

PROFFERS APPLICABLE TO THE ENTIRETY OF THE PROPERTY:

1. Baseline Documentation. The Applicant(s) acknowledge that the Property is not in compliance with the Henrico County Zoning Ordinance, as amended June 22, 2021, Chapter 24, Section 24-5803, Paragraph I, requiring a soil and water quality conservation assessment that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides. The Applicant(s) agree to conduct such an assessment and where necessary, implement a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with Secs. 24-5901 through 24-5906 and the provisions of subsection 8 of 9VAC25-830-13. This assessment must be conducted prior to submission of any future Plan of Development and must be included with any future submissions for plan or development approval.

In addition, the entirety of the Property will be subject to a Phase I archaeological investigation, to include compiling all relevant background information, along with comprehensive recordation of all sites, buildings, structures, objects and potential districts within the survey area, with the goal of locating and identifying all archaeological sites in the survey area, estimating site size and boundaries and providing an explanation as to how the estimate was made; and assessing the need for further (Phase II) investigation. The results of this investigation must be included with any future submissions for plan or development approval. Any and all records related to historic and archaeological investigations on the Property will be transmitted to the Virginia Department of Historic Resources.

Further, baseline documentation of (1) acoustic conditions, (2) air quality conditions at the property line, prioritizing areas adjacent to existing or planned residential areas, and (3) wildlife, wildlife habitat, existing wildlife corridors, and the presence of endangered or threatened species on the Property will be conducted prior to and included with each future submission for plan or development approval. Studies of wildlife diversity will be conducted and determination of sensitive wildlife habitats made in consultation with the Virginia Department of Conservation and Recreation, the Virginia Department of Wildlife, and any other appropriate agency and undertaken by appropriately-qualified professionals.

Any data created by or reports generated by such investigation will be meaningfully provided to the County and relevant state agencies.

2. Setbacks.

Any building on the Property will be set back at least 300 feet from the specific boundary lines of the Property shown as "300' BUFFER AND BUILDING SETBACK" and "300' BUILDING SETBACK (TYP.)" on the plan entitled "WILLIAMSBURG ROAD TECHNOLOGY BOULEVARD

REZONING EXHIBIT”, dated November 9, 2023, prepared by Timmons Group, and attached to these Proffers (the “Concept Plan”).

The portion of the Property identified as “ATLANTIC CROSSING/VIENNA PROPERTIES” on the Concept Plan will be defined as “Tract 1”.

The portion of the Property identified as “HARMON PROPERTIES” on the Concept Plan will be defined as “Tract 2”.

The portion of the Property identified on the Concept Plan as “RICHMOND UNITED PROPERTIES” on the Concept Plan will be defined as “Tract 3”, and together with Tract 1 and Tract 2, each a “Tract”.

a. Any building on Tract 1 or Tract 2 will be set back at least 100 feet from the common boundary line of Tract 1 and Tract 2 as shown as “INTERNAL 100’ SETBACK” on the Concept Plan, unless Tract 1 and Tract 2 are under common ownership at the time of any Plan of Development on the Property.

b. Any building on Tract 2 or Tract 3 will be set back at least 100 feet from the common boundary line of Tract 2 and Tract 3 as shown as “INTERNAL 100’ SETBACK” on the Concept Plan, unless Tract 2 and Tract 3 are under common ownership at the time of any Plan of Development on the Property.

c. Nothing in this Proffer will impose building setbacks between internal Property lines, unless otherwise set forth in this Proffer.

d. Landscaping, sidewalks, drainage facilities, utility lines (including fiber and telecommunication lines and related facilities) and connections, driveways, access ways, signs, flags, lighting, security fencing, retaining walls and similar structures will be permitted within any building setback area set forth in this Proffer. Culverts and disturbances that impact the natural drainage conditions established by baseline documentation prior to construction are expressly discouraged and any future plan that includes a culvert will be developed in consultation with the James River Association, its heirs or assigns.

e. Any parking areas will have a minimum setback of 300 feet from Technology Boulevard and Williamsburg Road.

f. Proposed roads, driveways, access ways, and other areas intended for vehicle use will be planned to avoid or minimize impacts to wildlife and wildlife habitat in consultation with the Virginia Department of Wildlife and partner agencies. If the Department or a partner agency finds the Property appropriate for a wildlife corridor crossing project to reduce vehicle-wildlife conflict occurrences, applicants will incorporate such projects into any proposed plan of development.

3. Buffers and Landscaping.

a. Any buffer within the Property required in this Proffer 2 will be natural and minimally landscaped, including supplemental plantings, signage, berms and other purposes as approved at the time of landscape plan review. Any approved landscape plan will include a variety of both at least 50% native Virginia plantings and plantings sufficient to screen visibility of any buildings from public right of way at all times, but may not include any plants designated as invasive by the Virginia Department of Forestry.

Roads, sidewalks, utility easements (including drainage facilities, and fiber and telecommunication lines and related facilities), fencing/walls adjacent to any roads or drives, and signage will be permitted within such buffer; provided, any such road or utility easements (other than electric power utility lines and easements) will be extended generally perpendicular through such buffer unless otherwise approved at the time of Plan of Development review. Any crossings will be designed to minimize impacts to natural areas and any sensitive wildlife habitat areas identified in baseline documentation. Any area of impervious surface installed in a buffer will be mitigated by an equal or greater expansion of the total pervious area of the buffer.

Fiber and telecommunication lines and related facilities may be extended parallel through a buffer so long as the total width of the buffer is increased by the width of the easement for such fiber and telecommunication lines and related facilities, though this approach is highly discouraged.

b. The areas shown on the Concept Plan as "VARIABLE WIDTH BUFFER AND BUILDING SETBACK (100' MINIMUM FROM P/L)" will be a minimum one hundred (100) foot in width, natural and landscaped buffer, and planted, if permitted within the Resource Protection Area, at a minimum to the level of a transitional buffer 50.

c. The areas shown on the Concept Plan as "100' BUFFER" will be a minimum one hundred (100) feet in width, natural and landscaped buffer and planted at a minimum to the level of a transitional buffer 50.

d. The areas shown on the Concept Plan as "100' BUFFER AND BUILDING SETBACK" will be a minimum one hundred (100) foot in width, natural and landscaped buffer and planted at a minimum to the level of a transitional buffer 50.

e. Supplemental landscaping consisting of evergreen plantings at least eight feet in height at the time of installation will be provided along any parking areas adjoining residential areas existing at the time of plan of development review. Such landscaping will be placed along the edge of the clearing limits adjacent to such parking areas, as determined appropriate at the time of landscape plan review to provide screening effective to screen lights from vehicles driving on such parking areas.

f. All buffer areas will be marked at the time construction begins as required at the time of plan of development review and any native plants or trees existing within buffer areas will not be disturbed except for *de minimis* maintenance and pruning, or the construction of trails and public access areas. Stormwater BMPs and other stormwater facilities may be designed to complement buffers, but may not be located within buffers.

g. Buffer areas will be prioritized for public access areas, to include pervious-surface trails and similar low-impact recreation opportunities.

h. All fencing will be decorative fencing, such as wooden post and wire fencing, split rail fencing, or as otherwise approved at the time of Plan of Development review to harmonize with the natural landscape. Fencing will be used only where necessary for security and not to discourage public access where appropriate. In no area will fencing exceed ten (10) feet in height and any fencing higher than seven (7) feet in height will require justification and approval by Henrico County.

i. All landscaping, plantings, screening areas containing live plants, and buffer areas will be maintained by professionals trained in Virginia native plant management who will be directed to immediately replace any dead, diseased, or damaged plantings so as to maintain the integrity and purpose of the area. Short grass lawns intended for frequent mowing in excess of 100 square feet are expressly discouraged.

j. Buffer, setback, stormwater management, floodplain, and other natural areas containing trees and shrubs will be maintained according to a management plan approved by a Forester certified according to Virginia Code § 10.1-1181.8, et seq.

k. Petroleum products, fuel, cleaning products, and other potentially hazardous materials will be stored no less than fifty (50) feet from any public or private water source, water drain, wetlands, buffer areas, riparian areas, and stormwater management facilities.

4. Uses. Only the following uses will be permitted: a. Manufacturing b. Office; c. Uses contemplated and defined within the CMU “Community Mixed Use” zoning classification; d. Accessory uses; and e. Uses permitted in the M-1 District if permitted by and ultimately approved with a Provisional Use Permit or Conditional Use Permit, as the case may be.

5. Building Materials and Architecture.

a. Facades will not be constructed of unpainted concrete block, unfinished corrugated metal, or unfinished sheet metal. Primary building facades, including visitor, staff and administrative functions, will be prioritized for orientation towards Technology Boulevard or Williamsburg Road. Loading dock, ground equipment and other storage areas will not be viewable or will be appropriately screened from important viewsheds, street frontages, open spaces, and public use areas.

b. Use of different materials on different facades will be required to avoid a monolithic appearance. Exposed exterior wall surfaces (above finished grade) of all individual buildings (including rooftop screening materials for mechanical equipment) must be constructed with one or more of the following siding materials: decorative concrete block (including split face block, smooth face block, fluted block, and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, cast stone, stone veneer, stucco, synthetic stucco, glass block, cementitious siding, insulated panels, concrete tile, or ceramic tile, unless other material is approved at the time of Plan of Development review. In no case will unpainted concrete block, unfinished corrugated metal, or unfinished sheet metal be permitted. All building designs and plans will provide for variation and interest in design, appearance, and massing, such as façade changes for height, recesses, fenestration, building and accent materials, and a defined main entrance, as well as mechanical screening.

For purposes of these proffers, "wall surfaces" will not be deemed to include columns, pilasters, trim, gutters, accent materials, architectural features, windows, doors, bay doors, piers, wall sections and headers near roll up doors and loading doors.

c. All buildings will be constructed using the Best Available Technology and design standards to limit energy use and increase energy efficiency, making reasonable efforts to achieve LEED Silver certification or higher. A building designed as a data center may achieve a functional Power Usage Effectiveness (PUE) rating of 1.2 or lower in lieu of LEED certification if such design also includes features that prioritize acoustic performance, limit water use, and include permanent performance metering from which monitoring data is regularly and meaningfully transmitted to the County. Applicants will make reasonable efforts to take advantage of passive cooling and daylighting opportunities.

d. All mechanical and utility equipment will be appropriately located and screened to maximize noise attenuation.

6. Lighting.

All parking lot and building exterior lighting on the Property will use concealed sources of light (such as shoebox type fixtures) and be dark sky compliant. Parking lot lighting fixtures will utilize LED lamps or its equivalent located in the parking lots and within five hundred (500) feet of any existing or planned lot where the primary use is residential must not exceed twenty-five (25) feet in height above grade level. Parking lot lighting fixtures will utilize LED lamps or their equivalent. Lights located on the exterior of a building will not face toward the boundary line of the Property adjoining any existing or planned lot where the primary use is residential.

If buildings are constructed with substantial areas of glass such that interior lights are visible from the exterior at night, light pollution of the immediate area will be mitigated and minimized by the installation of technology such as shades, timers, motion sensors or similar.

7. Height.

No building on the Property will exceed a height of seventy-five (75) feet inclusive of rooftop structures and utilities not related to renewable energy generation or communications, but exclusive of equipment such as air quality monitors, communications structures, renewable energy generation facilities, and structures appurtenant to renewable energy generation and use.

8. No Burning.

There must be no on-site open burning of stumps, limbs, trees or other debris during site work or the construction of any buildings on the Property.

9. Soil Retention. Plans for development will comply with the Henrico County Zoning Ordinance, as amended June 22, 2021, Chapter 24, Section 24-5803, Paragraph D by minimizing soil disturbance. All reasonable efforts will be made to limit the construction footprint and avoid disturbing or compacting topsoil. No soil or native vegetation will be disturbed within areas designated as buffers, except where buffer areas are crossed pursuant to Paragraph 3a, except for *de minimis* maintenance, trail, or recreational area development. All reasonable efforts will be made to retain topsoil on site and incorporate disturbed soil into on-site improvements and landscaping.

10. BMPs/Retention Ponds. Any BMP facilities on the Property will be maintained in accordance with all applicable laws, rules, and regulations and any wet pond will be aerated. All BMP facilities will be designed to closely replicate natural conditions present on the site during baseline documentation. Reasonable efforts will be made to incorporate water stored on the Property into design elements improving energy and resource efficiency.

11. Utility Lines. Except for junction and access boxes, meters, public and private utility lines in wetlands areas, existing and planned public overhead utility lines, public electric power lines, and except as otherwise required by applicable laws, rules and regulations; all site-specific utility lines, including private electric, telephone, CATV or other similar lines, will be installed underground, with the cost of undergrounding borne by the applicant, unless otherwise approved at the time of Plan of Development review with emphasis on preserving natural viewsheds and minimizing disturbance of conservation, setback, or buffer areas.

Reasonable efforts will be made to co-locate utilities and utility structures appurtenant to any use within the Property, including without limitation renewable energy generation, energy storage, transmission and distribution infrastructure, compressor stations, and other support facilities directly related to energy uses created by activities on the Property. "Co-locate" means to install, mount, maintain, modify, operate, or replace a utility facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

12. Detached Signage. Detached signage will be monument style, the base of which will be a material consistent with the building, and landscaped. No such detached signage will be internally lit. No digital changeable message signs will be permitted.

13. Conservation Areas. Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a five hundred (500) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:

a. Stormwater management, retention areas, and stormwater outflows subject to conditions and restrictions described in Paragraph 10. A strong preference will be for management strategies that address stormwater onsite and purchase of nutrient credits in lieu of addressing effects on the Property will be discouraged.

b. Ponds, creeks, wetlands, lakes and similar areas intended as aesthetic or recreational amenities or wildlife habitats, subject to conditions and restrictions described in Paragraph 10.

c. Access drives, utility easements (including fiber and telecommunication lines and related facilities), signage, sidewalks, walkways, trails, and recreational facilities installed in a manner to minimize their impacts to the natural environment and sensitive wildlife habitat identified in baseline documentation.

d. Such additional uses to the uses identified in A, B and C above as may be deemed compatible and of the same general character by the Director of Planning pursuant to the County Zoning Ordinance. The developer will, prior to the last Plan of Development approval for the Property, make an application to rezone such portions of the Property described above to a C-1 Conservation District.

e. Reasonable efforts will be made throughout the site to acknowledge and interpret the site's history, to include public educational materials and signage designed in consultation with a professional meeting the Secretary of the Interior Professional Qualification standards.

f. Historic sites discovered on the site will be preserved where possible, with all reasonable efforts made to avoid disturbance of historic sites. If preservation is not possible, Phase II evaluation will be conducted and plans for treatment of the site developed in consultation with a professional meeting the Secretary of the Interior Professional Qualification standards. Any and all records related to historic and archaeological investigations on the Property will be transmitted to the Virginia Department of Historic Resources. Any determination regarding the possibility of locating, disturbing, preserving, studying, or otherwise making alterations to the existing state of historic sites shall be made with the approval of the County.

14. Hours of Construction. The hours of any land disturbance activities, including operation of bulldozers and other earthmoving equipment, within five hundred (500) feet of any lot where the primary use is residential, will be limited to between 7:00 a.m. and 7:00 p.m. (or dusk, whichever is earlier), except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connections. Signs, in both English and Spanish, stating the above referenced provisions will be posted and maintained at all construction entrances to the Property prior to any land disturbances activities thereon.

15. Construction Traffic. Construction vehicles will only be permitted to access the Property by way of Williamsburg Road or Technology Boulevard. Any construction entrance must have a mud wash for the washing of construction vehicle tires as necessary to prevent mud from getting on public roads when leaving the Property.

16. Loading Areas. All loading docks must be screened from public view at the public rights of way. Loading areas facing a residential or agriculturally zoned property will be screened using landscaping, an opaque fence, or wall, or as otherwise approved at the time of Plan of Development review.

17. Protective Covenants. Prior to or concurrent with the final approval of the initial Plan of Development for each Tract a document setting forth covenants and restrictions (the "Covenants") will be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), which will include Covenants relating to the development and maintenance of that Tract that are no less restrictive than the conditions contained within this Proffer.

a. Architectural Review Board. All buildings will be subject to approval of a public architectural review committee with respect to common architectural and design standards for new buildings, based on standards which cannot be less restrictive than standards contained within this Proffer. This committee will make public reports of any meetings and business conducted, and include as voting members at least two individuals who reside within one (1) mile of the Property.

b. Design Review Board. The Covenants will provide for a public development review board to review and approve or disapprove plans and specifications for improvements proposed to be installed or modified on the Property, based on standards which cannot be less restrictive than standards contained within this Proffer. This board will make public reports of any meetings and business conducted, and include as voting members at least two individuals who reside within one (1) mile of the Property.

c. The Covenants will provide for maintenance of natural areas, buffers, landscaping, wetlands, and any water features by a qualified professional with education and training in native plant management.

18. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, will not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

PROFFERS APPLICABLE TO TRACT 1

The following proffers apply only to that portion of the Property identified as Tract 1:

19. Traffic Improvements. At the time of each Plan of Development review on Tract 1, a site generated peak hour trip analysis will be provided to the County of all uses located on Tract 1 at that time together with the use proposed by such Plan of Development. If such analysis estimates more than 500 Site Generated Peak Hour Trips as a result of all such uses on Tract 1, a traffic study as required by the County at the time of such Plan of Development review will be completed. Necessary road improvements must be made as identified in the approved traffic study and required at the time of such Plan of Development. Such traffic study must be updated in a cumulative fashion for each additional phase of development on Tract 1 as required by the County Traffic Engineer.

20. Access. Vehicular access to and from Tract 1 will be limited to Route 60 (Williamsburg Road), Technology Boulevard and through Tract 2 upon agreement of the owner of Tract 2.

Vehicular access to and from Tract 1 from any other road will be limited to emergency access only, unless approved otherwise at the time of Plan of Development review.

Construction access to the site will be permitted only from Route 60 (Williamsburg Road) and Technology Boulevard.

PROFFERS APPLICABLE TO TRACT 2

The following proffers apply only to that portion of the Property identified as Tract 2:

21. Traffic Improvements.

a. No development may occur on Tract 2 until such time as the Virginia Department of Transportation approves access to Tract 2 at the location on Route 60 (Williamsburg Road) across from Technology Boulevard, extended.

b. At the time of each Plan of Development review on Tract 2, a site generated peak hour trip analysis will be provided to the County of all uses located on Tract 2 at that time together with the use proposed by such Plan of Development. If such analysis estimates more than 500 Site Generated Peak Hour Trips as a result of all such uses on Tract 2, a traffic study

as required by the County at the time of such Plan of Development review will be completed. Necessary road improvements must be made as identified in the approved traffic study and required at the time of such Plan of Development. Such traffic study must be updated in a cumulative fashion for each additional phase of development on Tract 2 as required by the County Traffic Engineer.

22. Access. Vehicular access to and from Tract 2 will be limited to Route 60 (Williamsburg Road), and through Tract 1 and Tract 3 upon agreement of the respective owner of each such Tracts. Vehicular access to and from Tract 2 from any other road will be limited to emergency access only, unless approved otherwise at the time of Plan of Development review. Construction access to the site will be permitted only from Route 60 (Williamsburg Road).

PROFFERS APPLICABLE TO TRACT 3 The following proffers apply only to that portion of the Property identified as Tract 3:

23. Traffic Improvements. As required at the time of any Plan of Development on Tract 3, a site generated peak hour trip analysis will be completed. Necessary road improvements must be made as identified in the approved analysis and required at the time of such Plan of Development.

24. Access. Vehicular access to and from Tract 3 will be limited to through Tract 2 upon agreement of the owner of Tract 2. Vehicular access to and from the Property from any other road will be limited to emergency access only, unless approved otherwise at the time of Plan of Development review.

ADDITIONAL PROFFERS APPLICABLE TO THE ENTIRETY OF THE PROPERTY

25. ENERGY GENERATION AND STORAGE. Reasonable efforts will be made to incorporate renewable energy generation installations on the property. In no event will any onsite natural gas storage be permitted within 2000 feet of any existing or planned lot where the primary use is residential.

a. Onsite backup or emergency energy generation will be limited to no more than 50% diesel generation. Any diesel-powered energy generator will use fuel with a sulfur content of 15ppm or less. In no event will gasoline- or natural gas-powered energy generation be approved. Testing of backup or emergency generation capacity will only take place on good air quality days between the hours of 12pm-4pm. No fossil fuel-powered energy generation installations, including without limitation storage tanks and fuel lines, will be located less than 2000 feet from any existing or planned lot where the primary use is residential. Air quality data gathered by on-site air quality monitoring installations will be regularly and meaningfully transmitted to both Henrico County and the Department of Environmental Quality.

b. Reasonable efforts will be made to purchase power from renewable energy sources and sources located within the Commonwealth of Virginia. Energy proposed to be generated on the Property from any non-renewable source will require approval by the Henrico Board of Supervisors after at least one public hearing.

c. Applicants will make reasonable efforts to develop and submit maximum energy load estimates as part of any plan of development submission. Henrico County may, at its discretion, consider such maximum energy load estimates in determining suitability of proposed plans of development, permits, or other required approvals.

26. NOISE. Noise levels on the site will be compliant at all times with the Henrico County Code. In addition, noise levels at the property line during normal operations of any approved use will not exceed 70 decibels (db) for any length of time greater than ten minutes.

a. Prior to approval of any plan of development, applicant will submit a noise abatement plan certified by an acoustical engineer that reasonably estimates noise levels on the Property to demonstrate compliance during construction and subsequent operation.

b. Permanent monitoring equipment will be installed to measure noise levels at the property line, including at least two installations within 100 feet of any existing or planned lot where the primary use is residential. The data generated from noise monitoring equipment on the property will be provided to the County in regular, meaningful intervals and made available to the public.

27. WATER USE. No plan of development will be approved absent a meaningful water use estimate with detailed building plans. Any peak day water use estimate exceeding 6,000 gallons per day (gpd) from any and all aggregated uses on the Property will trigger a review by the County Department of Public Works to determine whether additional water, wastewater, or stormwater infrastructure is required for the proposed service. If the Department of Public Works finds additional water, wastewater, or stormwater infrastructure is or will, with reasonable certainty, be required on- or off-site to accommodate the proposed plan, such determination may be grounds for denial or required substantial revision of a plan of development. No on-site groundwater wells or water intakes will be approved unless part of a closed geothermal cooling system or similar.

Reasonable efforts will be made to incorporate water recycling and water-related energy recycling technology into planning and design, including integration with on-site BMPs, geothermal cooling, and similar strategies to reduce water and energy needs. Additionally, any approved plan requiring new wastewater connections will include permanent monitoring for sodium levels, as well as other contaminants of emerging concern as determined by the County Department of Public Works. Data generated by such monitoring devices will be regularly and meaningfully provided to the County.

Suitability of emergency water availability will be determined by the Henrico County Department of Public Works in consultation with the Fire Department and other related emergency services to provide for appropriate safeguards of the public health and welfare. If Henrico County determines emergency water supply or any other emergency services condition to be inadequate, no approvals of any kind may be issued until such conditions are addressed to the satisfaction of the County.

Henrico County reserves the right to pursue reimbursement for and recovery of any costs associated with damage to County resources, including without limitation groundwater supply and quality, as a result of site disturbance, building, construction, or use of the Property assumed by the County against the Property owners, their heirs, successors, or assigns.

28. MITIGATION OF AGRICULTURAL IMPACTS. Any reduction in or reasonably permanent loss of agricultural land, including land appropriate for silviculture, will be mitigated in consultation with Henrico County to reduce and offset losses to Henrico's traditional agricultural heritage. Mitigation efforts may include coordination with the Henricopolis Soil and Water Conservation Board and/or District staff to develop alternative agricultural development opportunities on- or off-site.

29. REASONABLENESS. Any determination of reasonableness related to any terms contained within these proffers may be ratified by the Henrico County Board of Supervisors by a majority vote. Any Supervisor may bring such a determination of reasonableness to the attention of the Board by motion, to be followed by public discussion and a vote to ratify, disallow, or modify.

30. VIOLATION. Substantial violations of the terms of these proffers, reasonably determined by Henrico County, will be grounds for revocation of any and all awarded, requested, or proposed approvals related to uses of or building on the Property.

31. DECOMMISSIONING. Applicants will commit to a Decommissioning Plan, approved by Henrico County prior to issuance of any permit to build or install, for removal and proper disposal of all hazardous materials, generators and other mechanical equipment from the site within one (1) year of a cessation of operations in or use of any building on the Property. Henrico County reserves the right to pursue reimbursement for and recovery of any costs of decommissioning assumed by the County against the Property owners, their heirs, successors, or assigns.

32. PUBLIC ENGAGEMENT. Applicants will conduct at least one public outreach meeting prior to filing any Plan of Development related to the Property. Applicants will also conduct at least one public outreach meeting prior to any public hearings related to future disturbances on the site. Applicants commit to providing meaningful, regular transmissions of monitoring data as described herein to Henrico County and state agencies with the intent that such information is made publicly available to the maximum extent practicable.