

**At a Joint Public Hearings of the
Sussex County Board of Supervisors
and the Planning Commission
Held in the General District Courtroom on
Monday, July 15, 2024 at 6 pm**

BOARD MEMBERS PRESENT

Thomas W. Baicy, III
C. Eric Fly, Sr.
Alfred G. Futrell
Phyllis T. Tolliver
Steve D. White

BOARD MEMBERS ABSENT

Wayne O. Jones
Rufus E. Tyler, Sr.

PLANNING COMMISSIONERS PRESENT

Kevin Bracy
J. Lafayette Edmonds
Roger King
Elena Grinstead
Terry Massenburg
Andrew Mayes
Rudolph Shands

PLANNING COMMISSIONERS ABSENT

Dennis Mason

STAFF PRESENT

Richard Douglas, County Administrator
Danielle Powell, County Attorney
John Broderick, Director of Finance and Business Operations
Ernest Giles, Sheriff
Julius Hamlin, Division Superintendent
Michael Kessinger, Captain
Michael Poarch, Planner
Nick Sheffield, Emergency Services Chief
Beverly Walkup, Planning Director
Shilton R. Butts, Assistant to the County Administrator/
Clerk to the Board

1. Call to Order/Determine Quorum

Vice Chairman White called the July 15, 2024 Joint Public Hearings meeting of the Sussex County Board of Supervisors to order.

Chair Massenburg called the July 15, 2024 Joint Public Hearings meeting of the Planning Commission to order.

2. Overview of Process and Public Hearing Rules

A brief overview was provided of the process and Public Hearing rules for Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A- I)

3. Staff Findings and Recommendations

Beverly Walkup, Planning Director, provided the staff report.

The purpose of the public hearing was to consider constructing and operating a Granite Quarry consisting of 239 acres to supply high quality construction aggregate. The property is located adjacent to the county line between Sussex and Dinwiddie and is approximately 0.4 mile south of the intersection of McKenney Hwy (Route 40) and Winfield Road (Route 630). The property sits along Route 630 which turns into Little Mill Road after crossing the county line into Sussex.

Comprehensive Plan: The property is located in the Rural Planning Area and is designated as Rural Preserve. This designation encourages protection and preservation of agricultural, forestal, recreational, and remote rural residential areas. Mining and extraction operations that locate according to the availability of natural resources should have strict limitations to avoid harmful effects on housing, farming, and conservation areas.

The property is zoned General Agricultural (A-1), in the f Stony Creek Election District

Existing Conditions: The property consists of cropland and forest and is bordered by Sappony Creek to the east, Little Mill Road to the west, Rocky Branch Creek to the south and the Dinwiddie-Sussex County line to the north.

An Aerial Map showed the distance of approximately five miles from Stony Creek (town limits).

Project Details:

- The quarry will be operated via two (2) distinct hard-rock quarries. The proposed quarry areas total 176 acres, known as the North and South Pit.
- The 36-acre North Pit currently consists of agricultural land with some forest and will contain the processing facility and a 12.03 acre pit that will be mined as Phase I. The North Pit is proposed to yield approximately 16,000,000 tons.
- The South pit will be Phase II of the operation and contains the larger proposed excavation pit with a proposed 96.72 acres. The South pit contains mostly agricultural pine stands with some mixed hardwood forest. A small agricultural field is located within the southeast extent of the South Pit. The South Pit is proposed to yield approximately 60,000,000 tons.
- Both pits will include unimproved access roads, staging areas, and driveways originating from Little Mill Road.
- A minimum 12' berm is proposed to be constructed around entirety of operation.

Operations Plan:

The operation proposes 300 outbound loads per day, maximum with access via Little Mill Road. Trucks will make a right out of the site and head north to continue east or west on Route 40. Little Mill Road is currently a 2-lane substandard 20' right-of-way. The applicant proposes to improve Little Mill from the primary site entrance to Route 40 to a minimum of 25' of width and install appropriate striping and speed limit signs. Route 40 is a primary route classified as a minor arterial,

with a two-lane roadway and one lane in each direction. See attached Traffic Impact Analysis dated March 2024.

The hours of operation are proposed as follows:

Shipping Hours:

6:00 a.m. to 4:00 p.m. Monday thru Friday

7:00 a.m. to 3:00 p.m. on Saturdays and no shipping on Sundays

(24-hour shipping is allowed for DOT jobs, state, or local emergencies)

Plant Operation Hours:

6:00 a.m. to 6:00 p.m. Monday thru Friday

7:00 a.m. to 3:00 p.m. on Saturdays and no Plant Operations on Sundays

No blasting on weekends.

(As needed maintenance for plant or equipment will be allowed on Sundays but only if needed.)

Ordinance Review

- In the A-1 zone Extraction of natural resources and storage of salt, sand and minerals requires the granting of a Conditional Use Permit (CUP) following an advertised public hearing by the Board of Supervisors with a recommendation of the Planning Commission.
- The Board may impose conditions or limitations on any approval, including the posting of performance guarantees. See staff recommended conditions.

Staff Conclusions:

Strengths:

- The operation will supply high quality construction aggregate necessary for development projects and building construction.
- The application is consistent with the Comprehensive Plan.
- The application proposes a granite quarry and processing facility that will provide an additional revenue source for the County with materials dispatched via the site.
- The applicant proposes to make substantial road improvements to Route 630.
- The operation proposes to avoid impacts to environmentally sensitive areas, including identified wetlands, archeological and architectural sites.

Weaknesses:

Granite mining has the potential to create noise via blasting and equipment operations. (See attached noise study and blasting analysis.)

Agency/Departmental Comments:

Staff distributed the application to the associated review agencies. Responses are below:

- Department of Transportation (VDOT)
- Virginia Department of Conservation and Recreation
- Virginia Department of Wildlife Resources
- Virginia Department of Historic Resources
- Virginia Department of Energy
- Sussex County Chief of Fire and Rescue
- Sussex County Sheriff
- Sussex County Department of Economic Development
- Dinwiddie County Administration and Community Development

Staff Recommendation:

Based upon the strengths noted, staff recommends approval of the Conditional Use Permit with the following recommended conditions.

1. The Applicant shall develop, construct, operate, and maintain the site in substantial conformance with the application documents dated May 17, 2024, the operations plan dated June 2024, and the revised conceptual plan dated June 28, 2024, as determined by the Zoning Administrator. Substantial conformance will be determined by the Zoning Administrator based on his/her review of the record. Deviations determined not to be in substantial conformance with the application documents and conceptual plan shall require review and approval as an amendment to the conditional use permit, following the process for the granting of a conditional use permit. As used in these conditions, the term "Applicant" shall include the terms "Applicant, Owner, Developer, or Operator," and the successors and assigns thereof, the term "Zoning Administrator" shall include the designee of the Zoning Administrator, and the terms "Project" and "Granite Quarry" shall include the facility in its entirety, including the plant operations unless the context clearly dictates otherwise.
2. The applicant shall dedicate 25' from the centerline of Route 630 for future road widening.
3. The applicant shall upgrade Route 630 to a minimum standard as may be required by the Virginia Department of Transportation prior to operation of the quarry
4. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered.

4. Applicant Presentation on Chaney Enterprises - Granite Quarry Conditional Use Permit

Kyle Murray with Chaney Enterprises provided the history of Chaney Enterprises.

Mr. Murray reviewed the maps location and proximity. He explained why this location was selected. He reviewed the map of the mining plan.

Richard Stuart, representative for applicant, agreed to conditions proposed.

Mr. Murray discussed the Site Impact Plan to include:

- Traffic Study performed to ensure no negative impacts to existing roads and intersections
 - Chaney will improve Route 630 to Route 40 to ensure safe travel for cars and trucks.
- Sound Study performed to ensure noise impacts are mitigated with berms
- Wetland delineation performed to ensure ZERO impacts to any existing wetlands or ponds
- Hydrologic Study performed to ensure no impacts to surrounding wells as well as any streams or creeks.
- Archeological study performed to ensure site did not have any impacts to historical findings.
- Vibration and Over Pressure study showed that all blast impacts were well below state thresholds.

Staff Review and Comments

5. Joint Public Hearing on Chaney Enterprise - Granite Quarry Conditional Use Permit

A. Board of Supervisors Action to Open Public Hearing

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR FUTRELL and carried: RESOLVED that Sussex County Board of Supervisors hereby open the Joint Public Hearing on the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-I). All Board members present voted aye.

B. Planning Commission Action to Open Public Hearing

ON MOTION OF COMMISSIONER EDMONDS, seconded by COMMISSIONER BRACY and carried: RESOLVED that Sussex County Planning Commission hereby open the Joint Public Hearing on the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-1). All Commissioners present voted aye.

C. Public Comments

Comments were heard from:

- Roy Beasley (Stony Creek District) - Litter; VDOT not picking up litter; groundwater.
- Millard "Pete" Stith (Chester/Jarratt) - Love for County; family scholarship; remodeling former Jefferson Elementary school in Jarratt.
- Beverly W. Terretta (Stony Creek District) - Property owner; submitted letter of support for Chaney Enterprise - Granite Quarry Conditional Use Permit.

D. Planning Commission Action to Close Public Hearing

ON MOTION OF COMMISSIONER EDMONDS, seconded by COMMISSIONER BRACY and carried: RESOLVED that the Sussex County Planning Commission hereby close the Public Hearing on the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-1). All Commissioners present voted aye.

E. Board of Supervisors Action to Close Public Hearing

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TOLLIVER and carried: RESOLYEO that the Sussex County Board of Supervisors hereby close the Public Hearing on the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-1). All Board members present voted aye.

6. Board of Superisors and Planning Commission Questions/Comments for Applicant and/or Staff

Supervisor Baicy noted that he had visited all the sites.

Commissioner Mayes inquired about notifying neighbors of town hall meeting. He also inquired about groundwater' hydro geological study; inquired of whether study was done; and, well remediation plan; rock competence and assessment.

Vice Chairman White inquired of groundwater and requirement of Department of Mines, Mineral and Energy (DMME) to complete a study.

A copy of the staff report and additional information were provided to the Board members and Commissioners.

A copy of the Blasting, Vibration & Air Overpressure Review and Analysis from Deep Earth Logic were provided to the Board members and Commissioners.

7. Planning Commission Action

ON MOTION OF COMMISSIONER EDMONDS, seconded by COMMISSIONER BRACY and carried: RESOLYEO that the Sussex County Planning Commission hereby approves the the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-I), subject to the following conditions:

- I. The Applicant shall develop, construct, operate, and maintain the site in substantial conformance with the application documents dated May 17, 2024, the operations plan dated June 2024, and the revised conceptual plan dated June 28, 2024, as determined by the Zoning Administrator. Substantial conformance will be determined by the Zoning Administrator based on his/her review of the record. Deviations determined not to be in substantial conformance with the application documents and conceptual plan shall require review and approval as an amendment to the conditional use permit, following the process for the granting of a conditional use permit. As used in these conditions, the term "Applicant" shall include the terms "Applicant, Owner, Developer, or Operator/" and the successors and assigns thereof, the term "Zoning Administrator" shall include the designee of the Zoning Administrator, and the terms "Project" and "Granite Quarry" shall include the facility in its entirety, including the plant operations unless the context clearly dictates otherwise.
2. The applicant shall dedicate 25' from the centerline of Route 630 for future road widening.

3. The applicant shall upgrade Route 630 to a minimum standard as may be required by the Virginia Department of Transportation prior to operation of the quarry
4. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered.

Voting aye: Commissioners Bracy, Edmonds, Grinstead, King, Massenburg, Mayes, Shands

Voting nay: none

Absent: Commissioner Mason

8. Board of Supervisors Action

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TOLLIVER and carried: RESOLVED that the Sussex County Planning Commission hereby approves the Granite Quarry Conditional Use Permit #2024-02, Chaney Enterprises, Applicant (Tax Parcel #64-A-I), subject to the following conditions:

- I. The Applicant shall develop, construct, operate, and maintain the site in substantial conformance with the application documents dated May 17, 2024, the operations plan dated June 2024, and the revised conceptual plan dated June 28, 2024, as determined by the Zoning Administrator. Substantial conformance will be determined by the Zoning Administrator based on his/her review of the record. Deviations determined not to be in substantial conformance with the application documents and conceptual plan shall require review and approval as an amendment to the conditional use permit, following the process for the granting of a conditional use permit. As used in these conditions, the term "Applicant" shall include the terms "Applicant, Owner, Developer, or Operator," and the successors and assigns thereof, the term "Zoning Administrator" shall include the designee of the Zoning Administrator, and the terms "Project" and "Granite Quarry" shall include the facility in its entirety, including the plant operations unless the context clearly dictates otherwise.
2. The applicant shall dedicate 25' from the centerline of Route 630 for future road widening.
3. The applicant shall upgrade Route 630 to a minimum standard as may be required by the Virginia Department of Transportation prior to operation of the quarry.
4. All federal, state and local laws, regulations, permit requirements and ordinances will be adhered.

Voting aye: Supervisors Baicy, Fly, Futrell, Tolliver, White

Voting nay: none

Absent: Supervisors Jones, Tyler

9. Adjournment

A. Planning Commission

ON MOTION OF COMMISSIONER EDMONDS, seconded by COMMISSIONER BRACY and Carried: RESOLVED that the Sussex County Planning Commission hereby adjourned the July 15, 2024 Joint Planning Commission and Board of Supervisors meeting at 7:02 p.m. All Commissioners present voted aye.

B. Board of Supervisors

ON MOTION OF SUPERVISOR BAICY, seconded by SUPERVISOR TOLLIVER and carried:
RESOLVED that the Sussex County Board of Supervisors hereby adjourned the July 15, 2024
Joint Planning Commission and Board of Supervisors meeting at 7:02 p.m. All Board members
present voted aye.