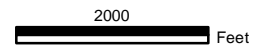
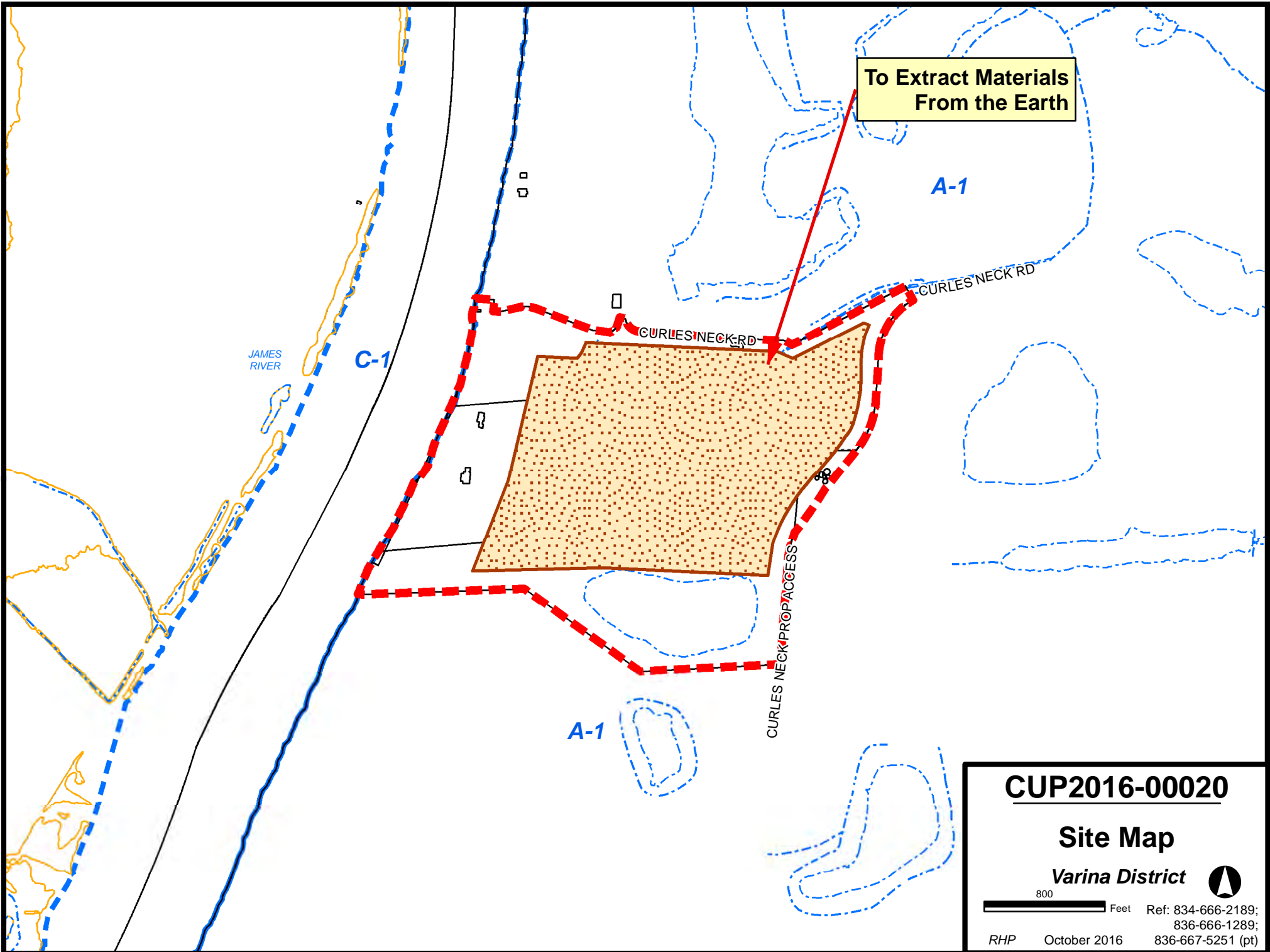


CUP2016-00020

Vicinity

Varina District



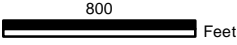


To Extract Materials
From the Earth

CUP2016-00020

Site Map

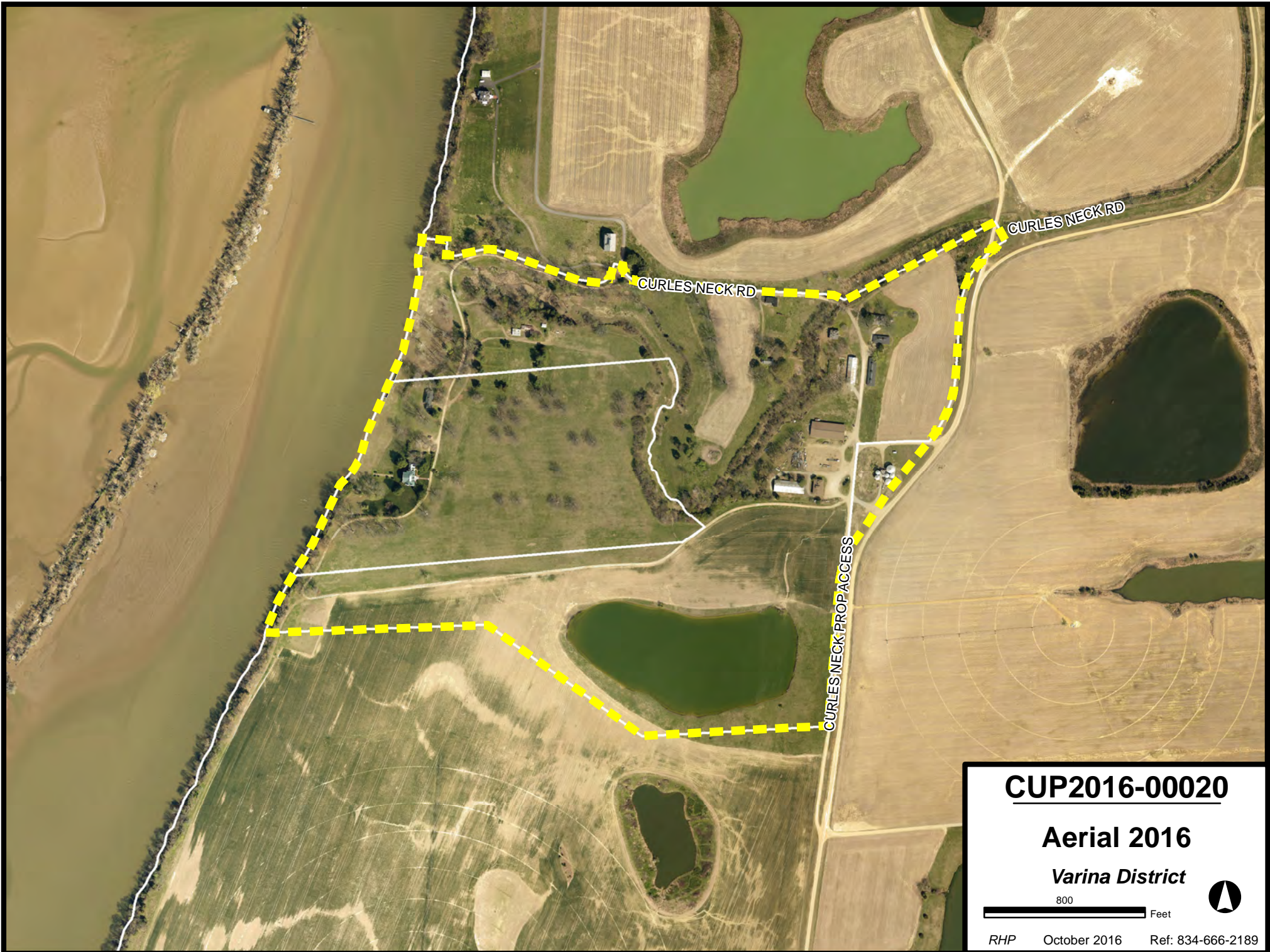
Varina District



Ref: 834-666-2189;
836-666-1289;

RHP October 2016

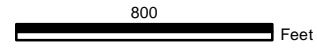
836-667-5251 (pt)



CUP2016-00020

Aerial 2016

Varina District



INTRODUCTION

Curles Neck Farm (CNF) is located approximately 12 miles southeast of Richmond between Route 5 and the James River (on Plan Sheet C-1, attached). The property is listed as parcels 834-666-2189 and 833-666-1289. Both the surface and mineral rights are owned by Curles Neck Properties, LLC. Manager of this company is Dr. Jerry D. Cable. Curles Neck Properties LLC owns the 125.7 acre site of which only 68 acres will be mined. Curles Neck Properties, LLC, has the right to mine sand and gravel from specific portions of the property and there are no deed restrictions against mining. The area that is the subject of this Conditional Use Permit (CUP) application consists of approximately 125.7 acres (location plans attached).

Extraction of sand and gravel from the adjacent Curles Neck Farm which is owned by others has taken place since the early 1950's. Approximately 1500 acres of the adjacent land owned by others have been mined and reclaimed. Currently there are no active permits on the farm. Approval of this application will allow the continued recovery of sand and gravel from the portion of the farm now owned by the applicant.

MINING METHODS

The extraction process will continue in the new proposed blocks as it has for many years at Curles Neck Farm. After topsoil is removed and stockpiled for later use in reclamation, mining will proceed and will be carried out by dragline and/or truck hoe. Material will be extracted from cuts 100 feet wide. The outer cuts will be mined first with excavation continuing toward the center of the block. Depth of excavation will vary from 55 to 65 feet and will average 60 feet. All drainage will be internal to the operation.

Dewatering may be necessary if rainfall raises the water level above the top of the sand and gravel layer. At present time the lowermost 10 to 15 feet of sand and gravel lies below the water table. Water will be pumped into a sediment basin within the adjacent mining cell.

Reclamation of the site will continue to be progressive and will closely follow extraction. Overburden cast into previously depleted cuts until permanent regrading is carried out. Once a permanent grade is attained, topsoil is spread and the area around the resulting internally draining pond will be seeded with a mixture of grasses for stabilization.

As has been current practice, only general maintenance and repairs will be performed in the active mine areas. In the event of a need for major equipment repairs, the equipment will be moved to a shop area.

HAUL ROADS AND ACCESS ROADS

Access to/from the site for company personnel and service vehicles will be via the single road over which the applicant has easement rights from Route 5 only to get to and from the work site. All materials will be hauled from the mining area to the dock on the internal haul

road only. All material will leave the site by way of barge from a dock on subject property. No haul vehicles will travel outside the property of Curles Neck Properties LLC.

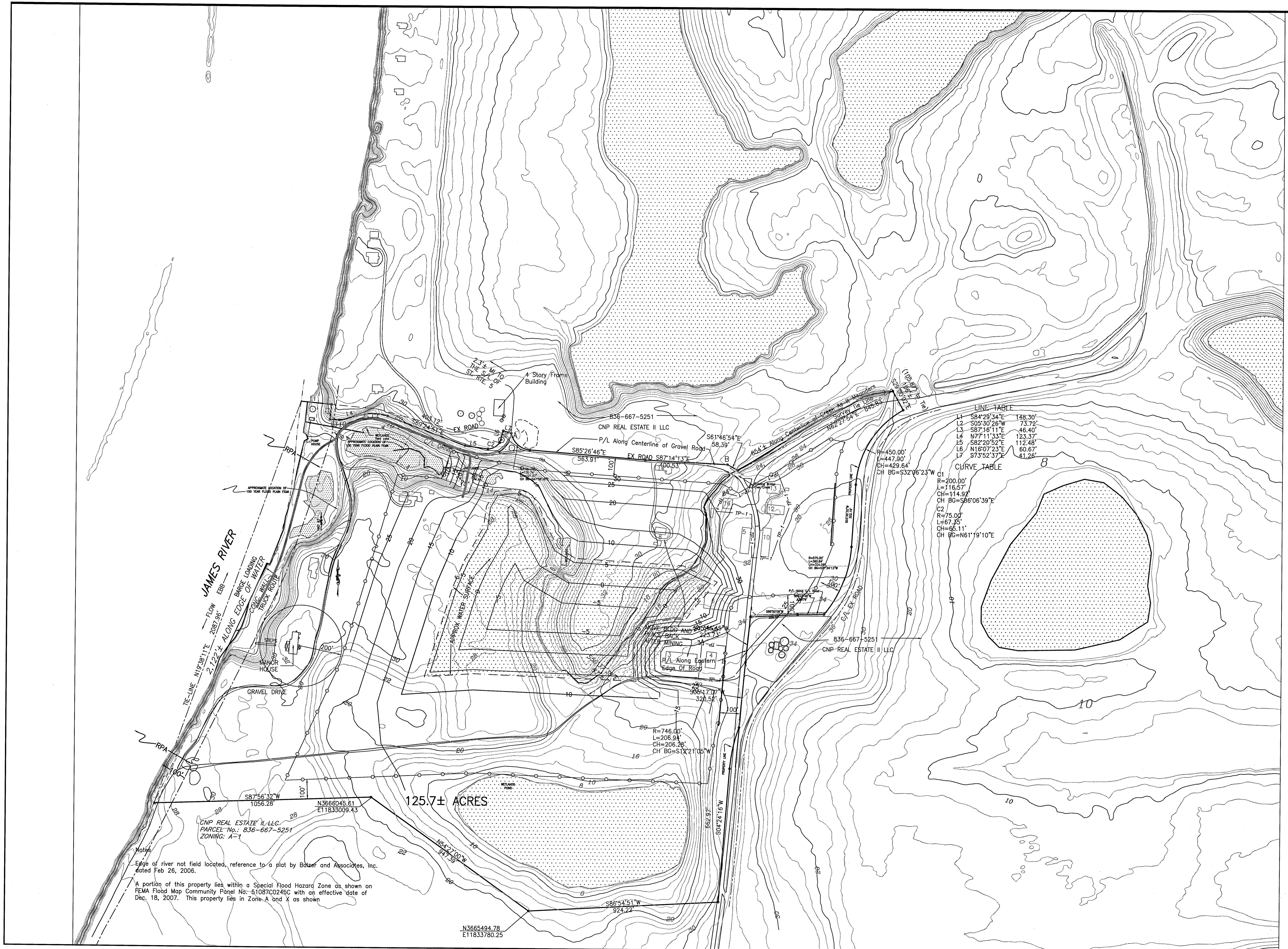
In-pit haul roads that are developed as mining progresses range from 20 to 35 feet below ground level. All drainage from these in-pit haul roads will be internal to the excavation areas and therefore, will serve as extremely effective stormwater and sediment control measures on site. Finally, these in-pit haul roads are temporary and the material used to construct them will eventually be excavated. A grader will be on-site to maintain all roads. Effective past practice for dust suppression will continue to be accomplished by wetting down the haul roads by use of a dedicated water truck in compliance with our air permit.

ADMINISTRATIVE INFORMATION

The company official in charge of the mining and reclamation activities at Curles Neck Properties is Dr. Jerry Cable, owner for Curles Neck Properties, LLC. Dr. Jerry Cable can be reached at 804-643-5087.

Curles Neck Properties, LLC has not had a mine permit revoked in Virginia or any other state.

F:\DWG\21790 CURLES NECK Jerry Coble\21790.dwg, 10/12/2016 11:39:16 AM, MONTE



Notes
 Edge of river not field located, reference to a plat by Batzer and Associates, Inc. dated Feb 26, 2006.
 A portion of this property lies within a Special Flood Hazard Zone as shown on FEMA Flood Map Community Panel No. 51087C0245C with an effective date of Dec. 18, 2007. This property lies in Zone A and X as shown

LINE TABLE

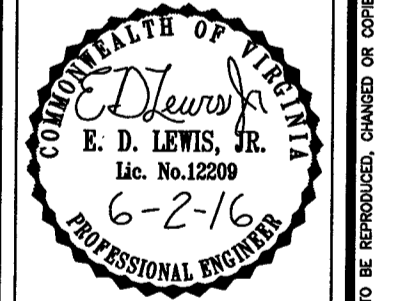
| | | |
|----|-------------|---------|
| L1 | S84°29'34"E | 148.30' |
| L2 | S05°30'26"W | 73.72' |
| L3 | S87°16'11"E | 46.40' |
| L4 | N77°11'33"E | 123.37' |
| L5 | S82°20'52"E | 112.48' |
| L6 | N16°07'23"E | 60.67' |
| L7 | S73°52'37"E | 41.26' |

CURVE TABLE

| | |
|----|-------------------|
| C1 | R=200.00' |
| | L=116.57' |
| | CH=114.97' |
| | CH BG=S66°06'39"E |
| C2 | R=75.00' |
| | L=67.35' |
| | CH=65.11' |
| | CH BG=N61°19'10"E |

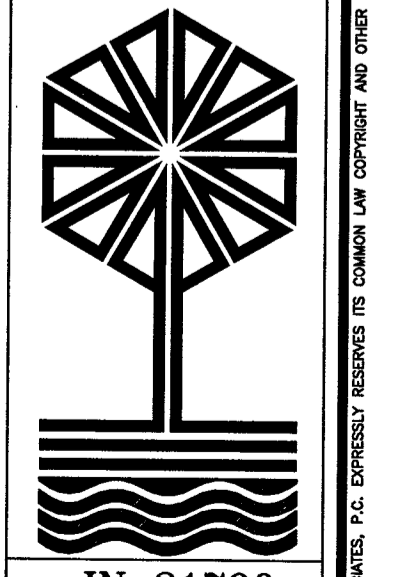
E.D. **LEWIS & ASSOCIATES** P.C.
 Consulting Engineers · Land Surveyors & Planners
 2116 Spencer Road · Richmond, VA 23250
 Phone: (804)285-8948 Fax: (804)282-1280

CURLES NECK
 VARINA DISTRICT
 HENRICO COUNTY, VA.
GRADING AND RECLAMATION PLAN

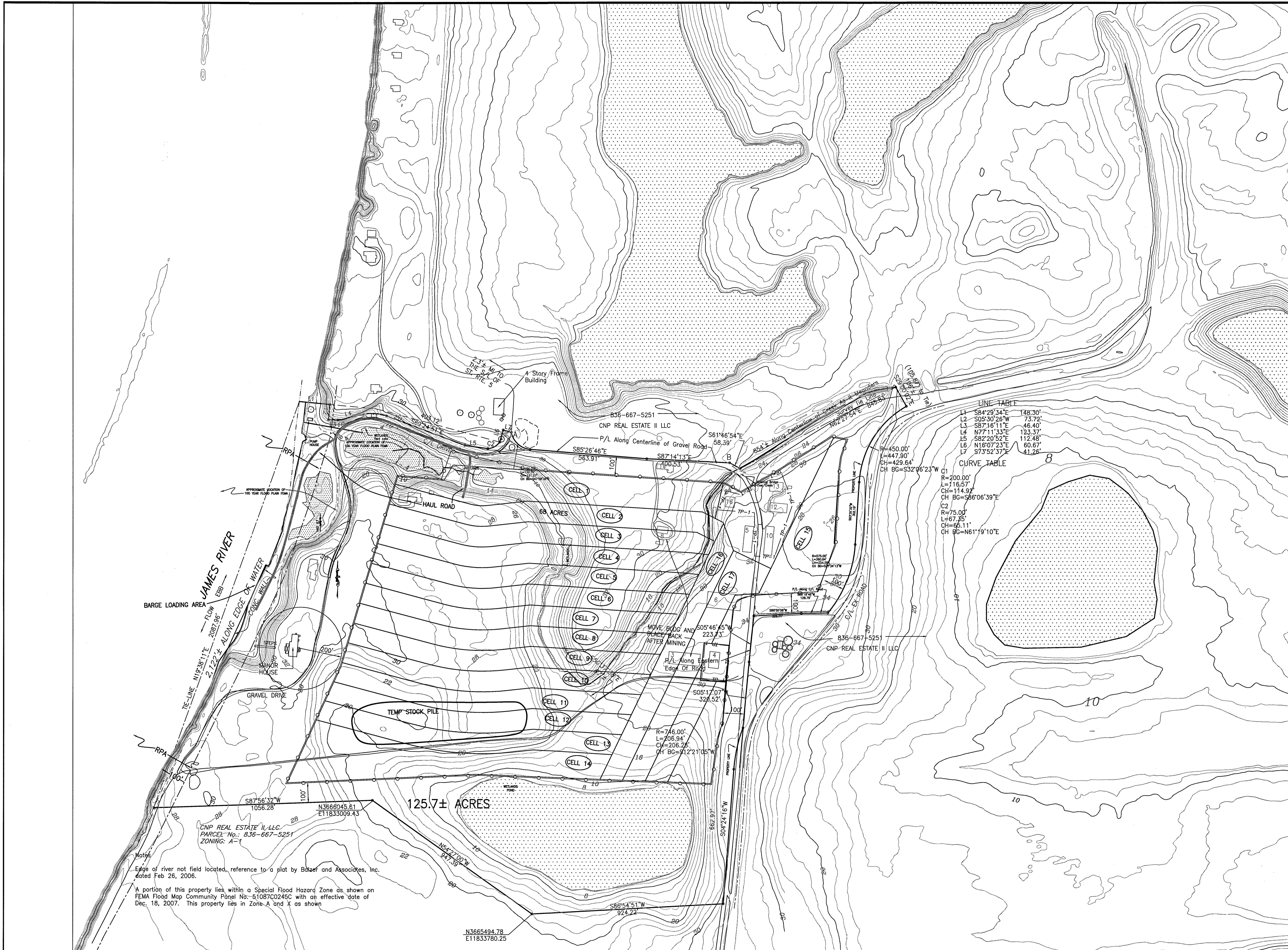


DATE: 6-2-16
 SCALE: 1"=200'
 DESIGNED: M.
 DRAWN: M.
 CHECKED:

REVISIONS:

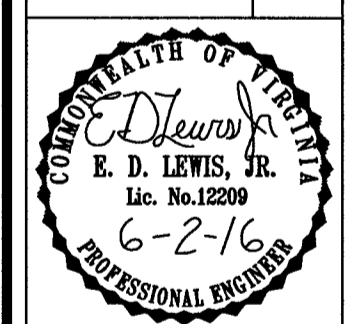


JN 21790
 REC-1

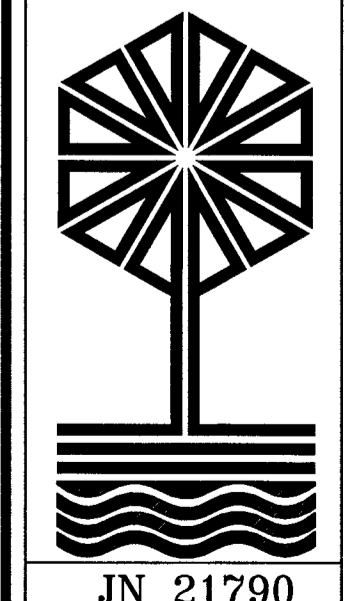


**CURLES NECK
VARINA DISTRICT
HENRICO COUNTY, VA.
MINING PLANS**

E.D. LEWIS & ASSOCIATES P.C.
2116 Spencer Road - Richmond, VA 23230
Phone: (804)285-3948 Fax: (804)282-1280



DATE: 6-2-16
SCALE: 1"=200'
DESIGNED: ML
DRAWN: ML
CHECKED:
REVISIONS:



BACKGROUND

Curles Neck Farm has been the site of sand and gravel extraction since the 1950s. According to the applicant's narrative, over 1,500 acres have been mined and reclaimed, including large areas north, east, and south of the subject site.

Use of the property as a working farm dates back to 1638. It lies within two battlefield study areas: First Deep Bottom and Second Deep Bottom.

In 1892, Charles H. Senff acquired and combined three plantations, known as Curles Neck, Bremono, and Strawberry Plains, totaling 5,500 acres. In 1896 he built a 12,500-square-foot Georgian Revival mansion, which is listed on both the National Register of Historic Places and the Virginia Landmarks Register. In addition to the mansion, the historic designation applies to 17 other contributing structures, including a horse barn, a dairy barn, a blacksmith and carpentry shop, and a store and farm office.

The property was operated as a cattle farm until 1913, then as a horse farm until 1917, then as a dairy until 1980. Curles Neck Farm and Dairy sold the property in 2006. Approximately 4,600 acres was bought by CNP Real Estate II, LLC. The core 125 acres, including the historic mansion and outbuildings, was bought by Curles Neck Properties, LLC. This application would allow for excavation of sand and gravel from 72 acres of that 125-acre property.

EVALUATION

The property is designated Prime Agricultural on the 2026 Land Use Plan, and is zoned A-1, Agricultural District. Extraction is permitted by CUP in the A-1 district, and is compatible with farming because the extraction is temporary. When the sand and gravel have been removed the property will be reclaimed and may be returned to agricultural use. The reclamation plan shows a pond covering approximately one-fourth of the mined area, with the rest of that area draining toward it at a five-percent slope. Once permanent vegetation is established, the mined area would be similar to the rest of the farm. The application is therefore consistent with the comprehensive plan and zoning ordinance.

All of the surrounding land within one mile is part of the original Curles Neck Farm, and most of that is reclaimed sand and gravel mines. The nearest residence, 10201 Turkey Island Road, is almost exactly 1 mile away. New Market Road is approximately 1-1/4 miles north of the site, and Turkey Island Road is approximately 1 mile east of the site. The most significant impact from sand and gravel extraction is usually truck traffic. In the case of Curles Neck Farm, sand and gravel extracted from the property has always been removed by barge. That would be the case with this application: there would be no truck traffic associated with removal of sand and gravel.

While in progress, the proposed excavation would have a profound impact on the historic setting of the mansion. Although the plan would preserve the mansion itself, it would result in the demolition of 11 buildings, several of which contribute to the historic setting. If the application is approved, the Department of Recreation and Parks recommends surveying and documenting the archeological and historical resources that will be destroyed (see proposed condition #16).

Once excavation and reclamation are complete, however, the property should be restored to a condition similar to its historic setting, without the contributing structures. While the loss of those structures is significant, it is not a “detrimental impact to nearby property” in the normal meaning of that term.

CONCLUSION

Because the proposed use is consistent with the comprehensive plan and the intent of the zoning ordinance, and would not have a detrimental impact on nearby property, staff recommends approval subject to the conditions recommended below.

CONDITIONS

If the Board approves the request, staff suggests making that approval subject to the following conditions. If the Board approves the use permit with conditions, the conditions have the same force of law as the requirements of the zoning ordinance.

1. This use permit is subject to all requirements of Section 24-103 of Chapter 24 of the County Code.
2. Within 180 days of approval, the applicant shall post a financial guaranty in an amount of \$216,000, guaranteeing that the land will be restored to a reasonably level and drainable condition, consistent with the elevation of the land prior to the beginning of excavation. In the event of termination of that financial guaranty, this permit shall be void, and excavation shall cease. Within 180 days of termination, the applicant shall restore the land as provided for under the conditions of this use permit. Termination of such financial guaranty shall not relieve the applicant from its obligation to indemnify the County of Henrico for any breach of the conditions of this use permit.
3. Within 180 days of approval, the applicant shall submit environmental compliance plan to the Department of Public Works (DPW) for review and approval. The applicant shall continuously satisfy DPW that erosion control measures are in accordance with the approved plan and are properly maintained. As site conditions change, updated plans and bonds may be required as determined by DPW.
4. Within 180 days of approval, the applicant shall obtain a mine license from the Virginia Department of Mines, Minerals and Energy.
5. Within 180 days of approval, the areas approved for mining under this permit shall be delineated on the ground by five-foot-high metal posts at least five inches in diameter and painted in alternate one foot stripes of red and white. These posts shall be so located as to clearly define the area in which the mining is permitted.
6. Throughout the life of this permit, the applicant shall comply with the Chesapeake Bay Preservation Act and all state and local regulations administered under such act applicable to

the property, and shall furnish to the Planning Department copies of all reports required by such act or regulations.

7. Hours of operation shall be Monday through Friday, 6:00 a.m. to 6:00 p.m. when Daylight Saving Time is in effect, and 7:00 a.m. to 5:00 p.m. at all other times.

8. No operations of any kind are to be conducted at the site on Saturdays, Sundays, or national holidays.

9. All access to the property shall be from the established entrance onto New Market Road or by barge from the James River.

10. The applicant shall maintain gates at the entrance to the property. These gates shall be locked at all times, except when authorized representatives of the applicant are on the property.

11. The applicant shall post and maintain a sign at the entrance to the mining site stating the name of the operator, the use permit number, the mine license number, and the telephone number of the operator. The sign shall be 12 square feet in area and the letters shall be three inches high.

12. The applicant shall post and maintain "No Trespassing" signs every 250 feet along the perimeter of the property. The letters shall be three inches high. The applicant shall furnish the Chief of Police a letter authorizing the Division of Police to enforce the "No Trespassing" regulations, and agreeing to send a representative to testify in court as required or requested by the Division of Police.

13. All material excavated from the property shall be moved by barge on the James River. No trucks hauling material excavated from the property shall travel on New Market Road.

14. All roads used in connection with this use permit shall be effectively treated with calcium chloride or other wetting agents to eliminate any dust nuisance.

15. The applicant shall maintain the property, fences, and roads in a safe and secure condition indefinitely, or convert the property to some other safe use.

16. Before beginning any work on the site, each structure to be demolished shall be documented with an architectural survey and photographed, and an archeological survey shall be performed for the 125-acre site. The applicant shall provide copies of the resulting documents to the Department of Recreation and Parks. If, during excavation, the applicant discovers evidence of cultural or historical resources, or an endangered species, or a significant habitat, it shall notify appropriate authorities and provide them with an opportunity to investigate the site.

17. If water wells located on surrounding properties are adversely affected, and the extraction operations on this site are suspected as the cause, the effected property owners may present to the Board evidence that the extraction operation is a contributing factor. After a hearing by

the Board, this use permit may be revoked or suspended, and the operator may be required to correct the problem.

18. Open and vertical excavations having a depth of 10 feet or more, for a period of more than 30 days, shall be effectively sloped to a 2:1 slope or flatter to protect the public safety.

19. Topsoil shall not be removed from any part of the property outside of the area in which mining is authorized. Topsoil shall be stockpiled within the authorized mining area and provided with adequate erosion control protection. Sufficient topsoil shall be stockpiled on the property for respreading in a layer five inches deep. If the site does not yield sufficient topsoil, additional topsoil shall be brought to the site to provide the required five-inch layer of cover. All topsoil shall be treated with a mixture of seed, fertilizer, and lime as recommended by the County after soil tests have been provided to the County.

20. The reclamation of the property shall take place simultaneously with the mining process. The final grading of the site shall be consistent with the elevation of the land prior to the beginning of excavation as shown on the approved reclamation plan. Reclamation shall not be considered completed until the mined area is covered completely with permanent vegetation.

21. If it is necessary to bring topsoil or fill material to the site for reclamation, such material shall be brought in by barge on the James River. No trucks hauling topsoil or fill material to be placed on the property shall travel on New Market Road.

22. The operator shall submit a quarterly report stating the origin, nature, and quantity of any off-site generated material deposited on the site, certifying that no hazardous material was included. The material to be deposited on the site shall be limited to imperishable materials such as stone, bricks, tile, sand, gravel, soil, asphalt, concrete and like materials, and shall not include any hazardous materials as defined by the Virginia Hazardous Waste Management Regulations.

23. A superintendent, who shall be personally familiar with all the terms and conditions of Section 24-103 of the County Code, and this use permit, shall be present at the beginning and conclusion of operations each work day to see that all the conditions of the Code and this use permit are observed.

24. A progress report shall be submitted to the Board every year on or about October 31. This progress report shall include how much land has been mined to date of the report, how much land is left to be mined, how much reclamation has been performed, when and how the remaining amount of land will be reclaimed, and any other pertinent information about the operation that would be helpful to the Board.

25. This permit shall expire October 31, 2026. On or about October 25, 2018; October 22, 2020; October 27, 2022; and October 24, 2024; the Board will hold a public hearing to consider renewal of this use permit. The permit will be renewed in two-year increments unless the Board finds that the applicant is in violation of any of these conditions, or that the operation has had a substantial detrimental impact on nearby property. Examples of detrimental impacts may include excessive noise, excessive traffic, or environmental impacts such as water or air pollution.

26. Reclamation of the property shall be completed within one year of either the termination of this permit, or the final cessation of excavation at the property, whichever occurs sooner.

27. Failure to comply with any of the foregoing conditions shall automatically void this permit. The Board may revoke this use permit at any time if it finds, after a public hearing, that the operator is in violation of any of these conditions, or that the operation has had a substantial detrimental impact on nearby property. In the event the Board revokes this use permit, the applicant agrees to immediately stop all excavation at the property until the Board has issued a notice to resume excavation. If the applicant appeals such revocation of this use permit, the applicant agrees that all excavation work at the property shall remain stopped until such appeal is finally resolved or the Board has issued a notice to resume excavation.



4721 Curles Neck Rd - northern view of Manor House

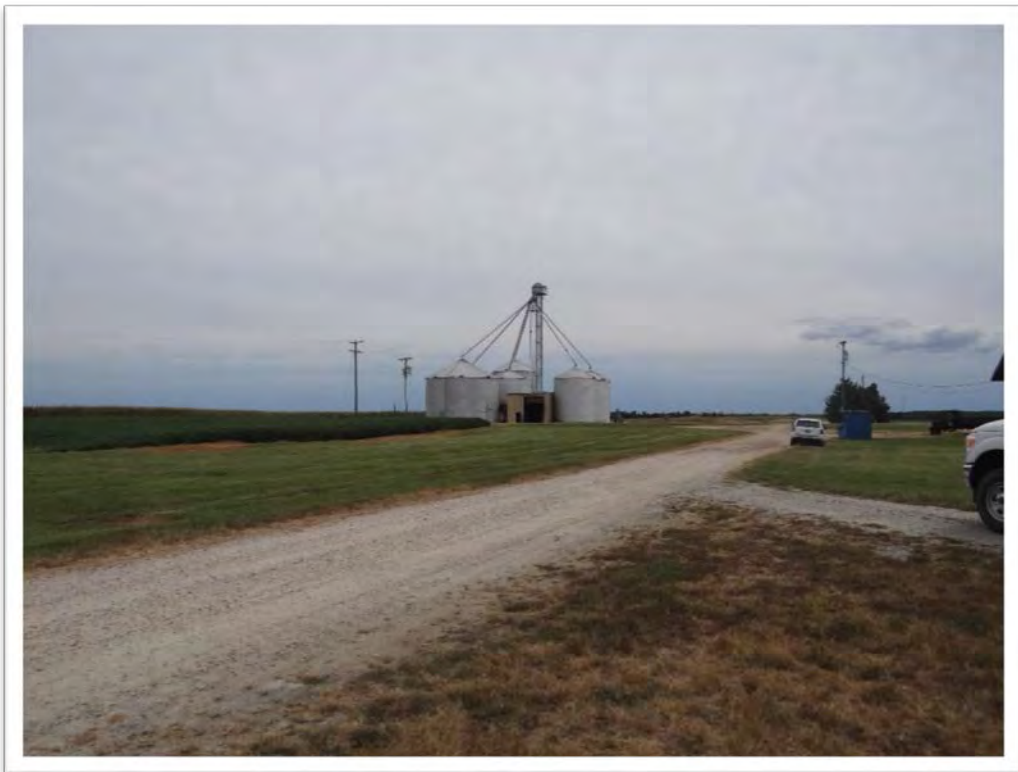


East façade of Manor House facing the river

CUP2016-00020



View of metal roofed barn



View of cluster of silos

CUP2016-00020