

# **Planning Commission Staff Report**

File #: C-20-4  
Applicants: Ralph A. Shands and Thermon S. Shands, and their agent, Henry Layden and Todd Bryant  
CUP Request: To operate an open pit sand and gravel mine  
Property Location: approx. 1,500 west of 26714 Troublefield Road, Stony Creek  
Tax Map Parcel #: 87-10, 87-11 & 87-12  
Property Size (Proposed Mining Site): approx. 134.0 acres  
Current Zoning: Agricultural, General, A-2  
Magisterial District: Sapony  
Planning Commission Mtg.: June 8, 2020

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## **CUP REQUEST**

The applicants, Ralph A. Shands and Thermon S. Shands, and their agent, Henry Layden and Todd Bryant, are seeking a conditional use permit to utilize the following described property containing approximately 134.0 +/- acres as an open pit sand and gravel mine. The property is located 1,500 feet west of 26714 Troublefield Road, Stony Creek, VA, and is further designated as Tax Map Parcel Nos. 87-10, 87-11, 87-12 and is zoned A-2, Agricultural General, which allows such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

## **RELATED ATTACHMENTS**

- CUP Amendment Application
- Property Location Map

## **OVERVIEW OF PROPOSED OPEN PIT MINING OPERATION**

The proposed mining operation is proposed to be operated similar to the neighboring "Pegram mine" which was approved by the Board of Supervisors with conditions on November 20, 2012, and the "Shands mine" (Tax Map Parcel #87-13) that was approved with conditions in March 2016. The proposed hours of operation for the sand and gravel mine are from 7:00 AM to 4:00 PM Monday through Friday. To serve area citizens Saturday hours are proposed from 8:00 AM to 2:00 PM. Any additional Saturday hours of operation would be under emergency operations only. The sand and gravel material is mined using an excavator (no blasting is used to extract the material) and the material is then stockpiled on the mine site. The stockpiled material will be loaded from the stockpile into the rubber-tired loader using an excavator. The proposed maximum depth of the mine pit(s) is 14 feet. Over time with the progression of the mining lifts taking place below the existing water table, pooling of water will take place in the mine pit creating a small lake. As the mining in each area of the site is completed, the banks of the lakes created by the mining extraction process are sloped at a three to one slope and these sloped lake banks are stabilized with seed. The mining pit areas are buffered from the surrounding area by constructing earthen berms from the excavated topsoil (it is estimated that there is four inches of topsoil in the mining area), and these earthen berms are three feet in height and four feet wide at the tops of the berms. Any excess topsoil is used to reclaim the mine site post mining by spreading and disking in this topsoil to a depth of four inches and seeding on all areas not covered by water.

The stockpiled sand and gravel material is processed on site utilizing a screening plant at approximately 80 tons per hour. There is no crushing of rock material allowed as part of this mining operation. Any overburden or waste material is stockpiled on site and seeded. Any runoff from the stockpile areas drains back into the mine pit areas. The stockpiled waste material is either sold or is utilized on the site to reclaim the banks and slopes.

After the sand and gravel is processed on the mine site, it is hauled offsite utilizing the haul road that extends from Troublefield Road into the site along the existing farm service road. The haul road is to be watered as needed to control dust. It is estimated that no more than 50 truckloads of mined sand and gravel material will be hauled offsite each day during the conditioned hours of operation.

The post mine land use will return to the pre-mine agricultural use. The entire mine site is to be reclaimed by revegetating the site using the stockpiled topsoil and any stockpiled overburden.

## **ZONING ANALYSIS**

The properties surrounding the subject property include single-family residential dwellings, farmland, forestal land uses, and Stony Creek runs along the western property line and the properties are currently zoned A-2, Agricultural, General. The proposed sand and gravel mining operation is to take place on the one parcel, Tax Map Parcels 87-10, 87-11 & 87-12.

The surrounding properties are zoned Agricultural, General, A-2, and Zoning Ordinance Section 22-75, Permitted Uses, (49) allows open pit sand and gravel mining with a conditional use permit. As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to accommodate limited commercial and service development.

## **OVERVIEW OF IMPACTS**

The Department of Mines, Minerals, and Energy (DMME) and more specifically the Division of Mineral Mining (DMM) will issue and oversee the required permit/license to operate the proposed mine. The mining operation will be subject to the conditions of the permit/license. Drainage, safety, and reclamation practices are made a part of the permit as are periodic inspections by the operator.

### **Public Utilities, School System, & Public Safety Impacts**

The existing utilities are handled on-site, and the mechanical systems utilized as part of the mining operation: an excavator, a rubber-tired loader, a conveyor, a screening plant, and a dewatering screw the systems needing on-site power will be powered by a diesel engine. There are public safety issues involved with the proposed use, and the CUP conditions address the safety related impacts of the mining operation as do the Federal and State guidelines for mining operations.

### **Transportation Impacts**

The impacts on the transportation network are being addressed by VDOT through the commercial entrance permit. VDOT is reviewing the the request to allow a maximum number of 50 dump trucks per day on the days as allowed under the conditions of the CUP to haul the sand and gravel mined at the site to an off-site location(s). Prior to commencement of the mining operation the applicant will comply with all VDOT permitting requirements and entrance design and construction requirements and specifications, including but not limited to driveway entrance alignments, sight line requirements, and tapers and/or turning lanes.

## **SITE AND USE ANALYSIS**

Staff feels that the request to operate an open pit sand and gravel mining operation on the subject property and haul no more than 50 truckloads of sand and gravel from the site Monday through Saturday and during

emergency operations is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern the use is appropriately located.

**Planning Staff Recommendation:**

The Staff reviewed the request for the conditional use permit and is satisfied that the applicant has successfully addressed the impacts on the subject property and surrounding area of operating an open pit sand and gravel mining operation and hauling no more than 50 truckloads of sand and gravel from the mine site.

Staff's recommendation of APPROVAL of the conditional use permit to allow the subject to the following conditions:

C-20-4 Conditions:

1. Generally. The use of the property shall be limited to open pit sand and gravel mining, and transportation and shall be subject to this conditional use permit. Open pit and sand gravel mining may occur only on Tax Map Parcels 87-10, 87-11 & 87-12 (totaling approximately 134.0 acres). The only access to and from the mining and site on Tax Map Parcels 87-10, 87-11 & 87-12 shall be across Tax Map Parcel 87-13.
2. Time of operation. The hours and days of operation for mining, and transportation to and from the mining sites shall be as follows:
  - a. 7:00 AM to 4:00 PM Monday through Friday except Federal and State holidays; and 8:00 AM to 2:00 PM Saturday except Federal and State holidays.
  - b. For emergency operations only from 8:00 a.m. to 4:00 p.m. Saturdays except federal and state holidays an emergency operation shall exist if and only if it is designated by the Commonwealth of Virginia or its agent when the product of the mine is required for the use of the Commonwealth on short notice.
  - c. No mining or transportation to or from the mining sites shall occur (1) outside of the times listed above, (2) on any Sunday, or (3) on any Federal or State holiday.
3. Mining pits; depth. The maximum depth of the mining pits shall not exceed fourteen (14) feet as measured from the initial ground elevation above the bottommost point of the mining pit.
4. No crushing operations are allowed. No crushing of sand, gravel, or stone shall be allowed on the mine site as part of the mining operation.
5. No blasting allowed. No blasting shall be allowed on the mine site as part of the mining operation. All mining shall be done utilizing an excavator.
6. No public access. No public access shall be permitted to the mining sites.

7. Berms for sites close to property lines. Mining sites in close proximity to an adjacent property line shall have an earthen berm buffer at or in close proximity to the mine pit or mined site three (3) feet in height and four (4) feet in width at the top of the berm. Each berm shall be seeded.
8. Hauling operations. A maximum of fifty (50) truckloads of mined material to include sand, gravel, topsoil, overburden, and spoils shall be hauled from the mine site each day only during the hours and days set forth in Condition Number Two (2) above. The operator shall be required to make a daily inspection of the road within two hundred (200) feet of any entrance to the mine and shall be required to sweep any debris within two hundred (200) feet of any entrance to the mine placed on the road by the hauling of sand, gravel, top soil, over burdens, oil and other materials associated with the operation of the mine.
9. Permits, reports, etc.
  - a. All applicable federal, state, and local permits shall be obtained and filed with the Dinwiddie County Planning Department prior to commencing operations. This conditional use permit is effective only upon receipt by the Dinwiddie County Planning Department of all such permits.
  - b. All applicable federal, state, and local permits shall be maintained in good standing by owner/operator. Owner/operator shall provide copies of such permits to Dinwiddie County Planning Department during operations. Failure to maintain all applicable permits shall be grounds for revocation of this conditional use permit.
  - c. Copies of violations and/or reports to or from applicable federal and state agencies shall be made available to Dinwiddie County upon request of the County.
10. Compliance with laws. All operations pursuant to this conditional use permit shall be conducted in compliance with all applicable federal, state and local laws and regulations.
11. Annual review. This conditional use permit shall be reviewed a minimum of once per calendar year to evaluate compliance with conditions contained herein.

#### **PLANNING COMMISSION RECOMMENDATION**

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

**BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-20-4, as presented for an open pit sand and gravel mining operation be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.**