

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

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

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

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

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

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

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

6. Entrance Road.

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

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

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

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

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

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

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

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

CCMA22-28 Luck Companies request a portion (17.92 acres) of Tax Map # 089-00-00-008-000 at 1113 Lancaster Hwy., Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Commercial District (GC). Vice Chairman motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA22-28 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to GC

Please give your reason for this rezoning request:

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions".

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: 1113 Lancaster HWY Chester, SC 29706
 Tax Map Number: 089-00-00-008-000 (portion) Acres: 17.92 Acres Rezoned to GC out of total 66.81 Acre Parcel

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant (s): Luck Companies
 Address PO BOX 29682 Richmond, VA 23242
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

Owner(s) if other than applicant(s): Pinnacle Partners INC - see attached Designation of Agent letter
 Address: PO Box 3167 Rock Hill, SC 29732
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: see attached Designation of Agent letter Date: _____

Applicant signature: [Signature] Date: 11/11/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.

Designation of Agent for Zoning Map
Amendment and for Special Exception Application

Chester County, South Carolina

Pinnacle Partners, Inc. hereby appoints Benjamin A. Thompson, Director of Greenfield Development for Luck Stone Corporation d/b/a Luck Companies, as its agent to represent it in connection with applications to Chester County, South Carolina for a Zoning Map Amendment (Rezoning) and for a Special Exception with respect to the property described below:

Property Address Information

Property Address: 1113 Lancaster Highway, Chester, SC 29706
Tax Map Number: 089-00-00-008-000 Acres: 66.24

Applicant:

Luck Stone Corporation d/b/a Luck Companies
515 Stone Mill Drive
Manakin-Sabot, Virginia 23103
Attention: Benjamin A. Thompson
Telephone: Office: [REDACTED] Cell: [REDACTED]

Owner:

Pinnacle Partners, Inc.
541 Windward Pt. Ct.
Columbia, South Carolina 29212
Telephone: Home/Office: () _____; Cell: [REDACTED]

I hereby agree that this information I have presented is correct.

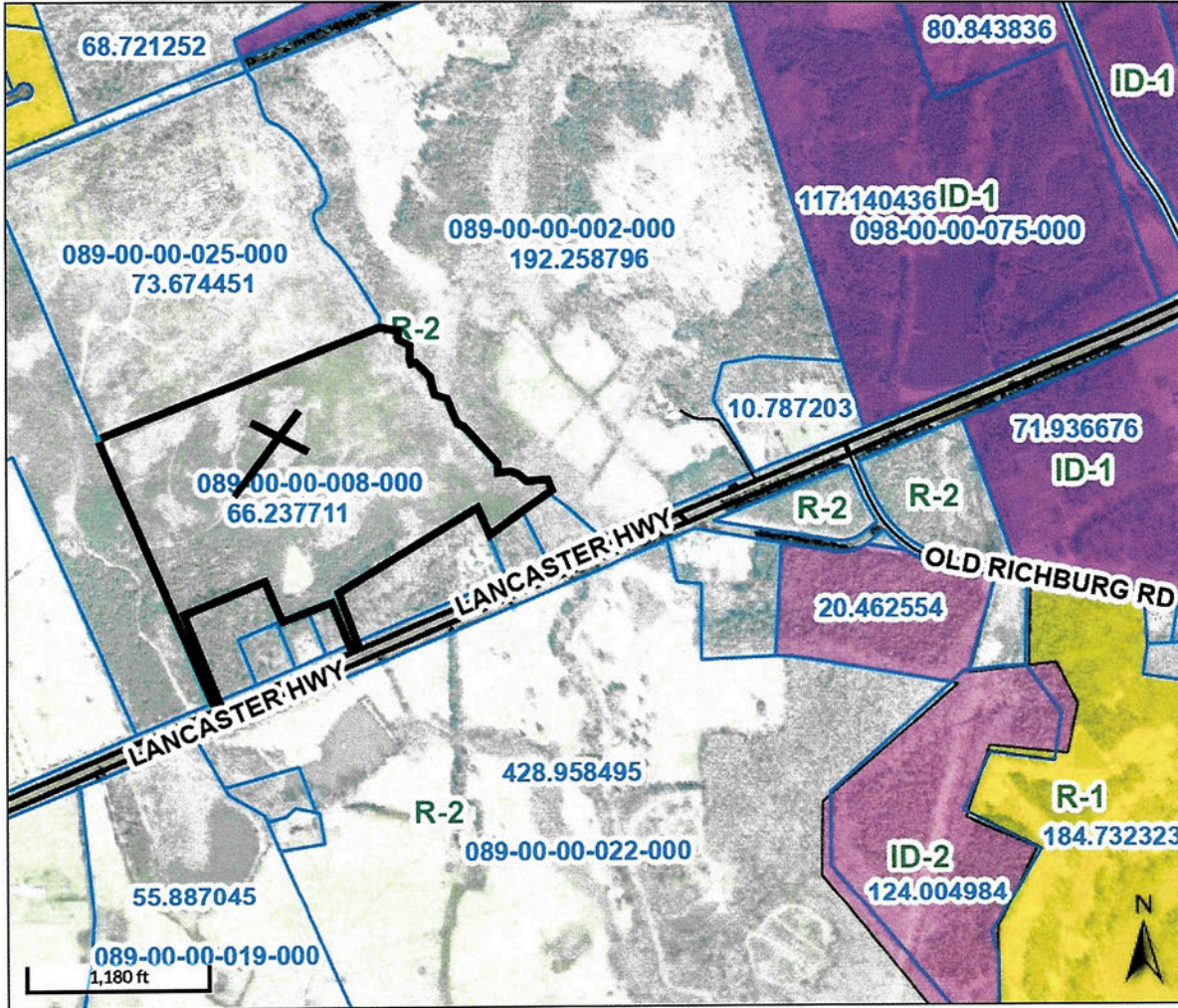
Owner's signature:

PINNACLE PARTNERS, INC.

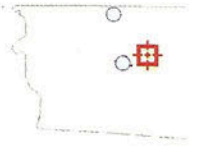
By: Harold Williams
Harold Williams
Its PRESIDENT

Date: November 3rd, 2022

Doc#133266766



Overview

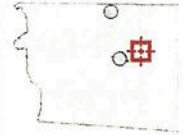


Parcel ID	089-00-00-008-000	Alternate ID	n/a	Owner Address	PINNACLE PARTNERS INC
Sec/Twp/Rng	n/a	Class	LA		PO BOX 3167
Property Address	1113 LANCASTER HWY	Acreage	66.238		ROCK HILL SC 29732
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 12/16/2022
 Last Data Uploaded: 12/16/2022 3:41:06 AM



Overview



Parcel ID	089-00-00-008-000	Alternate ID	n/a	Owner Address	PINNACLE PARTNERS INC
Sec/Twp/Rng	n/a	Class	LA		PO BOX 3167
Property Address	1113 LANCASTER HWY	Acreage	66.238		ROCK HILL SC 29732
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  **Schneider**
 GEOSPATIAL

Next Year (2023) Changes



Search Options

Map Number 089-00-00-008-000 Real 00641793

History Year



Alerts

Has Additional Comments

Name 1 PINNACLE PARTNERS INC

Other Map Number

Owner Information

Post Initials CW Reason for Change

Activity Date 06/04/2021

Name 2

Land Value 268,000

Address 1 PO BOX 3167

Building Value

Address 2 ROCK HILL SC

Total Market Value 268,000

Zip Code 29732

Total Tax Value 6,500

Codes

District 02

Fire Code CS CITY SUB

Town

Neighborhood R2 RURAL 2

Subdivision

Use Class

Description LANCASTER RD

Legal

Location Street Number Street Name Suffix Direction

Additional Information

Appraisal Appeal

Owner Occupied

TIF Base

Agricultural Use

Reappraisal Notice

MCIP Industrial Park ID

Rollback

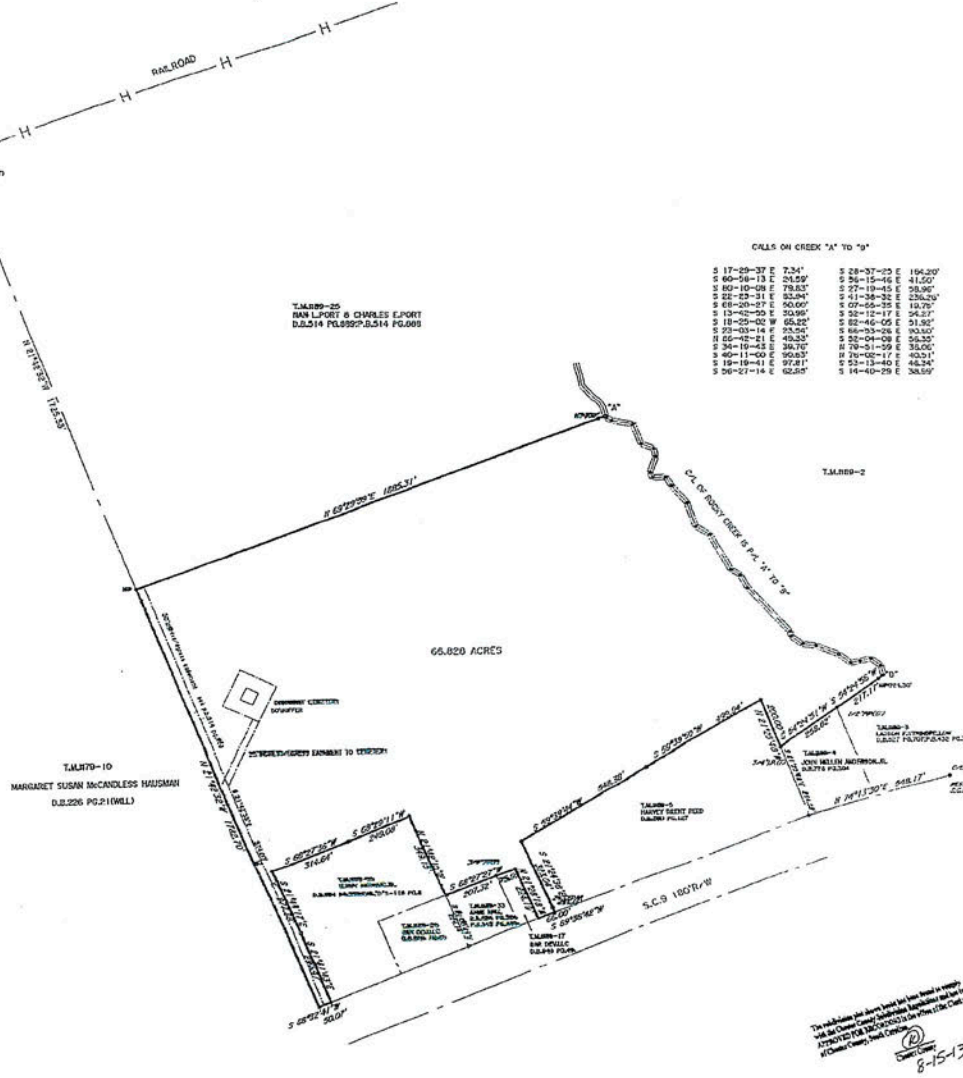
Exempt

Scroll by: MAP#

PLAT OF SURVEY FOR
 HAROLD M. WILLIAMS
 LOCATED ON S.C. HIGHWAY 9
 CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA
 AUGUST 9, 2013
 REFERENCE TO SURVEYS 00-00-001
 D.B. 1090 PG. 201 P. 166 PG. 117

201100278401
 Title Map Record in
 CHESTER COUNTY SC
 Book 1, 488-00000 Clerk of Court
 08-15-2012 PG 00104106 ch.
 PLAT 19.00
 Volume _____ Page _____

MAGNETIC NORTH



CALLS ON CREEK "A" TO "9"

S 17-20-37 E 7.24'	S 28-37-25 E 164.20'
S 60-28-13 E 28.50'	S 26-15-45 E 41.50'
S 80-10-08 E 79.83'	S 27-19-45 E 28.06'
S 22-25-31 E 33.84'	S 41-28-25 E 23.20'
S 68-20-27 E 50.66'	S 07-55-35 E 18.72'
S 15-00-25 E 32.85'	S 22-15-17 E 54.27'
S 18-20-02 W 65.22'	S 22-46-05 E 51.92'
S 21-03-14 E 25.28'	S 68-25-25 E 103.02'
N 02-42-21 E 45.33'	S 53-04-08 E 56.33'
S 36-10-23 E 38.70'	S 20-01-29 E 32.00'
S 40-11-00 E 50.63'	N 70-05-17 E 40.01'
S 18-18-11 E 97.81'	S 23-13-40 E 48.24'
S 26-27-14 E 62.81'	S 14-40-29 E 38.59'

T.A.M. 25
 DAN L. FORT & CHARLES E. FORT
 D.B. 214 PG. 222 P. 214 PG. 001

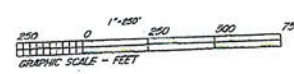
T.A.M. 10
 MARGARET SUSAN MACDONALD HAUSMAN
 D.B. 226 PG. 21 (WLL)

66.820 ACRES

NOTE:
 EX = EXISTING IRON PIN
 NP = NEW IRON PIN
 PK = P.S. MARK
 RR = RAILROAD SPIKE
 P.P. = PINCHED PIPE
 ALL CORNERS ARE HD REBAR(F) UNLESS NOTED

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.
 3014 VICTORIAN HILLS DRIVE
 RICHBLURG, S.C. 29729
 PHONE (803) 783-3716

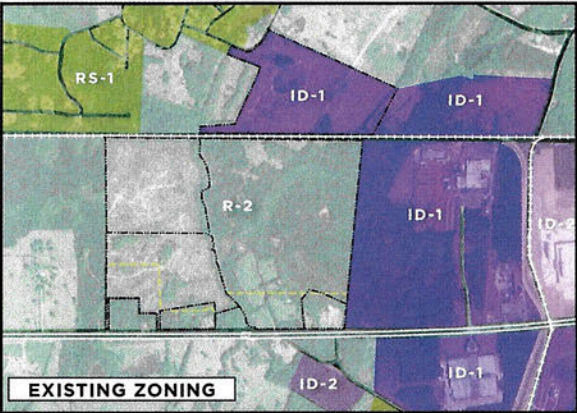


The boundaries shown here have been surveyed and shown on the ground. The boundaries shown here have been surveyed and shown on the ground. The boundaries shown here have been surveyed and shown on the ground.



Original - D SLIDE 116 46-5

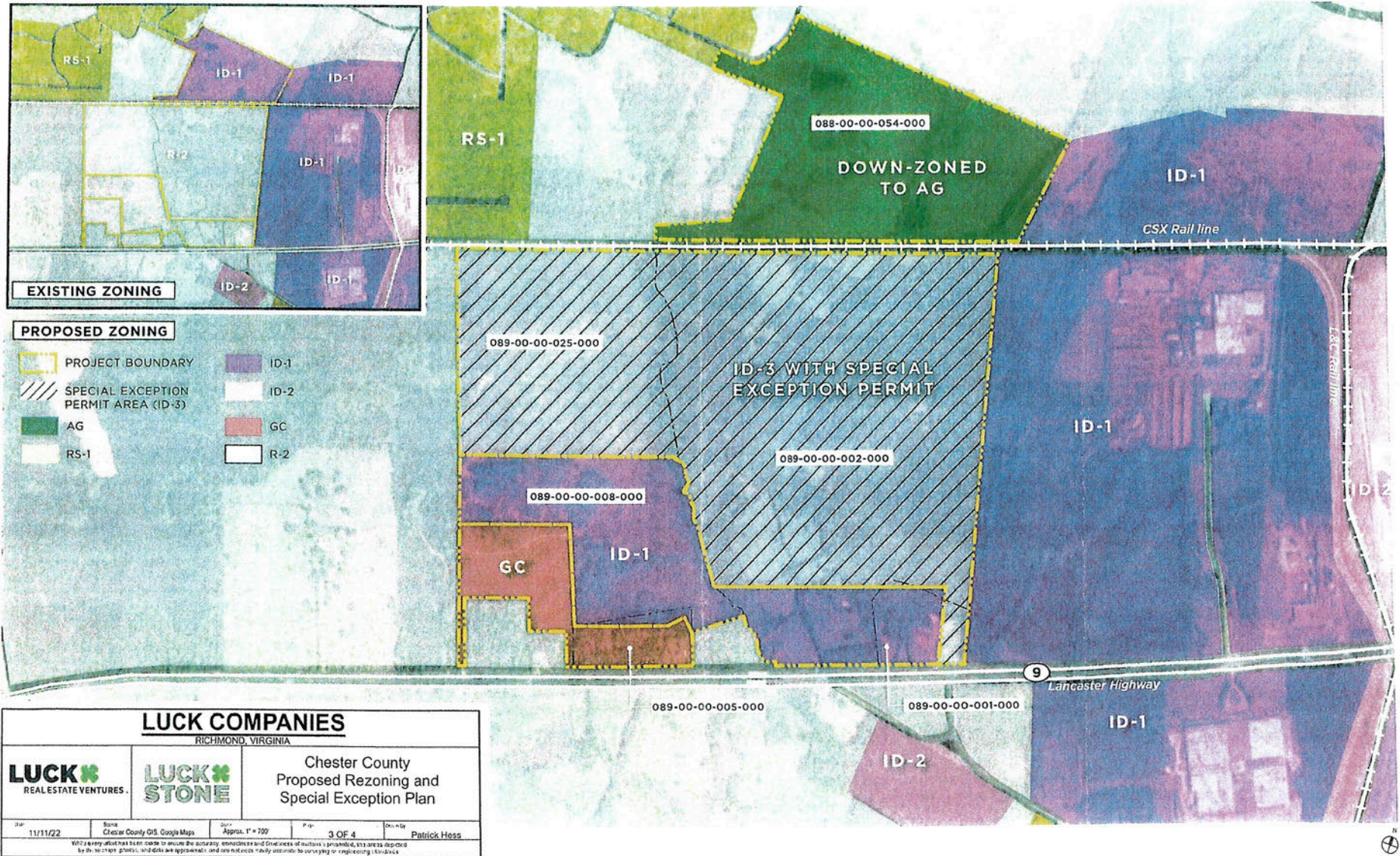
PARCEL #089-00-00-008-000



PROPOSED ZONING



PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



Luck Companies

Chester County, SC: Rezoning & Special Exception Summary

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners INC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collie Lane Chester, SC 29706	193.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1297 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,
Director, Greenfield Development

Our Ask



APPROVE A REZONING
to support a Quarry



APPROVE A REZONING
to support a Business Park
and Retail Center



APPROVE A DOWNZONING
to eliminate industrial use and
provide additional buffer for
residential neighbors



BLESS THE CREATION
of a Community Fund that
administers 1% of annual net sales
(of the Chester County Quarry)
up to \$35k to Chester County
Non-profits and initiatives



BLESS THE CONDITIONS
of the associated rezonings
to further ensure responsible
actions and enable the donation
of recognized acreage for
Chester County Government use
and growth

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

Condition applicable to all properties:

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

Conditions applicable to the ID1 Property:

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:
 - i. Grain Milling
 - ii. Reconstituted wood products
 - iii. Converted Paper Products
 - iv. Mineral and Earth
 - v. Misc. Nonmetallic Mineral
 - vi. Aluminum Production

2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

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

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

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

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

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

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

1. No portion of the ID3 Property shall be used for any of the following uses:
 - i. Biological and allied wholesaling
 - ii. Manufacturing of animal, chemical, gas, or arms and munitions
 - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
 - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
 - v. Hazardous waste carriers
 - vi. Municipal solid waste landfill
 - vii. Airport
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

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

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

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

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

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

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

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

6. Entrance Road.

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

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

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

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

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

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

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

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

CCMA22-29 Luck Companies request Tax Map # 088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Vice Chairman motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.



Chester County, South Carolina
 Department of Planning, Building & Zoning
 1476 J.A. Cochran Bypass
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA22-29 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from ID-1 to AG

Please give your reason for this rezoning request:

Zoning amendment recognizes the importance of buffer and agricultural education. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions".

Copy of plat must be presented with the application request

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: _____

Property Address Information

Property address: _____
 Tax Map Number: 088-00-00-054-000 Acres: 90.39

Any structures on the property: yes _____ no X. If you checked yes, draw locations of structures on plat or blank paper.

PLEASE PRINT:

Applicant (s): Luck Companies
 Address PO BOX 29682 Richmond, VA 23242
 Telephone: _____ cell work
 E-Mail Address:

Owner(s) if other than applicant(s): Albert D Oliphant III - see attached Designation of Agent letter
 Address: PO Box 794 Chester SC 29706
 Telephone: _____ cell _____ work _____
 E-Mail Address: _____

I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.

Owner's signature: see attached Designation of Agent letter **Date:** _____

Applicant signature: **Date:** 11/11/22

CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.

Designation of Agent for Zoning Map
Amendment and for Special Exception Application

Chester County, South Carolina

I hereby appoint Benjamin A. Thompson, Director of Greenfield Development for Luck Stone Corporation d/b/a Luck Companies, as my agent to represent me in connection with applications to Chester County, South Carolina for a Zoning Map Amendment (Rezoning) and for a Special Exception with respect to the property described below:

Property Address Information

Property Address: Mallard Creek Drive, Chester, SC 29706
Tax Map Number: 088-00-00-054-000 Acres: 90.39

Applicant:

Luck Stone Corporation d/b/a Luck Companies
515 Stone Mill Drive
Manakin-Sabot, Virginia 23103
Attention: Benjamin A. Thompson
Telephone: Office: [REDACTED]; Cell: [REDACTED]

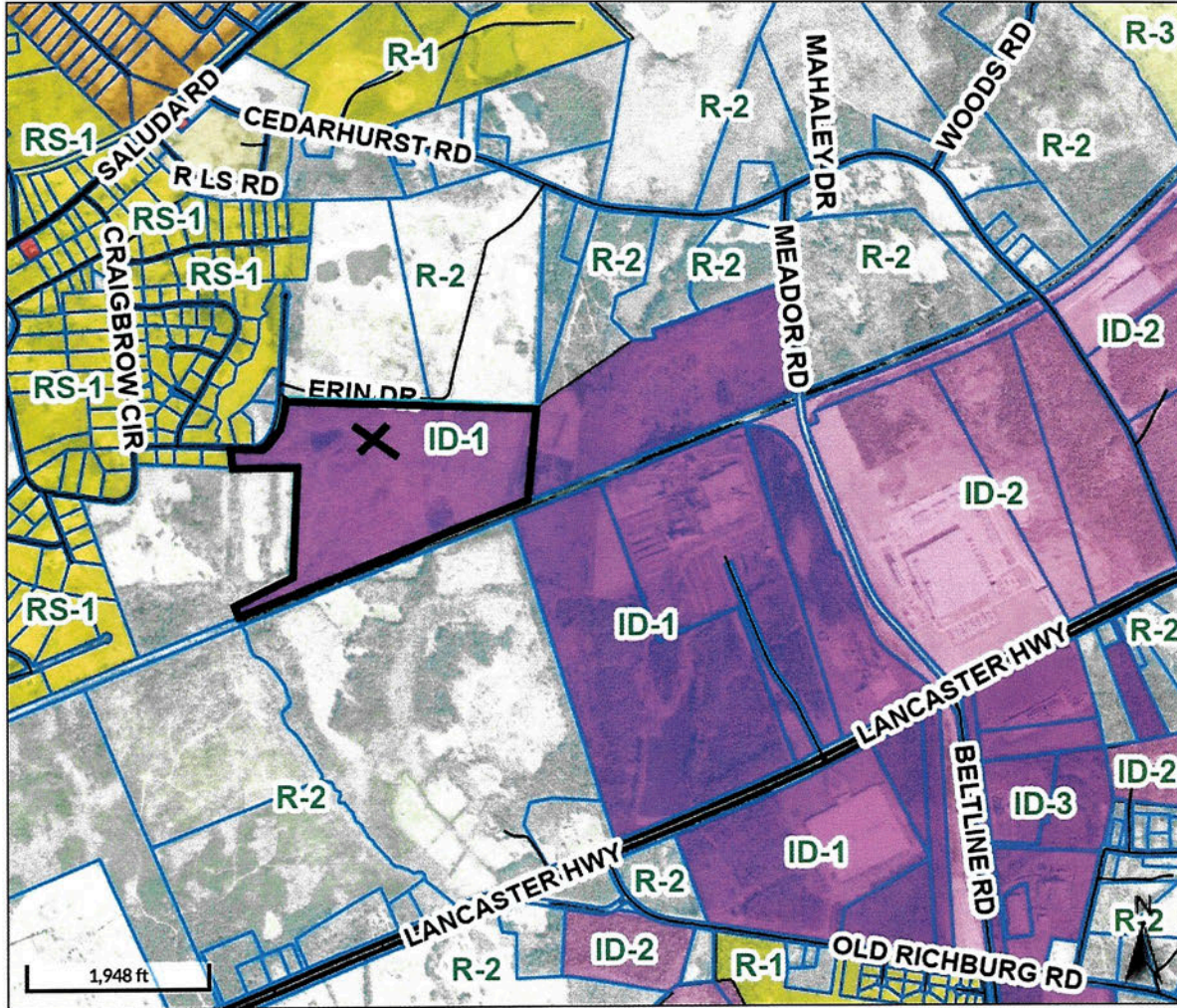
Owner:

Albert D. Oliphant, III
P. O. Box 794
Chester, South Carolina 29706
Telephone: Home/Office: () _____; Cell: [REDACTED]

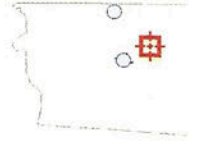
I hereby agree that this information I have presented is correct.

Owner's signature:  Date: November 7, 2022
Albert D. Oliphant, III

Doc#133265629



Overview



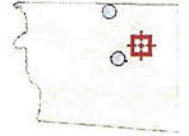
Parcel ID	088-00-00-054-000	Alternate ID	n/a	Owner Address	OLIPHANT ALBERT D III
Sec/Twp/Rng	n/a	Class	LA		P O BOX 794
Property Address		Acreage	90.689		CHESTER SC 29706
District	02				
Brief Tax Description	TRACTS 2 & 3				
	(Note: Not to be used on legal documents)				

Date created: 12/16/2022
 Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  Schneider
 GEOSPATIAL



Overview



Parcel ID	088-00-00-054-000	Alternate ID	n/a	Owner Address	OLIPHANT ALBERT D III
Sec/Twp/Rng	n/a	Class	LA		P O BOX 794
Property Address		Acreage	90.689		CHESTER SC 29706
District	02				
Brief Tax Description	TRACTS 2 & 3				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  **Schneider**
 GEOSPATIAL