could be right here.

Mr. Randall: Could be right there, how far away is that?

Mr. Zuraf: I just roughly, at this point right here, maybe 300 feet.

Mr. Randall: Okay so 300 feet is where it's currently, where it's currently listed-

Mr. Zuraf: Well because there's no restrictions.

Mr. Randall: Because there's no restrictions on that little point right there outside the Pollard tract there's no restrictions and you could conceivably have at some point in time in the future blasting happen right at that location, is that correct?

Mr. Zuraf: Yes.

Mr. Randall: And that's currently 300 feet. Roughly?

Mr. Zuraf: Well it could be even closer, it could be here you know, 300 or less, it could be 200, 300 feet.

Mr. Randall: Okay so this then let's say doubles the distance between what currently could happen to what, what they've proffered to happen.

Mr. Zuraf: Correct.

Mr. Randall: Okay thank you.

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Mr. Zuraf: Okay in proffer 2 there's a series of new proffers that will require enhanced landscaping, there would be additional landscaping required along the eastern berms to provide ultimately 200 feet of landscaping, 200-foot landscape buffer. The western landscape buffer that would just be increased from 25 feet to 50 feet, if you could see from that cross section there's less area there for that to be increased more without moving everything further into the site. It follows the proffers says they would follow County required planting unit requirements that require a certain number of plant units for every hundred feet to ensure adequate coverage and also an additional provision that 50 percent of the plantings would have to be evergreen variety plantings. So, just to kind of point out the locations of the additional plantings it would be so up in the eastern part here you have the dark green area is the current area, the undisturbed buffer requirement and then that's 150 feet so there would be an extra 50 feet of planting added plus if there's any spots where there is no planting or there's lack of trees they would have to enhance and I believe that's the case in this general location where there's maybe are fewer trees so they'd have to enhance where there are not trees and then add to achieve 200 feet and then over to 20-2 you have approximately 100-foot undisturbed area so then they would have an extra hundred feet of planting on top of that and we did work with the applicant to make sure that this measurement excludes any access roads, there's an access kind of maintenance road so that 200 feet would not include that, they can't count that and so if it's 20-foot area for an access road ultimately the buffer would be 220 feet so-

Ms. Barnes: Mike can I ask a question about that? It looks like that line that is going straight through that berm is that going to be altered or does that include the berm, are they gonna plant up the berm?

Mr. Zuraf: Yeah they could plant up the berm. And I think roughly that distance gets them up towards the top of the berm, so the side of the berm on the outer side of the berm that would have to be planted.

Ms. Barnes: And when you say planted, if they planted and it dies does that fulfill the duty or do they have to keep that alive?

Mr. Zuraf: The intent is to keep it alive, you know if they plant it and something, it dies within the few years then...

Ms. Barnes: They have to maintain it.

Mr. Zuraf: Yes.

Ms. Barnes: And the access road that's back there now is that gonna stay the same, is it gonna be moved with this new buffer or what's gonna happen to that?

Mr. Zuraf: I would have to defer to the applicant if they had any ideas on that.

Ms. Barnes: Okay, and before I get away from that area and you may be getting to this so if you're getting to it just let me know, at the entrance there behind Kelly Court I noticed that it says that an undisturbed preservation area's been added to the area of mature trees I think from what I can see and it's hard for me to see on the GDP on my computer, it's listed as a preservation area, what's the difference between a preservation area and an undisturbed area?

Mr. Zuraf: It's probably one and the same, you know I think there's no difference there.

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Ms. Barnes: Is there any way to clarify that because undisturbed kind of means leave it be, preservation means it'll stay there, it'll be maintained-

Mr. Zuraf: I may defer to the applicant, because you have there your access road right there so there may be some need for them to be able to, you know maintain the road or you know I think is, I think the idea is to maintain the existing trees that are in place-

Ms. Barnes: Yes, ultimately that is the idea.

Mr. Zuraf: And just for clarification that is this area here.

Ms. Barnes: Yes.

Mr. Zuraf: That is new.

Ms. Barnes: Okay, thank you.

Mr. Bain: So Mr. Zuraf, the vegetation in my mind, and I'm not a noise or dust expert, in my mind putting vegetation on that down slope going towards the houses makes the berms look pretty but I don't think it would be as effective at minimizing noise or dust in comparison to putting vegetation on the top of the berm and I'm wondering if the applicant is considering putting those fir trees or evergreens on top to provide additional muffling capacity and filtering capacity for dust, to me and again I'm no expert, but to me that I think would be much more effective.

Mr. Zuraf: That's something we'd have to have the applicant address, right now the proffers do not require that so it would need you know some sort of adjustment to the proffers to add that.

Mr. Bain: Okay, I'll ask that when they get up there.

Mr. Randall: Mr. Zuraf can you go back to the last slide? Tell me, okay, when you say undisturbed what do you mean by undisturbed in most situations?

Mr. Zuraf: Most situations would be they, they'll go in and knock down the trees that are-

Mr. Randall: But it is what it is right that's what we were saying?

Mr. Zuraf: Yes, yes.

Mr. Randall: We leave it alone, when we have a transitional buffer and we say 50 feet of undisturbed it means that the developer leaves it alone, whoever's building leaves it alone, the residents leave it alone, it just is what it is.

Mr. Zuraf: Yes.

Mr. Randall: Okay, and so in this case, based on some recommendations that we've made, Vulcan is willing to go in and, and positively disturb some of that undisturbed buffer, correct?

Mr. Zuraf: For enhancing the landscape.

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Mr. Randall: For enhancing the landscape that's in there so that if it has some holes in it, as undisturbed buffer would that it's willing to do something to fill those holes.

Mr. Zuraf: Yes.

Mr. Randall: Okay, thank you.

Ms. Barnes: Where is the wording for that specifically?

Mr. Zuraf: That's within proffers let's see...

Ms. Barnes: Because I believe that was one of the things that we added that we asked to maintain tree buffers as necessary so that if trees die off the area's replenished regardless if it's an undisturbed preservation area or not.

Mr. Zuraf: That is in proffer two, second paragraph... the sentence reads, area, it's halfway down or most of the way down, "areas where existing trees are not present shall be supplemented with 325 plant units every 100 foot by 100 foot area as prescribed in the Stafford County Design and Construction Standards for Landscaping manual".

Mr. McPherson: Mike I have a-

Ms. Barnes: Okay, hold on a second, but that, that to me is pertinent only to the added buffer that we just put in, that extra 100 feet, but let's say that the, the original buffer that's right there behind Garfield, this undisturbed area that doesn't include that maintenance of that doesn't necessarily include that?

Mr. Zuraf: It does include that area, yeah. Because there are some areas where there aren't any trees so, yeah.

Ms. Barnes: Okay, thank you.

Mr. McPherson: So, one quick question Mr. Zuraf, the sound study had some very interesting information about sound blockage of berms versus buffers, have there been any discussions with the applicant about potentially increasing the size of berms? I'm not saying the buffers need to go away if they still look good and they help with the sound but berms are more effective, have there been any discussions about that?

Mr. Zuraf: No there have not been.

Mr. McPherson: Might be some we should think of.

Mr. Bain: I'll just make a quick comment on that based on what the citizens have indicated when they cut down the trees and put in the berm, they indicated that they were hearing more noise as a result, I think the intent of the berm was to try and decrease the noise but it didn't work so making a bigger berm by cutting down more trees might still be counter-productive, I don't know but just based on-

Mr. McPherson: More height than width.

Mr. Bain: Yeah, possibly, and that's why I was saying add trees to the top of the berm so...

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Mr. Apicella: Here's your mike if you're gonna talk, I thought you made an initial comment Mr. McPherson, can you go back to the last slide that you were on? I'm just trying to get some perspective here, no not that slide, that slide, the area at Austin Drive, that green space, how wide is that?

Mr. Zuraf: That area just roughly looks to be about 300 feet, maybe a little bit less.

Ms. Barnes: Can you point that out on the map?

Mr. Zuraf: Sorry. We're referring to this area.

Mr. Randall: Yeah let's not break anything back there, sorry. Either the television or yourself. Okay did you find, did you get what you needed? Okay just raise your hand next time, we'll make sure it gets marked. Alright.

Ms. Barnes: Thank you Mike.

Mr. Randall: Yes thanks Mike.

Mr. Apicella: Okay and so you said you think that's about 300 feet?

Mr. Zuraf: Yes.

Mr. Apicella: And the brownish area, the berm, how wide is that in the same general vicinity?

Mr. Zuraf: That is probably around 150.

Mr. Apicella: So together it's about 450?

Mr. Zuraf: Yes.

Mr. Apicella: So, I'm gonna call it expansion area two, the area that's proposed for an expansion closer to Austin Drive, the distance between the green and the berm area, what's the distance total?

Mr. Zuraf: Sorry I lost you there, okay so if you go if you go further south I call it expansion area two in the lower quadrant, expansion area one so at expansion area two, I'm just trying to get some perspective here, what is the distance, what would be the distance between a boundary line along that subdivision to the berm and in that berm?

Mr. Zuraf: In this area here?

Mr. Apicella: No.

Mr. Zuraf: Here?

Mr. Apicella: That's expansion area one.

Mr. Zuraf: This area?

Mr. Apicella: Yes that would be expansion area two.

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Mr. Zuraf: Okay, that is 150 feet.

Mr. Apicella: Total? From the end of the green to the end of the berm?

Mr. Zuraf: Oh, this area? Yeah the green area's 150, the light brown is 150, so that's 300-

Mr. Apicella: So that's 300-

Mr. Zuraf: 300 total.

Mr. Apicella: The space there is 300 compared to 450 over as compared to Austin Drive, do we know why, why that is?

Mr. Zuraf: The applicant maybe can explain some of that, yeah. This initially came in and the buffer was smaller and we did get them to increase it up to 150.

Mr. Apicella: No I got you just in comparison to the buffer area green and berm it's smaller in size.

Mr. Zuraf: It is yes.

Mr. Apicella: And was there any discussion about reducing the size of expansion area two so that-

Mr. Zuraf: We requested that. I think it's to maximize the access to the minerals.

Mr. Apicella: Oh yeah sure, but-

Mr. Zuraf: That's the honest truth.

Mr. Apicella: I got ya, just thought I'd ask. Okay, thank you.

Mr. Zuraf: Okay, with markings on this next slide proffer five-

Mr. Apicella: Is that your doodling?

Mr. Zuraf: The system has gone haywire, so proffer five, it, there's some additional changes this is dealing with the quarry dedication to the County and the timing for the use as a reservoir they did make some modifications to allow, you know, as you're aware initially they are requesting an extension of that time line from 2035 out to 2055, there's some concern expressed with that and they've made some adjustments to allow, that would allow the County to notify Vulcan as early as 2045 that the quarry would be needed for water supply as a water supply source, once the County notifies Vulcan they would have five years to complete their operations and clean everything up and do all the reclamation that's necessary and then the pit would be dedicated to the County by 2050 and this is all related to the Hampton pit, the active pit that's in that eastern corner. Then also in their adjustments they modified the dedication of the original pit from 2135 back to that is 2100.

Mr. Randall: I see the zeros.

Mr. Zuraf: Believe me.

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Mr. Randall: Mr. Zuraf I have a question and I guess maybe this is for the applicant or maybe we're reading it wrong, do you have somewhere when you can put the proffers up so people can see them? Is there somewhere in your staff report that talks about that the proffers themselves, the specific language of the proffers?

Mr. Zuraf: We have them as a separate attachment.

Mr. Randall: But you don't have them in your staff report so people can see them correct?

Mr. Zuraf: Not in this presentation no.

Mr. Randall: Alright, my understanding was and I guess we can talk to the applicant about it but allows the County to notify Vulcan as early as 2040 was my understanding, that the quarry was needed for essential water supply, applicant would have five years to complete operations and dedicate the quarry to the County by 2045, which is based on the County's utility master plan that says we may need water and a new reservoir by 2045. It is not in my understanding to be notification at 2045 and cease operations of the pit in 2050, so the applicant can correct me if I'm wrong but I believe that's what we discussed-

Mr. Zuraf: That's what he's saying, yes.

Mr. Randall: That's what it should read so if it's not, if it's not as, obviously it wasn't clear to you and it may not be clear enough in the process so we may need to look at adding language that simplifies and clarifies in more lay man's terms rather than what I'm reading per say which is not necessarily laymen's terms, pretty much just what we had talked about previously and what I mentioned. That the County should reassess the need for water in 2040 and then if they need water and that pit by 2045 to notify the applicant and they'll give them five years to get out of the pit and provide it as a reservoir to the County. Alright so if we think that it's written well enough then we're okay if not then we need to look at rewriting that so that it's a, it's easily understood, alright?

Mr. Zuraf: Yes.

Mr. Randall: Thank you.

Mr. Zuraf: I just missed that point and yeah.

Mr. Randall: No worries, that's why we're here.

Mr. Zuraf: Yup. And along with all this we did have our County's utility consultant re-evaluate the water supply needs to determine if all of this is appropriate and these changes are appropriate. Something that was pointed out in the study and that you did receive that in your package is that Abel Lake is intended as the first water supply source if additional water supply sources are needed and with the use of Abel Lake and bringing that online the County would have adequate water supply until year 2055 under and this is assuming I guess some level of drought condition so-

Mr. English: Mike, you said Abel Lake?

Mr. Zuraf: Abel Lake, yeah.

Mr. English: That's awful far away.



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Mr. Zuraf: Well it would be, they would make improvements and they would bring water over to-

Mr. English: Smith Lake?

Mr. Zuraf: To Smith Lake.

Mr. English: Okay.

Mr. Zuraf: Not to Smith, to Mooney.

Mr. English: Mooney, okay.

Ms. Barnes: Mike can I ask a quick question about that? As far as Abel Lake goes, has that always been the plan to bring that back on line if needed or is that the plan in case we don't get that quarry dedicated over to 2035, is that something that new that we've said well if we don't get that we'll build up Abel Lake.

Mr. Zuraf: No I think it's always, the County has that and so they're holding it for it whenever it's needed and it wasn't like well a condition of Vulcan or not.

Ms. Barnes: And so if we do put, if we do need that water supply and we put Abel Lake back online there's a lot of necessary infrastructure that has to go into that?

Mr. Zuraf: Yes.

Ms. Barnes: If we did end up getting the Hampton Pit originally at the, I mean at the time that we have the agreement right now is 2030, yeah 2035, that's the Hampton Pit, if we do get that, under this current agreement we have, not this application, would Abel Lake have to come on line or would we just have, would we be able to forgo that and we've got the Hampton pit?

Mr. Zuraf: I guess we would have both and there'd be two options then for the County to consider based on-

Ms. Barnes: And we wouldn't necessarily have to bring Abel Lake back online and build all that extra infrastructure? That's a possibility?

Mr. Zuraf: Right, and I think there could potentially be some infrastructure needs for the quarry as well because I guess there are different options of even having to build water pipes to actually directly to Smith Lake or potentially you just run it into Abel or into Aquia Creek-

Ms. Barnes: And who's responsible for that infrastructure?

Mr. Zuraf: That would be the County, yeah.

Ms. Barnes: Okay, I just want to make that point clear that if, if we stick to the original plan, just hypothetically, at 2035 that Hampton pit gets turned over to us, we may not need to use Abel Lake because we have the Hampton pit at that point in time.

Mr. Zuraf: Right.

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Ms. Barnes: Okay thank you.

Mr. Zuraf: Okay. And then also there was the concern about the proffer regarding insurance and the increase, they did increase the liability insurance amount from one million dollars per incident to or occurrence to two million dollars per incident or occurrence and also previously there was the request for the sound study and we did just receive that and so I think it was yesterday or the day before so you have that now and I will defer to the applicant to talk about that. Okay, now with the conditions, there were several amendments to the proposed conditions that were proposed by staff. The amendments do attempt to address issues previously raised, they removed several conditions that would be unenforceable by the County or enforced by the state by state agencies, or deemed unnecessary but then also condition changes also adjust some of the framework to consolidate conditions that apply to all the uses and were duplicate within the proposed document so I'm gonna go summarize the key changes to the conditions since the last meeting. With new condition number five this would consolidate hours of operation for the stone extraction and concrete plant to 6:00 a.m. to 6:00 p.m. so this adjusts the condition, because previously the condition had the concrete plant starting at 5:00 a.m. so that's been bumped back to 6:00 a.m. The asphalt plant, those current, that current operation has an approval for 6:00 a.m. to 7:00 p.m., that is not changing under this, they can do that now on their current site so under this proposal and this proposed, these proposed conditions, those same hours would apply for their new location too. New condition 11, this deals with the stone crushing and blasting restrictions. This condition mirrors much of the same proffer but it does add the concrete crushing and associated equipment to the restriction and then also the amended conditions we did provide that to you this evening, it also adds the 600 foot blasting setback from Eastern View into the conditions as well. Also condition 12 requires the enclosure of active quarry operations with an eight foot high fence being chain link or any type of fence that would restrict any, anybody from getting in, also new condition number 14 would limit the detonation of any explosives to nor more than two per day between the hours of 10:00 a.m. and 3:00 p.m. and not exceeding three days per week. Previously the last version had the last version had very few restrictions to that and so we added that back in.

Mr. Bain: Mr. Zuraf? On the 6am to 6pm operating hours, and maybe the applicant needs to answer this, does that mean that prior to 6am no equipment can be started? Or, particularly with the concrete plant, does that mean at 6am the first transfer truck can be loaded and in order to allow that the equipment has to operate to mix the concrete batch and what have you, what's the actual limitation on that?

Mr. Zuraf: Well it's operation so I think any, any of the machinery that's involved with any loading or whatever that would all qualify.

Mr. Bain: Could not be started, okay, good.

Mr. Zuraf: Right. So then also there are older conditions, 13 and 14, these are conditions regulating quarry noise that have been removed as state code does not grant localities this authority. New condition 25 requires maintenance of a website with contact information specific to concerns related to quarry operations. Previously it was just required a phone number and it being put in a phone book which I don't know who has a phone book anymore. Also, condition, new condition number 33 establishes the permitted location of the concrete batch plant which has been relocated as I identified on the generalized development plan, also this is defined on the new rezoning plat and we've added that reference in to the new revised conditions. Also condition 34, it reduces the permitted night time operating hours for the concrete plant that would be reduced down from 120 days to 60 days per calendar year.

Mr. Randall: Mr. Zuraf?

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Mr. Zuraf: Yes.

Mr. Randall: And again, this is a discussion we had previously with the applicant, could you explain what night time hours mean?

Mr. Zuraf: It is going to be anything after 6pm.

Mr. McPherson: But the proffer would be 6am to 6pm if they can do 120 to 60 days.

Mr. Randall: Interesting. Alright I'll ask the applicant, that's not my understanding from our discussions so I'll ask the applicant, thank you.

Mr. Zuraf: And also the new condition 37 does restrict the height of the concrete batch plant structure to no more than 50 feet. As far as the applicant with the latest changes addressed a lot of the issues as far as getting materials that were previously requested. One point I'll make with the sound study, it does not address the reading, sound reading from detonations of blasts, so that was a point that was requested previously with the sound study-

Ms. Barnes: Mr. Zuraf before we go any further I do have a couple of questions about what you just went over here, if I could just go back for a second. Under new condition number 11, prohibits activity entirely on Parcel 20-2 until excavation has ceased on Tax Map Parcels 20-4A and 20-3A.

Mr. Randall: Which one are you reading?

Ms. Barnes: I'm reading new condition number 11 first page.

Mr. Randall: Okay.

Ms. Barnes: Okay so it's a little confusing there to me because-

Mr. Randall: Which condition 11, I'm sorry, because the one on the staff report does not have, number 11 is not that one.

Ms. Barnes: It's on the staff, the application update, it is listed as new condition number 11. This is just on the update portion. I'll read it out loud just so you can, so you know. It says "and prohibits the activity entirely" which is I think this is the concrete crushing, "on 20-2 until excavation has ceased on Tax Map Parcels 20-4A and 20-3A. It's a little confusing because there's a five year overlap when they stop mining on 20-4A the Hampton Pit, they can go to the original pit and there's a five year overlap so there could be, there won't be I mean, I think they've said that, but there could be a five year overlap on both mines being mined. However, it does say that for the Parcel 20-2 that nothing is going to happen on that, excavation, nothing's going to happen until the completely cease the Hampton Pit, so there's no five year overlap in that specific case.

Mr. Zuraf: Right.

Ms. Barnes: Okay that's a little confusing but I just wanted to make that clear for folks. The other question was I think that, I'm not sure if we covered that, we talked about the notification process and I think we brought that up I think in an email about notifying and if you haven't gotten there yet you know

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I'll stop and I'll wait but I know that there's a condition, or is that a proffer? Am I mixing those two? That might actually be a proffer. About notification of any land disturbance within 30 days.

Mr. Zuraf: Right.

Ms. Barnes: If that's something that you want to cover someplace else we can do that but I just wanted to make sure we don't get past that.

Mr. Zuraf: Now would be a good time to talk about that.

Ms. Barnes: Okay.

Mr. Zuraf: That is... proffer 6C, is that what...

Ms. Barnes: Mhm.

Mr. Zuraf: On page seven. So that was the point where, so I'll just go ahead and read it, the applicant and/or the current operator shall notify all adjacent property owners of record within 500 feet of any land disturbance as defined under current Virginia law or any portion of the property 30 days prior to the beginning of such land disturbance. All notifications shall also be forwarded to the Stafford County Administrator. The concern here that was raised was the term as defined under current Virginia law, when we looked up the state code and there's land disturbances defined in different ways and one of the provisions, one of the definitions exempts quarry approved or active quarry operations from being considered land disturbance so there needs to be probably more, more I guess fine tuning of that proffer, because it could be I guess viewed as a quarry and then not even having to be considered land disturbance.

Ms. Barnes: Yeah it just, I don't know if it's the correct term but it almost makes it kind of a moot point because if you don't have to, if you don't have to, land disturbance is part of the quarry activities then you really don't have to notify within 30 days because it's all exempt, if I'm understanding that correctly.

Mr. Zuraf: That's what it could be viewed, it probably wasn't the intent here but that could be viewed that way.

Ms. Barnes: I think some clarification by somebody that would be great. Also old conditions number 13 and 14, conditions, and I noticed there was a lot of red lines here on that portion of the conditions, conditions regulating quarry noise have been removed as the state code does not permit localities to regulate quarry now, so we have absolutely no control over a quarry, noise levels we have no regulatory, they, they can do what they want what they need.

Mr. Zuraf: Well it's gonna be regulated by the state, Department of Mines, Mineral, and Energy.

Ms. Barnes: Okay-

Mr. Zuraf: So it's not like they can do anything but it's different-

Ms. Barnes: And we have no control over that at any point, I mean that actually used to be in there but we're taking it out completely?

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Mr. Zuraf: Yes.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Ms. Barnes do you have any other questions or comments about any of the conditions since we're on it?

Ms. Barnes: I certainly do, but I was waiting for a good place to stop that will let me-

Mr. Apicella: I mean are you finished going through the conditions, Mr. Zuraf?

Mr. Zuraf: Yes.

Ms. Barnes: Okay, so, let me go back then to a couple of other ones, Let's see here, and hopefully I've got the correct iteration of this because I printed out so many different versions, I'm looking at the original red line one that you sent, I believe it was on Friday. Condition number two, a gated emergency access shall be provided in the approximate present location of Dun Rovin Lane as shown on the GDP. I'm uncomfortable with emergency not being defined, is there some way that we can figure out what an emergency is, is an emergency a flat tire or is an emergency a fire truck, because it seems awfully broad you know what one person's emergency, what Vulcan's emergency might be very different than what we're considering and I'm afraid that Dun Rovin may end up being a de facto alternate entrance if we don't define what that is.

Mr. Zuraf: Yeah the way that this typically works-

Mr. English: I think you could probably just say it would be a fire rescue emergency or a police emergency, I think that would cover it. Because-

Mr. Apicella: Public safety, does that work? How about public safety?

Mr. English: A public safety emergency, yeah.

Mr. Zuraf: The um, the way these are, we have this condition and others, other resolutions and it, it generally is for that purpose but it doesn't necessarily you know keep the property owner from being able to go and kind of maintain that access, make sure things are secure, if they need to get back there to check fencing so that's how kind of that does get, I don't think it ever, has ever been enforced where oh the truck that works, that is part of Vulcan is driving there so they're in violation it's, and they can't be there at all, there's some flexibility that is applied in this situation, but so-

Ms. Barnes: So how can we word that to put that in there so that it doesn't become that de facto second entrance?

Mr. Zuraf: Yeah, we'd have to work it, so yeah to basically make sure that they're not general traffic for general operations or something, yeah we can further fine tune it to make sure it's not a regular accessway for regular operations.

Ms. Barnes: Yes, cause a loophole is, you know when you can drive a truck through it so to say, okay.

Mr. Apicella: So at a minimum we're gonna change it to public safety or where are we going?

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Ms. Barnes: I think that you wanted to not only public safety but to have it, see that's where I'm not clear on this is how do we word that so like I asked, so that it doesn't become that de facto second entrance because of a number of other things besides public safety. Personally, I'd just like to see it just be public safety but I, from what you're telling me is, is that we really can't do that or haven't done that.

Mr. Apicella: We set the conditions, so as long as you're comfortable with public safety.

Ms. Barnes: I'm more, I would be more comfortable with public safety emergency vehicles, perhaps we can you know, and if the applicant wants to add something else in there that's you know-

Mr. Zuraf: Maybe something to be kept locked at all times?

Ms. Barnes: Okay, I would like to see that. And I don't know do you need, do we need to read that back to us in order to-

Mr. Zuraf: Maybe I'll work on that while we're going through the public hearing and-

Ms. Barnes: Well don't go anywhere I have a couple more.

Mr. Zuraf: Okay.

Ms. Barnes: General condition number three, there is a highlighted sentence at the end of that that I don't understand, this CUP should not dictate the expiration of a separate CUP, I'm doing some mental gymnastics but I don't get that.

Mr. Zuraf: So what the prior language, and this was probably a copy from the original 20-, from the last version in 2010, it, this is basically saying that it's dictating that another resolution no longer applies, that it's invalid, which a one resolution can't say or can't kind of deem another resolution void. That's kind of what the language had said.

Ms. Barnes: And that's pertinent why?

Mr. Zuraf: Because the idea there was, because under the resolution R09-195, that's the approval authority for the current asphalt plant so this is saying that once they relocate they can't have two locations, they can't have two asphalt plants and so that other resolution is no longer valid, so we adjusted it just to basically say there could only be one asphalt plant on Parcel 19-64 and then once it's operating on 19-64-

Ms. Barnes: So this is basically just a note, this is not, that highlighted area is not actually going to be in the CUP that's just a note.

Mr. Zuraf: Right, I provided these highlighted notes at the end to just explain what was happening.

Mr. Apicella: So why isn't that under conditions? Why isn't that before number 26?

Mr. Zuraf: I think because the initial conditions are establishing the specific uses and so they could be...

Mr. Apicella: As long as it can be an either/or I'm okay with it.

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Mr. Zuraf: Yeah, it doesn't really, it's, the next one's dealing with the concrete batch plant just for example so it's, they're kind of just the general approval parameters.

Ms. Barnes: Okay... so are we going to put that one under 26 or are we just gonna...

Mr. Apicella: I think it's okay to probably leave it where it is if counsel is okay with that?

Ms. Barnes: Okay, number five. Being that and this has to do with the hours and I'm gonna, I'm gonna give you what my personal preference is here but now we'll see, we'll see how well that goes over. This entire use and applications, we've got these quarry processes that are moving closer to residential, is there any particular reason why we haven't restricted the hours a little bit more? I would love to see Monday through Friday starting at 7am and on Saturday starting at 8am.

Mr. Apicella: I'm sorry this isn't kind of a give and take and I would ask you to keep your comments to yourself until you have a chance to provide them during the public comments.

Ms. Barnes: Right now we've got I think our hours of operation are 6am to 6pm Monday through Friday, Saturday between the hours of 7am and 1pm. Being that we are moving closer to residential I think the hours should be a little bit more restrictive because obviously we're gonna be much more impactful being that we're coming closer. You know has that ever been discussed that we, that we possibly change that to 7am Monday through Friday and 8am on Saturdays? It's intuitive to me that if you're moving towards people you're gonna adjust your hours just a little bit to make it a little more palatable for them if that makes sense.

Mr. Apicella: I'm gonna piggyback off that, hence my question about that one spot, okay they're clearly moving closer to the adjacent neighborhood yet we're doing the same hours, so those people, the residents who live in proximity to that again I'll call it expansion area two are gonna be adversely impacted because the boundary lines change and it's now that much closer to them. So you're proposing, say that again what you're proposing.

Ms. Barnes: I would like to see hours Monday through Friday 7am to 6pm, Saturdays 8am to 1pm.

Mr. Zuraf: Alright.

Mr. English: Can I make a comment? When you say changing the hours that would probably right with the noise ordinance with the County, because the noise ordinance says that you can't start anything until 7 o'clock anyway.

Ms. Barnes: Quarries are exempt from noise ordinance.

Mr. English: Well it's industrial, it's still considered noise, right? Counsel is that right? No?

Ms. Barnes: Quarries seem to get a lot of latitude in this state, okay. I personally would like to see that if you know the rest of you think that might be something that you'd be interested in, I'd like to see that change to that.

Mr. Apicella: So we kind of have two options here as we go forward on these conditions, we can noodle it now or we can just kind of write them down and then have a discussion after Ms. Barnes and anybody else has any comments on proposed changed conditions.

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Ms. Barnes: I like the second option.

Mr. Apicella: Okay, can I just on number five, I said this at the first meeting when this came up, I'm still very concerned about the lack of clarity on what constitutes an emergency and how that gets adjudicated, I know it's not, there's not an easy fix here and I don't have a fix but one person's emergency, kind of like what you said before, is somebody else's it's not a problem at all so how do we, how do we come to a meeting of the minds on what constitutes an emergency?

Ms. Barnes: Yeah that was my next question is right down from there I've got emergency signaled and once again it's just very broad and very vague to me.

Mr. Apicella: And Mr. Randall said it's whatever the County Administrator decides, my concern is and Mr. Randall also works for the government, we won't say where because we can't say, I'm just kidding, that decision by the County Administrator could be determined to be arbitrary and capricious because there is no criteria so if the applicant comes in and says hey we have an emergency and the County Administrator says no I don't think it's an emergency that's an issue so that's why I think, I know there's probably no administrative procedures at the state level but working on the government I know that two people can have different opinions about what's an emergency and so how do we get to a point where we're not gonna have a problem. We're talking about an operation that's gonna exist for 70 plus more years and today's County Administrator probably won't be the same County Administrator at the end of that time frame.

Mr. Zuraf: Well it's difficult to try to I guess outline and think about all the different possibilities that may arise so we actually have to go back to the drawing board and try to write out some criteria that I guess would be reasonable-

Ms. Barnes: You don't have a single-

Mr. Zuraf: I don't have it off the top of my head.

Ms. Barnes: -genius one sentence solution to this?

Mr. Randall: Well it's emergency or exigent circumstances.

Mr. Zuraf: Well that's the one sentence yeah.

Mr. Randall: You could, I mean who defines exigent circumstances?

Mr. Apicella: Exactly, who defines that?

Mr. Randall: The County Administrator?

Mr. Apicella: But what criteria is the County Administrator gonna use?

Mr. Randall: Well, if you talk about criteria then maybe we can find some criteria but the definition of exigent circumstances is gonna be based on him and that's why it's been that way for 40 years.



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Mr. Apicella: Again I see problems not having that defined. I guess I would be more comfortable if we added something to the extent that there will be an agreement that will be in place that will further define what an emergency is.

Mr. Randall: So, Mr. Zuraf do you-

Mr. Zuraf: So the one option is well-

Mr. Apicella: I don't think we'll get there today, I'm just saying I would be okay with adding some language that says based on you know parameters set in an agreement by the County and the applicant.

Ms. Barnes: I'm okay with that and we it sounds like that if we have something in place-

Mr. Zuraf: What type of agree-, like-

Mr. Apicella: Like an MOU, a memorandum of understanding. That's always subject to change, I mean there can always be back 50 years from now, it can be changed, 25 years from now but the absence of any kind of discussion about what that means, they can say an emergency is we need more rock for Charlottesville, okay, I don't think that's an emergency and the County Administrator may not think it's an emergency so in the absence of clarity I think that puts the County in jeopardy because we haven't defined what it is.

Mr. Bain: Are we discounting the possibility of just saying a public safety issue?

Mr. Apicella: I don't think that's what it means. I don't think they're operating on night hours because of a public safety issue, I think they're operating because there's some need somewhere.

Mr. Bain: Oh I thought we were talking about the access-

Mr. Apicella: No I'm talking about, what it says is they can deviate from these hours of operation when there's an emergency. We're not talking about a pandemic emergency, we're not talking about a state emergency, or even a local emergency, it doesn't define what an emergency is so they can call up the County Administrator and say again we need more rock for Charlottesville we gotta do it tonight and either the County Administrator can say yes or no and I don't, I don't know what calculus the County Administrator's gonna use to make that determination and so all I'm saying is in the absence of clarity here I would be okay with adding some language that says an emergency and exigent circumstances will be further defined as part of an MOU between the County and the applicant.

Mr. Harvey: Mr. Chairman, if I may interject a few points?

Mr. Apicella: Sure, go ahead.

Mr. Harvey: This condition is similar to some other uses within the County. traditionally what's happened is from an administrative stand point the request comes to our department, we consult with the County Administrator who in turn consults with the district Supervisor who represents that area and after that discussion the Administrator makes his decision. Again with this being a conditional use permit the County is imposing this condition and we're imposing the right of the Administrator to say yes or no to their request. With regard to some other MOU agreements, staff's recommended whatever gets put into the condition be the thing that binds whatever is determined to be exigent circumstances or an emergency

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because an outside agreement is not really a zoning issue it's an agreement between parties whereas the CUP is imposing this condition on the applicant.

Mr. Apicella: I hear you Mr. Harvey, I would say this is not like any other business activity in Stafford County and somebody operating at 1 o'clock in the morning is not gonna be the same kind of impact as I don't know what other emergency operations that somebody else has granted as part of a conditional use permit but this seems very different in my mind, again I'm just uncomfortable with it.

Mr. Harvey: So the staff recommendation would be if the Commission wants to have more clarity on what those terms mean we can definitely put it in the condition but would not recommend the separate agreement and some future date.

Mr. Apicella: But let's be realistic, okay, we're at the midnight hour on this project, we have to make a decision tonight, unless more time is granted to us so we can't push this off until the next meeting which I think is August 25, we have to make a decision by August 20 and again our next meeting is scheduled for August 25 so there's no time to get further clarity on what this means. I mentioned it two months ago and we've gotten kind of nowhere on it so I'm a little, I'm a bit frustrated about it.

Mr. Randall: So Mr. Zuraf, that's currently conditioned correct, today? With the established-

Mr. Zuraf: Yep, yeah.

Mr. Randall: Do you know how often in the last 40 years we've had the County Administrator require to provide emergency operations for the quarry?

Mr. Zuraf: For this quarry I'm not certain. The applicant's saying zero.

Mr. Randall: Okay.

Mr. Apicella: Then why is it there? Why don't we just remove it?

Ms. Barnes: Wait a minute I thought there was an emergency, was it some kind of emergency when they had to provide stone for the expansion of the airport, that wasn't an emergency?

Mr. Randall: No. So the other question I have and this goes back to the meetings that we had, I, and again I won't, I won't hold you to because we were talking to the applicant at the time I thought night time operations we had specifically said that night time operations would be limited during that period of time from 6 o'clock in the morning to 6 o'clock at night, that night time operations would not include a 2 o'clock in the morning operation of the quarry and that if we did have to do after hours it would be limited to that specific time so again if we do say that the County Administrator in conjunction with, not in a vacuum, works with the County Supervisor and works with Mr. Harvey as the Planning Director to determine if this really is something and he doesn't do it on his own volition, and we then say night time emergency hours will be from 6 to 10, or from 5 to 7, and that from 10 o'clock at night to 5 o'clock in the morning there'll be no operations regardless of an emergency condition then I think we would be better able to manage what the expectation is for after hour operations, right. So, you were there, I made notes that that's what we had talked about, it's not included in here, so I'll need clarification from the applicant as to why it's not in here but I specifically remember bringing that up and saying okay night time is night time but night time is not 3 in the morning.

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Ms. Barnes: Can we put a no later than clause?

Mr. Randall: We need to be clearer than that so, no I think the applicant has, so I think the time if I remember right was 6 to 10 and 5 to 7 so they could do two hours early in the morning and they could do four hours past 6 o'clock to 10 o'clock at night but that the 10 o'clock at night from 10 to 5 there will be no operations at the quarry period, during, regardless of whether an emergency has been dictated. Right, that I think with the fact that you know there have been no emergencies by the County Administrator but I think if we add those hours I think it mitigates some of the concern that's been expressed.

Mr. Zuraf: Okay.

Mr. Apicella: I would also point out that what's different here is it's not just stone extraction it's also a concrete batch plant which is not currently on the site.

Mr. Zuraf: So we could have that for, well-

Mr. Randall: Well I'll clarify that with the applicant when he comes up but we'll make sure that that's conferred with and agreed on before we move on to much farther.

Mr. Zuraf: Okay.

Ms. Barnes: Well, being that it's a condition is it something, I mean it's something that we ultimately get to decide.

Mr. Randall: Well yeah I can decide to shut them down at three in the afternoon too but let's be reasonable we have a current, we have a current condition and we need to talk about what that means as far as night time operations are concerned so yes I'm okay applying it but I would also like to talk to the applicant about it.

Ms. Barnes: I think that maybe you know it might be good if we just put an emergency hours no later than, and if we put something in there about that so that at least we get some clarification on that in addition to what I think Steven was talking about because I'm with Steven on that, that emergency is very vague. I guess we're gonna circle back to that. Let's look at new condition number nine, there's a lot of upon requests in this, in these conditions and I'm not sure as to why it's upon request, I mean how often realistically is the County gonna come in and request for inspections by federal state or local agencies shall be maintained on file and provided to the County upon request, what would it hurt for us to just leave that in there and say we automatically get a supply, they cc us and we get it, what would hurt? Would that be any kind of undue burden, it just seems you know like an easy addition.

Mr. Zuraf: I guess it depends on how many inspections and reports then we're gonna need a whole new file room.

Mr. Apicella: They can send it electronically, it takes up no space.

Ms. Barnes: We can even make it a bi-annual thing and annual thing a quarterly thing, you know...

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Mr. Zuraf: I think it would typically be as an as needed you know because there's probably an issue would arise where we'd say okay let's see here, inspections from DMME on your blasting you know what....

Mr. Apicella: Right but I think the point is whether it's a push or a pull right and so Ms. Barnes' point is we won't know if we, cause we're now on the hook to ask for it, if the applicant automatically provides it then it's information we would get and be able to look at, so I'm kind of where you are-

Ms. Barnes: We don't know what we don't know.

Mr. Apicella: Right so why don't we say within 30 days of it being issued the applicant will provide a copy electronically. Again these are for discussion, just throwing it out there.

Ms. Barnes: It doesn't seem to me and I don't know what you mean by we need a whole new file room, it doesn't-

Mr. Zuraf: No, I was just kidding, it's just-

Mr. Apicella: Might need a new server but not a new-

Mr. Zuraf: Right, right, well that's you know some, so we're gonna get these reports and I guess we'll just hold them and we're not necessarily gonna be I think, we're not gonna necessarily be using staff time to be reviewing these on a regular basis I would you know I'm just thinking at how this actually would work if we get a stack of reports and are we gonna be checking to make sure that you know there aren't any red flags or you know it's-

Mr. Apicella: Well normally right up front in the report it's gonna say this is an issue right so you might take a 30 second look and see-

Ms. Barnes: There could be a, could it even be a summary, I mean you know...

Mr. Apicella: I'm not necessarily thinking we should ask them for something they're not already doing, right, something new, but if they're already submitting something that's required by the state or the federal government that they're doing anyhow that we get an electronic copy and what, how that gets disposed of, I mean that's something for the County to determine you know in the future.

Mr. Bain: The only concern I have is that the County receives these reports, they do not have experts like the state or federal government would have in reviewing the reports and could look at it and have no clue whether there was a problem unless the applicant highlighted that for them, the state and the federal government are already getting the reports and they have the experts that are looking at them supposedly, we have to trust that that's happening.

Mr. Apicella: Good luck.

Mr. Bain: But if it comes in and the person assigned to review that report is a new planner that's just out of college and doesn't have a clue about what a blast should look like then what's the purpose, I don't have a problem with saying upon request, in other words if some, in some fashion the County comes, is alerted that there could be a problem then they could request them and make arrangements for somebody

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that's an expert in that field to look at those reports but for those reports to come in regularly and not have someone that's qualified to look at them, it's meaningless.

Mr. Apicella: So how is somebody gonna know to ask for it, how I somebody gonna know that an issue comes up, in the absence of getting a report, upon request means nothing because you can't ask for something if you don't know that there's a problem.

Mr. Zuraf: I think it would be resolved to the violation complaint.

Mr. Apicella: Right but is the, does the state or the federal government come back to Stafford County and say hey we got a report from Vulcan Quarry and they identified a problem, does that automatically happen or could it happen six months or a year from the time that a problem was recognized. We're not in the loop. You've already said we can't ask, we can't ask for additional requirements right, so how are we gonna know that something's come up in the absence of getting the data.

Ms. Barnes: To me this is just kind of a simple request to keep us in the loop and we may not understand some of the technicalities but what we will understand is if we repeatedly see problems occurring and that will be the red flag for us so to me it just seems like a simple fix to just keep us in the loop, send us a copy, hopefully there'll be a summary, I don't think it's gonna cause Vulcan anymore work to do that to keep us in the loop if there's some way that we can do that I'd like to keep that in there. Okay let's see here, okay a couple of these you already answered me or you fixed for me before I even asked and that was the 600 foot setback, we already went over, that was I think the addition to the proffers so I'll skip over that thank goodness. New condition number 14, construction blasts not exceeding 100 pounds of explosive may take place at any time during operating hours, that was removed, any particular reason why? You see that red line there?

Mr. Zuraf: Yes...

Ms. Barnes: I mean it sounds like it might be a good thing because it's-

Mr. Harvey: Mr. Chairman, and Commissioner Barnes, part of the reason why we took that out was that we don't know what is acceptable number of pounds of explosives for a blast. Not sure if 100 pounds is the right number to restrict or any number of restriction, any number to restrict the blasts so we were trying to get that condition to limit the number of blasts per day and the time and be limited to that.

Mr. Apicella: Well if I were a neighbor I wouldn't want a thousand pound bomb going off close to my property or saying we can't put some kind of upper limit on the size of the explosive.

Mr. Zuraf: Well that's where then the state standards for maximum-

Mr. Apicella: What is the state standard?

Mr. Zuraf: It's 33 decibels.

Mr. Apicella: This is not sound okay this is about vibration okay so a blast doesn't just cause sound it causes earth movement and if I were a neighbor I'd certainly not want a thousand pound explosive going off 400 feet from my property line so I agree that we should have some cap and I don't know whether or not the state regulates that but seems reasonable that we ought to have some upper ceiling on what that explosive pound should be.

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Mr. Zuraf: Wouldn't keep it in then.

Mr. Randall: Look at condition 15. Again, no to belabor the point but I would suggest that blasting in America is probably one of the most regulated actions by companies other than maybe the nuclear power programs, right, it's regulated by the federal government, it's regulated by the state government, it's regulated through this Virginia Department of Mines, Minerals, and Energy. There's a license that goes along with this, if they violate those they get their license pulled and the quarry ceases operation. Right so, we can put whatever we want there but unless we meet the exact requirements that the Department of Minerals, Mines, and Energies puts on them as their restrictions you know at the public hearing at North Stafford they talked about the fact that no, we never overshoot, we always operate with a 20 to 30 percent margin because if the Department of Minerals, Mines, and Energies finds that we overshoot and we overshoot the restrictions they placed on us right, that's a huge issue. That's like the NRC, that's like a nuclear power plant violating the NRC codes. You just don't do that, right this isn't something they get right up to the line and hope to get right to the line, the safety margins here are absolutely required and followed. I mean I don't understand why we want to nickel and dime this.

Mr. Apicella: I'm gonna tell you why because I heard several people comment that the blasts shake their house and so again, I don't know what that upper limit should be, I don't know how you got the hundred pounds but there's again, there's a big difference between 50 pounds, 100 pounds, and 1000 pounds, I don't know, you haven't indicated and the applicant can certainly speak to it if it's already regulated by the Department of Mines and I don't know if it's regulated by the distance between the, where the blast occurs and the next home, I just think we ought to have some kind of upper limit on what, what should be, it just seems reasonable to me so...

Mr. Zuraf: That provision's a carryover from an older resolution that I made for the applicant to address what that maybe means now.

Ms. Barnes: Okay so I guess we'll wait to talk to them about that and what we can do with that. Okay I got a star by that one. Another upon request in new condition number 23, reclamation must comply with a plan approved by the Virginia DMME, copies of the current permit license application which include the DMME reclamation report shall be provided to the County upon request, it's my same argument, why not hit the cc button and send us that information as well.

Mr. Apicella: Ms. Barnes before you go any further, kind of a related question to what is now 14 but was 13A, so again going back to a blast doesn't just have sound implications it has earth vibration implications so what was 13A is there a reason why we've taken both sentences out?

Ms. Barnes: Is that the ground vibrations?

Mr. Apicella: Right.

Ms. Barnes: Okay, yeah I know we can't regulate, you're saying that the state regulates sound but this is ground vibrations this is different so maybe that's the same issue or...

Mr. Zuraf: Yeah I'll defer...

Mr. Harvey: Mr. Chairman and Commissioner Barnes, it was the same, similar issue in that this is all regulated by the state, the County has no regulatory authority over that issue.

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Mr. Apicella: You're saying sound is regulated by the state, you still haven't told me that vibration is regulated by the state.

Mr. Harvey: The blasts are regulated by the state.

Mr. Apicella: the frequency of blasts I get that okay, so I'm gonna need something or the applicant stating, testifying, that the state regulates blasts and the vibrations that those blasts make. I assume this was already here, right?

Mr. Zuraf: Yes.

Mr. Apicella: So I didn't see a comment that said earth vibration is regulated by the state as compared to other places where you said sound was regulated by the state and to me that's the distinction. Now if the state regulates earth vibration, great I just need some indication that that's the case.

Mr. Randall: So in condition 15 it talks about this, so when the applicant comes up it talks about a qualified seismology firm, which is vibration, to be paid for by the applicant and shall be conducted in compliance so that's a current condition for right now, correct?

Mr. Zuraf: Yes.

Mr. Randall: So for the duration of the time they've been doing blasts, they have a qualified seismology firm who conducts vibration analysis on the current situations and I believe if I remember right there's three locations outside the quarry where they're actually doing this seismology readings, is that correct?

Mr. Zuraf: Yes.

Mr. Randall: Alright and then when we talked to the applicant we talked about adding a couple of more if I remember right to that seismology firm to their testing right, and we talked about right now I believe if I remember that the seismology monitors, detectors are six to 12 inches and we talked about maybe getting them lower, alright well I would be interested to hear what he talks about with that but there currently is a seismology firm, they're a qualified, state qualified, federal qualified firm that does that, they have offsite monitoring there's three different locations, they have all that in their graph so I would like to see those, you have those right there, it would be interesting to see how those apply to this condition that we've taken out, it may be that because the state already regulates it and you already have a seismology group that does all that work, anyway thank you.

Mr. Apicella: Yeah so I'm gonna add the same point under what was 14, steady state vibrations caused by production equipment shall not produce particle velocities in excess of .025 inches per second. Again if that's the state standard and we don't need to duplicate it great, but if it's not regulated by the state I think we ought to keep it in there.

Ms. Barnes: Yeah, I think what I was confused about is that every other thing that was eliminated you have that little yellow condition, explanation as to why it was taken out but I'm not particular why there was no explanation as to why that was taken out.

Mr. Apicella: Well again, the way I read it is the focus was on noise so if the state again regulates vibrations, great to have somebody do seismology, good thing to have, I just don't know the extent to which the state regulates these things and has upper limits.

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Mr. McPherson: Mr. Zuraf?

Mr. Zuraf: Yes.

Mr. McPherson: New item number 21, this is just a warning issue, all loaded trucks leaving the quarry site shall be equipped with covers to minimize the potential for materials escaping. I think just calling it minimizing the potential is not good enough. Probably everybody here and this is not a dang it Vulcan quarry, driving down a highway or road has had a rock falling out of a pick-up truck and hit your windshield and you have to get it fixed, often times you just see, sorry not pick-up truck, you know the large trucks, just having a cloth over the top, I think we should reword that to something more like, should be equipped with covers to effectively prevent materials escaping rather than just minimize the potential because that's not something that we want, rocks and what not falling out of trucks.

Mr. Zuraf: Okay.

Mr. Randall: If I may. Also just so we're clear, the rocks, the trucks that leave Vulcan quarry do not belong to Vulcan. They are company trucks that are going to Vulcan to get the rock, get the stone, and then they are coming and leaving and so Vulcan literally has no control over what those drivers will do once they leave and so they may look like it but as soon as they get on the road it's the companies who own the trucks and the drivers to be responsible for that and then it's up to you know public law enforcement to enforce it.

Mr. English: But most of the time when that rock falls off it's not from the bed it's usually from the sides of the truck, it's not coming off the truck. So it may be something that they just check and again it's up to the driver, the driver's gonna get the ticket not Vulcan.

Mr. Randall: Right and when I get to my turn we'll talk more about what I think needs to happen as far as cleaning the trucks prior to them leaving the site, but that's different than the trucks actually being on the road themselves because that's not the purview of necessarily what we're talking about.

Mr. Zuraf: Okay.

Ms. Barnes: So are we gonna leave it at minimize or are we gonna change it to effectively prevent, what did we decide on that? I'm personally okay with minimize but I mean if anybody else wants to change that-

Mr. English: I don't think you can, personally I don't think you can leave it, I don't think you should put that in there because it's not Vulcan's problem I think it's the driver's problem because if they leave that quarry and a rock flies off, it's gonna be, they're gonna go after the driver they're not coming after Vulcan, you might put in there that they make sure that the trucks check that no rock is on the side of the truck as they leave but I don't think you can put that on Vulcan, I think you should take it out.

Mr. Apicella: I think, I suspect the point is that they can't enforce it once it leaves but the point is it's not leaving without something covering the rocks, right, so if-

Mr. English: But the law says you have to have a cover over it anyway.



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Mr. Apicella: Right but they're, I assume the condition is saying you're leaving the applicant's property, at that point in time the applicant is responsible because it is on their property and that when it leaves the property it has a cover on it.

Mr. Zuraf: I think the enforceability could be if we're, if we get a complaint and then our inspectors go over to Vulcan if they see that trucks are freely able to leave without any covers then they can say hey Vulcan you guys have to make at least require people to have covers when you're leaving the site, but then once they leave yes that, but if it's done before they leave then it's covered and...

Mr. McPherson: Make it a requirement to get the rocks to whoever's carrying it away.

Mr. Apicella: I just would add that it's already an existing requirement so the only thing is you're asking to change some of the wording but currently it's already an existing requirement, right.

Mr. Zuraf: Right.

Mr. Apicella: So can you live with the way it's already written Mr. McPherson? Or do you want to have further conversation?

Mr. McPherson: I just don't think minimize the potential is as safe as effectively prevent, that's just my opinion, I don't know what we can legally do, what's mandated...

Mr. Apicella: Alright we can circle back to it how about that. Alright moving on Ms. Barnes or anybody else?

Ms. Barnes: I think I was at 23, there was once again and just to quickly go over that is that upon request, once again I think that it doesn't hurt to just leave us in the loop on that if we can just take that off on the end, shall be provided to the County. We could have a timeline set up, an automatic submission within you know 30 days, something like that. And we don't want to make this burdensome obviously, but we do want to keep the County in the loop because you know like we've said before we don't know what we don't know and if there's issues we'd never know it unless we got some of these copies. So number 25, it was crossed out, but there's a second part of that, Vulcan construction materials and any future owner shall advise drivers of non-owned or leased vehicles of the weight of their load and require that each vehicle upon leaving the site be loaded with its legal limit. I know that's unenforceable but you know is there currently a sign you know when they're driving out that says hey guys make sure that this is that you're not loaded beyond your legal limit, is there, is there what's going on with that right now?

Mr. Zuraf: I defer to the applicant to see what their operations are and how they comply with that now.

Ms. Barnes: Okay and let's see 27, upon request, statement from a licensed geologist certifying the core samples from the site indicated that no asbestos is present in the rock be mined so we, once again, and that's not anything that we can ask for a copy of if that's ever, if it's regulated by the state can we not be informed, same issue... Is there some way that we can leave that in there so that once again we're kept in the loop.

Mr. Zuraf: Okay.

Ms. Barnes: Getting towards the end I promise. Number 25, boy that was difficult to read through all the red and the blue and the black there but some of the wording in there and maybe when you went to the

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clean copy, I don't have the clean copy printed out, some of the wording in there seemed a little off... I'm not sure if you went in and cleaned that up but it says a website shall be maintained with an email address and telephone number so that members of the public may submit any concerns related to the operation of the quarry in addition to the vehicles serving the quarry, such phone numbers shall be appropriately titled to encourage it's citizens enquire, the wording in here and maybe, maybe we can look back and on the clean copy, the wording in there just seemed really awkward to me, does that make sense? I need to look at the clean copy of that but, let's go through and double check that and make sure that that makes sense because a lot of this when it was redlined there's a couple of places where words were left out or added in that shouldn't have been. Anybody else catch that?

Mr. Apicella: I did catch a couple places where some of the wording might be missing a word or so, I think that might have been one of the places where it got inadvertently taken out.

Ms. Barnes: Okay, you can look through that perhaps and make sure maybe during the public hearing, and make sure that something's not left out of there.

Mr. Zuraf: Okay.

Ms. Barnes: I think it was the same thing with 28, the wording was a little off, additionally the calendar days the asphalt plant operates during night time hours shall be documented and information regarding such, such be provided to the County, and once again upon request, I'd like that you know I think that can be kept in, but that seemed rather tortured. Does the clean copy read any better than that?

Mr. Zuraf: It reads, 28, I will read it... additionally the calendar days the asphalt plant operates during night time hours shall be documented and information regarding such must be provided to the County upon request.

Ms. Barnes: Once again can we just take out the upon request? And it doesn't have to be I mean something like that because it's the night time hours, that may just be an annual report, an annual, you know a statement that they can just send us and you know just keep us in the loop on that.

Mr. Zuraf: Okay.

Ms. Barnes: Okay... number 34-

Mr. Apicella: Can we go back to 27, same issue about emergency so we might want to identify the no later than under 27 as Mr. Randall suggested.

Mr. Randall: This is the asphalt plant I didn't think we had any control over the asphalt plant. We're making all these changes to the asphalt conditions and I don't think we had any control over those, so are we able to-

Mr. Apicella: It's in the document, it's here, it's a comprehensive look at the conditions.

Mr. Randall: But the asphalt plant is not part of the conditions.

Mr. Zuraf: It's for the new location.

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Mr. Randall: Oh so when they move the asphalt plant in 2090, then they'd be subject to these new conditions.

Mr. Zuraf: Yes.

Mr. Randall: That's what you're saying to us. But the current asphalt plant in its current location is not part of this application and these conditions are not applicable to that asphalt plant, correct?

Mr. Zuraf: Right, correct.

Mr. Randall: Alright thank you.

Mr. Apicella: You're gonna have to help me there, why is that the case?

Mr. Zuraf: So in 2009 they received a conditional use permit approval for that use on Parcel 19-67T and so that conditional use permit still stands and, and the current application requests only quarry operations on that same parcel and then involves basically a new asphalt plant in this new location on the adjacent property.

Mr. Apicella: Can you clarify that for me?

Mr. Randall: Can you go to your staff report? Pull it up on your staff report.

Mr. Zuraf: I can't go to it on the screen.

Mr. Randall: Oh. What about your presentation? Can you pull up your presentation? I'm sorry.

Mr. Zuraf: Can I have the computer please?

Mr. Randall: I think you had a better one. Go back two. There you go. So currently the existing asphalt plant right there has conditions that are not applicable, that are not a part of this new application.

Mr. Zuraf: Correct.

Mr. Randall: When we move it to the relocated plant, relocated area up northwest and that gets moved then any conditions that we talk about apply, so yes we can talk about them now-

Mr. Apicella: I'm not sure agree with that and so again I'd like an interpretation from our counsel, I see how I'm gonna use 31, access to the asphalt plant shall be limited to the existing entrance onto Garrisonville Road, the single entrance may be widened to utilize the two adjacent 60 foot rights of way, that's an existing condition.

Mr. Zuraf: Yeah, they'll still use the same access point, it'll just-

Mr. Apicella: I thought the whole purpose of this application was to incorporate all conditions right, so you're saying only some of the conditions but not all the conditions are being incorporated.

Mr. Zuraf: It's the, that is the stand alone separate use that still applies.

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Mr. Apicella: It's not gonna be a Vulcan property in the future so why, why are dealing with the asphalt plant then as part of this?

Mr. Zuraf: Because they are proposing to expand the quarry onto that property and then the asphalt plant would be relocated.

Mr. Apicella: Okay well that's confusing to me because I thought this was a comprehensive change for what's happening on the site, so we're picking and choosing what pieces of it that were gonna be co-mingled into one document, that's kind of what you're saying.

Mr. Zuraf: It's that everything's changing except for the resolution for 09, the 09 resolution for the asphalt plant on 19-67T, where it's existing asphalt plant site.

Mr. Apicella: Okay.

Ms. Barnes: Okay and then I think the last one I have is, the next page, it's conditions applicable to the concrete plant operations, just on that number 34, if we could take out the upon request, I just don't think it hurts, not to beat the dead horse but there it is again. Like I said maybe because that's night time hours maybe on a quarterly and annual, which I think maybe just an annual would be sufficient for that so we could at least keep track of that. Okay, I'm gonna yield and let somebody else get in here.

Mr. Apicella: Are there any other suggested changes to the conditions that we can talk about later?

Mr. Randall: Yes, but I'd like to hear the applicant first and then we'll talk to the applicant and then we'll come back maybe after the public hearing to talk about other things, alright thanks.

Mr. Apicella: Are you finished with your report?

Mr. Zuraf: Pretty much, I did, on the presentation I had like one last slide and at this point previously we had been recommending deferral because of the issues, at this point with the changes we were recommending approval for the reclassification and proffer amendments and also approval of the use permit subject to the reclassification approval due to the amendments addressing several of the negative issues that were originally raised and then just the point that you guys already know that the deadline is August 20<sup>th</sup> and the 100 day deadline for decisions is August 20<sup>th</sup> and your next meeting is after that so this is the last chance to take action unless the applicant provides additional time, and that's it.

Mr. Apicella: Thanks Mike, any further questions for staff? Alright, thank you very much would the applicant like to come forward?

Mr. Leming: Good evening. I'm not really sure exactly where to start. I'm Clark Leming, I'm here on behalf of Vulcan Materials. We have with us this evening a Vulcan crew and a number of experts who will answer a number of your questions. I think what makes the most sense is to go back where we started because there's some pretty simple answers to some of your questions, so maybe we get those out of the way and then we can go wherever you want but before we go too much further into this, the asphalt plant. The asphalt plant operates on its own parcel, independently owned, subject to conditions that run with that parcel. The only reason that the asphalt plant has consented to be a part of this application is so that Vulcan can superimpose its proffers on that location when the asphalt plant moves and the conditional use permit. Right now there are no Vulcan proffers on the asphalt plant location so as part of the proffer amendment, the proffers will be superimposed on that as well as the conditions that

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govern Vulcan materials but the asphalt plant is not otherwise before the County you know didn't apply for anything so they're just an island that is there that operate on their own, so that's why the current asphalt plant conditions are not before the condition. Now the asphalt plant I think would tell you they're fine with all of these things being contained in one document, I think that that's preferable than to have some other satellite document that just contains their current conditions so I think what Mike told you is right. For the new location, that's the new location that's before you, but the current location is simply not part of the application.

Mr. Apicella: I appreciate that clarification. Thank you.

Mr. Leming: Now back the proffers, let's start there. First the easy one, we've used three terms in the proffers to describe some of the buffer areas. There is the undisturbed area that we've used, we've used the term landscaped area, undisturbed area, or those areas where we're going to have existing trees, where we're going to leave alone what's there now. Now, the landscaped area, which is also a term used in a number of the proffers, are those areas where we're adding landscaping, well pursuant to the proffer that I think Mike went over with you in some level of detail, so those are the landscaped areas. The preservation area, where did that word come from? It came from you Ms. Barnes. You said you wanted that area preserved, so that was the word we used, so it is different, you know we're going to preserve the trees that are there. Recall that we also referred to that as the tree save area, so we're saving those particular trees because you ask us to, so that's where that language came from.

Ms. Barnes: There's a significant difference between undisturbed and preserved. I like the word preserved better.

Mr. Leming: Preserve is better, yes. You got a step up there. Okay, now the second issue that I think we can deal with in fairly short order, Mr. Randall, what you said about the proffer and the earlier turnover of the reservoir area on the Parcel 4 is exactly correct and the language that we've used is exactly what it was that we discussed in our meeting and all it says is that if the County determines that the quarry operations area on Parcels 20-4 and 20-3 is required for essential County water supply on a day prior to 2055 but not before 2045, it means you can't get it before 2045, and so notifies the applicant in writing, the applicant shall within five years of such notice cease quarry operations and dedicate the quarry operations area or such so forth and so on, so the way you do that, the way you get it in 2045 is to give notice in 2040, so that means if the County decides that they want it earlier, you give us the five year notice and we're out at 2045 which is the earliest date. Now, on the issue of reservoirs generally, I don't know if anybody here with, maybe Mr. English recalls, Mr. Harvey wouldn't, there was a time when I was actually on the County's Utilities Commission until about 15 years ago and had been on that for a couple of decades. The Rocky Pen Reservoir was planned way back in the 90s and when Rocky Pen, the whole idea with three reservoirs, Lake Abel was already a reservoir at that time, a fully operational reservoir, now there are, there are pipes interchanging going back and forth between them and that was the plan for Rocky Pen Run too. Now, when Rocky Pen Run came online they simply didn't need Lake Abel anymore, there was sufficient water supply between Smith Lake and Rocky Pen Run so Lake Abel was shut down for the time being, but the infrastructure is there so notwithstanding what Mike sort of backed into, I did talk with the County Administrators about this as well and you know what they have said categorically is that the first thing they will do is to go back to Lake Abel because that's where the infrastructure is, they don't have to do much of anything else, they reconnect the lines that were already there, so Lake Abel is number one and it doesn't matter when and it doesn't matter whether they have another option or not because that's the one best equipped to move forward without any other interruptions but even then of course what they've said which Mike correctly reported is that 2055 is the earliest that they think they'll need that even now. So, I-

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Ms. Barnes: Can I make a point of clarification on that? I thought that I read that if they do bring Abel Lake back online that they will have to build a new water treatment plant, so there is that part of the infrastructure that will have to be rebuilt, is that clear?

Mr. Leming: My understanding is that it depends on where the lines run and how they interchange the lines because they could do it there, they could also move water as they have in the past to another water treatment plant which is how it operated in the past when Lake Abel was a reservoir. So, there are a number of options there but under any circumstances I think the most important point here is that the County has said that that's their first choice and they don't think they're gonna need anything before 2055 but even notwithstanding that you have the ability if you want it to get the reservoir pit in 2045 should that become something that is desirable to the County. Now bear in mind that what you're getting here is a big hole in the ground. It will fill with water but none of the infrastructure is there to get the water either to the treatment plant downstream or dump it in to Aquia Creek which is gonna require some state regulation so that it would then refill or add water to Smith Lake which then could be treated, so there are a couple of options but nobody's gotten that far with the plans so anyway we think we've gone as far as we can with that and I think that the County is more than adequately covered there, particularly with the proffer that lets the County move that time up should there be a bonified need for that pit earlier. Now the other point right along those lines cause, and Mike covered this, but it didn't, it didn't put an exclamation mark behind it, the original date, why is everybody leaving? The original date, okay, I know it's a long meeting, the original date that we had under the proffers for the turnover of the second pit, remember we're talking about the second big hole in the ground, notwithstanding the incredible volume of water the first big hole in the ground is going to cover. Second big hole in the ground, we originally said 2135 which is granted a long time in the future, we think there'll be rock there until then but what we've done is to say okay we'll revisit it and this was the result of discussions with you Ms. Barnes and Mr. Randall and we backed off 2210, so we've reduced that time. There used to be 50 years in between the two pits, Hampton Pit 2035, 2085 for the second pit, now we have 45 years, maybe less, maybe a little more in between those depending on when the first pit is turned over so I think that's I just wanted to make those points about that, now with regard to the proffer about land disturbance. The only thing that we're really concerned about there, and I suggested earlier today that Mr. Zuraf check with I guess Ms. Lucian to see about this, you know we simply don't want an undefined term, you know, what does it mean land disturbance, who makes that determination, you know a, as I said in my email to Mike, you know, some neighbor on the outside, they had a bulldozer in there, you know a zealous County official, what does it mean so, we adopted or we tried to adopt the County standard for land disturbance which specifies a particular quantity of land that would have to be disturbed to constitute a disturbance. Now, Mike wrote me and said oh but you know you're not covered by that, I disagree. If we proffer that that's the definition, we don't get to come back and say oh we tricked you, you know, we're not covered by that so we can't do that so now beyond that, that's all we're trying to do, I think as a matter of law, if we proffer that, we can't come back and say you know it doesn't apply to us so I think it's a resolved issue. If somebody wanted to suggest another definition, you know, we're certainly open to that but I'm just not sure it's an issue. Now, with regard to the, there are two other things besides listening to me, we want you to do tonight. We do have experts with us. First we have our sound expert and you have before you a full sound study now and so we want to go over the most salient points of that, we also have our blast experts with us who conducted the tests on adjacent property owners of some of the blasts that you asked us to do. So, they're here tonight also to give you the results of that and I think they can clear up some of the confusion about who monitors this, what the standards are, what the difference is between sound and vibration, both of which, now Mr. Apicella's not here for me to tell him this, both of which are regulated by the state and so they, I think they will be able to clarify that for you. Now, the other big area that was raised, we'll jump over to the conditions for a moment and I don't want to short change anybody on the proffers, oh Mr. Bain, you did ask about the top of the berm. All of the proffers you will

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see, we're going to, they're both the side and the top of the berm, were particularly spelled out within the proffer that we gave to the County so there will be certainly circumstances if we have an all road 2:37:47 and they have to go further up when there will be the foliage and the trees at the top of the berm. Now, when you, after we've addressed the issue though of tree, noise attenuation, sound attenuation, and a berm sound attenuation, and we have some results to share with you about that. So, I think it will assist in with you understanding of what really is more effective based on the tests that we've done and prepared to share with you tonight. Mr. Apicella I just said that we do have-

Mr. Apicella: I did hear, I appreciate it.

Mr. Leming: Okay, okay, alright, I just wanted to be sure that you heard that. Alright now, those were the comments that I wanted to make with regard to the proffers. If there are any, I think Mike went through them all for you, if there are any other questions that you have about the proffers please bring them to my attention and we'll deal with those you know before I go over, turn over to some of the comments that you made about conditions that we do have a few comments on.

Ms. Barnes: Mr. Leming there is just one more thing that I just discovered, trying to think, I think it's under number two buffers and berms, there was a redline, on my document it's page four, it says all plans for vegetation shall be provided to the County upon request and that was crossed out, is there any way we could leave that in?

Mr. Leming: Well the reason it comes out is because you've got a standard now built in, you know we have to comply and you have to inspect. If you see for each of the berm proffers, there is the reference to the County design and construction standards landscaping manual, so that's the standard.

Ms. Barnes: Okay, I understand.

Mr. Leming: You're involved. Now, I will call to your attention that we're not sure and I think that staff agrees with this, we're not sure exactly what's going to grow on the side of the berm so there is some leeway for what will grow there, because we want effective plantings, but we're dealing with elevation and angle and water supply and so we want to be sure that things are planted on the side and the top of the berm that are actually going to be more likely to survive, so there is some leeway there, but all of the, all of the buffers, all of the vegetation on every single buffer has been enhanced and it's been enhanced in several ways. To the east another 50 foot has been added to the vegetation, it's on the side and the top of the berm. To the south next to Eastern View another 100 feet of vegetation has been added, there's already an undisturbed area of 100 feet. And to the west where we have the stream diversion and are somewhat locked in we have added another 25 feet of vegetation, again it's on the side and the top of the berm, so the berm proffer has received a great deal of attention. Now-

Ms. Barnes: One last thing, well I can't promise that but we'll go with that, this is something about the gated emergency access points shall be located in an approximate present location of Dun Rovin Lane as shown on the GDP, I seem to remember at some point looking at the GDP and that emergency access was actually labeled as a secondary access, so is there clarification, did I read that wrong, I mean that was-

Mr. Leming: No the proffer governs.

Ms. Barnes: Okay the proffer governs okay, so it's an emergency access not a secondary access?

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Mr. Leming: Yup.

Ms. Barnes: Okay.

Mr. Leming: Yes and with regard to, now with regard to your conditions, you know there are several things now where you're covering things both in your conditions and we have them governed in the proffers so that line has gotten even fuzzier than perhaps it was, but you have a condition regarding the emergency access on that same road, you know we don't, it's your condition, however you want to define it, it's for the County's purposes and so that you can get to places on the property so we don't, on that particular issue we really don't have a dog in that fight.

Ms. Barnes: So it wouldn't be a problem if we put a gated emergency access for emergency or vehicles, I think that's what we were discussing about putting in there, public safety.

Mr. Leming: While we're on the subject of emergencies, I'm turning to the conditions now, I want to stop talking about proffers-

Mr. Apicella: You offered for folks to ask questions about proffers, so I just want to be sure that no one else has any questions about the proffers first? Everybody good?

Mr. Randall: No, I, hold on-

Mr. Leming: Okay on to the conditions, while we're on the subject-

Mr. Randall: Mr. Leming, hold on-

Mr. Leming: Yes sir.

Mr. Randall: Sorry, I didn't make it clear, I have one quick question. We talk about it in the conditions as well but as you just mentioned we sometimes will cross pollinate between the conditions and proffers for certain things and so if you go to the permitted uses, it's 1A, at the very bottom of that, you see where it reads no excavation or rock crushing activity shall occur on Tax Map Parcel 20-2, you see that?

Mr. Leming: Yes, uh huh.

Mr. Randall: Okay what is the earliest I could start doing excavation or rock crushing activity on the Pollard tract as according to what we do right now? According to the current situation?

Mr. Leming: Well let me be sure I understand your question, the issue that had come up before was the one Ms. Barnes raised about the five years but this is categorical, this just, this just says you know there's not going to be any rock crushing activity on Tax Map Parcel 20-2 until excavation is ceased over on the Hampton Pit, period.

Mr. Randall: So currently, excavation could, by the current situation, excavation ceases five years before you have to turn it over?

Mr. Leming: You mean excavation ceases on the Hampton Pit?

Mr. Randall: On the Hampton Pit, right now it's designed to be turned over in 2035 correct?



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Mr. Leming: Uh huh.

Mr. Randall: So you would cease operations in the Hampton Pit in 2030, right because it would take you five years to transfer?

Mr. Leming: In all likelihood-

Mr. Randall: In all likelihood, that's what we've been talking about is the five years, right so, you could, okay, so you could blast somewhere on the Hampton Pit, somewhere on the original pit down to where we talked about, around the 2030, 2035 timeframe.

Mr. Leming: Yes if we come, well we could do that now, remember this is a new proffer. We could do that now.

Mr. Randall: Right, right. So, I'm looking at that as a, I need a timeframe. I don't need an excavation ceasing. We had talked about previously in our meeting about trying to put a timeframe on when we would actually go to the Pollard tract if that's the case. In here it says excavation has ceased on Tax Map Parcels so we cease activity on the Hampton Pit, let's just say 2055, 2050, right, you go to the original pit and this may be for the team, you go to the original pit, you know what would be the time frame before you would actually get to the Pollard tract? Mr. Leming are you, Mr. Cobb, I need a timeframe, we've been talking about these time frames, I know you've been hesitant to give me one, but I'm gonna hold you to something as far as what the expectation is that you would actually get to the Pollard tract as far as blasting and actual excavation activities.

Mr. Leming: So a certain period of time after we-

Mr. Randall: Yeah because when you move to the original pit, you're really not gonna, the first blast in the original pit is not going to be on the Pollard tract. No, how long is it gonna be before you actually get there?

Mr. Apicella: Can you just say who you are?

Mr. Cobb: Certainly, I'm sorry. Glen Cobb with Vulcan Materials Company.

Mr. Apicella: Great, thanks.

Mr. Cobb: Nice to see you in person. So I need to back up a little bit as to help myself answer the question.

Mr. Randall: Sure.

Mr. Cobb: You're gonna say ... we will say start the five year clock, okay.

Mr. Randall: Sure.

Mr. Cobb: There will still be some activity going on in the Hampton Pit day one.

Mr. Randall: Close out activities?

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Mr. Cobb: Trying to finish up, maybe some additional extraction type stuff to clean up edges, whatever, over in the, have you guys, yell at me if I say something wrong, in the central pit there is a ton of prep work that has to go on and we went through this exercise back when we were working on these proffers of, we'll have to dewater, we'll have to clean up roads because access pits have collapsed all those types of things so there's a lot of clean up type access work we have to do. And the projection at that point was, it was gonna take about five years to get that done, so that's why we had that five year notice.

Mr. Randall: So you'd be winding down in the Hampton Pit and winding up in the original pit.

Mr. Cobb: Right.

Mr. Randall: Okay.

Mr. Cobb: So as we're getting everything cleaned up, ready to start working and excavating over there, the proffer says we can't excavate both.

Mr. Randall: That's correct.

Mr. Cobb: So we'll have to say we're done with our excavation over here, everything's cleaned up in the Central Pit and we're ready to go and we anticipate that's gonna be about five years.

Mr. Randall: Okay.

Mr. Cobb: From that point up to when we actually get to the Pollard tract, I don't know that answer, but the concern that had come up was the way that the proffer was worded and I think Ms. Barnes brought this up and it was a way we hadn't looked at it. The way the proffer was worded that said we could do that little bit of excavation on the Pollard tract up in that kind of northeastern part of it.

Mr. Randall: Sure, sure.

Mr. Cobb: Because we were changing it to allow that activity on that portion of the Pollard tract, technically we could have done it the day after you approved the application, and we were saying that was not our intent. So that's why we tried to come back with this other language that says it won't be going on until after you have gotten out of the Hampton Pit so that's what the intent of that is.

Mr. Randall: Sure, but then to my point, you could, you could decide to go straight west before you go south, is that fair to say?

Mr. Cobb: We could.

Mr. Randall: Okay but the decision that you've made is to go south into the Pollard tract, then to move the asphalt plant, and then eventually go west towards Toluca Road, right?

Mr. Cobb: Right.

Mr. Randall: But you could if you needed to, you could if you wanted to go straight west and leave the Pollard tract completely alone until such time as you finished the western, the Martin Lewis, Martin Lewis is that what I'm-

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Mr. Cobb: Martin Jones.

Mr. Randall: Martin Jones, the Martin Jones tract, towards west right. What was the reason why you decided to go south first before you go west?

Mr. Cobb: So it's all about pit design and we have geologists on staff that that's what they do. You've seen a couple drawings that my planners do for us. It's an incredibly extensive process where they, they'll do profile shots in the areas where we're gonna produce, they'll figure out what stone is where, they'll figure out how much of it is there, how long it's gonna take to mine all that and they develop these very complicated 10, 20, 50 year plans on how the pit progression develops. So that's what was involved with, if we can get that bump out portion on Pollard, it helps us get that flow going so that we maximize the extraction areas within that Central Pit, based on profiles, based on everything else that those guys do.

Mr. Leming: The purpose of these bump outs, both of them, is to get into the rock that is currently beneath the benches in the current-

Mr. Randall: No I understand that and we'll get back to that. So, if you were talking about additions it should be no excavation or any crushing activity, not just rock crushing, I would also like it to concrete crushing as well, to add to that proffer and then we'll talk about adding some conditions to that but it should be excavation or any crushing activity not just rock crushing.

Mr. Cobb: I think we consider the crushing activity to include the concrete crushing.

Mr. Randall: I would agree with that but that's not what it says here so let's change that to rock, let's change that to any crushing activity.

Ms. Barnes: It's in the conditions.

Mr. Randall: I understand. I would like it to mirror what it says. Okay.

Mr. Cobb: So your point is you want to say the Pollard tract will not have rock crushing or concrete crushing-

Mr. Randall: Anything, any noise generating activities, right, we talked about that before what the definition is but we're pretty clear, I would like it to be what it was when we first bought the land, right and the agreement was with the lady that we bought it from and whatever that proffer was that allowed her to feel comfortable enough selling it should be mirrored, right that's what we should continue to follow. Okay, take out any crushing activity period, yes please.

Mr. Cobb: Okay.

Mr. Randall: Alright I, you took out the fencing added it to the condition, we'll talk about that when you get to conditions. I think the transportation lock box at the emergency vehicle access on Dun Rovin Lane in 3C I think that meets the requirements, yeah I don't, I think the liability insurance we talked initially about five not two, did we change that back to two, the liability insurance?

Mr. Leming: We never changed it to five, we checked on it-

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Mr. Randall: We talked about it, we talked about that-

Mr. Cobb: Yeah, you asked me about it-

Mr. Randall: Yup, I did.

Mr. Cobb: -and I said that I didn't really know what we could do, I'll check and see, I called our bond liabilities guys out of our office, they said most everywhere we're going they're doing two million dollars in liability insurance, that's been very ample we haven't had problems with that so that's what they asked me to put in there.

Mr. Randall: Alright sounds great.

Mr. Cobb: And that's doubling what's current.

Mr. Randall: Agreed, agreed. Nope the rest that I have are questions or conditions so we can move on.

Mr. Leming: Okay, so now conditions, and we can go through them but a couple of general comments and I'll wait just a minute for Ms. Barnes. First, the other emergency issue, we've talked about the emergency road, there's never been an instance when the emergency provision has been utilized so number one, these are your all's conditions you know it's really, that's why we haven't attempted to define it because we don't know and largely this is there for your convenience, the most likely scenario we can imagine and you may not want to box yourself in, is where the County needs something in a hurry, where there is some kind of infrastructure in the County or some kind of emergency circumstance but we, at the rock quarry you know we do our work through the day. I mean of course we'll get to the hours in just a minute, we have a few hours to do the work, but generally speaking we're able to produce, crush whatever's necessary to be done in the day time so that is really your all's call but I would think probably it's been this way forever and ever there's never been an issue, we've never asked to use it, so it's not like we're sitting waiting for the opportunity to you know come to you and say oh we've got an emergency please approve it. Did you want to-?

Mr. Cobb: May I add one anecdote?

Mr. Leming: Okay, do an anecdote yes please.

Mr. Cobb: And last time I introduced myself every time and they made fun of me so I won't do it every time this time. I do want to make sure, we have not used that emergency provision, our company has, and one example is, you may remember in Atlanta when there was a giant overpass collapse and it completely bottle necked all of downtown Atlanta for who knows how long. They had to use an emergency provision then to be able to continue to operate to quarry, crush, get rock developed, get it available for the contractors to put into product to try to restore the infrastructure. So you don't anticipate those things but it's those very dramatic types of issues that we think this could be used in that format but there may be another way you can address that I don't know but I didn't want to have that particular piece of knowledge and-

Mr. Apicella: And that's fair, my point is we probably won't be here when this, the duration of this CUP and proffer amendment cease to exist, so personalities will change and interpretations will change and I don't disagree that that's probably a decent set of circumstances it's just undefined here and I can't grasp at what the right language, I don't want to box ourselves in and that's why I say I'd like to have some

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parameters around what that means. Maybe you can help us, I don't know, I don't know what the right answer is.

Mr. Leming: Remember we've never done it either.

Mr. Apicella: But you might want to so I'm not trying to forestall it, I'm just trying to put a box around it.

Mr. Leming: The main thing we don't want to happen is for when the County does have an emergency and needs the stone, we don't want you to go to Luck Stone.

Mr. Apicella: Oh that's an option let me write that down.

Mr. Leming: Right because they don't have such a provision. So I mean it's, it's really just it's for your convenience I think more than anything but and Mr. Apicella I'm really not sure what to, what sort of parameters to tell you I mean I don't know you would possibly envision but you know your Board of Supervisors appoints the County Administrator, he reports to them, you could say the County Administrator in consultation with the Board of Supervisors or a specific Supervisor if you want more control over it so it's you know it's not just a staff person winging it but it seems to me that-

Mr. Apicella: I think that's probably not a bad suggestion in consultation with the Board of Supervisors.

Mr. Leming: We're certainly fine with that too. Okay now, the two other issues. First the reports. You want all of this, all of this paper Ms. Barnes, you are gonna be inundated with reports so I would like to point out that we're not aware that the County has reviewed any of these things in the past except when there is the allegations, there have been a few in the last couple of months, two in the last couple of months, where there's an allegation of some violation of state law or some state regulation then you will get a notice about that and that's the way it's operated within the last few months so you know about those situations if there is a complaint or something like that. You know I would submit that that's probably the most important thing for you to know, you know the asbestos provision you know there may not be a compelling reason to lose it but there's no asbestos in the rocks on this side, they wouldn't be mining it if there were so it's a really outvoted condition you know we wouldn't touch it with a 10 foot pole so you know I mean you might want to think twice about what you're asking for and to Mr. Bain's point, what you're gonna do with it, who would review it, I mean if we do it electronically I suppose it doesn't really hurt anything but you know what are you gonna do if you get a freedom of information request for all the reports that Vulcan has submitted and you know of course somebody making the request might have to pay for the printing of them all but you know all of a sudden you've got a whole bunch of paperwork that you're obligated to pass along so I just, it seems to me you ought to think about what purpose you would have for these state reports which are going to a state regulatory agency to determine whether or not they're in compliance with the regulations that govern them so you know be careful what you ask for, I'm just not sure you really want those.

Ms. Barnes: Well I think that what we're asking for is not necessarily piles of paper but just electronic and that might be something that's a little less cumbersome.

Mr. Leming: It's just as if you had them by paper I mean you know.

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Mr. Bain: Question to that, maybe for Ms. Lucian, does the County receiving those reports assume any sort of liability if a problem were to be documented and the County didn't pick up on it and something happened?

Mr. Leming: I'll defer to your attorney on that.

Ms. Lucian: I would have to research that, it's not something I can answer right now but most likely no, but I can't give you a definitive answer because I haven't looked into it.

Mr. Leming: A good attorney could probably come up with a good theory about that, maybe what you really want to do is, I don't know when you'd do this but what things are you interested in learning about?

Mr. Apicella: I think the, what the County would like is to be notified when there's a significant issue right, and presumably that's what you're gonna report in some document you send to the federal or state government. We wouldn't know that because we are not asking for it so maybe instead of saying every single report that when you identify and I'm trying to think of a broad enough range of issues but not an exclusive range, that you let us know.

Mr. Leming: Alright let's see if we have a suggestion.

Mr. Cobb: May I take a swing at it?

Mr. Apicella: Sure.

Mr. Cobb: You know reports are things that we have to do constantly and I was sitting over there we were just kind of running through just a few, you know off the top of our heads while we're talking about it, so if you're gonna do something like that we really need to understand the definition of what reports that you're talking about. If you are getting at something like, which I'd assume, we're doing something untoward where you're violating a condition on a proffer or we've got some alleged violations-

Mr. Leming: We're not gonna tell them we're doing that though-

Mr. Cobb: Yeah we will.

Mr. Leming: They have to figure that out.

Mr. Cobb: If we've got a violation of some, of our regulatory entities, and that's the big volume of reports, that's called a notice of violation and when we rec-, when they do their check on that they notice us and they notice you so you're already getting, if we were getting them, you're already getting those, so that would not be something new for you. We just, we just don't get them. We've gotten these two where there was the request about the berm issue and there was the request about the activity on the back of the Pollard tract and both of those have been copied to the County, you actually got them before we did.

Mr. English: Do you guys do an annual report? Do you do an annual report with the company, an annual company report?

Mr. Cobb: Oh yeah.

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Mr. English: Have you ever sent that to the County? Maybe that's something that would be in there. That would probably cover everything I would think, if you had a violation it would be in your annual report wouldn't it?

Mr. Cobb: No, our annual report is, it's for corporators to know.

Mr. English: Okay.

Mr. Cobb: But I mean if you're looking for us to make sure we're keeping you abreast of violation type issues, yeah I think I would say we are and it certainly behooves us to continue to do that. Because the last thing we want is all of a sudden you got surprised and get frustrated with us that's not working for us.

Mr. Apicella: So when you say you provide it to the County, is that because you're required to?

Mr. Cobb: The noticing agency notifies the local jurisdiction.

Mr. Leming: Right we don't do it, the state does. They send you, and Mr. Harvey got one of those not too long ago, you know asking about a particular issue. Now you know maybe the requirement would be any documentation that's in the possession of Vulcan that indicates that there is violation of any state regulation and I don't think we can police ourselves with regard to your conditions I think that's the job for your zoning staff but you know certainly-

Mr. Apicella: I think that's good, provide us any information that identifies a violation of federal or state regulation.

Mr. Leming: Okay those are contained in the report so if we could do something like that then I think we won't have any problem giving you anything you ask for but just to do it as a matter of routine is a whole lot of material that I really don't think you're ever gonna use.

Mr. Apicella: No I appreciate it, I think there's unintended consequence and so we've probably come to what we're, what I think Ms. Barnes is trying to drive to, getting a heads up when there's been a violation.

Mr. Randall: So Mr. Lem-

Mr. Leming: Mike if you could draft something along those lines, now-

Mr. Randall: So Mr. Leming I have, can I ask one more question about the request.

Mr. Leming: Sure.

Mr. Randall: I noticed that in here very often, it talks about upon request, upon request, upon request... there is even one here that says upon request with 30 days' notice... so why upon request, wouldn't we just say that everything that we do-

Mr. Leming: Here's why-

Mr. Randall: -other than proprietary information is available to the County, period?

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Mr. Leming: Made available is different than providing I think, it's certainly available but here's why Mr. Randall that you know, we're leery of that kind of condition.

Mr. Randall: Sure.

Mr. Leming: You know, if we're required to do this and we miss one, you know but completely unintended, this is a conditional use permit, you know not unlike your situation with the trucks out on 610 with the covers on them you know we don't, that's our condition we don't control the trucks so you know we've got a good bit at stake you know if you're talking about a myriad, I mean literally dozens and dozens and dozens of reports that we're supposed to provide to the County and we fail to do it, you know there's a violation of the conditional use permit.

Mr. Randall: No let me rephrase my question, obviously I wasn't clear. We have in here, let's go for example, and I'm just pulling one up randomly right, number 22 talks about spill control and stormwater runoff control system, shall be operated and maintained in a manner that complies with the plan approved by the Commonwealth of Virginia, so we will do something and operate our control system in a manner that applies to the Commonwealth of Virginia. A copy of the approved plan and any relevant updates to the plan, and this is how it's written, shall be provided to the County upon request.

Mr. Leming: Yes.

Mr. Randall: Rather than, I would like to see, shall be available to the County, period.

Mr. Leming: What does available mean?

Mr. Randall: Available, do you want me to define to available?

Mr. Leming: At our office here-

Mr. Randall: Yes.

Mr. Leming: With the stack of reports here?

Mr. Randall: It means that if Mr. Harvey decides he wants to drive up there and says I would like to see the copy of your master, the copy of your run off control system plan, then you'll say oh no problem sit right there for a minute I'll go get it, and it's available to the County to go look at, right, I don't know how that's different than requesting anything, yet we-

Mr. Leming: Here's the definition of available, means if Jeff Harvey comes, I want to be sure this is all on the record here, that when Jeff Harvey comes to your office-

Mr. Randall: Not Jeff Harvey, let me take Jeff out of it then, I don't want to hold Jeff to doing that but a County employee, a County somebody who wants to go check the stormwater requirements and the stormwater processes of Vulcan, that they don't have to okay let me, do I, is this a formal request, is this an email request, is this a phone request, is this a 30 day request, how do I make the, no, it's available to the County. The County shows up and says-

Mr. Leming: We're good, we're good.



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Mr. Randall: Perfect. And the problem is, is that same language I read at least eight or 10 times through these conditions. So I would like to look at those conditions that talk about upon request and simply say we want to make them available to the County, period.

Mr. Leming: That's fine with us.

Mr. Apicella: I think that's something we're gonna have to talk about amongst ourselves whether available or provided is the better route to go.

Mr. Leming: Okay. Now, the last issue I wanted to address, then you all may have other questions and remember we have sound guys and blast guys here, hours of operation. Ever since its inception here in Stafford County, Vulcan has commenced operations at 6 o'clock in the morning and while I understand what you were driving at Mr. Apicella, you know coming closer, let's put that aside for just a moment and come back to that. The portion of the activity that opens up is in the central, exactly where it is right now, you know that's what opens, it's the machinery that opens up at 6 o'clock in the morning, it's trucks loading where they load right now, where the piles of rock are right now. Now the reason that that period of time is important, not just to Vulcan, most of our materials go to construction sites and they start then you know so you're not just pushing Vulcan back an hour, you're pushing all of these construction projects, or at least the supplies that they need, you know, maybe there's some way that you dance around that but that's why we have always operated from 6 o'clock in the morning, and that's why they wanted to do, remember the first condition here for the concrete batch plant, they wanted to do 5 o'clock in the morning, it's to get the material to the construction site as early as is possible so you know we would prefer to see the hours stay as they are. Now, coming back to coming closer, I realize you were participating virtually at some points in the past but we actually did a whole series of measurements and recall that in these bump out areas and we drew in what you may recall where the steps were going to be, first step, second step, so forth, so you know, the first step down I think everybody agrees is simply removal of dirt, okay, you might get into some rock when you get down to the second step but with each step you're getting another 30, 40, at least feet away from the adjacent properties and we actually drew those in and the distances from even the top step over to the adjacent properties. It's a sizeable difference and it is and we can actually show you, I think we could if we have the steps, the distance between those steps and the existing residents and the new residences is no greater than it is right now from the corner of the Hampton pit and the same thing right now if you stay with what you have, with the original pit and the Eastern View houses because you can go right up next to the inside of the berm, so we're not really getting closer you know, that is a perception but if you look at the map and where the work is going on and the distance from where the work is going on then I don't think that that falls-

Mr. Apicella: So you're saying no way no how, under no circumstances are you gonna go beyond the steps that you've previously identified, on those parcels, or that parcel, in that area?

Mr. Leming: Yes. I mean those-

Ms. Barnes: Those steps are getting closer. I don't know what kind of mental gymnastics I have to do to not see that but it's getting closer. There's, it's really no way, regardless of what activity you're talking about you know, the quarry, the actively mined quarry is getting closer to residential areas.

Mr. Leming: Okay, I'm, is it possible to, do we have that? Do we have the display available? The one that shows the steps? I think we can show you that that's really not the case but anyway, I'm just trying to be responsive to what seemed to be the basis for two of your suggestions which were, which had to do with a pretty narrow area of buffer and, and there's a reason it's like that, and also the hours of

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operation which I think you also tied to getting closer but what's going on at 6 o'clock in the morning is not going to be any closer so-

Mr. Apicella: So, so again help me understand, it's 6 o'clock in the morning, what's happening on the site?

Mr. Leming: Okay, Aaron, okay let me let the superintendent tell you about it, tell you Vulcan and what they do at 6 o'clock and how they get started okay.

Mr. Keesecker: Good evening, Aron Keesecker manager at the quarry. Currently we start at 6:00, our guys clock in at 6:00, we start starting equipment around 6:10, we don't load our first truck out the gate until 6:30, we don't start producing until 6:30 in the plant production area, that's every day.

Mr. Apicella: I don't know what that means I'm sorry I'm not-

Mr. Keesecker: We start our equipment at 6:10-

Mr. Apicella: Do you start excavating rock at-

Mr. Keesecker: No-

Mr. Apicella: Okay what are you doing at 6:00am?

Mr. Keesecker: No we don't start excavating rock until 6:30, that's when my loaders get down to the pit.

Mr. Apicella: Okay so there is excavation starting at 6:30?

Mr. Keesecker: Yes down in the pit, which is the furthest point from anybody right now if I'm correct, but the actual processing plant up in the yard does not start until 6:30, that is every day.

Mr. Apicella: Okay that's the current state.

Mr. Keesecker: Yes.

Mr. Apicella: And now the future state, are you saying that in the future that, that production of rock isn't going to move any further, any closer to any adjacent home owners than it is today?

Mr. Keesecker: We'd have to pull up the map for them to explain because I-

Mr. Leming: There are two issues Mr. Apicella, one is what I think makes the most noise that people hear is the crushing equipment and that's you know in one place, don't go away Aaron, you're not done yet, okay, now the excavation and the materials in the pit that he was talking about gathering is a separate operation much less noise loaded than what they're doing with their crushers and their conveyor belts which are what start up early in the morning so-

Mr. Keesecker: Yes, our excavation process, right now where we're mining in the Hampton pit is the furthest one away from anything right now. The plant, the production equipment up top, which is the processing plant that starts at 6:30 that's right there by our equipment. Where our equipment starts at

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6:10, the guys clock in at 6:00, nobody earlier, equipment starts at 6:10 like clockwork and at 6:30 I do not allow a truck to get loaded until 6:30 in the morning.

Mr. Leming: Now what would, if you, if the County moved your opening time back to 7 o'clock what, what effect do you think-

Mr. Keesecker: I mean a lot of that just falls on the customer part of things, I mean again it pushes the jobs, the trucks are there waiting to be loaded so those jobs sites are-

Mr. Leming: Not their trucks-

Mr. Keesecker: Yeah I should say the trucks, but the customer trucks are there waiting to be loaded because the jobs are already going.

Mr. Leming: That's the problem.

Mr. Randall: Yeah.

Mr. Bain: What is the earliest that one of those trucks that you don't own could come into the site?

Mr. Keesecker: Well we open our gates, our employees get to the quarry around 5:30, 5:15, they come in, they get ready for work, to tell you the daily story they come in and get ready for work, have a cup of coffee, get their minds right, the trucks will start coming in, if the gates are open at 5:45 they'll start coming in. You'll have two or three trucks in the morning that will come in and get placed at the pile and then after 6:00 is when the trucks will start to come in heavily.

Mr. Bain: Okay.

Mr. Leming: Now on the, on the other subject of the distance if, if you do want us to try to pull up something that will illustrate that I think, I remember going through this with Mr. Bain a couple of, maybe one of the first meetings and looking at the distance between the stairs you know as you go down and I think Mr. Bain was the one that pointed out that you don't have any rocks, usually, certainly not the first one and usually not the first two, then you get into the excavation and that's further and further and further away because all of the stairs are... you need to come see, the stairs are enormous, so anyway the only thing I meant to do right now was address this issue of hours and have you hear that from our perspective. Now, other, remember they're your conditions but I'd appreciate your letting us comment on them rather than just imposing them.

Mr. Randall: I need, I need you back up here.

Mr. Leming: Okay, Aaron.

Mr. Randall: You may not want to sit down, you may be up here awhile. So I think most of the problem we're having is your rock crushing and concrete crushing. Your concrete crushing are mobile plants correct? You could put them anywhere on the site you wanted, right, if you wanted to you could put them north of the original pit, back up there in the middle of nowhere, it would take a little bit of an issue to get everything back that you've crushed down to the concrete plant but if you wanted to you could put them all the way up north and away from literally everybody but the bears and the bobcats, correct?

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Mr. Leming: When you say north do you mean the Hampton pit or do you mean-

Mr. Randall: Nope I mean north of the original pit, way up in the middle of nowhere, where it's gonna take you a little effort to get all the concrete up there. Could you put them up there?

Mr. Keesecker: Not really, if you, if you visit the site and you see how it's set up right now I mean Mr. Bain and Ms. Barnes have been there to see how much we're limited on space and where I could place that plant in the stockpile for concrete that needs to be crushed.

Mr. Randall: So, but you have the ability to relocate those to where you need them to go?

Mr. Leming: But the place is where you wanna go, that's where the pit is filled with water.

Mr. Randall: No I want it to go somewhere other than where they are now. Okay, and I'm not talking about what you want to do, I'm talking about in the realm of possibility-

Mr. Keesecker: Concrete no-

Mr. Randall: Okay let's make sure we're clear on this, we're not talking about rock crushing-

Mr. Keesecker: No, we're talking about concrete crushing, so we have crushed concrete one time and that was in the fourth quarter of 2019 and it has not been crushed since.

Mr. Randall: Okay so if we said that if and when you do concrete crushing that it will be limited to a very, very strict location on the property, would you be okay with that?

Mr. Keesecker: I think we could dictate a place for that.

Mr. Randall: Okay so we-, sorry, no? Glen says no, you just, I'm gonna hold you to that alright, I need it in, prick your finger put it in blood I need to make sure that I have that written down. So, I want to get concrete crushing off, I want to get concrete crushing off the table, because right now we hear there's concrete crushing all the time, it's what are the loud, we hear it, not hear it, I hear it right, that this is a problem right, and I want to get concrete crushing off the table and if I said concrete crushing is only done at an intermediate time frame and when it is done it will be done here and it's a thousand feet from anybody and it will be run from 8:00 in the morning until 4:00 in the afternoon and those are the conditions associated with a concrete crusher. Could we do that?

Mr. Cobb: If I may?

Mr. Randall: Please.

Mr. Cobb: This issue has come up with us at a couple different occasions-

Mr. Randall: Yup, it has.

Mr. Cobb: -and I was surprised to hear at our last discussion that concrete crushing was what you guys were trying to point at. We've done concrete crushing one time...

Mr. Randall: Sure.

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Mr. Cobb: -in the fourth quarter of 2019. Concrete crushing is a part of our ready mix operation. When we have the bring back operation, the wash out, all those different reasons, there is eventually dried up concrete.

Mr. Randall: Sure.

Mr. Cobb: Concrete as you remember is cement, sand, aggregate, water.

Mr. Randall: And you're doing this to reclaim most of those things, correct?

Mr. Cobb: Just bear with me if you don't mind.

Mr. Randall: Okay.

Mr. Cobb: That is a reusable material right, so crushing of the old concrete is now a very important part of the concrete recycling effort not just in Virginia but nationally and you can see the green benefits of that.

Mr. Randall: Absolutely.

Mr. Cobb: So, to hear that it has been an issue is confusing for us because we've only had it that one time, so when the discussion came up we did agree that we would put a limitation on placements of crushing equipment, which in our mind includes the rock crushing equipment and we have put that 600 foot built all the way around the property saying you can rest assured we are not going to put crushing equipment within that 600-foot band. That 600-foot band is well behind the berms, which you'll see from the sound study work to insulate the sound.

Mr. Randall: Sure.

Mr. Cobb: So if we can look at all this holistically before we start trying to talk about a piece of it right now I think it's gonna help. If it doesn't then let's get back.

Mr. Randall: Right, no I think the other problem that we're having, problem that's the wrong word, the other issue that's been brought up is that concrete, the crushing of concrete has the ability to put something into the air, right, that could be detrimental, okay, how detrimental, what the limits are are all open for a study, right. Those studies have been done. But my point is, is if I can say okay we do concrete, it can be more hazardous than rocks, right and because of that maybe the 600 limit's not good enough, maybe it needs to be, maybe because of the concrete and the function of the concrete crusher and what it does and what it produces, it may be beneficial to move it to another location and provide a larger buffer from the residents than just the 600 feet, okay, so that's what I'm asking, okay.

Mr. Cobb: Yeah well I think the science will show you that a 600-foot buffer is an extremely generous buffer for that and it will not pose any kind of health threats for the community.

Mr. Randall: Okay.

Mr. Cobb: I think we've got the data for that-

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Mr. Randall: Alright well we'll talk about that a little more in our conditions when we talk about air studies, okay. But that, okay.

Mr. Leming: Those were the things that I intended to address, there may be other conditions that you want to ask us about, but those were the ones I made notes. I remember we got a sound study to unveil here for you and we have our experts here to talk about the offsite effects of the blasting, of the vibration. So, Mr. Chairman, perhaps it would be beneficial if we let our experts talk for a while.

Mr. Apicella: Let me just make sure we don't have any other questions yet. Any further questions at the moment?

Mr. Randall: Yeah I have a, do we want to finish them now or do we want to hear it or what do we want to do? Do you want to do all the condition issues now? Do we want to do the public hearing and then finish them, what's the...?

Mr. Apicella: So any of your questions on conditions related to sound or blasting?

Mr. Randall: No, no. So, go to number six on your list of the conditions.

Mr. Leming: Mr. Cobb is just pointing out that once you hear the sound study results and the blasting, offsite blasting results that may affect how you look at some of these things okay-

Mr. Randall: In our discussion in our previous meeting we talked about doing some offsite tests.

Mr. Leming: Yes, number six?

Mr. Randall: Yes, number six. I don't see, could you talk to me where in the conditions it talks about, I mean I know they're ours, I know you worked them with Mr. Zuraf, but we had talked about because, and for everybody's information so I'm clear and I'm paraphrasing so correct me if I'm wrong, but you do a, you do a quarterly air sample that's done by a third party and they, they analyze that air samples quarterly correct?

Mr. Cobb: You're talking about the quarry?

Mr. Leming: The internal quarry?

Mr. Randall: Yup.

Mr. Leming: Yeah, what do you-

Mr. Cobb: We have, DMME does quarterly investigations on site.

Mr. Leming: On site air quality, okay.

Mr. Randall: So, air monitoring?

Mr. Leming: Yes uh huh, within the quarry.

Mr. Randall: Yeah, I'm sure it's being done.

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Mr. Keesecker: Yes, I don't know the exact process but we do send in a, we have three set stations set up that we do send in the dust that is collected near our crushing stations, we send it in once a quarter.

Mr. Randall: So you send it in once a quarter to who?

Mr. Keesecker: We send it into our Safety and Health department and then it goes away from here.

Mr. Randall: Okay do you get a report back on those?

Mr. Keesecker: I don't, I could, again that's Safety and Health department handles that.

Mr. Randall: But Safety and Health gets, when I say you I don't mean you in your individual email address, I'm talking about you, you're Vulcan right now, so Vulcan gets those reports back, correct?

Mr. Keesecker: I'm sure they do. I can't say yes or no because I do not know 100 percent, when we send it out it, yes.

Mr. Randall: Please somebody over there nod their head up and down. Okay, so now you know. If asked in the future now you know. Could we do offsite testing? Could we go gather the same, the same type of air sample that you gather on site, could we do it offsite and do the same-, why? Okay so whoever's nodding their head, whoever's shaking their head over there, come and tell me why we can't do that.

Mr. Cooper: Good evening, Jim Cooper, Vulcan Materials Company. They're two different tests. The tests that we do, we're sampling around our crushers, those are what we call settled finds, that's what's being generated through our crushing process and settles in these dishes and we send those off. Now, what you would look at, and I'm no expert, on offsite testing, but it'd be a completely different test, because that would be something to do that's measuring wind directions and all the atmospheric conditions, we don't do any of that onsite, it's just settled dust testing is all we do on site. Two completely different tests, I just, I know what our test is, I can't speak to what the test offsite would be but I know they would be different.

Mr. Randall: Hm, okay. So, how do I make sure that you are safe offsite?

Mr. Cooper: Well I think, I think that if the protections we do for our employees, I mean our employee health is the first you know utmost concern.

Mr. Randall: Sure.

Mr. Cooper: So, if you know we've got people, such as myself, that have worked at quarry operations for plus 35 years, I'm safe, I'm healthy. I get the, you know our employees are you know, every other year we do pulmonary function tests and chest x-rays and there's you know documented bench marks of that and we track that and no problems. So, if-

Mr. Randall: Yeah, the problem I have with that is past indicators are no guarantee of future indicators and what we do with your employees is different than what we do at three school sites within a mile and a half. And so I hear the question that says they're doing rock quarry operations, we're redoing the conditions and proffers, is it possible to do periodic offsite testing to ensure that whatever's going on in the quarry is not having any impact. It could be zero. Okay, show me it's zero and we'll be good.

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Mr. Cooper: I guess I got confused on the question, you asked me if they were the same test I said no.

Mr. Randall: No it's not the same test.

Mr. Cooper: Can we do an offsite test, yes.

Mr. Randall: Okay, alright, what would be the, what would be the, would that be onerous on your part to get those samples and to send those off?

Mr. Cooper: There's probably you know a financial hit to us, but it's not something we can't do and I'm not saying we haven't done it in the past when we've gone through these situations before.

Mr. Randall: Sure, sure.

Mr. Cooper: So, but just not at Stafford quarry.

Mr. Randall: No absolutely. Okay, so I would like to, whether we write it, Mike I'd like to look at-

Mr. Cobb: Can we add one other quick-?

Mr. Randall: Sure.

Mr. Cobb: So I think we had talked about this at the school, you had mentioned-

Mr. Randall: And I'm only mentioning, so I only talked about the school because they're close, I'm not saying that that needs to be you know, but there are schools close.

Mr. Cobb: You made the statement earlier that blasting is probably one of the most heavily regulated entities that exists, short of maybe nuclear power plants, I think is about what you said, something like that.

Mr. Randall: That's close.

Mr. Cobb: Air is also one of those and air is obviously critical and it's heavily, heavily studied. It is solely charged by the Commonwealth of Virginia that all of that enforcement is trusted to experts in the air quality section at the state. That is what they do. The County is not equipped with experts to see an air monitoring report and pick through the 1990 clean air act provisions that say monitor these six things and tell us if they're under the standard for the national ambient air quality standards. You have to have professionals looking at that. So, that's what we do. That's what the state does with us. They hold us accountable to making sure that we're under that air ambient quality standard.

Mr. Randall: For onsite testing?

Mr. Cobb: Well if, if something's coming from Fauquier County and blowing onto our site, we potentially could get investigated because the condition is on our site right? But if it's not, if nothing's leaving our site it's not going anywhere else and that's what DEQ is doing with us, making sure our operations are safe, we're dust suppression systems, our equipment is operating properly, that's what they're checking for because that's where the dust comes from.



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Mr. Randall: So there is some air testing that is being done.

Mr. Cobb: Yeah I think we said, we've got that, there's also-

Mr. Randall: Well he talked about sediment testing.

Mr. Cobb: Well dust settles yeah, that's what it is.

Mr. Randall: Right okay, but not actual air quality, okay. Because the quality of the air is different than what you've talked about. You've talked about particles, and dust particles that settle but that's not necessarily the same as air quality, correct?

Mr. Cooper: And if I could speak again on that.

Mr. Randall: Sure.

Mr. Cooper: The Virginia Department of Environmental Quality, the DEQ, there's two divisions, one's air and one's water okay. They come out and do air inspections on us all so, and we have to be compliant to their visual emission test on that and that's the standard for-

Mr. Randall: And how often do they do those tests?

Mr. Cooper: It used to be at least annually but you know things have changed and we're probably more than, more than, I should say less than once a year now, so-

Mr. Randall: Okay and you keep those reports on site?

Mr. Cooper: Sure, and they would be available-

Mr. Randall: Those would be available to the County? Upon request.

*Multiple speakers, inaudible.*

Mr. Randall: Provided upon request or available.

Mr. Cooper: Yes, they'll be available.

Mr. Randall: Alright, fair enough.

Ms. Barnes: If I can, if I can interject here, just for a second, I'm sorry Bart but, is there any possible way that we can do a little rearranging of our schedule, I would suggest at this point, because I'm seeing a lot of stiff legs back there.

Mr. English: I agree with you, we need to get the public out of here.

Mr. Randall: I've asked that question three times so, if you want to hold off on these and do the public hearing, that's fine, that's fine with me.

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Ms. Barnes: I would suggest we take a break, if we can, let's decide what we can do, maybe have the public hearing and let these people get their word in and then continue on with some of the more technical things that maybe, I'm just afraid that we're getting so late I'm starting to see people walk out and I don't these folks to miss out on their opportunity.

Mr. Leming: Well the public may benefit from hearing the sound study results because that was a big thing.

Mr. English: Well they can make their point and then they can sit here and listen.

Ms. Barnes: They can listen to that if they'd like, I'm just yeah.

Mr. Leming: Okay, but then they can't comment on it.

Ms. Barnes: I know that we might be missing a small chunk, I don't know if we can, can we even do that, Lauren?

Mr. Apicella: Yeah we can do that. So... what's the... Mr. Leming how quickly do you think your experts can get through whatever they're going to present?

Mr. Leming: Okay we'll do it your way. I think we've probably got about a half hour-

Mr. Apicella: Yeah I do appreciate that, so what we're gonna do unless there's an objection from the Commission, we're gonna take a 10 minute break and then we're gonna open up the public hearing and then bring the matter back to the Commission and have the applicant further brief us.

Mr. Leming: And the Commission will stay to hear the experts, yes?

Mr. Apicella: We'll try.

Ms. Barnes: Thank you.

*Break: 9:34 PM*

*Meeting reconvened: 9:48 PM*

Mr. Apicella: Okay, I'm calling the Commission meeting back to order. I'm gonna open up the public hearing, well the public hearing's already open on this matter for those individuals interested in commenting, you have up to three minutes to provide your comments, please provide your name and address when you come up to the podium. When you see the light and it's green that means you can go ahead and start, yellow means there's one minute left, red means your time is up. So for those folks who are interested in speaking please line up maybe three or four in a row and we'll start with whoever is ready to go.

Mr. Jones: I didn't realize you could adjust this desk until I saw the gentleman playing with it. That's actually pretty cool.

Mr. Apicella: It would need to go on the floor for me so...

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Mr. Jones: Oh, did I get it right? Okay perfect. Technology. This is not counting towards my minutes is it?

Mr. Apicella: Yes so you have 30 seconds left.

[Laughter]

Mr. Jones: Alright so I won't repeat a lot of what I said last time. My name is William Jones, I live in the Eastern View development and you know this comes down to three parties, Vulcan, the residents, and you guys and you know, what we're just simply trying to accomplish is we're just trying to preserve what our biggest investment is, is our home. And so this is not about making Vulcan the bad guy but what it comes down to us, we've been forced in the position where we sort of have to be sort of somewhat adversarial with this and you know again, my perspective is, I just say look at this just from a simple common sense and a simple dollars and sense. And again I use the example of my development, I live in Eastern View, I pay about \$4,000 a year in real estate taxes. There's 161 homes in my development so you do the math that's almost \$700K worth of annual real estate taxes. Then you factor in the other extended neighborhoods, Toluca and the other affected residents that's off of 610. You're talking anywhere close to one and a half to two million dollars annually in real estate taxes. And then you look at Vulcan's impact statement where they mention they pay about \$88K annually in real estate taxes. Again it comes down to dollars and cents. You know, you got one voice that's two million one voice that's \$88K but yet this \$88K's voice is sort of overshadowing the bigger voice. We don't see a balance of fairness when it comes to that. One of their, he had mentioned you know, one of your, I'm sorry not he, Vulcan had mentioned the fractures that's in my foundation is more likely due to me slamming a door versus the shaking and rattling of my house from their detonations. Again, I'm not gonna use any fancy reports, I'm not gonna get up and get any experts I just say to you guys, use common sense. Me slamming a door versus a seismic vibration from a detonation, which is more likely to cause a fracture in my home? Another question I asked them, I said what was the upside to the County, what is their actually giving to the County and he mentioned we provide gravel and stones for the roads in Stafford. Well, you're not giving it to Stafford, I'm assuming Stafford's paying it and if Stafford's paying for it who's the one that's paying Stafford, I am via my taxes so there is no upside to me in this you know, when my home gets damaged I have to pay for it, it's not a tax deduction, these folks they get a tax deduction for this, I do not. So I'm just simply saying use common sense, use simple math, just at the end of the day what is the plus side to this and I will comment on one thing one of your Commissioners said, he asked for the annual report and someone sort of mentioned, you don't need that. Again, I'm a CPA, I prepare annual reports and one of the requirements with the FASB which is the Federal Accounting Standards Board, which is regulated by the Security and Exchange Commission is they have to disclose any litigation that could have a financial impact to their company and that would have to be disclosed not only in the disclosure but it would have to be disclosed financially so I would advocate and suggest to you that you do require them to provide you their annual report. My time is up, thank you very much for your time.

Mr. Apicella: Thank you sir.

Mr. Eastland: Hello. I'm Jeff Eastland I live on the west side of the Jones Martin tract, seven acre farm, our lovely old farmhouse was built in 1875. I have a background in environmental studies. My major concern is the physical health and mental well-being of my neighbors, friends, colleagues, and the residents of the region. So I'm gonna try to make this simple. Environmental health is human health. We are dependent upon the natural world for every breath we take, every bite of food that we eat and even more than that our sanity and we are destroying the very foundation of life that supports us. Even on my

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little place, we have created a wildlife habitat that's a certified wildlife habitat, we don't use any chemicals or pesticides, we have bird feeders and bird boxes, a wildlife habitat, and a rain fed pond and I've seen in the last 22 years a market decrease in the bird species, the number of animal species, and beneficial insect species. Well why is what? In this country we destroy a football field's worth of wild nature every 30 seconds. During the time I'm gonna talk here, we're gonna inhale six football fields. The length of this meeting tonight, try 720 football fields. All of these natural spaces that we have left and we have some good ones here with the Aquia creek and the Chesapeake water shed, they're all interconnected, all of the fields, the creeks, the ponds, the swamps, the trees, the woods, are interconnected, think of it as a chain. When one of those links is busted it damages the whole system ultimately and that is damage to human health and human mental health in the process. You know right around Stafford, I'm sure you have if you can get through the traffic, you see the wood lots being bulldozed and trees cut down and creeks channeled and all for car washes and self-storage units, we're destroying what sustains us and the proposals by the quarry here, all of their many requests, there's a lot of breaks in the links there, you know when you start talking about getting rid of trees to put up berms and filling in a pond and rechanneling this creek and rechanneling that creek and putting a concrete plant on top of existing wetlands... my suggestion is that we obtain an independent environmental impact report, and not one done internally by Vulcan quarry, that's like asking the fox to watch the henhouse, but an independent environmental impact statement to properly assess the air, water, groundwater, wildlife, wildlife corridors, noise, and light for the benefit of the mental and physical health of the residents of the County, thank you.

Mr. Apicella: Thank you sir.

Ms. Farrell-Kuzma: Bridget Farrell-Kuzma. Thank you to all of you for your time and attention and all of your questions tonight. This is not the first time I am expressing concern about Vulcan's proposed expansion and other plans. My concern has moved more towards disdain. The disdain is based on what I experience in my daily life with Vulcan's noise and activities combined with the idea that I need to trust that Vulcan will do what it says it will do since it seems there is really no way to enforce any of it. I have sat through many meetings about this proposal. I listened to Vulcan's representation state that the results of the sound study would be shared with you by the week of July 12<sup>th</sup> at the latest to allow plenty of time for review. Yet it was not shared until this week. I did what I could to read the sound study and I have some points about it. At first I felt more than validated that Joyce St had the highest numbers, that's really close to my house. Then it was cited that the higher numbers were due to traffic. Further investigation and closer reading allowed me to see that M-2 and M-3 are mixed up on the table and in the appendix on the report. I teach third graders. I teach them to accurately label and summarize data. While this may be a simple error or oversight in multiple locations of the recorded and summarized data by a company whose been paid to do this study, it may make one question the validity of the overall study. Trees versus berm. I hope the science of the berm being better than trees makes someone feel better. That someone is not me. I work with an educator who has worked with children for more than 50 years. She states that students' perception is their reality. I would like to apply that same thinking to my life and experiences. There have previously been references to the residents perception, specifically related to noise. My perception and my reality are that it is louder since trees were removed. If the berm is better at sound mitigation what has changed in the operations to increase noise? I know we did not get to hear all of the sound study, from what I read it did not appear that the sound study directly addressed blast noise and sound and we have previously spent a lot of time hearing about blasts and seismographs and there doesn't seem to be any reports from those seismographs studies or whatever has been done. We are aware that a lot has been asked of Vulcan and staff by residents and the Planning Commission. With an application this size including so many changes, there should be work to be done and information to be shared on all sides. As far as changes that have been made to the proposal, the concrete

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plant being moved further back, sure it slightly benefits Eastern View, we don't want any of that to be at the expense of somebody else. We are truly interested in how all of this affects all residents, not just as individuals or our neighborhood. I struggle with the why of bending over backward for the quarry and its large company to make things work for them when it comes at the detriment of the citizens of Stafford County, thank you.

Ms. Kraft: I'm Christine Kraft, is everybody awake? Good.

Mr. Bain: Can you repeat your name please, I couldn't quite hear you.

Ms. Kraft: Christine Kraft.

Mr. Bain: Thank you.

Ms. Kraft: Although it does benefit us to have it moved back, it hurts our neighbors. That's not how we roll at Eastern View and that's why we can have our whole subdivision without having an HOA because we care about each other.

Mr. Apicella: I'm just gonna ask if you could move a little bit closer to the mike because you might not be picked up that far away.

Ms. Kraft: Now, I've been astounded by some things that I've heard. One of the things that astounded me this evening was that the state is to report to you if there are violations at Vulcan and what I'm hearing is you have not received in 40 years one report about a violation at Vulcan? Does this tell us something about the state and how the state views mineral extraction companies? We live in a state where in Appalachia they blow whole tops off of mountains and that's okay. Okay, my neighbors who have spoken so intelligently here are not paid to be here. My neighbors are here because they are defending the welfare of their families and property. My neighbors and myself are not here because of a quarterly profit statement or because of political gain. We are here because we are fighting for the well-being of our families. The testing for noise and the testing for blasting impacts are not blind studies. Confirmation bias is a real phenomenon and one wonders what the conclusions would be if the citizens who live adjacent to the quarry were paying the contractors who are collecting the data. In my opinion the truth about the facts is fuzzy. In my opinion in regards to the Vulcan requests, it is more important to know good from bad than it is to be able to tell truth from less than the full truth. In my opinion those things that are good lift and nurture people in the environment in which they live. Those things that are bad degrade and hurt both people and the environment. Since the statistics for how many complaint calls that County sheriff's department has received in reference to the quarry has been used as a litmus as to whether or not the quarry is impacting the welfare of my neighborhood, I guess I should call the sheriff's department more often even though they are underpaid and understaffed and I don't think they have any authority to act in this capacity. Stafford brands itself as business friendly. If any of Vulcan's proposals are approved, in my opinion the catch phrase business friendly in regards to Stafford County should be expanded to say business friendly at the sacrifice of the welfare of the tax paying home owners of Stafford County. Vulcan should exercise their plan b option for the concrete plant which Vulcan officials described at the high school meeting. The only explanation that I can glean for approving Vulcan's proffers is that the quarry's rock is of worth to Stafford County which we have discussed.

Mr. Apicella: Ma'am I'm gonna have to ask you to wrap up your comments. The light's blinking.

Ms. Kraft: Pardon me?

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Mr. Apicella: I need you to wrap up your comments, the light's blinking, you've had your 3 minutes.

Ms. Kraft: The welfare of the citizens of Stafford is greater than the rock that is being quarried. How can we deal with-

Mr. Apicella: Ma'am I do need you to finish.

Ms. Kraft: Okay, we've three and a half hours on you guys, on you good ol' boys talking to one another, you give me three, you give me the three minutes that my husband-

Mr. Apicella: Ma'am everybody gets three minutes, you had your three minutes, we've heard you and I do appreciate your comments, so you're going to need to let someone-

Ms. Kraft: No you don't or you'd listen to all of them. Is this what we want our legacy to be in Stafford County or is this what we want Stafford's legacy to be, and you wonder why businesses don't want to come here.

Mr. Apicella: Thank you. Next speaker, who would like to come up and give their comments?

Mr. English: Mr. Chairman do we have to take a break, it's 10 o'clock, or keep going.

Mr. Apicella: Okay, so I'm just gonna continue on with the public comment portion of the meeting I just need to get a vote from my colleagues because per our by-laws once we hit 10 o'clock we have to get a motion and a second to-

Mr. English: I make a motion to continue on.

Mr. Randall: I'll second.

Mr. Apicella: Okay any further comments?

Mr. English: Nope.

Mr. Apicella: Alright, all those in favor of the motion to proceed past 10 o'clock please go ahead and cast your vote. Okay motion carries, thank you everybody, thank you sir.

Mr. Baber: Ashby Baber, I really didn't need to adjust that at all but I thought it looked pretty neat and I might want to get one for work so I wanted to try it out and see how it worked. In any event, one of the things I'm here to speak about tonight, this is kind of my, we lived in Stafford County for over 30 years and it's kind of my first venture into something of this nature, having to defend my home I guess is the way I kind of look at it or my sanctity at home. In any event, I'm now put in the position where I'm gonna have to speak about something that I haven't heard, I've got to answer something that I haven't heard the question yet. I'm one of the people who had a seismic meter put in their yard and I'm suspecting here in a few minutes a gentleman is gonna come up who's much more educated than I am and tell you about the scientific part of the blasts, the two blasts that were recorded at my house. I'm hoping at some point in time someone here, because I don't know that I can directly speak to the applicant but and if I'm not sure if there's someone here from Vulcan that can answer the question I want to ask. How much have they altered their blasting and location of blasting since these meetings started in May, because I can pretty much tell you I've been to some meetings with some other citizens and everyone says the

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same thing, seems a whole lot quieter over there than what it used to. So I suspect, like I say this gentleman's gonna come up here in a few minutes and tell you that there's very little recorded from the blast, I was there for one of the two and my wife was there for both of the blasts that were recorded at my house, neither one was anywhere close to what we normally get from Vulcan Material. So I can tell you, you're gonna get some readings, you're gonna get some evidence, some graphs and pictures and things of that nature but in any event whatever he's telling you, you're gonna have to take it with a grain of salt because I can tell you it's a whole lot different than what he's getting ready to tell you like I said, I'm put in a position where I've got to answer a question that hasn't been asked yet. But you're gonna ask him that question to show you some proof and I can tell you that here again you can ask Vulcan if there's somebody here that can answer the question, how much altered since they normally do business because it sounds to me like they're blasting in a different set or a different location and it's nowhere near what it normally is. The first blast that I was present for I did go up to Vulcan materials where they weigh the trucks and what have you, the scale house I guess they call it, there was a lady there and I asked her if I could get a copy of blast schedule she said she doesn't think they have such a thing, she said have you noticed the blast and I said well I noticed one this morning and I said it seemed a little smaller than normal. She said yes it probably was because there's nobody working on Friday to haul that stone off that they blast so they probably weren't blasting as much as what they normally do which, what was my feeling was already. In any event she said I'd try to get you a blast schedule, I left her a name, address, phone number, and an email, I have not seen anything of a blast schedule as of yet. Thank you. And oh in any event please I would ask that you deny any changes to what's going on back there now, no anything any closer than what it is right now.

Mr. Apicella: Thank you sir.

Ms. Rys: Hi, Lori Rys. Okay I'd just like to make a few points. The first one is I and everyone in Eastern View bought their house with the Pollard tract as a buffer which does not allow for adverse noise or quarrying activities between us and Vulcan. Vulcan is moving closer to the neighborhoods. On the east side and to a 55 acre conservation easement which all abut agricultural land. Vulcan pointed out that it would not be a good idea to allow for residential development in 20-3 or 20-3A because the quarry is there. How can the other way around be acceptable to move the quarry towards us. When talking about the seismograph placement Vulcan's blasting expert said the closer to the property the blasting the greater the impact. We all know that there are a multitude of ancillary uses, some potentially hazardous and Vulcan is not subject to Stafford's noise ordinance. The only mitigation besides the hours is distance and it should be the distance we relied on when we chose our homes. And just to point this out, we're still 4.63 miles from the closest DEQ monitoring station. Secondly, I worry about the language of all that I've read and I appreciate you all taking your time to go through that. But the one thing you didn't mention was in the first paragraph of the proffers of buffers and berms in the most, it's not clear that this speaks only to the western boundary, therefore the intended and permissible activity within the buffer area there is not clear. But my largest issue is the use of the word shall in all the proffers and sometimes in the conditions of use because it has a legal definition of may, will, or must and is often litigated. This is supported by a Supreme Court ruling. Please remember we have a berm next to Eastern View because Vulcan's lawyer is exceedingly good at his job. You work, your work here will have impacts for years to come. How can you in good conscience make any recommendation today on the decision if the language does not clearly define the intent. Lastly the proposal still extends the time frame for which the quarrying activities will cease in the different pits but now the time frame is not even clearly defined, it's kind of a point to be negotiated, how'd that happen. It has always been the position of the people who have spoken to you over and over that we understand Vulcan is not going away, we just want Vulcan to be held to their previous agreements and time frames and not continue to grow. Vulcan will not be adversely impacted by a denial, they will continue as is, they have plenty of other land to quarry, but we

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the residents will be detrimentally impacted by an approval. During the last meeting Mr. Randall noted that those who came before you did us all a disservice, please don't make that mistake again.

Ms. Shifflett: Good evening, Kate Shifflett. Many questions have been raised over the past few months by neighbors and the Planning Commission. While many have been answered I think more still remain to be addressed. Item six in the proffers says upon commencement of extraction of rock on Tax Map Parcels 20-2, 19-64, and 19-65, extraction activities on Tax Map Parcel 20-4A and Parcel 20-3A shall cease within five years. There's a five year overlap of extraction of rock on all these parcels. Ms. Barnes spoke to how this might be confusing. Does the language need to be adjusted because it seems like our neighbors are being sentenced to compounded noise. Also in item six the proffers state Vulcan will dedicate the Hampton pit for use as public recreation and/or public water reservoir. At the last meeting Mr. Leming said there's something of misnomer about this park land. He added that there's no land area or access around the pit. I think it needs to be clear what's being promised and what the County and neighbors would actually receive. In my limited time to review the sound study I noticed the chart on page five lists M-2 Joy Street as an average of 70 DBA and M-3 610 as 49 DBA. If Joy Street is louder than 610 then we really do have a problem. It seems these may be mixed up and I worry if other data is also mixed up. In the section about trees, the standard considers dense foliage as sufficiently dense to completely block the view along the propagation path. The trees on the site are deciduous which would vary in effect in this etcetera. However the trees are not on site. They were removed. The updated proffers include distance for blasting from Eastern View and surrounding properties however the blasting area on the Pollard tract does not defined as per the request of Mr. Bain at the last meeting. Mr. Leming pointed to a small area for blasting. It was referred to as a small part of the parcel. This needs to be detailed in writing and on corresponding maps. In March the letter Mr. Keesecker sent neighbors about Vulcan's proposed expansion referred to moving the ready mix facility to the quarry property. Now in the proffers it's referred to as a concrete batch plant. Are ready mix and concrete batch two different types of concrete production? Do you have specifics of what Vulcan wants to build? Does this need to be included in these application files? It was discussed that the County could use Abel Lake and add more infrastructure to their existing system. Ms. Barnes spoke to this. This would cost the County money. Has the County determined the difference in cost for using Abel Lake or the currently proffered reclaimed quarry space? And this is only my list of questions. What else has gone unanswered? It does not seem prudent to move forward with these proffers and conditions when there are so many pieces that are unclear. I shared before that 100 years ago Stafford had a big pickle industry. We never would have expected to be where we are today. Where do we want to be? That's what my neighbor Ms. Christine had wanted to show. Can you in good conscience make decisions tonight without answers that set the rules for 100 years from now? Thank you.

Ms. Prokos: Hello everybody, Elena Prokos. After listening to all this tonight I have so many questions I don't even know where to start. I'll just go with what I was gonna say before we got all this additional information. Words are phrases, just that. Transparency, stewards of the environment, good neighbors, I've heard these words for years, not only on the Vulcan company website, also from Mr. Cobb directly. When I was in high school I took a class called general semantics and that class I learned the generalizations are just that, words. What must be offered are factual examples that back up the generalization or else those words are useless and that brings us to Vulcan quarry. Transparency, what does the Stafford plant do that is transparent? They have meetings and leave out citizens that are very close to them but not directly adjoining the quarry's boundaries, I don't care whose policy that is, that is the way it happens. Decide on a concrete plant long before letting the public know, leaving out pertinent information like hours of operation of the rock quarry or when things are actually crushed and what berms are made of and blaming any complaints that we make that they say they cannot control even though when a truck leaves their property they are not always in compliance. Good neighbors, what does



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the Stafford plant do that gives them a good neighbor award, my good neighbors do not make noise in the middle of the night and it's been the middle of the night and I appreciate Ms. Barnes trying to keep that from happening and Mr. Randall. Do not violate neighborhood rules, let me know ahead of time what they are doing, clean up their messes and drive slowly on the roads I'm using, at least most of them. We all know that Vulcan Stafford and the trucks that utilize 610 do just the opposite. We hear nighttime operations when the back of the trucks that opens and closes make a loud banging sounds that can be heard inside the house and it wakes me up. We see, I see large amount of debris on the trucks and the ones that are coming out in the road are, I know that Vulcan can't control that but they are unsafe. I have a picture if anybody wants to see it of a truck running through a yellow light even though they were very far away from it, another one running through a red light, and the other day I was on 610 and Shelton Shop came an ambulance and the truck just ran through the light, red light again, well it turned green excuse me, but ignored the ambulance, it's just very unsafe. Stewards of the environment, their wild life habitat designation is a group that gives that designation only to corporations for good PR and how many acres are set aside out of the 500 plus acres of the plant. Do they plant native to North American plants and do they encourage pollinators like milkweed? Do they have bird feeders throughout, I think they have one. The only true wildlife habitat on their property is the Jones Martin tract and that is due to Vulcan just recently being, having purchased it and that'll be torn up shortly. And the impact study was not independent, it was done by Vulcan and while they had resource international designate identification of wetlands, we need an independent study, okay I'm gonna close it up. We have been in contact with a lawyer from Chesapeake Bay Foundation who was asking for more information. We have also corresponded with Paul Saunders, manager of Safety and Permitting who tells us usually permits are made prior to seeking approval with the County, so, please why is it that we are acting like the concrete plant has been a green light from the very beginning, I mean when was that decided that it's even gonna be allowed to be there, I'm hoping that you'll consider not to allow it. Thank you so much.

Mr. Apicella: Thank you ma'am.

Mr. Rys: Good evening, Jeff Rys. In the last meeting and as well as tonight Vulcan stated they won't be moving in as, they won't be moving any closer to our neighborhoods but as Ms. Barnes pointed out even a cursory analysis shows the proposed mine site on 20-3A will be closer to the residents on Deborah Drive and Suburban Estates. As for the Pollard tract, you know that it was zoned A-1 when our neighborhood was built, in 1988 it was rezoned to M-2 with conditions including no mineral extraction. Now Vulcan wants to drop these conditions in order to mine the Pollard tract. They say only a small part will be mined but even the graphic Vulcan showed at the last meeting put active mining, that's digging and blasting, closer to our homes and families than it's ever been. Vulcan says that the state DMME requires conditions be removed on the whole parcel. They also state they're only gonna mine a small part of the Pollard tract but we know, now know that what Vulcan says and what they do are not often the same. Even if these gentlemen truly believe what they are saying there's nothing to stop Vulcan from asserting, in the future there's nothing to stop Vulcan from asserting, I'm sorry I lost my place... There's nothing to stop Vulcan from... In the future there's nothing to stop Vulcan from asserting their... that the County's granted them permission to mine the whole Pollard tract and that will mean they can dig and blast up to 600 feet from people's homes, that's two football fields. The County will have no option at that time when people complain about it but say the County in 2021 said they could and just as now we're stuck with what the County did when they allowed the rezoning of in 1988, the Pollard, the Pollard tract should never have been rezoned with its proximity to Eastern View and the conditions should not be changed now. The Comprehensive Plan states in 462 that the County should encourage existing mining extraction operations full utilize adjoining areas. Vulcan is using this policy to justify moving closer to our homes. Existing operations, let's see, there's a one man peat gravel operation in southern Stafford which last, which was last worked in 2018 and produced nine tons that year. Vulcan who

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reported over 628 tons in 2020 and over 335,000 tons in 2019, the assumption can be made that this policy was written for Vulcan and are they the number one employer in the County or do they provide a large source of revenue, no. So, why do they have a policy designed to benefit them in the County plan? As I said the first time I spoke to you, I believe you should say no more, no more expansions for Vulcan, no more rezoning for Vulcan, no more removing proffers, conditions as safeguards, put in place to protect us the residents of Stafford County. Thank you.

Ms. Smith: Hello, Denise Smith. First I wanted to say thank you all for putting in the time and the work, you guys are really rocking it out and I really, we all really appreciate that you're here trudging along and trying, even if we want you to say no to everything you just rewrote. In the process of seeking an independent, I'm gonna speak to something that another neighbor said, in the process of seeking an independent environmental impact study as there really isn't one yet, one neighbor reached out to the Chesapeake Bay Foundation and they were told that when the applicant applies for permits to expand mining activity additional environmental impact studies would be done. They were directed to the DMME for further inquiry. The DMME said, this is from their lawyer, DMME has not received any requests from Vulcan to amend their Stafford quarry mine permit since 2018. That amendment was limited to the storage of concrete materials on the east end of the processing plant. It is not usual, not usual for applicants to seek necessary County approvals prior to requesting amendments to the mine permit. Once an amendment is received by DMME it will be reviewed to be sure, to ensure that it's compliant with the Virginia reclamation laws, regulations for mining, for mineral mining before any approvals are issued. There are so many problems with all of the pieces of this proposal. Existing problems with noise pollution, light pollution, dust, heavy truck traffic, gravel on the roads, damage to homes from blasting, total decimation of wildlife habitat and wildlife corridors, and involvement of Aquia Creek and its own species that we've discussed before and its tributaries deserves as much time and respect in the way of research as any of these other points, so let's not put the cart before the horse so to speak. Or better yet, tell them to finish what they've been given permission to do and walk away. Go find their next place, they've got a lot of years to do it. Just say no to the expansion and extension of their lease on this land. Thank you.

Mr. Apicella: Thank you is there anybody else who'd like to speak on these items? Last call. Alright with no one else I'm gonna close the public hearing, Mr. Leming would you like to respond?

Mr. Harvey: Mr. Chairman, we do have some comments that were submitted by email.

Mr. Apicella: Oh, my fault, I'm sorry, will you ahead Mr. Harvey and read the emails that you received.

Mr. Harvey: Yes, thank you. I'm gonna read the sets of emails that we got most recently, there were some that go back to the previous hearing dates. The first email is from Glen Ackerman, "*Dear public comment section and Planning Commission, we will be on vacation next week and will not be able to attend the Vulcan discussion, please read the enclosed letter into the record if you will. I will be sending a similar one to the Free Lance Star letter to the editor, thank you.*" The attached letter says, "*I write this open letter regarding the pros and cons of the Vulcan quarry expansion plan in hopes of reaching the Stafford County Supervisors who will vote on the plan this summer. The quarry expansion and concrete plant relocations can only mean more air and noise pollution and an increase in trucks in an already congested shopping and living area. The quarry expansion will bring the blast and vibration noise closer to the 600 homes near the quarry. The increase in heavy truck traffic will damage the roads in the area and bring more broken windshields to our shopping and residential corridor. The quality of life for these 600 families will be lowered significantly. The quarry expansion and concrete plant relocation will bring environmental and health impacts with the plan a stream will be re-routed, three*

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ponds will be destroyed and acres of wetlands eradicated. I do not understand how this can happen here within the Chesapeake Bay watershed. The relocation of the concrete plant so close to homes, churches, and stores is of concern. Concrete contains cement, where will the cement dust go, we lived in Belgium for 3.5 years, upon return to Virginia my son was diagnosed with cancer and subsequently got a serious life threatening lung infection. Doctors asked if we had lived by a construction site, no we did not. But we did live by a cement factory and that concerned them. In Stafford County, is Stafford County willing to take this risk with our health. I've covered my cons but we'd like to mention the pros. I honestly cannot think of one. Vulcan says the water reservoir they have already agreed to convey to the County will be larger with the additional quarrying but conveying it will be delayed from 2035 to 2055, is that prudent? Is that really a pro? There will be no new taxes generated, there will be no new jobs created, even when examining the property taxes paid to the County, those 600 homes generate more than Vulcan. Obviously I do not know how the Supervisors will vote but I will not see how they could possibly vote yes on this and if they vote no, nothing will change, Vulcan will continue to operate until 2085. I ask the good people of Stafford to talk with your Supervisors, ask them how they will vote, ask them the benefit of this expansion, ask them about the impacts to the environment, the health of their constituents, the roads, and the quality of life for the people. Next I ask the Free Lance Star to investigate this issue. Why is Vulcan so set on getting this vote done prior to the November election? Should the three lame duck Supervisors vote on this? Look at the campaign finance reports to see where contributions have come from, look at who benefits from any potential land sales, are any County officials benefiting from it. Have environmental impact studies been done? I ask the fourth of state to please examine this. Finally I ask the Supervisors, will you vote for the people or for the commercial interests? What do we want Stafford County to be known for, please think about it carefully especially since the commercial interest of this project has no obvious benefit to Stafford County or its people, thank you." Next comment came from the Bowens, it's dated July 23, it says, "Hi Kristen Barnes, I just wanted to touch base with you regarding the up and coming meeting regarding Vulcan materials. Only July 2, Deep Earth Logic came to my residence and installed a one time temporary seismograph meter on the scheduled blast that was organized between Deep Earth Logic and Vulcan Materials. The blast that occurred was micro in comparison to their normal blasts. It appeared to be very orchestrated and manipulated for the purpose of monitoring for the day and time as Deep Earth Link and Vulcan were on the phone with each other as the blast occurred. That day we heard sirens before the blast, a minor blast, and sirens after the blast. On July 2 was only the second time that sirens could be heard in 20 years that we have resided in our home. I brought it to the attention of the gentleman that was there, Roger Reeder, president of Deep Earth Logic, that it appeared to be a blast, that it appeared that the blast on that day was nothing compared to their normal blasting. He himself was shocked at the noise that could be heard from the conveyor running and truck gates banging at our residence. On July 2 we've had a semi permanent seismograph monitor installed on July 15. I was told that this monitor would be here for approximately four to six months. Vulcan blasted on that Monday July 19 and again that blast was micro compared to the blasts over the last 20 years. There were no sirens heard for that blast. I requested information from Roger Reeder, the following information that he indicated he could obtain for me, documentation of the June 25, July 2, and July 19 blasts, pounds used for each, size material and dimensions, access to live data, dates scheduled of upcoming blasts. But with several missed phone calls between us I have yet to receive any of this requested information, I've also requested this information to be emailed. There's no reason that Vulcan cannot provide a blast schedule notification that they have continuously said that they are working on. I'm not sure what working on entails but they have yet to provide anything. If Quantico can post weekly notifications what is Vulcan's hold up? Vulcan could create a Facebook page and they could post it there weekly. Vulcan has a company webpage and it could be posted there for the Stafford location. I hope this information provides you with some type of vision as to what has occurred since our last meeting." The next message is from Chrissy Sharon, this was on July 23, "Good morning. Shortly after 7am this morning I stepped outside on my deck to drink my coffee and I could hardly hear

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*the birds chirping because of Vulcan quarry and the machines. We are eighth house from 610 at the beginning of Eastern View. If it's this loud now, what's it going to be like when they come closer? I have attached a video." And then the next email is from Duane Grabner, that was from yesterday July 27, "Stafford County residents have spoken against the Vulcan quarry expansion plan. Concerns include expected increase in noise, airborne pollutants, traffic, structural damage to homes from blasting diminishing real estate values, loss of natural wildlife habitats, and other implications of heavy industrial operations moving closer to residential areas. The extended years of operation are also worrisome, it seems that there will be no end to the stress Vulcan operations cause to our homes, health, and the local community. The overarching concern is that Vulcan is a large corporation that can afford the best lawyers to make sure all of their operations are within legal bounds. When looking only at the legal rights of the Vulcan expansion in Stafford, the local residents have little or no chance to prevent this expansion. I am asking the Planning Commission to please consider whether Vulcan should expand and not just whether they can." And then the last comment I'll read is from Petra Grabner, "Thank you for continuing to listen to people's experiences and concerns regarding Vulcan's operations. At this point I feel as if everything has been said and I am wracking my brain to find a new angle to convince you to vote no to the Vulcan expansion. Vulcan representatives stated that they can and will continue to current operations of the quarry regardless of the outcome of this approval. It is certain that voting yes will negatively impact the lives of Stafford County residents. I urge you to put the quality of life of Stafford County residents before extraction of quality rock."*

Mr. Apicella: Thank you Mr. Harvey. So again I'm gonna close the public hearing on this item and bring it back to the Commission with the opportunity for the applicant to respond to the comments.

Mr. Leming: I think when we left off we were going to have a few comments, a few responses to the comments, but we were going to hear the result of the sound study and the blasting that has now been discussed and the recording of the blasting at these two locations. So, very quickly first, on the issue raised about trying to get a DMME permit or license before you get your zoning approval, we've been through this process now with Vulcan materials in Stafford County, now four different times. Every single time this is the sequence. I was in court actually with Ms. Lucian not too long ago and the issue had been raised by an adjacent property owner next to a client of mine who had a site plan before the County and the point was well you have to take care of our easement on your property first before you can get the site plan. We went to court and you know, the point that I made, which prevailed, is simply in any development effort there is development sequencing that occurs. You do certain things first and normally there's no lull as to which has to be done first and normally what you do is to go for the discretionary permits first, the DMME permit is not a discretionary permit, so like a site plan in Stafford County, so this is the one we do first that is the way it is done, now and I'm sure Mr. Harvey can confirm that with the DMME, we're not required to get here first so that's simply a misstatement. Now, as far as the allegations about some kind of fix that was in with the blasting, the guys that monitored those and set up seismographs are the two that are gonna present to you in just a moment so I'll let them speak to that and what was done, I'm sure our superintendent will tell you no, these were normal blasts, these were when they were scheduled, one was actually rescheduled because they weren't ready for it so the blasts were normal, they were set up that way, we can do it again but there's been no diminishment of any activity on Vulcan, I'm sure that the Vulcan superintendent will tell you we start up the same machines every morning just like we always do, the same crusher you know so this allegation that somehow there's less noise or we're now minding our neighborly manners here, is simply unsupported. Now, what I think would probably, now one other thing I do want to be sure that I cover, Mr. Bain you sent out an email to day with a number of questions, some of them have been specifically addressed and they were through proffers but I don't want to overlook anything so do you want to go through those, would you like us to look at those and be sure that we've covered the issues that you raised?

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Mr. Bain: There's only a couple that I don't think I have a clear understanding of that I would like to address. One is about the number of trucks accessing the plant currently and after the concrete plant is relocated. And I know on any given day the number of trucks coming to and from can vary but there have been discussions that the concrete plant's only gonna have six concrete trucks that will convey concrete mix, there will be trucks coming to the site to deliver cement. I don't know if you have sand on site that you use or if that'll have to be delivered so I'm just trying to get a better feel for once the concrete plant is in operation how many additional trucks would they expect to occur, because I know also the trucks that currently take stone to the existing concrete plant will no longer have to go through so there's a trade-off so what do you feel is the difference.

Mr. Leming: Yes sir. That is something covered in our impact statement so let me just make this point first. None of the plans with regard to the quarry itself result in any increase in intensity of quarry activity, that is always driven by the market, you know there have been some very slow years recently, there were busier years now, the concrete plant, Glen, can you cover that briefly? I think Glen has done the most research on this and actually put the numbers together for the impact statement so if he can address that I think he can give you the most detail about that.

Mr. Cobb: We'll give it a shot, and Aaron and Mr. Cooper were able to work a little bit this afternoon very quickly to try to rough out some numbers on trucks. Taken our tonnage and averaging about 20 tons per truck we've got 150 trucks on average a day coming in and then leaving so that's if you want to call it 300 truck trips or 150 trucks, I'll look for acknowledgement, yeah kay and then as you know Garrisonville Road and our traffic memorandum that we had you know, it's included in your packet, I was just looking to see where that is, it's attachment number seven I believe and Bowen engineering did that traffic analysis for us. But the estimated trucks in that study we had 10 mixers a day and the proposed trips was 32 trips a day, we actually are gonna have six mixers rather than 10 so that would be reduced, so that new number would be 24 would be the additional trips on Garrisonville Road-

Mr. Leming: Minus the truck traffic taking rock down to the-

Mr. Cobb: Yeah there's a net reduction also of the sand trucks and the rock truck that would not be leaving the quarry anymore to go out onto Garrisonville Road. So and then I think the traffic count number that's in this study was they had 16,000 was the average daily traffic at that portion of Garrisonville Road.

Mr. Leming: About 20 additional trips a day.

*Inaudible.*

Mr. Leming: But the rock trucks are still the lion share of the truck traffic or the rocks. Were there other questions that...

Mr. Bain: I want to highlight this and make sure that my understanding is correct. With this 600 foot blasting setback that is actually a significant benefit for the residents down in Eastern View because your current permit would allow blasting much closer to those homes than the 600 feet.

Mr. Leming: Yes sir, that's correct.

Mr. Bain: So they are going to benefit by this action, by this application.

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Mr. Leming: It's a greater distance than under the current set up, the original pit is only governed by the 1978 or 76 conditions.

Mr. Bain: Okay, can you put a number on that distance difference right now, could they blast 130 feet from the homes versus the 600 or just I know maybe you don't have an exact number.

Mr. Leming: Mike didn't you address that as part of your presentation, didn't you-

Mr. Bain: He made mention of a number but I'd rather hear it from, yeah.

Mr. Leming: It would be about half of the distance.

Mr. Bain: So they're, you're doubling the distance that blasting could occur from those homes. Okay.

Mr. Leming: Yes.

Ms. Barnes: Clarification though that's only outside of the Pollard tract, that's in that small section, the Pollard tract currently there is no blasting allowed. It's that little section I think that was just to the left of that that we're talking about.

Mr. Leming: The only place we could blast now would be on the original tract which is about half of the border with Eastern View. Were you able to find those... Is it possible to bring those up, can we bring up the...? Would you like to, I didn't want to cut Mr. Bain off but would you like to hear from the sound guys and then...

Mr. Apicella: Yes, sure.

Mr. Leming: Alright, okay. I'll cease and desist then. And I trust Mr. Bain that we answered all of your outstanding questions.

Mr. Bain: Not yet.

Mr. Leming: Oh okay well.

Mr. Bain: You want to do that real quick? Just one more, just one more.

Mr. Leming: Go ahead, please.

Mr. Bain: About the concrete plant, you've made statements that the new plant, it's not gonna be the old plant to smooth over this is gonna be a new plant using new technology for dust control, can you provide us with documentation that can at least delay some of the fears of the residents that this cement dust will not be blasting out into the air as a result of the concrete plant.

Mr. Leming: Okay who is the...

Mr. Cobb: Very quickly, we did try to get some technical information on the facility that we're looking at. We can't be positive that this is the one that we'll be buying but that is the picture that's considered a low profile, I'll pass it around for everybody if they want to see it but it's considered a low profile plant because it's newer all the electronics, everything in it is obviously upgraded from the 50s or so, you still

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have some pretty rigorous standards you have to meet when you get these things permitted because they do have to get permitted and Mr. Foley I think can tell you real quickly how the permitting process works and what they're looking at.

Mr. Bain: Okay.

Mr. Foley: Tom Foley, Vulcan Materials. The permitting process for the concrete plants focuses mostly on the cement part of it and all of the cement transfers are enclosed, are closed systems so we don't have cement blowing off into the air so when a delivery is made into the silo we have a bag house on top of the silo to be able to relieve the pressure from the delivery and keep, prevent any dust from escaping, when it's batched it's going through again it's an enclosed system. And then into the truck there's a shrowder on the back of the truck where it's getting loaded so all of those contact points, all of those transfer points there's a dust collector associated with that and that's what, that's what we sort of list on our permits and that's what's governed by our permits.

Mr. English: Are you talking about the one right here at the Courthouse or are you talking about a new one?

Mr. Foley: The one at the Courthouse actually has all the same equipment-

Mr. English: Well I'm gonna tell you right now and I beg to differ with you, I've come by here, because I work at the Sherriff's office and I come and go to work and I've seen dust come out, a dust cloud comes towards the fire department and Sherriff's office and I guarantee if you went over and talked to somebody from the fire department they would probably tell you yeah they have a lot of dust that comes from the concrete plant. And I've seen it with my own eyes so...

Mr. Foley: Well that's the way it's set up, it's not supposed to work that way, it's supposed to work, be enclosed and not do that.

Mr. Leming: But you're not taking that plant to the new location.

Mr. Foley: Correct. Yeah that's a-

Mr. English: New plant or an old plant?

Mr. Foley: That's an old plant and that's a plant that we can't modify because of our current-

Mr. Randall: When was that built? When was that concrete plant built?

Mr. Foley: 72 I think. I think in the 70s somewhere so it's-

Mr. English: It's been there a long time, you're talking about the one right here?

Mr. Randall: Yeah the one right here.

Mr. English: Yeah it's been there a long time. It's been at least 30 years.

Mr. Randall: Okay, alright thank you.

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Mr. Foley: And then the cement concrete issue, cement is obviously the powdered ingredient in concrete and then once it's in the truck and mixed up with the water there's obviously no more dust from that point.

Ms. Barnes: If I can interrupt for a second before I pass this on, I think that I think Glen was the one that said that it was this smaller one up here, I know it's hard to, that's the one and we're not sure it's gonna be that one because there's one on back here that, that's a a huge one so...

Mr. Foley: We have agreed to make a low profile plant so that it has that maximum so-

Mr. Randall: There's a 50-foot limitation on the proffers.

Mr. Foley: I mean most of our plants are taller but yeah. We've agreed to that.

Mr. Randall: Right, what's the height of the one over here by the Courthouse, do you know off hand?

Mr. Foley: It's probably not much, it's probably more than 50 but not a lot more than 50, 64, 65.

Mr. Randall: Okay. So the other one, the newer one will have a much lower profile than the current one we see over here.

Mr. Foley: Correct, correct. You'll see the cement silo on that one sits above where the truck gets loaded and on these ones they sit down on the ground and then we, they use a conveyor or an auger to get the material into the truck.

Mr. Randall: Alright thank you.

Mr. Leming: Okay while you're looking at that, sound study. Okay Chris you're up. Chris has been before you before, if you reintroduce yourself.

Mr. Karner: Sure, I'm Chris Karner, I'm with Polysonics, senior acoustical engineer there. Polysonics has been around since about 1958, I've been there about 10 years, it'll be 10 years in October.

Mr. Randall: Excuse me, tell me where you got your degree from.

Mr. Karner: Columbia College, Chicago and I have bachelor in arts and acoustics and then about 18 years' experience total.

Mr. Randall: Okay thank you.

Mr. Karner: Sure. I don't know how to dry this thing, so how do we get to our slides?

Mr. Leming: Where's our technical assistant, hey Mike, help. He needs some technical assistance.

Mr. Karner: No it's not my slides, I wanted to get to my slides, I don't know what this is.

Mr. Zuraf: Oh you want the actual report?



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Mr. Karner: Not the report we made a series of slides for this presentation. Alright I can still talk about some stuff, I did want to respond to some of the comments, or at least to one of the comments. They were correct in there was a table in the report-

Mr. Leming: Tell them about your studies, start from the first, cause he's gonna add the setup-

Mr. Karner: I'm gonna respond to this then I'm gonna talk about the study because this is, this will be quick and it's under the... but I understand. The label for the location for M-2 and M-3 are switched. Obviously 610 is significantly louder than Joyce St. It doesn't affect the rest of the results in the report but that is something that we did not catch in our review. Alright, so I do appreciate the community catching that. Somebody's clicking on something. So I use this to go through it. Okay so as I said in the beginning we are, I am an acoustical engineer, Polysonics does acoustic and studies as well as other stuff but we're here because Vulcan asked us to do a specific sound study about the plant equipment and some of the occasional sources of the site and to do some community measurements. Also we did the measurements and then we did models of the site which you may have seen in the report but we'll go through the modeling as well and then also to look at the berms and trees issues. Okay... did I mess it up? Okay is there a way to whole screen that instead of it being as part of a pdf? It's fine if not. So this I wanted to first go over some of the plant equipment. You can see it's kind of grouped together because it was a Google Earth picture but you can see some of the crushers and the shaker of the plant that we measured. I do want to draw your attention, if I touch on this no, on the right you can see the pit loader, that is a proposed future pit loader location. I also want to draw your attention to the pug mill it's at the bottom of the gray part in the drawing there, that is a vibrator what when a customer truck comes it shakes and it buzzes really quickly and makes a sound, so that's not something that's occurring all day and then finally the concrete plant off to the west there so those are the main things I wanted to draw, also we have M1 is in rain tree, that's at the rear yard of somebody's house, M2 we set up to measure traffic noise to kind of see what was going on there, we're not gonna talk too much about M2, M3 was kind of by the power or I think it's, I don't know what, the station is there at the end of Deborah in Eastern View it's right at the fence near the berm and then M4 was over by Mount Ararat.

Mr. Leming: M3 is in Eastern View not on Deborah Drive which is over here, this is Eastern View.

Mr. Karner: Yeah okay I'm sorry I got Deborah Drive mixed up. So this is just a summary of our whole report, I didn't, we didn't really want to go through the whole thing. We wanted to base the study on something because since there's no, since they're not held to the County noise ordinance, we wanted to kind of figure out what would be a fair comparison and the fair comparison is in two parts that we feel is, one is what is the community noise there now so that's why we set up these measurement sites and later we'll get to the actual measured sound levels in the community and two we looked at the County noise ordinance and not as a standard but as a guideline for us so that is 60 DBA during the day and 55 at night, those are the, it doesn't matter if it's industrial, commercial, or residential, that is the receiving residential sound level limits. So, whether this was industrial or not that's how loud Stafford County wants its residences to be impacted by noise or by sound. If you could go to the next slide, it's gonna jump right into it, this is the result of the sound model, if you can see there's little pink astrocese at the plant and then there's one up high which is still part of the plant. Those are the sound sources we placed in the model, emanating from these sources are colored lines, that's the noise contours it's kind of like a, if you could think of it as topography and it kind of follows the topography of the site as well so our sound model has the sources which we went and measured as I mentioned earlier. I know you asked about calibration last time that's in the report but I don't know if we have to go over the calibration of these sources. So we measured all these sources, placed them in the model, the model has the topography of the site, it has all the trees as shown on this map, I used this map to place the trees in and then it has

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a grid of points and connects those points and makes the sound contours. You can see it goes from orange to green as the sound gets quieter and also I don't know if you can see on your little screen but if you have the report or the screen in front of you, you can see the numbers of the sound levels there. I do-

Mr. Randall: Excuse me, when was this map taken?

Mr. Karner: The satellite photograph?

Mr. Randall: Yeah.

Mr. Karner: It was the most recent one I could get from Google Earth.

Mr. Randall: Okay, that doesn't answer my question.

Mr. Karner: No I don't know the answer whenever Google flew over, I don't know how they take their pictures so...

Mr. Randall: Okay that answers my questions.

Mr. Karner: Yeah I don't see nay from a sound perspective we use the recent topography, the map is just for display purposes I didn't, other than trees I didn't use this map for anything else.

Mr. Randall: Right, thank you.

Mr. Karner: Sure. So one of the things I want to, well first of all this is the existing condition so this is as the plant is today with the continuous sources so this does not include a pit loader in the north eastern quarry and it does not include the pug mill which works on occasion. Something I really want to draw your attention to is the berm between the plant and Eastern View. You can see the noise contours grouping together at the base of this berm. It goes from 55, 60ish and then on the other side of the berm to 45.

Mr. Randall: Is there a way you can point to that? Is there a way you can-

Mr. Karner: There is another slide coming up that will highlight that but-

Mr. Randall: Okay, thank you.

Mr. Karner: But someone, someone's got the mouse. Do I have control over the mouse? Yeah, okay. So-

Mr. Randall: Stacie, Stacie are you driving? You can't be driving.

Mr. Karner: She was doing well. So that's here, you can see the effect of the topography here as the sound kind of is mitigated at the face of the berm. What sound would normally look like is a series of circles getting, expanding wider and wider if there was no topography but because there's topography here you know like I said there's a 10, 20 DB drop here which is perceived as half as loud so if you imagine you go on one side of the berm you listen you go to the other side of the berm it's half to four times as quiet.

Mr. Leming: Remind them how the scale works and what the readings mean and the logarithm.

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Mr. Karner: Sure so that's in the report to the background sound levels, what are common sound levels and it's a little useful to have, I think the community measurements are more useful because what they're actually hearing but as I said the sound works logarithmically that if it's a 10 dB difference that's twice as quiet or twice as loud, a 5 dB difference would be clearly noticeable, a 1dB difference no one would be able to tell. It's measurable but you would not be able to hear it. We don't go down to 1 dB in these. So if I click here, this is a similar map but we have the occasional sources of the pug mill and of a loading truck down here. You can see that it's pretty loud down here, 60 something and as it travels up it ends up around 40.

Mr. Leming: Loading trucks, these are one of these enormous trucks that go to the actual pit, pick up the loose rock and carry it over to the plant to be crushed, enormous trucks.

Mr. Karner: You could see similar effects of the berm but the main thing I want to draw your attention to is in Eastern View the sound levels are about 50 which is you know our goal is to follow the Stafford noise ordinance so at 50 we're well below 60 for day time or night time and same thing with rain tree, that worked 40, 45, 50. So these are the sound levels of today.

Mr. Randall: Okay so here's what I want you to do. I want you to pick a rock crusher and according to the table that I'm looking at that rock crusher at location is CR1 right at 104 decibels at the crusher itself.

Mr. Karner: Yeah.

Mr. Randall: Because that's what I am reading here, that's the table.

Mr. Karner: Yes and no. We presented in that table the sound power which is the sound at, right at the face of it, it's a hypothetical so that's what we put into our model.

Mr. Randall: So you didn't measure the actual noise at the crusher during operation.

Mr. Karner: No we did, it might be more helpful to look at table three, which crusher were you looking at?

Mr. Randall: It was the, well the one-

Mr. Karner: Is that what you were, is that the table you talking about?

Mr. Randall: So go to the equipment, CR1 at the very bottom.

Mr. Karner: Yeah, 104 correct, sorry, so the 124 is the sound power so I apologize.

Mr. Randall: So the decibel measure would be 104.3 at the location.

Mr. Karner: Yeah at 10 feet away.

Mr. Randall: Alright so find, find that point on the map and walk me through the mitigation of that sound all the way through and what your model does and how the model works to show me how it's going to affect residents.

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Mr. Karner: Sure so I don't think CR1 impacts the residents at all because that's the one buried way up here. The pug mill might be a better thing to measure.

Mr. Randall: Okay fine, pick one.

Mr. Karner: So going back to the table, the pug mill vibrators are 102.5 so a little quieter than the other one, that's here about 70DB if you're standing next to it or if you're right next to it like I was 102, travels here hits the berm, is miti-, at the face of the berm it's about 60 on the other side of the berm it's about 50. But that also includes all these other sound levels we don't just have the pug mill.

Mr. Randall: Okay that was a 30 second cliff note version. So show me the pug mill.

Mr. Karner: Yep.

Mr. Randall: Right there. Alright so how does the sound dissipate between the pug mill at 102 and the berm at 60. Tell me how the sound dissipates through that time frame. How far is that in distance, and what causes sound to dissipate over that distance.

Mr. Karner: As a point source sound dissipates 6DB every doubling of distance so it's not every, every, so if I measured it 10 feet away at 102, at 4 at 20 feet away it's gonna be 98 and then it gets less-

Mr. Randall: So 6 decibels for every-

Mr. Karner: Doubling of distance, not every 10 feet so you have to double the distance.

Mr. Randall: Okay, okay.

Mr. Karner: So it's not that straight.

Mr. Randall: Okay so it goes from 10 feet to 20 feet and then to 40 feet and goes down every sixth.

Mr. Karner: Yes.

Mr. Randall: Okay so it would get, so that, okay, that makes sense. So it gets to the berm and it hits the berm, and then your model says that an 80 foot berm would then dissipate the sound from 60 on one side to 50 on the other side.

Mr. Karner: I don't know the height of the berm but yeah that's what the model shows. Whatever the model-

Mr. Randall: They give you how high it is-

Mr. Karner: They give me the topography, yup.

Mr. Randall: You would then put it into your algorithm and the algorithm spits out, the new model says here's what it's gonna be.

Mr. Karner: Correct.

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Mr. Randall: Alright. Okay. And then how does it, and then it dissipates and then it goes from 50 then through the rest of it following the same doubling the distance, 6 decibels per doubling the distance throughout the rest of the time.

Mr. Karner: Yeah interacting with the topography of the ground.

Mr. Randall: Is that a standard increment of dissemination of sound? Is that a field standard?

Mr. Karner: Yeah it's the way sound works.

Mr. Randall: It's the established standard that people use to show the dissemination of sound through time-

Mr. Karner: That's correct, yeah through space.

Mr. Randall: Through space, okay thank you.

Mr. Bain: Can I, can I drop back to table two just to make sure I understand the error that has been commented on. So where it says M2 Joyce Road that should really be M3 Joyce Road?

Mr. Karner: Correct.

Mr. Bain: And then where it says M3, it should be M2.

Mr. Karner: Yeah correct, so the locations should be, not the location ID, not the sound levels but only that middle column location. Those two should be switched.

Mr. Bain: Oh, oh, oh so M2 is actually 610-

Mr. Karner: Yeah.

Mr. Bain: Ah, okay.

Mr. Karner: 610 is a significant sound source.

Mr. Bain: Alright that's why I was very confused.

Mr. Karner: Yeah so I understand the confusion, gotcha, thank you.

Mr. Randall: Again, to that point, what is 50 mean to me, what does 70 mean to me, what does that mean to me, to the normal person?

Mr. Karner: Yeah, so we do have a chart in the report, I think it's from HUD showing what common sound levels are. I'm gonna say what the chart says and then I'll say what I think. The chart considers 50 as moderate like an average office which I would say is accurate. And then 70 it says loud, it's a stenographic room, whatever that is, but it says, also says near freeway auto traffic in range of speech, so typically 50's a background noise level that's probably what you have this room designed for, if nobody's talking it's probably 40 to 50. If I'm speaking without the microphone that's about 70, if I'm really talking loudly, if there's loud talking it's about 80. So, all of these levels except for Joyce, I'm

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sorry except for 610 which I was like right on, you could easily have a conversation over these sound levels and not miss any words.

Mr. Randall: And this is the background communities that you measured right without the, without the plant operating.

Mr. Karner: Sure whatever, ah, no, what is shown in table two is the average sound levels of the entire measurement so all the highs and lows average together including the plant and then also including some of the days later when the plant wasn't operating, it was just to give an idea of the range of what we measured.

Mr. Apicella: Help me understand what you just said. You said an average when it's operating and not operating?

Mr. Karner: It's the total entire average of the whole measurement. Later I will show time histories of what we measured so that might be more clear. This is more documentation I think than analysis. So this was the existing conditions and again just to, because we're gonna come back to it, the sound levels are 50 here and 45 to 50 over here. I'm gonna try to get to the next page. So you did ask to zoom, well you asked me to highlight the area so this is to show inside the berm what the sound levels are like and outside and that should be easier to see for the crowd out here if you don't have the screen in front of you. So I think we've talked about this, it reduces it 10 to 5 DBA which is fairly typical. These are the future condition maps, we don't have the satellite because we had it at first but we took it off, we included some of the topography, you can see it in a light gray here because the future topography wouldn't match the satellite so it's a little time to adjust to the new layout. We have a berm here, we have a second berm here, we have the ready mix plant over here and there is a berm on this side and then there's some additional berms over here. You can see the sound sources here, shown in a pink asterisk the ready mix plant and then CR1 which is kind of buried towards the back of the site. So, again if you look at the sound levels in rain tree, 40 to 45, you look at the sound levels here, 45 to 50, this is the continuous sources, we'll go to the occasional sources next, and again note the, sorry about I keep clicking, note the berm, you can clearly see the effects of the berms the sound level contours collecting at the edge of topography it's very clear in the pit although that's kind of the reverse of what we're doing but it's very clear for the ready mix plant, you can see the sound levels are 65, 55 and then clumped together and then drop off to 50 and then they have the second berm that they're introducing here that drops the sound levels. Next slide, did you have questions about this?

Mr. Randall: I do, is that, is that the new location of the ready mix plant or the old location?

Mr. Karner: It's the old one.

Mr. Randall: That's the old location?

Mr. Karner: Yeah.

Mr. Randall: Alright so, you probably can't answer this then, Glen you may need to come help him answer, how far from this location does the new location...

Mr. Leming: The new location is right up next to the asphalt plant, can we identify the asphalt plant? Yeah.

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Mr. Karner: Their old asphalt plant I think is here, it's here then. Lower? Okay, okay they said right above the ready mix label so-

Mr. Randall: So a couple hundred feet, we've moved it north, northeast?

Mr. Karner: He's saying 7- or 800.

Mr. Randall: 7- or 800 feet farther north? Northeast?

Mr. Karner: Correct, that's what they're saying yeah. So I have not run the model with it but you know based on, the point of the berm is to stop the sound there.

Mr. Randall: Well just your six decibels per doubling the distance would significantly impact what that felt, what's that sound-

Mr. Karner: It would benefit Eastern View to move that away. I'm not gonna try to do that math in my head.

Mr. Randall: You're not a math major huh, just a-

Mr. Karner: I'm an acoustics major, but I guess if you look at the figure it's 65 there and if you move up the cursor, it's 55 down here so I think it's fair to say that's a similar distance and it would have the same effect so-

Mr. Randall: I gotcha, alright but I just wanted to make the point that that's the old location, not the new location.

Mr. Karner: Yes, that's correct.

Mr. Randall: Alright, thank you.

Mr. Karner: They did it after, so moving on this is similar with the ready mix pug mill and then note the I think we're on the first shelf here that if they were working down here and we have ultimately the same kind of sound levels we have 50 in Eastern View we have 45 to 50 rain tree and the result of these is these, the reason for that is this additional berming around the site, that's why they built the berms in there.

Mr. Leming: You mentioned that that was the noise source was on the first shelf, meaning the first-

Mr. Karner: Yeah the first shelf, it's the first step down, I think it's hard to see, I can't fix this mess, I may have...

Mr. Leming: Yeah, you go down to the next shelf or the next shelf...

Mr. Karner: The sound levels it would go deeper it would have more topography in the way of that in the sites. We picked this location because it would be the loudest location. It's the closest to the houses, it's the highest elevation wise that they're going to be working at. Again this does not include blast noise so... let me see if I can get, okay so this is I think maybe, there's a lot of stuff going on in this drawing and so we'll spend some time on this the green is the sound levels measured from Wednesday 5/26 to

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Monday 5/31. Monday 5/31 was Labor Day, Sunday was the day before Labor Day so the sound levels do drop off the chart there so people are leaving, turning off their HVAC whatever was going on at that time. There are spikes in the sound levels that could be anything. We don't, we didn't record the sound we just measured the sound. The gray on the bottom is we took our maps, let me see if I can go up, we took these maps and found that location M1 through M4, put a receiver there and so the same sound level that's shown in this map is shown in this chart in gray just as a constant source turning on when the plant opens and then turning off when the plant closes so it's a hypothetical, here's the noise that's going to be happening during these time frames compared with the community measurements but Saturday has the limited hours so that's why that one is skinny. We didn't put on Sunday because they don't operate on Sunday and then Monday was Memorial Day, it was not a typical day. From this one again, this is in Rain Tree, you could see that, a couple things, one that the future plant levels are, or it's a few things one the fray which is well below 60, two you can see the future projected is generally lower than the noise that we measure, there is some time in the middle there that you can see it kind of dipping below the plant and so in that case it's the sound from the plant would be more apparent, and three it doesn't visually it doesn't quite correlate when the plant turns on and the community noise turns on. You could see it a little bit on Thursday maybe that the plant sound levels even though they're 40 may have influenced it but even when the plant turns off you don't see that the sound stops. Same thing with Friday and Saturday, I really in Rain Tree do not see the effect, we'll see it more in M4 I think. So does this answer more about the average day level, average measurements, and what kind of sound levels we're seeing, your question?

Mr. Apicella: I guess I'm looking at the spikes.

Mr. Karner: Sure.

Mr. Apicella: So, what is that telling me? So I'm looking at say Thursday at about 9:12am and I see, I'm looking at the green and I see a spike goes over 70, what does, what is that telling me?

Mr. Karner: I don't, I don't know what these spikes are, they're just sounds in the community, again we were, they weren't blasts, they weren't doing blasts at those times, I believe the home owners had a dog, I don't know if he was a barker, I didn't, I never saw it.

Mr. English: Show us the maps with the blast, that's what I want to see. You got any maps with-

Mr. Karner: Maps with the blast, we did that-

Mr. Apicella: I think there's two things right, there's noise from the blast and then there's average noise, not average noise, there's noise during the regular operation but so I'm just trying to, you're saying that that spike, that the spike has nothing to do with the operations at the quarry but it's something else that's happening.

Mr. Karner: Correct. It's everything that's happening is in green, it could be both the quarry and the community sound, although the grey since it's so far below that I would assume that it's more community sound at this location. This is just the processing plant equipment.

Mr. Apicella: Okay.

Mr. Karner: The crushers and the... we're gonna skip over M2 that's what traffic looks like if you're interested, there's not a lot of quarry noise at 610 it's a lot of traffic noise, if you're fine with that... so



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this is M3, this is at Eastern View, the sound levels would be more apparent here, again this is the future sound levels not the existing so they may be slightly higher or they may be equal I think they're generally very close. Again I do not see visually a lot of correlation between these two, maybe some that the day starts you know at six and you know the world starts up at six too people's air conditioners and traffic, and so that's what these sound levels are so more so than Rain Tree the sound levels are mixed in with what was measured so I do think the sound of the quarry will be more apparent but it's there's other sound sources at the site that are much higher than what was going on at the quarry, which is what we're calling the community noise. M4 you're gonna go what are these spikes, we were, before we get to the rest of it, we were set up at Mount Ararat, there's a light pole next to their parking lot and that is Sunday church people slamming their doors and coming in, that's the only thing we could figure. It's very loud if it's music-

Mr. English: No it's their music, trust me.

Mr. Karner: Okay I have not been but that would be painfully loud if it was their music-

Mr. English: Because they have the music, they play the speakers outside on Sundays and that's probably exactly what it is.

Mr. Karner: I don't want to say anything on the record, I don't know anything about that church. So, I think out of all the locations this one, you can see that the future predicted sound levels again below 60, are at 50 DB and there are community sources mixed in with these and I, it's right in the middle of it so I think that while there are obviously louder sound sources that you could see what the plant would sound like here. Sorry there was one last-

Mr. Leming: We were gonna cover trees, there were questions about this we need to look at trees versus berms.

Mr. Karner: Walter's saying no. They're gonna ask about that.

Mr. Bain: Were there any blasting tests during your, during this recording.

Mr. Karner: There was no, there was no blasting during this recording it was Wednesday to Monday and there was no blasts during this time so the only blast that Polyscience recorded was the one you were present at when we were at Eastern View and it was like 44. So this is just summing up, existing and future site conditions will be below 60 during the day and 55 during night following Stafford's noise ordinance. They're proposing the concrete batch plant, which with the berming is not shown to increase noise levels, the future models show that the concrete batch plants and all the sources that we include in our model, it'll be below 60 and again the effect of the berm is obvious when you see it in the models that they're mitigating the sound levels for the communities and the report talks, goes more in depth here about then this slide show about the berm effects versus the tree buffer. So that's my slideshow and then we can open it for questions. No? Okay I will be around.

Mr. Bain: I guess, I guess, Mr. Leming had implied about the trees, for the future conditions what kind of vegetative cover were you assuming on the berms?

Mr. Karner: I did not put any vegetative cover on the berms.

Mr. Bain: Okay so they were just bare.

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Mr. Karner: I do not expect much out of that vegetative cover on the berms. If you look at the report, zero to 60 feet of trees gives you one DB reduction. So, whatever you're putting on it, even if you covered the top of the berm and trees it's not 60 feet wide and even if it was you would get one DB which is not noticeable, its measurable but not noticeable so I, feel free to plant trees up there but as an acoustic engineer I do not expect a lot out of those trees.

Mr. Bain: You don't think it'll work, okay.

Mr. Leming: Thank you very much, we view the tree supplementation as a visual mitigation primarily. It just doesn't affect the sound levels significantly at all. Okay now, we have additional presentation, let's see John this is, these are the guys from Deep Earth who set up the seismographs, c'mon up John, at the two locations. You recall at the last meeting we requested volunteers so we could set up these measurement devices at specific residential locations and measure the blast, we got two invitations and John's gonna talk about where they were and how they set them up and what the results were and anything else you know about how the blasts were set up or staged and a little concerned still about the allegations that somehow we soft pedaled these blasts, they were regular routine, but go ahead and explain where you went and how you set up.

Mr. Babcock: Yes sir, gentlemen and ladies, I'm not sure the correct way to address everybody so hopefully that's, that's good enough, I'm John Babcock with Deep Earth Logic and we perform seismograph monitoring and vibration air movement analysis not only for Vulcan Materials but actually most of the quarries in the state of Virginia all the way to North Carolina, Minnesota, and into Canada. We do work for quarries, for state governments and for cities as well. So we do have three seismograph monitoring stations that monitor full time around the Stafford quarry and in some of the previous reports and information that came through the information that Vulcan Materials provided we detailed I think the last three or four years of that data so when we, some neighbors requested that we monitor at their homes, we took that exact same seismograph, well not the exact same seismograph but the exact kind of instantiation and we put it at their homes and so far we have monitored three blasts at their homes. So, the first home was Ms. Bowen which we heard some feedback from her and then also Mr. Ashby as well so when we monitor we do it in accordance with Virginia Department of minerals and mines guidelines and they're the same guidelines that apply across the entire United States, Canada, and in fact around the world and that's how we monitor at the closest structure to the blasting. So on July, or actually, yeah July 2<sup>nd</sup> the closest seismograph to the blasting on the ground vibration recorded 0.245 inches per second and then, so that would have been the closest seismograph so we would expect that to be the highest reading and Ms. Bowen which was further away, we recorded a 0.116, so that's about half. And then at Mr. Ashby which was even further away we recorded a 0.071 so a decrease there as well. We see the same trend with the air movement from the blasts. The closest seismograph recorded a 122 and then the Ms. Bowen recorded a 120 and then at Mr. Ashby's house it was a 121. So then the blast on July 19<sup>th</sup>, the closest seismograph recorded a 0.285 so very similar level in intensity to the one on July 2<sup>nd</sup>, and Ms. Bowen's house we saw a similar decrease 0.145 and then at Mr. Ashby's house it was approximately the same at 0.075, and the air over pressure dropped off as well 121 down to a 116 and then at the furthest seismograph it was a 114. And then on July 26<sup>th</sup> we recorded the, it's the most recent blast, the closest seismograph again got a very similar vibration level, 0.225 and at Ms. Bowen's is 0.095 and same change in the air over pressure 120 down to a 112, so the you know it's pretty simple data to look at and that's what we were asked to do and the results sort of confirm what we see at pretty much every other quarry in operation that we monitor at.

Mr. Leming: Could you address for just a moment Mr. English had a question, I think he wanted to know what sound the blast made, so what would you measure in, you know given Mr. English's question

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looking for some sort of sound measurement, but you're measuring something different, maybe take something, take just a moment to explain that.

Mr. Babcock: Sure I'd be glad to. So, what we're measuring, sound is really a measurement of energy but how, there's a number of different ways to measure that sound, so when the blast occurs the rock moves out and when that rock moves out it pushes the air. it's much like wind, we don't really hear the wind but we can feel it, now we hear how the wind moves the leaves in the tree or if we're in a house, I grew up in a really old farm house I'd feel the wind creak the farm house a little bit, so the noise, it's not even a very good term but the air movement that we're monitoring occurs around from six to 15 hertz and what our ears can hear audibly is about 20 to 22 hertz. So what we're actually recording which is in the interest of analyzing what takes place with a structure we can't even hear with our ears but the microphones that we're using, they're a microphone that will record any type of air pressure which is what a microphone really is, they're designed to capture and record what is occurring at the lower frequency levels and so when a person says a blast sounded louder, it's probably the effect that they're hearing either in their home or if we're outside the effect that they're hearing in the trees. So hopefully that helps a little bit.

Mr. Leming: So they really are fundamentally different things, now Mr. Apicella had a question earlier about a prior condition that talked about 100 pounds of dynamite, nothing more than that, I mean does the amount of the blast, the amount of dynamite or whatever substance is used, does that vary or how is it that, how is it that, can you tell us a little bit about how that is, how that's handled and how the quarry selects how much to use.

Mr. Babcock: Yeah absolutely so that proffer or condition and I'm glad I don't have to keep track of those terms like you guys do, was speaking to construction blasting, which isn't even comparable to quarry blasting so dynamite and that type of product is not even used in quarries. And what guides the quarry blasting is what that mirror seismograph says, so the state of Virginia, Virginia Department of Mineral and Mines has very strict guidelines on what kind of vibration can be recorded or felt at the nearest structure and the entire blasting program revolves around that so in the state of Virginia there's I think last time I looked there was over 300 different quarries in operation, some like up in Manassas they're blasting within 500 feet of structures. So, the blasting program that takes place there is very different than what takes place at Stafford or what takes place at quarries that are in downtown Richmond, so what guides the blasting program isn't even really that number 100, it's just strictly what that seismograph says, and so it's not even, to say it's limited like construction blasts, it's two different things, so what matters is how we the data, the seismograph is showing us how close it is to the limits or what kind of results we're seeing.

Mr. Leming: And that's how it's regulated, by the state, based on those results.

Mr. Babcock: Correct, yeah.

Mr. Randall: Okay so, go ahead Steven.

Mr. Apicella: So I'm just trying to understand, we had three conditions previously that regulated the amount of explosive, the another one I'm probably not gonna say it the right way I'm just gonna read it out, produce a ground vibration of less than 0.5 second but not to exceed 1.0 seconds and then the third one was steady state vibrations caused by production, equipment shall not produce particle velocities in excess of .025 inches per second so are you saying within the context of how the state regulates vibrations these are all covered?

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Mr. Babcock: Yes.

Mr. Apicella: Or they're covered in a different way?

Mr. Babcock: They are well, the first two items apply to blasting and what's taking place here at this Vulcan quarry is quarry blasting, that's not construction blasting and so it's not even in the same realm of methodology but in either event the Virginia state guidelines which is what we refer to as the US Bureau of Mines Graph, it does cover the vibration levels from both those kinds of blasting. For the third item you mentioned is steady state vibration from equipment so that's not even blasting to begin with. However our seismographs record 24/7 at that property line essentially and throughout the years of monitoring at the Stafford quarry, there's never been any steady state vibrations at all come close to that. But that's a different topic than blasting. But again there are, I'm just trying to get to, there are thresholds that the state prescribes and you're doing 24/7 monitoring to ensure that they're doing 24/7 monitoring to ensure that they don't exceed whatever the state correct levels are in those categories.

Mr. Babcock: That's correct. Yes, that's correct.

Mr. Apicella: So these, so to prescribe any condition would be number one outside of our purview but redundant, I just want to be sure.

Mr. Babcock: Yes, that's correct it would be redundant because the restrictions that are already in place by the Virginia state od DMME are the very restrictive and very safe for any nearby structures.

Mr. Apicella: And I'm not talking about sound, again I'm just going to vibration.

Mr. Babcock: Correct yes.

Mr. Apicella: And how, I don't know if you can answer this question, I live 10 miles, at least 10 miles from Quantico and when they shoot some kind of explosive my house shakes, 10 miles away. So how does a blast at the quarry compare to ordinates being spent. Maybe that's not the right word, at Quantico.

Mr. Babcock: Yeah, that's actually a really topic I like to keep an eye on. Seismographs around the Stafford quarry actually record all of what's going on at Quantico as well and so in the, some of the information that was provided previously to the County, let me see if I can find the right page... some of the maximum decibel readings that the quarry produced were like, let's see here 121, 122, 129-

Mr. Leming: Inside the quarry.

Mr. Babcock: Yeah at the edge of the quarry, that's what the blasting produced. From Quantico it's not unusual to record 135 or 140 so when Quantico is as you say doing their thing our seismographs record that and it's significantly higher, sometimes almost double than what the quarry actually produces from their blasting program.

Mr. Apicella: Again I'm not so much talking about sound as much as vibration, I'm feeling the vibration in my house 10 miles away plus when a shell is expended.

Mr. Babcock: Yeah exactly, so when that air moves, it's traveling right and if we go back to the analogy of the trees as the air moves through the trees the leaves have to move because the air is traveling through it so we hear that. The same effect happens with homes, so if I'm in my home, I don't have on near

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Quantico but if I did have one near Quantico and that air movement encountered the side of the home there has to be a give and take because if the air is encountering that solid structure so then we as people inside that home, we interpret that as we felt vibration and the way we did because the air caused the home to move and that home interprets that as vibration and that's what we hear with our ear inside that home when the air over pressure from Quantico encounters our home so there's no, there's actually no ground vibration traveling from Quantico, what we're perceiving as vibration is actually the air movement from that ordinate detonating.

Mr. Apicella: Interesting thanks.

Mr. Randall: You've been doing this for how long now?

Mr. Babcock: 25 years.

Mr. Randall: I'm sorry let me rephrase my question, you've been doing with Vulcan for how long?

Mr. Babcock: I think about 15 years.

Mr. Randall: 15 years. With this quarry?

Mr. Babcock: Yeah that's correct.

Mr. Randall: Okay so who wanted to go back and find 15 years of this seismograph information from the blasting, you have that information?

Mr. Babcock: About, I think about eight years ago we started-

Mr. Randall: You had a fire in your store, destroyed all the records and there's nothing left and...

Mr. Babcock: It was hackers.

Mr. Apicella: Okay, alright.

[*Laughter*]

Mr. Babcock: So I don't have access to that information now because I've been working with Vulcan as a person for that many years but we changed companies during that time.

Mr. Apicella: So then to the question that's been asked a couple of times, if I wanted to take these blasts July 2<sup>nd</sup>, I missed the one between the 2<sup>nd</sup> and 19<sup>th</sup> but I got July 2<sup>nd</sup>, July 19<sup>th</sup>, and July 26<sup>th</sup>, could I, would you have some way of being able to compare those blasts and the inch per second movement at your seismographs and compare them to say three blasts in the summer of 2019?

Mr. Babcock: Yeah, sure thing, and that's already been done actually. So in the graphs-

Mr. Randall: I'm waiting, I'd love to hear.

Mr. Babcock: Right so the graphs are provided to Vulcan covering all the vibration from all the blast, let's see it was May 2017 to February 2021 so that's an acceptable historical moment to look at, so at a

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seismograph that's on the south side of the pit, I would say the maximum vibration was, I don't have the exact number so I'm trying to interpret from a graph about a .6, I'd say the average was like around a .3, .4-

Mr. Randall: No I'm not looking for average, I want the highest spike, I want the highest one that you can read from 2017 to 2021.

Mr. Babcock: Okay so visually I would say that's around a .6.

Mr. Randall: Okay, alright, and then you mentioned before that the standard for the DMME was .5 or 1.0?

Mr. Babcock: Well the standard for Virginia-

Mr. Randall: You said it quickly and I didn't catch the difference.

Mr. Babcock: The best thing to be to show the graph, it's actually a graduated scale based on frequency.

Mr. Randall: Okay.

Mr. Babcock: So at that, .6 where that occurred, the one that would have been like a .8, and so the actual limit is changes from about .75 to 2 inches per second based on the hertz of that vibration.

Mr. Randall: And the hertz is determined by what, the size of the blast?

Mr. Babcock: No it's just mainly determined by ground characteristics, like the geology of the ground.

Mr. Randall: Alright. Alright, thank you.

Mr. Babcock: Yup.

Mr. Apicella: Other questions? Thank you sir, appreciate it.

Mr. Leming: Okay that's all we had planned so, you know, your pleasure, if you have other questions or need us to focus on something then we're at your disposal but if there are other issues please bring to our attention, we'll address them.

Mr. Apicella: Any other questions for the applicant?

Mr. Randall: I have a couple. Sorry, that's the way it is. Number 12, the condition number 12, it looks like you added it.

Mr. Leming: It's a condition we didn't anything, we didn't add nothing.

Mr. Randall: Then I'll just take it out.

Mr. Leming: Okay, under conditions, so condition number 12... okay the limits?

Mr. Randall: So I guess maybe I should be talking to Mr. Zuraf.

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Mr. Leming: The fencing.

Mr. Randall: The fencing, so I walked back on the conservation easement property, the 55 acres, I walked the fence on that property and I'm hesitant to think that there's any wildlife that's gonna get through that fence. They may get under the fence at periodic places where it's been worn out through, under the fence but that's not gonna be determined to be an appropriate wildlife corridor. So when we say the limits of any existing or active quarry shall be enclosed with a fence does that mean Mike that we're gonna enclose the entire quarry with an eight foot high fence, what do you mean by that? Because it doesn't seem like that would benefit a wildlife corridor to have an eight foot high chain link fence around the whole quarry.

Mr. Zuraf: The intent is around the quarry pits and not the entire complex so could you add the-

Mr. Randall: Okay so where would I be able to put a, to write something in here that says the fence will not include from point A to point B?

Mr. Zuraf: Probably the stream quarry could be a good point between, the stream valley between each of the existing pits.

Mr. Leming: We wouldn't fence that ordinarily. We also would not fence along the valley with Aquia Creek, all that would remain open and then you may recall there's a RPA corridor that comes down the middle.

Mr. Randall: Sure, absolutely, I just need that included in there so we're clear that it's not gonna include the entire quarry and minimize that because there is, there is that process.

Mr. Leming: From our stand point with regards to the conservation parcel, you know this is why we really want the County to come up with this fencing requirement you know as we've talked we've had these liability issues you know if the County imposes a condition on us that addresses that to some extent so you know it's not our proffer, not something we're agreeing to do, it's something that we're required to do.

Mr. Randall: Sure, I understand the difference. Alright number 20, that wheel wash or comparable device, we talked about this at our last meeting and were clear then at that point in time that we simply washed the wheels, we just don't do anything with the truck itself other than the wheels. Have we talked about a better way of doing that? We talked about modernizing that since that's the process we've been using for a gazillion years? Did we talk about the process of improving that mitigation strategy to ensure that as much as possible all the rocks are off that truck before it leaves the property?

Mr. Cooper: I'll, excuse me, I was the one that talked about it last time, and I think I talked about we had evolved down to where we are now with this because we used to have these sprays and the sprays you know we started off with spraying the sides of the truck and all that did was get all the mud and on the mud flaps, the tires, the sides of the trucks that would plop off down the road, going down the road so we thought about different ways of addressing the tires. So then all of our wheel wash systems now, all of our operations have evolved to troughs that the tires run through and it cleans the treads and the sides of the truck stay dry, so that prevents anything from dripping off because even, what happens is, you know if we spray these trucks, it doesn't get all the mud off of them right then, it starts dripping off going down the road and it'll drip off you know even after it leaves the quarry it's still dripping off so to counter act that, all of our operations and even our competitors have gone to putting in, just these troughs

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that the tires run in just to address the track out issue because that's really what we're looking to do to address the track out issue.

Mr. Randall: Okay do you check these trucks when they leave, those track out issues to make sure they're not carrying any, there's no rocks on the side of these trucks hanging in the wheels or hanging on the wheel house?

Mr. Cooper: We do, at the scale house, there's a mirror, a convex mirror, so two things happen at the scale house before she gives them our scale clerks are bonded, licensed and bonded and certified, before he or she gives out these, the scale ticket, he, she's making sure the tarp's back before they get a ticket, and also she can see through this convex mirror to see if there's any loose rock on the back of the truck, or up on top, she can see that also and if there is she'll address that and say look you've got loose rock on there.

Mr. Randall: Okay so it's safe to say that if there's any rocks coming off the truck when it's on 610 it's coming from the back of the truck not from the truck itself?

Mr. Cooper: It's, I think that for sure is a possibility, there are trucks that actually have holes in their beds. I mean we've seen that where we've had you know we've had to tell this truck to get fixed before they come back because a little hole in the bed where you can see it leaking out.

Mr. Randall: Sure alright, thank you. Do we blast warn? Do we siren every blast?

Mr. Cooper: Yes.

Mr. Randall: So there's people that say they don't hear the sirens means that what, they're not close enough to the blast that they're gonna be in the siren range?

Mr. Leming: Where does the siren emanate from maybe that's the...

Mr. Randall: Right.

Mr. Leming: Is it the same place every time? Okay.

Mr. Cooper: Yes we siren before every blast, it's part of our policy, it's part of our blasting procedures, so we've got 10 seconds on, 10 seconds off, we do that in three and then we have an all clear after we check and make sure everything's good to go.

Mr. Randall: Okay do you have a schedule listed somewhere of where you're going to do that blasting?

Mr. Cooper: No, so it's like I'm shooting next week, I don't know which day as the day gets, is that what you're asking?

Mr. Randall: When do you decide, that morning?

Mr. Cooper: Well no we have to prepare for the shock, we have to get the shot cleaned off, we just have to get everything ready to drill to prepare for the shock.

Mr. Randall: So how long before you shoot do you know?



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Mr. Cooper: Probably three days.

Mr. Randall: Okay so is it possible to warn anybody three days in advance that it's going to happen. Say yes, say yes.

Mr. Cobb: We have agreed in a proffer right to notify the residents within X number of feet, I think it's 2,00 feet or something that we are cranking up this website. It's notification system. So if I went to the notification system-

Mr. Randall: So there's gonna be a website and they have to apply, they have to go into the website to identify when you're gonna be blasting and it'll be three days in advance when you'll know.

Mr. Cobb: No, we're gonna notify folks that they can sign up for the notification system and then if they choose to participate they will get an alert when we're gonna shoot.

Mr. Randall: So when the manager says I'm gonna shoot this, he's gonna go in and he's gonna send out a mass email and it will go out to everyone who's signed up.

Mr. Cobb: Correct.

Mr. Randall: Alright, thank you.

Mr. Bain: That siren, where is it located?

Mr. Cooper: It's at the CR1 if you remember from the presentation, it's located at the CR1 so it-

Mr. Bain: Okay so that's a fixed location?

Mr. Cooper: Yes.

Mr. Bain: And the ability to hear that siren on any given day would be affected by wind at least if the wind was blowing away from where I'm standing it would be a lesser sound I presume.

Mr. Cooper: Yes, yes.

Mr. Bain: Okay.

Mr. Leming: Of course the siren, bear in mind the siren is a safety feature, it's for them-

Mr. Bain: I understand, I understand.

Mr. Leming: -it's not intended-

Mr. Bain: I just know some of the residents have complained, oh they had a blast and we had no siren, they don't ever do the siren-

Mr. Randall: They don't need to hold their pictures on the wall? You don't send out the blast so they can hold the pictures on the wall, are you sure, siren. Okay. Well I have one last question and this is for Mr. Cobb, you probably want to come back up here. Is there any way I could GPS the Pollard tract so I know

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exactly where and how far you're gonna move into the Pollard tract, can I GPS that line? That line seems to be moving, but nobody knows where that line is, I ask a question and you say it's gonna be about right here, can I GPS that line so I know where that line is exactly? Who knows 50 years from now they, everybody's gonna have a GPS on their watch and they're gonna know where they are latitude and longitude and so-

Mr. Apicella: They can do that now.

Mr. Randall: I understand, I understand, I should have said next week, citizen, citizen.

Mr. Cobb: Yes we have a design from the mine engineers I was telling you about that shows exactly what that carve out is on the Pollard.

Mr. Randall: And that's GPS?

Mr. Cobb: No I don't-

Mr. Randall: I don't, I don't care about, I don't care topography, I'm talking about a GPS latitude, longitude, minutes, seconds, the whole nine yards of where exactly that line's gonna be and then you can tell me within two or three feet how far that's gonna be from the backyard of somebody's house.

Mr. Cobb: I can see if Jerry can convert that for us.

Mr. Randall: Thank you. Chairman that's all I have.

Mr. Apicella: Alright thank you Mr. Randall. Alright last call for questions of the applicant. Alright seeing none, thank you, Mr. Leming.

Mr. Leming: Thank you all for your patience and hearing us out.

Mr. Apicella: Mr. Zuraf, there was one clarification you were gonna give...

Mr. Zuraf: Yeah so there was discussion earlier, seemed like yesterday, about the-

Mr. Apicella: In eight minutes it will be yesterday.

Mr. Zuraf: Yeah, so the discussion behind the questions about the current asphalt plant and the future asphalt plant and what applied and what didn't and you know what does this conditional use permit include. We as staff were, you know we'd been advised that the use permit does apply to both asphalt plant sites, the application does state that the permit is for present and future locations of the asphalt plant, now the current condition I think it's number 26, it does limit these conditions on this resolution to the future, the future asphalt plant site but you know the County could impose conditions on the existing site but right now as the conditions are proposed these conditions would apply only to the future site, so I just wanted to clarify that.

Mr. Apicella: I appreciate that clarification. Okay so, now back with the Commission, how would folks like to proceed especially with regard to-

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Ms. Barnes: Steven can I ask a real quick question, I know we had talked about putting some different language in for emergency and in all those places where I said upon request, so how are we dealing with that?

Mr. Apicella: So again, we got some options here, but the one option I would recommend is and I think it's Mike prepped it such that we can go through the conditions and collectively work through it and make modifications, he's gonna put it up on the screen.

Ms. Barnes: Yeah as long as we can address those at some point, thank you.

Mr. Zuraf: I think the first question, the first issue is at condition two and so this is gonna be the clean version to make it a little easier and we talked about maybe the, and I'm just kind of talking through it as we go, a gated emergency access for public safety personnel be provided in the approximate present location of Dun Rovin Lane as shown on the GDP.

Mr. Apicella: Does that work for everybody? Good.

Mr. Zuraf: Are you gonna type? Do you want to type it in while we go along and do a track change, if you can? It's probably, personnel yes.

Mr. Apicella: Do we want to further clarify by saying County public safety? No, okay.

Mr. English: No because sometimes you get mutual aid and somebody might have come in, I wouldn't say-

Mr. Apicella: Gotcha.

Mr. Zuraf: Okay, number five. Yes, so that was a discussion point, I don't know if we still were gonna be making some changes to this.

Ms. Barnes: I think that was my request, you know I would be interested in hearing how the rest of the Commission feels about that as well.

Mr. Zuraf: In the discussion, from what I had in my notes was that, the hours of operation should be limited to Monday through Friday between the hours of seven am and six pm and on Saturday between the hours of eight am and one pm.

Mr. McPherson: I think it's good the way it's written right now.

Mr. Randall: Here's the problem I have Ms. Barnes is that you're, especially in the middle of the summer, you're gonna want these road crews to be out done as early as possible, they're out working sometimes at five o'clock in the morning so they can be out by one or two and they're not working in the middle of the day, by extending them out an extra hour, you're asking them to start, keep working in the middle of the hot summer afternoon so, I'm hesitant to move that, I prefer to leave it alone.

Mr. Apicella: Yeah I don't think we can get to four on that one so, I would, Mr. Leming made a good suggestion on my concern with respect to the emergency exit circumstances so I would recommend after it says the County Administrator, in consultation with the Board of Supervisors, may waive so and so forth.

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Mr. Harvey: Mr. Chairman, are you intending that that request go to the entire Board at a regular Board meeting or would it be more so in consultation with the district Supervisor?

Mr. Apicella: How about if it goes to the Chairman of the Board and whoever that person is can consult with, however they want to do it, right.

Mr. English: I think it should be district Supervisor. I think they should have the say in it because they have to deal with the constituents and stuff like that, that's my opinion.

Mr. McPherson: I just have one thought-

Ms. Barnes: So it will always be the Rock Hill person is then, basically unless of course that changes.

Mr. English: Right, that's my recommendation.

Mr. Apicella: Yeah, I can live with that.

Mr. McPherson: Couldn't we say in the event of an emergency or exigent circumstances as defined by the County, that way the County can define it-

Mr. Apicella: I tried that, I tried to get there and we couldn't get to an understanding of what that means and Mike said there could be so many different circumstances that might not be able to get there so I think that's maybe the way we can compromise so again, the County Administrator in consultation with the district Supervisor.

Mr. Randall: Do we want to talk about what hours are available to be operated on? I mean...

Mr. English: I wouldn't.

Mr. Randall: Okay.

Mr. Zuraf: Okay if nothing else on number five we go down to number nine.

Mr. Apicella: So again, Mr. Leming made a good suggestion I'm gonna try to come up with the verbiage he suggested which is, the County will be notified within 30 days of any federal or state violations.

Mr. Bain: I thought they said that the County already is.

Mr. Apicella: I'm just putting it, we hear that it is, I don't know that that's the case this way we just codify it so-

Mr. Zuraf: So new sentence at the end?

Mr. Apicella: Yes. We'll be notified of any... I'm trying to come up with the right words, the County will be notified of any-

Mr. Randall: Potential.

Mr. Apicella: Not any potential, any violations identified by federal or state regulators. Within 30 days.

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Mr. McPherson: Within 30 days there's a violation?

Mr. Apicella: Okay well we can flip that around, within 30 days of any notice of... violations identified by federal, state regulators the County will be notified. Does that do it? Further confusing it?

Mr. Leming: Could we make a suggestion on that one?

Mr. Apicella: Sure.

Mr. Leming: Just in clarification that it's within 30 days of notification of Vulcan, because they're the ones that have the duty to advise of the notification, we don't have any real control over when we learn of the violation so I think that-

Mr. Apicella: So you see that, how would you get there from here?

Mr. Leming: Let's see-

Mr. English: I think Vulcan should report.

Mr. Apicella: Yeah that's a good idea, Vulcan shall notify the County of a 30 day, here you go Vulcan shall be notified, Vulcan shall notify the County within 30 days of receipt of notice of a violation by any federal or state regulators. Yeah I think that does it.

Mr. Leming: Okay.

Mr. Zuraf: Okay number 12. Stop me if I'm jumping ahead. This is the fence I think at the every end of the, so after existing fencing that serves its purpose may be maintained in its present location and not include the stream corridor between the two existing quarry pits.

Mr. Randall: To provide unimpeded access through the quarry, or something along the lines.

Mr. Zuraf: For wildlife.

Mr. Randall: For wildlife. I want to be sure that there's... what are you gonna do. You think an eight foot high chain link fence is gonna stop a teenage boy? Not the ones I know, what are you talking about. Are we good with 11? We talked about 11 a fair amount.

Mr. Bain: The second sentence needs editing. It says the type of fence may be chain link. Yes.

Mr. McPherson: Should we say shall? Other type that prohibits trespassing?

Mr. Apicella: So, I'm gonna bring up something I don't think we'd talked about it before so close to the bottom of the paragraph before the yellow, I'm on my version of it, the red line strike out-

Mr. Randall: On 11?

Mr. Apicella: On 11. So below it says requires a you know 600 feet setback from all perimeter parcels yada yada yada, blasting limits in the proffers seem too close in relation to Eastern View 400 feet is at the base of the berm, why have we not changed the sentence before to say no blasting shall occur within

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600 feet of the outer perimeter of any adjacent residential property? Vice 400? Why are we not saying 600 feet instead of 400? No it says no blasting shall occur within 400 feet of the outer perimeter of any adjacent residential property.

Mr. Leming: The proffer says 600 feet on the blasting next to the Eastern View subdivision. That's as far as the proffer goes.

Mr. Apicella: Right so this is a condition though that would say no blasting shall occur within 600 feet of the outer perimeter of any adjacent residential property. Do folks have a problem with that?

Mr. Zuraf: The applicant might.

Mr. Apicella: Well I understand this is a condition so I'm asking my colleagues what they think. I heard before a big discussion about oh we're moving twice as much from 300 feet to 600 feet for Eastern View, well what about everybody else, why is it 600 feet for Eastern View but 400 feet for everybody else? I, help me understand that.

Mr. Zuraf: Well I guess all I could say for the western side is maybe an issue of density, of population density, you have larger lots, three acre lot sizes so the homes there are farther away than what you have in the Eastern View where they're right up against the property so it's-

Mr. Bain: In the north eastern I think they're already closer than 600 feet.

Mr. Randall: Yeah, that's the problem. they're already, they're already there at the 400, 450 up north.

Mr. Apicella: So 400's the best we can do, we can't even go to 500?

Mr. Randall: If you go back to the map you'll see that they've...

Mr. Zuraf: Do you want to go back to the map?

Mr. Randall: Yeah.

Mr. Zuraf: Okay Stacie, sorry, if you could go back to my presentation? Hit save though.

Mr. Randall: Just minimize this. Go to the red line.

Mr. Zuraf: This is, well this is just the stone crushing.

Mr. Randall: Yup the next one, sorry, right there.

Mr. Zuraf: So, yeah the 600 feet again is just at the bottom.

Mr. McPherson: I'm fine sticking with the 400 and the 600 as written.

Mr. Apicella: So there's not gonna be any blasting along Austin Drive, that's you're saying that's 400? And there's-

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Mr. Zuraf: Yeah the way the proffer was proposed, which we have this mirroring it, the blasting it basically is right up against the base of the existing berm so that's how that was proffered and yeah so increasing it to 500 would yeah push that blasting in 100 feet from the berm so...

Ms. Barnes: I could be on board with that.

Mr. Apicella: You can't go with 500 Fillmore?

Mr. McPherson: I'm okay with the 400, just my opinion.

Mr. Apicella: AI?

Mr. Bain: I would like the applicant to explain how they could blast right at the base of the berm. That doesn't make sense to me. You've got to be a little bit away from the berm or else the berm's gonna collapse. So why wouldn't, would 500 be acceptable on the western side.

Mr. Cobb: The way we came up with this number was taken really the last two years of work that we've been doing in the Hampton Pit and looking at where those shots have been and that's what's all up in that lip up in there so what we didn't want to do is give you a number that all of a sudden said what we've been doing is a problem. We've been on basically bench one of the Hampton Pit for about two to two and half years and we haven't had any issues at all with neighbors, all the discussion has come up over the last four or five months. So you know I think our blast guys will be able to demonstrate that you have to design your shots based on where you are and we have very effectively been doing that area up high.

Mr. Bain: And I think the fact that that's existing is sufficient reason to keep it 400 on that north eastern segment but I think would you be willing to say 500 on the western side?

Ms. Barnes: If I'm understanding correctly you can't get within 400 feet there. I mean you cant get... you would have to be farther out than 400 feet so why would it, why would it be detrimental to go to five?

Mr. Cobb: Well I can't stand here and tell you that all the areas that we need to be based on those profiles are for sure gonna be at least 500 feet, I can tell you they're gonna be 400 feet.

Ms. Barnes: Because I think what we're trying to do is make the most that we can get nearest the houses and that would be the Eastern View and the southern side which we did, but I think as Steven pointed out over there with that whatever that street was that you said, Austin Drive thank you, that that is a lot closer there and to afford maybe a little more for those residents who live alongside here because it is going to come quite close to them over there.

Mr. Cobb: Well I would just remind you again that the measurements of those shots and the way they're designed takes all that into account so you, there's kind of an underwritten tone that well if we're getting closer to the houses it's gonna be a problem for the communities and I think we've been trying to make sure you guys understand that's not the case. The way the shots are designed they take into account where those neighbors are, where the property lines are and they're worked away from those properties so any perception difference is really not gonna be noticeable for those folks.

Mr. Bain: I'm good with 400.

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Mr. Apicella: Alright clearly we can't get to four on that one either so I'm not gonna beat that horse.

Mr. Zuraf: While we're on that I just saw a little typo where it is in the middle of condition 11, it refers to excavation as ceased on Tax Map Parcel 20-4, it should say 20-4A, right there. Okay... and number 12 I think were we, I think we were kind of in the middle of that or...

Ms. Barnes: I think we got 12 yeah.

Mr. Zuraf: Okay.

Ms. Barnes: 14.

Mr. Zuraf: 14, are we, there was discussion about the construction blasts exceeding 100 pounds, is that still an issue?

Mr. Apicella: Yeah I'm not gonna, based on what I heard from the blasting or seismic expert that these issues are regulated by the state I'm not gonna make an issue of what is now 14 what was 13A or what was 14, so I would just suggest we move on.

Mr. Bain: On the blasting, would you ever blast on a Saturday? No? Maybe we should specify that. And say shall be limited to week days with a maximum of two per day.

Mr. Zuraf: Between the hours of 10 am and three pm Monday through Friday.

Mr. Bain: Yes, so shall be limited to week days with a maximum...

Mr. Apicella: I'm just wondering if somehow we could incorporate holidays, sometimes we have holidays on week days, Thanksgiving, I know you're probably no going to do it on Thanksgiving but we do have holidays that fall on a Monday or a Friday.

Mr. Zuraf: There are other conditions that, they're closed on holidays.

Mr. Apicella: Okay gotcha.

Mr. Zuraf: You said week days. Week days, limited to week days.

Mr. McPherson: Maybe you should put it between the hours of 10 am and three pm on weekdays?

Mr. Zuraf: 15, there's an issue about potentially adding more sites. This was the monitoring, seismic monitoring, Commissioner Randall brought up kind of the point or the idea.

Mr. Randall: Which one, I'm sorry.

Mr. Zuraf: Sorry, number 15, this was the monitoring of blasting and having potentially more monitoring sites.

Mr. Randall: Yeah because currently we have, there's three off site, correct?



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Mr. Zuraf: Right.

Mr. Randall: And we had talked about doing a couple extra. Are we still okay doing that? Well because the current ones they have are-

Mr. Cobb: Yeah I apologize if I'm missing something, I thought that was within the context of we were offering up to do additional monitoring for neighbors that would like that and so we've had two volunteers so far and if there were more we would be able to do some more but you know we have to protect ourselves because of our DMME compliance so when we have a shot we have to have met, we have to have a seismograph there to cover the shot so...

Mr. Randall: Okay so your current locations are based on the Hampton pit blasting correct?

Mr. Cobb: Right, and it will move when we get to the other pit, it will change.

Mr. Randall: Okay who determines where those, and you, you're gonna put those where? Do you know where you're gonna put them or does the, he's probably going, he's sitting right behind you-

Mr. Cobb: Of course I said you guys can probably go ahead and go-

Mr. Randall: Of course, of course, that's right, right-

Mr. Cobb: But we work with them, we also work with our mine planning group on all the profile of shots, the composition of rock that helps set up which way the pit is gonna be managed.

Mr. Randall: Okay my thought initially was to have some over by Toluca but I guess Toluca's not gonna care much until you get back to the original pit.

Mr. Apicella: Mr. Harvey?

Mr. Harvey: Thank you Mr. Chairman and Commissioner Randall, since this is a conditional use permit the County cannot impose offsite conditions so any monitoring would have to be restricted to onsite monitoring on their property.

Mr. Randall: So that would need to be a proffer then, okay.

Mr. Apicella: I think the next one Mike is number 21.

Mr. McPherson: That was just the wording, I realize that the trucks are not owned by Vulcan quarry but minimize potential for materials escaping just doesn't seem enough for me.

Mr. Apicella: Can we say with covers to mitigate, how about that?

Mr. McPherson: Yes.

Mr. English: That's required anyway by state law.

Mr. Apicella: So again all loading trucks leaving the quarry site shall be equipped with covers to mitigate...

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Mr. McPherson: Or just say to prevent materials escaping.

Mr. Apicella: Same thing.

Mr. McPherson: So you'd have to get rid of minimize and-

Mr. Apicella: Yeah so it's, right.

Mr. McPherson: That's good thank you.

Mr. Apicella: I think the next one is 25.

Mr. Zuraf: Maybe 23?

Mr. Apicella: 23, okay.

Mr. Zuraf: This was another one about...

Mr. Apicella: We're just not gonna change those right, I thought we just decided we were gonna leave those as they are.

Mr. Zuraf: Okay.

Mr. Apicella: So on 25, I think kind of a few pieces to this but I think ultimately Ms. Barnes what you were trying to say is that there should be some signage to notify drivers that they need to comply with the weight requirements. Does that sort of capture what you wanted?

Ms. Barnes: Yeah I didn't think, what exactly do they have now, they've got, do you have something up there now?

Mr. Zuraf: This is the, this is the notification website, 25, that was a different-

Mr. Apicella: I'm talking what was 25 so, so it's no vehicle, how it starts off now is no vehicles owned and operated by Vulcan yada yada yada, I think the point is, we want to make sure that drivers understand that they cannot exceed, there should be some notice to advise them that they cannot exceed legal load limit requirements.

Mr. Cobb: They do that.

Mr. Apicella: You're right, so we're just making a condition that maintains that.

Mr. English: When a driver does that, they know they're overweight, they can be checked by the state police.

Mr. Apicella: I understand that, it's just a sign, all we're asking for is a sign.

Mr. Cooper: If I may add just a little information on that, the way everybody has to exit the yard they come through the wheel wash, come up to the scale house, and there's a scale that shows their weight

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and if they're overweight we cannot let them leave and we turn them around and make them go back and lighten the load and come back.

*Inaudible.*

Mr. English: Yeah they'll get fined big time for that.

Mr. Bain: How do they determine what the load, the allowable load is for a truck. Let's say it has four tandem wheels in the back plus two of those adjustable wheels, who determines the allowable load or how is it determined, just curiosity, sorry.

Mr. Cooper: It's determined by the length of the truck and the number of axels, determines the gross weight. How much the truck can carry is the difference between the legal gross weight and the tare weight. And if I can also say the, our scale system is set up where if that truck is 20 pounds overweight it will not print the ticket, there's no discretion of our scale clerks to say go ahead, it won't print the ticket and the truck has to go back and dump off to get it, to get the right weight.

Mr. Apicella: And is this a state requirement that they... that they can't go over some weight limit?

Mr. Cooper: There's one condition where they can get a five percent sticker that still puts them within the legal limit, but they can go five percent over what the state allows and it's state issued it's a tax you pay to be able to go five, you see the big five on the side of these trucks, they pay the tax where they can go five percent over and that's to help with the overload situation so that they don't have to go back and dump off but they can't go over that, now did that answer your question?

Mr. Apicella: Yeah.

Mr. Bain: Yes it did.

Mr. Apicella: So bottom line is we don't need this, okay.

Ms. Barnes: Skipping over 27.

Mr. Zuraf: The deleted 27?

Mr. Apicella: I think it's what's the new 27 kind of about the same point, the County Administrator in consultation with the district Supervisor. Again this is the asphalt manufacturing operation so... I'm still not clear can we make that change or could we not make that change?

Mr. Zuraf: This is gonna be oh... yeah it could be, yes similar to the previous one, the County Administrator with in consultation with the district Supervisor-

Mr. Apicella: Right, we're just adding that-

Mr. Zuraf: Yes. I had 28 circled.

Ms. Barnes: I think that was just a wording, it looked like there was some awkward wording in there, not sure what it was now.

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Mr. Zuraf: That was deleting upon request but I don't know if we're just sticking with it as is...

Mr. Apicella: It is just a really awkward last sentence. I think Clark wrote that one.

Mr. McPherson: So it should be if the asphalt plant operates...

Mr. Zuraf: Well it talks about documenting the calendar days of... so it wouldn't-

Mr. Apicella: It's not substantive-

Mr. Zuraf: It's just, the information, yeah.

Mr. Apicella: I can live with it. Okay.

Mr. Zuraf: Alright. New condition 34? This one I had deleted upon request and said annually.

Mr. McPherson: So it's 60 days annually, is that what you meant?

Mr. Zuraf: On the, at the very end that the information be available to the County annually was my note from the earlier discussion. I didn't have any other notes.

Ms. Barnes: I overlooked something on 31.

Mr. McPherson: Why would it only be annually?

Mr. Randall: Make it quarterly, make it monthly, I don't care.

Mr. McPherson: Why would we have a limit, why can't it just upon request?

Mr. Apicella: I think the point was, again I might be speaking for Ms. Barnes, just to get an overall sense of an annual basis how many days of the year did they go beyond the specified hours so there's some kind of annual report that says we did it 50 days in 2021.

Mr. Randall: Yes, that would be my thought.

Ms. Barnes: Why can't we just do an annual report about you know so we can keep up to date on how many days per year where the hours were, it's just-

Mr. English: Why don't you just fit in there that he give you a copy of the annual report?

Mr. Apicella: That's different. This is specific to find out again, within the 60 days that are authorized per calendar year that they may go beyond those specified hours so that the County's just keeping track of it. I mean we, I guess the County could ask for it annually but this just put's both parties in alignment that that's gonna be tracked and reported on. Really that's a one pager, right.

Ms. Barnes: I'm on board with, well obviously I'm on board with that so that's two of us.

Mr. English: That's fine.

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Mr. Apicella: Mr. Randall, you're okay with that?

Mr. Randall: Yes.

Mr. Zuraf: Annually.

Ms. Barnes: And I did skip over something on number 31. Yeah, before I forget that I need to ask to see that.

Mr. Apicella: I would, can you go back I'm going to say it specifically so, shall document the calendar days the plant operates during nighttime hours and provide a report to the County for the, within 30 days based on the prior calendar year. Nope not there, it's at the end. During night time hours and provide an annual report-

Mr. Leming: January 31 for the preceding year.

Mr. Apicella: That works. And we don't even have to pay his fee. Previous year.

Mr. Randall: Provide an annual report to the County by January 31 previous year, period, and get rid of the rest of it.

Mr. Apicella: Yeah that's it, everything else can go, Stacie.

Mr. Zuraf: After year.

Mr. Apicella: Yup, right there, period, strike out the rest. Alright so you wanted to go back to 31.

Ms. Barnes: Just real quick, I'm sorry just real quick. Access to the asphalt plant shall be limited to the existing entrance, is there a difference between an entrance and an exit? No? I mean does it have to say, the exit can't be considered some place else, we can't have some, I mean I just want to make sure that there's not a little loop hole there.

Mr. Zuraf: We can say the existing access point.

Mr. Leming: It's been there for 10 years and we haven't found a loophole.

Ms. Barnes: You never know.

Mr. Randall: Mike is number 38 a duplication of number 10?

Mr. Zuraf: Yeah at basically 10-

Mr. Randall: It may not be word for word but I think the intent is the same.

Mr. Zuraf: Right, yeah we typically have it, this condition at the very end, I had it at 10 because of that's the general, those are the general conditions and then here is like a section specific to-

Mr. Randall: That's fine if you want to leave them in both places, I just want to make sure that we understand that they say roughly the same thing, if you want to leave them there because one talks about

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specific conditions one talks about general conditions I'm good with that as long as we know that the reason we have them somewhat duplicated is understood.

Mr. Apicella: Yeah cause these are conditions applicable just to the concrete batch plant operations.

Mr. Randall: Absolutely, that's good.

Mr. Zuraf: Okay.

Mr. Apicella: Alright, have we captured everybody's proposed changes to the conditions? Any further discussion on the proffers, Mr. Randall you had some items you talked about, I don't know what the resolution-

Mr. Randall: Yeah I don't know what the resolution is either, we're a little late in the process to try to figure it out, you know, and I guess the hold up's gonna be the Pollard tract and what we want to do with the Pollard tract. I'm looking for a time frame, you guys won't give me a time frame, I'm looking for a GPS coordinates, you know it's hard for us to figure out GPS coordinates at the time, you say you have somebody who can get back and figure out where that line is gonna be you know, in my world I would like to see that line, I know where that line is. If you want to be on the Pollard tract than maybe we need to move that Pollard tract up you know to the point that each of you is making, the decision in 1988 was, or 1998 I can't remember it was, there won't be anything on that tract and now you're going back on that and so I would say yeah I can understand that but to the minute, to the maximum extent possible we need to minimize every impact and I'm not sure 600 feet does it. Alright and I'm not sure it does and so the Pollard tract specifically talks a lot about, there's nothing behind the Pollard tract, no houses, nothing, except for that south eastern portion of, south west portion of the Pollard tract when you start getting in front of Eastern View right, and so I'm torn and I'm good with most of it but this whole process of the Pollard tract and what we originally decided and what we originally agreed on and what the original purchase of the land was based on, you know I'd cut that Pollard tract right in half and say yeah you can do anything you want on the north half but that south half, done, nothing, you can't do anything on it. And if that's 1500 feet, well guess what that means that the Eastern View won't even feel it, they won't even know it's there because it's 1500 feet and not 600 feet. But that's not what we're, that's not what's before us. You have it cut down all the way to 600 feet from their house. Well that wasn't the agreement with the lady that sold it to you and I'm hard pressed to go back and change that without you know, without her saying yeah you're right we were a little restrictive you ought to be able to let them do that. And so yeah, that would be a proffer it's something that I can, that you would have to tell me that I can't necessarily condition but again we're kind of at a rock and a hard spot because I would like to see it GPSed I want to know exactly how far that's gonna be and I want to cut that Pollard tract in half so you can work on the western, north east portion of the Pollard tract where there's nothing there, and then the south eastern of the Pollard tract is completely left free right, and so-

Mr. Cobb: We can take a 10 minute break, five minute break?

Mr. Randall: Well again, the issue is do we get it right or do we get it quick?

Mr. Leming: Let me be sure we understand. Is your GPS issue separate from us cutting the tract in half?

Mr. Randall: No it would be, we would GPS the line on that so everybody would know.

Mr. Leming: Which line do you mean, the one that-

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Mr. Randall: The line that you're gonna draw for me.

Mr. Leming: Okay the line that is there, you mean blasting limit. Blasting limit?

Mr. Randall: Yes, yes.

Mr. Leming: Well is, I mean that's something you can do-

Mr. Randall: Absolutely they can do it, for sure.

Mr. Leming: I want to be sure we understand your question I mean we can do it based on what we've proposed at this point, if you're saying go to another point that's a separate issue.

Mr. Randall: Well... I'm trying to resolve this, right. If you can get, you can leave it the way it is and get what you get right, but that's my problem with the Pollard tract at this point in time okay, that's been the Pollard tract problem the whole time right and other than we're gonna leave it alone and you're gonna continue the conditions that we've had this whole time right, but if you're gonna get on the Pollard tract that it's got to be, it's got to be as far away from the citizens as possible. I don't have a problem getting on the Pollard tract, I do have a problem getting over by Eastern View. And I don't know if you can mitigate that at this point in time or we just go with what we have and you get what you get.

Mr. Leming: Do you want to look at this for a moment?

Mr. Apicella: I'm a little unclear Mr. Randall what you're asking for so maybe you can, I'm not sure they understand and I'm not sure I understand. What are you saying about the Pollard tract, what are you asking for, for them to do?

Mr. Randall: Yup, go to the map, I'll show you. No... go back, leave it right there. So can you draw on that Mike?

Mr. Zuraf: Yes.

Mr. Randall: Alright Mike, I'm sorry Mr. Cobb, come show me where you currently have your line for the Pollard tract.

Mr. Leming: So what we've proposed is 600 feet for both crushing and blasting.

Mr. Randall: I understand, I understand.

Mr. Cobb: And it would be roughly in there. And what we were trying to capture was that length from Eastern View up to that point. Okay so, okay so what I've seen and maybe it was in your presentation, Mr. Leming's or I've seen, I've seen that come down a lot farther closer to Eastern View so if that's where that line is then I need that line GPSed that says it will go longer, no farther south than that line right there, okay. Because that's a great line, if you're only gonna go to there and it's gonna be completely backed up by the conservation easement and no houses, I'm good with that right, but if this, if this little thing that you draw comes down five or 600 feet farther down towards Eastern View then that's my problem.

Mr. Cobb: I get it yeah.

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Mr. Leming: This is more than 6-, he wants that distance-

Mr. Randall: I'm not, I want to know that this backs up on Eastern, that this backs up onto the conservation easement and not onto Eastern View and that you're never gonna get down close, that it won't just be 600, that I can look at Eastern View and go hey this line right here this GPS line, that's 1300 feet from your house and at this point in time it's not a concern.

Mr. Cobb: And the only reason, you know I tried to get this for you guys quickly-

Mr. Randall: I know.

Mr. Cobb: -last time we had this discussion so that's the only reason I don't have that exact number for you.

Mr. Randall: So how do I write that, how do I write that into the proffer? How do you write it into the proffer so that I can walk away tonight?

Mr. Leming: Well one thing you could do is as part of your recommendations, ask us to do that, and recommend that proffer. That way we have the time to actually get a number, rewrite the proffer as we move forward you know, you don't, there's certainly a loop back to you, you can say what it is but the likelihood that we're going to be able to come up with a proffer that covers exactly that point this evening is not great simply because we don't have a way to precisely measure it the way that you want.

Mr. Cobb: Do you have a number in your head that you want to see?

Mr. Randall: Let me ask you this question-

Mr. Leming: We have a scale here.

Mr. Randall: Yeah like that's gonna be accurate. What's the length of the top part of that Pollard tract, in feet?

Mr. Cobb: I'm sorry.

Mr. Randall: What's the length of the Pollard tract in feet?

Mr. Leming: The entire length of the Pollard tract.

Mr. Randall: Yeah, 2,000 feet, 2,500 feet? Yeah see you can't give me that I can't give you that distance. But I'm looking at 1,500 feet from Eastern View.

Mr. Leming: I think 600 feet is where we are at this point.

Mr. Randall: Mike go to the 600 feet that you had before.

Mr. Leming: Put in the 600, because I think it's about twice that distance.

Mr. Randall: Well if you go twice the distance to 1,200 feet-



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Mr. Leming: Yes. So this is the, that's the current 600 feet.

Mr. Randall: That's 600 from the property line as it goes south as it goes north east.

Mr. Leming: Right.

Mr. Randall: Right.

Ms. Barnes: Yeah, but that's not the blasting thing. The blasting is still 600 there.

Mr. Leming: Put your approximate squiggle back in there that you had on the previous one.

Mr. Cobb: Yeah that's a little better. That's 600 from there to there, you measure that.

Mr. Randall: So I want you to see the 600 right there, I want you to double that up into the Pollard tract and that's gonna be the limit of where you guys can build, of where you can blast in the Pollard tract.

Mr. Cobb: You exit the parcel if you go that far but..

Mr. Randall: Double the 600 feet you follow it up and it'll be about where that, see where it says the Vulcan lands, it would be about right there.

Mr. Cobb: And that's about where we're talking about.

Mr. Randall: It'll be about right there where the southern boundary of that, yeah right through there.

Mr. McPherson: If that boundary's diagonal that's actually more than 600 feet. 600 feet is north to south-

Mr. Randall: Right I understand that, I'm talking-

Mr. McPherson: That's gonna be more than 1,200.

Mr. Randall: I understand that, I'm trying to get a representation of 1,200 feet, right. So right there if you put it right there and you tell me that that's gonna be the limit that you're going into the Pollard tract and it's gonna be 1,300 feet from the Eastern View, 1,200, 1,300 I'll get whatever I can get. Then-

Mr. Cobb: Well see here's the problem then you're getting back up into the Pollard tract where all our other operations are going on.

Mr. Randall: What do you mean I'm getting up into the Pollard tract.

Mr. Cobb: I mean up into 19-54.

Mr. Leming: No this is just the Pollard tract. We would limit it to that parcel.

Mr. Cobb: Okay so we wouldn't have 1,200 feet extending on up that way.

Mr. Randall: No, I want it 1,200 feet from the farthest east area of Eastern View I want 1,200 feet.

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Mr. Cobb: You want to see it like that.

Mr. Randall: Yes.

Mr. Cobb: Okay. That number I believe is about 1,100 feet when you get to that point there.

Mr. Randall: Okay.

Mr. Leming: We could give you a proffer that identifies the Pollard parcel.

Mr. Randall: It's no closer than and... I don't know.

Ms. Barnes: Personally I think we need to vote on this as it is and if we feel strongly enough about this as commissioners we can you know we can make a recommendation and talk to our supervisors and say hey you know this is this is one of the recommendations we have to possibly make this a little more palatable to folks.

Mr. Randall: Yeah, you said that was 1,100 feet? Can you go to 1,200 if I said 1,200 feet from there would that be safe?

Mr. Cobb: I mean I'm show you what you're asking for.

Mr. Randall: Okay. Mike how do we write that, what would you recommend?

Mr. Zuraf: 1,200 feet from which point?

Mr. Randall: From the farthest point.

Mr. Zuraf: This point or this point?

Mr. Randall: No, no where's the, well if I go all the way, if I go to the house closest to the conservation easement I'm probably asking for more than, that's probably gonna I can't ask for 1,200 feet from there, that's probably closer to 1,000 feet.

Mr. Zuraf: The idea, so let me, so like you're thinking 1,200 feet out and then run a line across and then whatever that line is that intersects-

Mr. Randall: Yeah that's fair enough, that's fair enough, yup you could do that. Right only impacts the Pollard tract, right it wouldn't be there it would just be that Pollard tract and you'd cut that Pollard tract right there in a third and then they could do whatever they wanted on that section right there Mike, absolutely.

Mr. Leming: Alright well leave the 600 feet because that governs-

Mr. Randal: I wouldn't change anything with the 600 feet I would say that for the Eastern View tract specifically that you would limit the Pollard and that's why if I had my, if we had another week, I would have you GPS that so I would know where that exactly is and you would say inside the Pollard tract we would be able to mine GPS here, GPS here, GPS here and be done. So this where we're guessing somewhere.

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Mr. Leming: Well I think what we say is simply where we have, the 600 feet stays in place because that governs the rest of it except for Parcel 20-2 where no excavation shall occur, no blasting shall occur within 1,200 feet, 1,100 feet of the Eastern View subdivision.

Mr. Randall: Yes.

Mr. Leming: I don't think it's more complicated than that. It's only limited to just Parcel 20-2.

Mr. Randall: Right the question is-

Mr. Apicella: I'm trying to understand again, is it blasting or blasting and something else?

Mr. Randall: Well we started with no quarry operations at all. So does it defeat the purpose if I say blasting is 1,200 feet but they can do rock crushing and concrete crushing within 600 feet, does that defeat the purpose to some extent-

Mr. Leming: Who's purpose? I mean-

Mr. Randall: Eastern View's purpose which is the whole purpose of the Pollard tract in the first place.

Mr. Leming: Well you did initially say blasting.

Mr. Randall: I did initially say blasting, that doesn't prevent me from changing my statement though.

*Inaudible.*

Mr. Randall: No, no I'm-

Mr. Apicella: So help me understand what was the deal with the Pollard tract and what are trying to emulate now that they've asked for changes?

Ms. Barnes: Would you like me to read the original proffer?

Mr. Randall: No the deal with the Pollard tract was that whole section, there would be no mining operations-

Mr. Apicella: It's more than blasting.

Mr. Randall: It is more than blasting, I've only been talking about blasting that is true, but the original Pollard tract, there is no mining operations on that entire tract of land and that needs, they want to change that.

Mr. Cobb: Bart I'm not sure that's quite correct wasn't the original proffer no excavation or crushing activities on the Pollard tract because that tract has been used and planned to be used behind that berm from day one.

Mr. Randall: Yes you're right I misspoke that's true.

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Mr. Cobb: Remember that the reason that this proffer came to be originally, it was not an agreement with the land owner that I'm aware of, I've never seen anything like that, it was discussion about how that parcel was going to be used and we needed overburdened storage and we also needed activity areas for stock piles and everything else, that's how it was designed.

Mr. Randall: Yeah we wouldn't stop any of those, right we wouldn't stop any of those, we wouldn't stop any of those.

Mr. Cobb: So all of that is already allowed all the way down to the back of the buffer so you're asking use to give away all of that and I still don't quite understand why I mean we've demonstrated through sound studies, we've demonstrated through safety of blasting through everything else to explain the impact down on Eastern View, yeah it's not causing an issue so an extra 100 feet an extra 200 feet you know we're kind of splitting hairs on what we're doing here, we already went to 600 feet to try to accommodate that which I felt like was a pretty big give just to send the message, we hear you, what we've seen on our mine plan we don't need to get that far so I just don't quite understand our revisiting that now to say it needs to go that much deeper and be broadened. I think the protections are there. And then you've got to remember we're now going to the Board of Supervisors and they're gonna say well if it's not safe to blast within 1,200 feet of Eastern View why is it safe to blast within 400 feet somewhere else. So it just puts us in this paradoxical world that's very difficult to try to explain.

Mr. Randall: Well you're absolutely correct and you knew that coming into this so-

Ms. Barnes: Let me just real quick, let me just read this, 1988, the subject property will not be used for extraction of minerals or stones, nor will it be used for those other uses permitted by right or special use permit in the M-1 and M-2 districts, that's the last sentence of it. So basically the subject property will not be used for the extraction of minerals or stone.

Mr. Leming: Understand what that was, those were the conditions that were imposed by the County-

Ms. Barnes: That's a proffer.

Mr. Leming: Those are not proffers. It was not even an agreement between Vulcan and the County those were the conditions that were imposed in 1988 for that tract so that's, there was an agreement, remember there was just one proffer, the County had very limited proffer authority at that time.

Mr. Randall: So... okay so-

Mr. Cobb: And we're trying to get to that I mean, the whole reason we're doing this up front so everybody can hear it and see it is to try to make people understand we're not trying to sneak anything we just want to have a discussion and-

Mr. Randall: I understand that but here's the problem that we have. The land was purchased I don't know who purchased it from the home owner, I don't know what was told to the home owner when they purchased it, you know my guess is that if you told her that they were gonna be mining rock on that land she would have said no I'm not selling it to anybody, I'm gonna keep it, right. I don't know that but I bet I could find somebody in the County that would know that right, and if that's the case then we're saying well hold on a second we initially purchased it so that Vulcan could use it for non-mining operations and now we're going back on that because now we're saying we want to mine it-

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Mr. Cobb: Not extraction.

Mr. Randall: Not extraction, right. Not extraction which means not extraction, not rock, not crushing, not any of that stuff on the Pollard tract. And now we want to change that, right, and so the issue is the pendulum says I want to change it but do I need to change it to this part or is there something in the middle I can come to, right, and I'm not sure in the middle is where we, is 600 feet, I'm not sure 600 feet's in the middle. Now 600 feet may be good, but it's not as good as they have now, because now there's nothing. I got tons of spot, especially for the people on the east side of Eastern View, they don't have to deal with anything. They're gonna deal with a little bit in 20-90 on that little part 300 feet and it's gonna happen for two or three months and then it's gonna be done. So how do I justify that?

Mr. Bain: But the west side of Eastern View under the current application can be 130 feet and they're giving 600 so they're making a significant concession for the western half of Eastern View right there. That's why I said earlier Eastern View's getting a big benefit with this 600 foot setback limit compared to what could be done right now.

Mr. Apicella: Mr. Bain, Mr. Randall, it's, we've been at this now for five hours-

Mr. Randall: Great then let's vote on it that's fine.

Mr. Apicella: -it's one o'clock in the morning and we still have more business to do so I'm just gonna take a quick poll and see Mr. English would you like to move forward?

Mr. English: Yes I do it's getting late.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: What do you mean by move forward?

Mr. Apicella: Take some action on the items in front of us.

Mr. English: Yes, right now, do something with it. He wants to know if you want to vote on it.

Mr. McPherson: This GPS thing we were just talking about?

Mr. Apicella: Well we could, I don't know how we get there but I-

Mr. McPherson: I think we get rid of that.

Ms. Barnes: Yeah I would like to call to question. Can I make a motion to call the question?

Mr. Apicella: Mr. Bain are you good to move forward? Okay so I appreciate it Mr. Leming and I appreciate everybody's indulgence it is very late so this, this is in your district Ms. Barnes and as we normally do I'm gonna ask you how you'd like to proceed since it's in your district.

Ms. Barnes: Okay. So before I make a motion I'll just have a couple things to say. I prefer to have a little bit of an explanation on the front end so I don't just jump right in and leave everybody surprised and I will do this very quickly.

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Mr. Apicella: I mean I think if you have comments to make it'd probably just as good to say it after you make your motion.

Ms. Barnes: Do I have to do it that way? Okay let me just-

Mr. Apicella: No, if you feel that-

Ms. Barnes: Let me just rephrase this. Let me just start off by thanking staff and Vulcan for working so incredibly hard on this application and for Vulcan for making a lot of concessions and a lot of changes. I'm very appreciative of your willingness to make these changes and I think that we have massaged this thing practically to death and regardless of what happens here tonight, it's a better application than what we started with, when it goes on to the Board of Supervisors this is a better starting point for them and I think that's an important point to make. I will make comments if you'd like afterwards. I will make the motion now. Are we going to do these motions separately? Can I do them together?

Mr. Apicella: We have to do them separately so-

Ms. Barnes: Because my comments are the same for both.

Mr. Apicella: That's fine.

Ms. Barnes: So then as far as reclassification RC19152912 I'd like to make a motion to recommend to deny.

Mr. English: I second it.

Mr. Apicella: Alright so there's a motion recommending denial of the reclassification, Ms. Barnes any comments?

Ms. Barnes: Okay so now I go. I do want to say that I'm very supportive of commercial enterprises in Stafford especially in Rock Hill. I think it's very important that we, that we support our corporate citizens and I think that in many ways Vulcan has been a good corporate citizen but when we're considering these applications we have to balance commercial interests against the possible impacts on the surrounding community for example will this application be a benefit for Stafford, will this application adversely affect the surrounding community and are those impacts sufficiently mitigated. So let's start with the current situation and conditions that we've been listening to for the last couple of months. Over the last several months of listening to the surrounding community, one thing has become abundantly clear, the current mitigation strategies, policies, and procedures have proved to be largely ineffective but that's not the question tonight. On a side note, I am very disappointed that we haven't seen or heard from any neighbors besides possibly the applicant's representative that have come to us and said they've had no issues with Vulcan, none. All we've heard from folks is that they've expressed that this has been a very difficult situation and their quality of life has been negatively impacted and that's unfortunate. I you know, I would have liked to have heard from a couple of neighbors that said Vulcan's been a great neighbor I really wish I had heard that. Most of the folks that we've heard from have stated with the exception of removing the trees behind Garfield and adding the berm most of the issues that they have and had were known and are a known commodity so to say. Many have openly stated we knew what we were getting into but again that is not the question tonight. The overriding issue for me is that given how ineffective the current mitigation procedures have been for these neighbors moving these active mining operations even closer to residential neighborhoods is only going to exacerbate an already difficult

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situation for these residents. As a matter of fact if I'm reading conditions correctly all attempts at regulating noise levels at the quarry have been removed, it seems if that's the case then we should keep quarries and residential neighborhoods as far away as possible and that's not what we're doing here. But to get back to what the residents knew when they moved near this quarry, the nearby property owners also know that the parcels next to the quarry, specifically Parcel 20-2 the Pollard parcel, and Parcels 20-3 and 3a were not parcels that would be actively mined. Those were the parameters that we gave them that was their goal post so to say. The 1988 conditions and proffers on the Pollard tract and this is my biggest issue and I think Bart's been covering that pretty well, specifically state that active mining operations were not to take place on that parcel, that's what the community was told and that's what they were counting on. In fact let me read a bit from the original 1988 documents that I have. The subject property will be used for non-mining quarry activities, end quote, quote, the subject property will not be used for the extraction of minerals or stone nor will it be used for other uses permitted by right and the special use permit, which is what they called it back then, is for non-mining quarry activities limited to stock pile of areas of crushed stone and other accessory uses that do not create adverse noise impacts. The Pollard tract was meant to be a buffer between active mining operations and the surrounding suburban neighborhood for those that say or interpret this as most of these neighbors knowingly moved in next to an active quarry, that is demonstrably false. Many of them knowingly moved near, but not next to an active quarry. The Pollard tract was to be used only for non-mining activities, that was known and the 20-3 and 3A parcels are agricultural parcels zoned A-1, not M-2, that is also a known commodity, a known factor so let us be very clear here. This is not a case of residential areas expanding closer to a quarry it is quite the opposite. This is a case of a quarry wanting to expand the mining operations closer to a residential area. In my opinion we have to listen to these folks, these citizens otherwise known as the folks who pay the bills around here and they are telling us, we did not move directly next to land that will have active mining, don't move the goal post on us and I think that's a very valid concern. As a quick exercise let's flip a scenario. If a developer came to us and asked us to expand Eastern View, Suburban Estates or any other subdivision towards an active quarry, we would probably tell them it would not be advisable to bring homes closer to the quarry so to me logic dictates that that reverse is also inadvisable. A few other points, not many. I still think it's in the County's best interest to take the transfer of the Hampton pit in 2035 and the central pit in 2085. That was the original plan, to me it's still a better one. In addition if our water supply is as good as the report has told us do we really need to wait until 205 so that Vulcan can make that Hampton pit that much larger, it doesn't seem that we need it, it seems that at 2035 that'll be good enough for us. As far as the concrete plant goes, I am very very glad to see that it is moved up next to the asphalt plant and I do appreciate that I know that was a big ask and that's a much better spot for some but not for all. But again thank you for that concession and I'm glad it's there and I think when it goes up to the Board of Supervisors that's a better starting point for them. However based on where the concrete plant is currently located they don't need to be co-located with the quarry. I know you'd like it there but obviously it works okay and it works well off-site because inevitably in my opinion a concrete plant sandwiched in between two neighborhoods is intuitively not the best location. There are very serious and legitimate health concerns about locating this plant near houses and I understand that, I understand where these people are coming from. And above all else, let's remember that if this application, if these applications are ultimately denied Vulcan will still be able to operate until 2085, nothing changes. Stafford will continue to be able to get raw materials, as they same there's no harm no foul. So again, I do want to, I do want to thank the applicant for the willingness to make changes this was not an exercise in futility. I am much more comfortable sending these applications in their current iteration to the Board. And so once again thank you very much for that, I hope that we have created something that if it passes is more palatable to rest of the citizens of the County.

Mr. Apicella: Thank you Ms. Barnes, Mr. English?

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Mr. English: I don't have anything.

Mr. Apicella: Okay, any other comments?

Mr. Randall: Yeah I have some comments. I appreciate you guys have done a lot of work, Ms. Barnes has done a yeomen's job with this. She's probably got 100 hours into this if one into doing this and making this right. The package is a lot better than it was when we got it. You guys have made some significant changes and significant concessions to the County which I think as Ms. Barnes has stated is a better process and a better product. I'm again as she is concerned about the Pollard tract, I think the concrete plant where it's at currently with the new location will be transparent to the, transparent to the County and will pretty much be a non-issue but again I have some issues about the Pollard tract and those things I think need to be resolved even to the point of significantly reducing the impact on the Pollard tract moving forward. Thank you.

Mr. Apicella: Thank you Mr. Randall, anybody else? Okay I've got a few comments I'd like to make. I agree with my colleagues who just commented. What Ms. Barnes said about moving the goal post yet again after having done so several times thus far seems to be apropos in this case. Definitely moving operations even closer to nearby homes and residential parcels than the current state provides. I heard many of the stake holders comments and concerns and those have stuck with me throughout this process perhaps none more than the comment made that we're not moving closer to them, they're moving closer to us. I'm also very concerned about moving the concrete plant and its operations to this site. It's not there now and it's another use on this site that wasn't pitched and approved before so it's an additional use that's gonna impact the nearby residents. It's on another site today so it's already been demonstrated that it can be conducted elsewhere and I agree that we definitely want to support commercial enterprises in Stafford. This is largely unique in the way that it impacts nearby residents, it's not a typical business operation. So, again for the reasons that Ms. Barnes raised and the fact that this current operation can continue as is whether or not it's approved I think we're still gonna be supporting this commercial enterprise but I have a concern about the expansion areas and how those are gonna impact the neighbors and especially the Pollard tract I think there was a covenant made in my mind when the 1988 changes were approved whether they were a part of proffers or conditions, it's still the same the residents believe that a certain set of circumstances would exist and since that time, 30 years, people have believed that that parcel would not be used as now proposed so for those reasons I'm gonna agree with the motion to recommend denial. Okay so there's a motion on the floor to recommend denial of RC19152912 please cast your vote. Okay that motion carries 4-2 with one absent. Okay Ms. Barnes there's another item here related, the CUP, how would you like to proceed on that one?

Ms. Barnes: Thank you Mr. Chairman. For the conditional use permit 19152911 I'd like to make a recommendation for denial.

Mr. Apicella: Okay is there a second?

Mr. English: I'll second it.

Mr. Apicella: Alright, any further comments Ms. Barnes?

Ms. Barnes: No, thank you.

Mr. Apicella: Mr. English?



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Mr. English: No sir.

Mr. Apicella: Anybody else? Okay I think I've already made my comments and since these are inexorably tied together I'm also gonna agree with the motion recommending denial, again so there's a motion on the floor to recommend denial of CUP19152911, please cast your vote. Okay that motion carries 4-2 with one abstention. Thank you so much for your time everybody. Alright Mr. Harvey it's 1:10 in the morning, I was just telling Mr. Randall I think this is the latest I've been here for a Planning Commission meeting.

UNFINISHED BUSINESS

4. RC20153340; Reclassification - Mainline - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the UD-3, Urban Development - Residential Mixed Use Zoning District on Tax Map Parcel Nos. 45-67, 45-67A, 45-69, 45-94, 45-95, 45-96 (Property), consisting of 44.55 acres, to allow for the development of up to 264 apartments and 114 townhomes. The Property is located on the north side of Warrenton Road, approximately 3,000 feet east of Interstate 95, within the George Washington Election District. **(Time Limit: September 17, 2021) (History: June 9, 2021 deferred to July 28, 2021)**

*Discussed before item 1.*

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Well Mr. Chairman, for the Planning Director's Report there's two items that have been referred to the Commission from the Board of Supervisors, one is to change the road name on Kensington Drive. It's a private road in the County and that road does not have any current people addressed off of it. And the second item is changing lighting standards for industrial uses. Staff would ask the Commission to agree to forward these on to public hearing.

5. Index of Road Names Amendment – Kensington Drive – *Board Referral*

Mr. Apicella: So the first item, number five Index of Road Names Amendment – Kensington Drive, Mr. Bain that's in your district how would you like to proceed on that one?

Mr. Bain: Yes Mr. Chairman, I would like to make a motion to forward that to public hearing.

Mr. Apicella: Okay, Mr. Harvey is it possible to do it at the next Planning Commission meeting which I think is August 25?

Mr. Harvey: Yes Mr. Chairman, we were looking for that meeting we have to kind of take a look at the schedule because there's the potential for up to seven hearings so we want to try to balance that out, something to that effect yes, so staff's gonna try to work to balance that out some items may have to get pushed to September but we'll look to see what we can do.

Mr. Apicella: Okay, so we won't say a specific date we'll just say the nearest viable date.

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Mr. Harvey: Yes, yes.

Mr. Apicella: Okay was there a second on that one?

Mr. English: I'll second it.

Mr. Apicella: Okay thanks Mr. English. Any further comments?

Mr. Bain: No.

Mr. Apicella: Mr. English? No, okay, motion to put this to a public hearing at the nearest viable date please cast your vote. Okay that passes 6-0 with one abstention. On the industrial lighting standards Mr. Harvey, you feel pretty confident that's good to go and if someone made a motion to put that forward to a public hearing that would work for you?

6. Industrial Lighting Standards – *Board Referral*

Mr. Harvey: Yes sir, the new standards would basically mirror the national standard.

Mr. English: I make a motion to forward it.

Mr. McPherson: Second.

Mr. Apicella: Thank you gentlemen, any further comments Mr. English?

Mr. English: No.

Mr. Apicella: Mr. McPherson? Nobody else? Okay, let's take a quick vote on putting that forward to a public hearing at the nearest viable date. Cast your vote. Okay that motion carries 6-0 with one abstention. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: I won't even joke tonight.

COMMITTEE REPORTS

Mr. Apicella: Committee Reports, Comprehensive Plan 5-Year Update Subcommittee, Mr. Randall.

7. Comprehensive Plan 5-Year Update Subcommittee  
*Meeting Summaries – June 17, 2021; June 24, 2021; July 7, 2021; July 14, 2021*  
*Meeting – July 22, 2021*  
*Next Meeting – July 29, 2021 @ 3:00 PM, ABC Conference Room*

Mr. Randall: Yes, we've been meeting pretty much every Tuesday, every Thursday for the last probably 10 weeks. We are moving, finishing up County comments with Utilities and Transportation and we have done a couple of items with Chapter 1, got about halfway to Chapter 2 with the changes we've made so, we'll be meeting again tomorrow and then continuing on until we get it completed and be able to make a report back to you guys.

*Planning Commission Minutes*  
*July 28, 2021*

Mr. Apicella: Thank you Mr. Randall. Chairman's Report, I have nothing to report. Other Business, TRC, looks like you've got some activity Mr. English. Mr. Apicella: Approval of minutes, is there a motion to recommend approval of the May 12, 2021 minutes?

CHAIRMAN'S REPORT

OTHER BUSINESS

8. New TRC Submissions
- Sherwood on the River Sec. 3 - Hartwood Election District
  - Sycamore Grove 21153988 - Hartwood Election District (ePlan)
  - 7/11 Courthouse Tracts 21153978 - Hartwood Election District (ePlan)

APPROVAL OF MINUTES

9. May 12, 2021

Mr. McPherson: So moved.

Mr. Apicella: Is there a second?

Mr. Bain: Second.

Mr. Apicella: I don't hear any comments so let's cast our votes for approval. Alright that carries 6-0 with one absent. Is there a motion for the May 26 minutes approval?

10. May 26, 2021

Mr. Bain: So moved.

Mr. Apicella: Okay you're first, you're second.

Mr. Randall: Second.

Mr. Apicella: Okay motion to approve, cast your vote. Okay, that motion carries 6 with one abstention. With no further business, thank God, this meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 1:14 AM.