

Department of Community Development



Special Use Permit Case Report 20231360

Applicant	Frazier Quarry, Inc
Address/Location	3044 Buttermilk Creek Rd
Comprehensive Plan	Industrial
Tax Map#	94-A-4, 79-A-32, 79-A-34, 79-A-35, 79-A-103, 79-A-104A
Present Zoning	A-2 - General Agricultural District
Board Meeting Date	12/13/2023
Requested Use	Quarry
Acreage in Parcel	443.978
Acres in Request	443.978
Election District	District 2

General Information

Overview and Background

Special Use Permits were approved for the quarry operation on tax parcel 79-A-32 in 1973, 1987, 1989, and 1991. The permits following the 1973 permit were for an expansion of the facilities for storage of materials and equipment, a scale house, and an amendment to the original conditions.

In 1995 (SUP95-070) a Special Use Permit was granted for the expansion of the existing quarry operations to include tax map # 79-A-104A with the following conditions:

Conditions:

1. Use shall be in accordance with plot plan as approved.
2. No buildings are approved as a part of this special use permit. Any buildings on this property would require further special use permit approval.

In 2000 (REZ00-03) Tax map # 94-A-4, south of Buttermilk Creek Road was rezoned from A-2 zoning to CM-1 zoning. (Now I-1 zoning with conditions). Conditions related to the quarry business included the installation of a dry-hydrant and that there would no mineral extraction, including drilling and blasting in connection therewith, but not excluding processing of or stockpiling of stone.

In 2005 (SUP05-29) a Special use permit was granted for an asphalt plant on a portion of tax map # 94-1-4.

In 2012 (SUP12-046) a Special Use Permit was granted for the update of the 1973 special use permit regarding blasting requirements. Tax map # 79-A-32 (North Quarry Plant)

Conditions:

1. Blasting operations shall be limited to Monday through Friday from 7:00 a.m. to 5.00 p.m.
2. Oversized rocks from primary blasts shall be broken without the use of explosives.
3. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth or the maximum limit imposed under state and federal regulatory requirements whichever is lower, as measured at the nearest occupied structure outside the quarry boundaries. Vibration of every blast containing more than 100 pounds of explosives shall be measured and recorded using seismic instruments which meet or exceed the standards required by applicable state regulations. Such records shall be maintained on file at the quarry office and available to inspection by the Zoning Administrator.
4. Peak-over-pressure (noise) from any blast shall be limited to 0.012954 pounds per square inch (133 decibels) at any occupied structure not on the subject property.
5. All other conditions of the 1973 conditional use (special use) permit shall remain in effect and shall be enforced.

In 2013 a special use permit (SUP13-159) was approved for an expansion of the quarry operation to include tax map numbers 79-A-34 and 79-A-35 with the following conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Hours of operation for the quarry operations shall be from 6:30 a.m. until 5:00 p.m. Monday through Saturday.
3. Hours of blasting operations shall be from 7:00 a.m. until 5:00 pm Monday through Friday.
4. A screening berm according to DMME guidelines along the boundary of the 60-acre expansion area and adjoining tax parcel #79-(A)-96 (to the east of the subject property as shown on the attached map) shall be constructed.
5. Access to the property in this permit shall be through the existing quarry operation site, and all truck traffic will access the property only from Buttermilk Creek Road.
6. Oversized rocks from primary blasts shall be broken without the use of explosives.
7. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the

earth or the maximum limit imposed under state and federal regulatory requirement, whichever is lower, as measured at the nearest occupied structure outside the quarry boundaries. Vibration of every blast containing more than 100 pounds of explosives shall be measured and recorded using seismic instruments which meet or exceed the standards required by applicable state regulations. Such records shall be maintained on file at the quarry office and available to inspection by the Zoning Administrator.

8. Peak-over-pressure (noise) from any blast shall be limited to 0.012954 pounds per square inch (133 decibels) at any occupied structure not on the subject property.

9. There shall be a minimum of 100' buffer area between the quarry operation and Buttermilk Creek

Justification Section

Section 17-606 of the County Zoning Ordinance allows for the use 'quarry' by special use permit in the A2 and I1 zoning districts

Staff and Agency Analysis

Building Services

No building related comments at this point, no proposed buildings or structures. 11/08/23

Environmental

Land disturbance to exceed 10,000 sq. ft. requires an erosion & sediment control plan and permit; land disturbance over 1 ac. requires an engineered stormwater management plan and Construction General Permit.

Fire

The request is located within the N. Valley Pike Emergency Response Station's respective response area. There is a dry hydrant located within 94-A-L4 which is used as a means of fire protection for the North Plant facility. The access roadway, drafting pad, and dry hydrant will need to remain in service with any futures changes to the dry hydrant requiring written permission from the Fire Marshal's Office.

Planning

This area is designated as Industrial within the Urban Growth Area. Manufacturers, both large and small, are to be located in these areas that are or will be served by public water and sewer systems and offer good access to primary roads and I-81.

- Goal 4: Achieve a diversity of employment in industries that are compatible with the County's desire for environmental protection, high and stable employment levels, increasing incomes, and strong agricultural sector.
 - o Strategy 4.1 Increase the diversity and stability of the local economy.
 - o Policy 4.1.5 Retain and expand the existing industries and businesses now operating in the County.

Public Works

Public Works has no comment at this time.

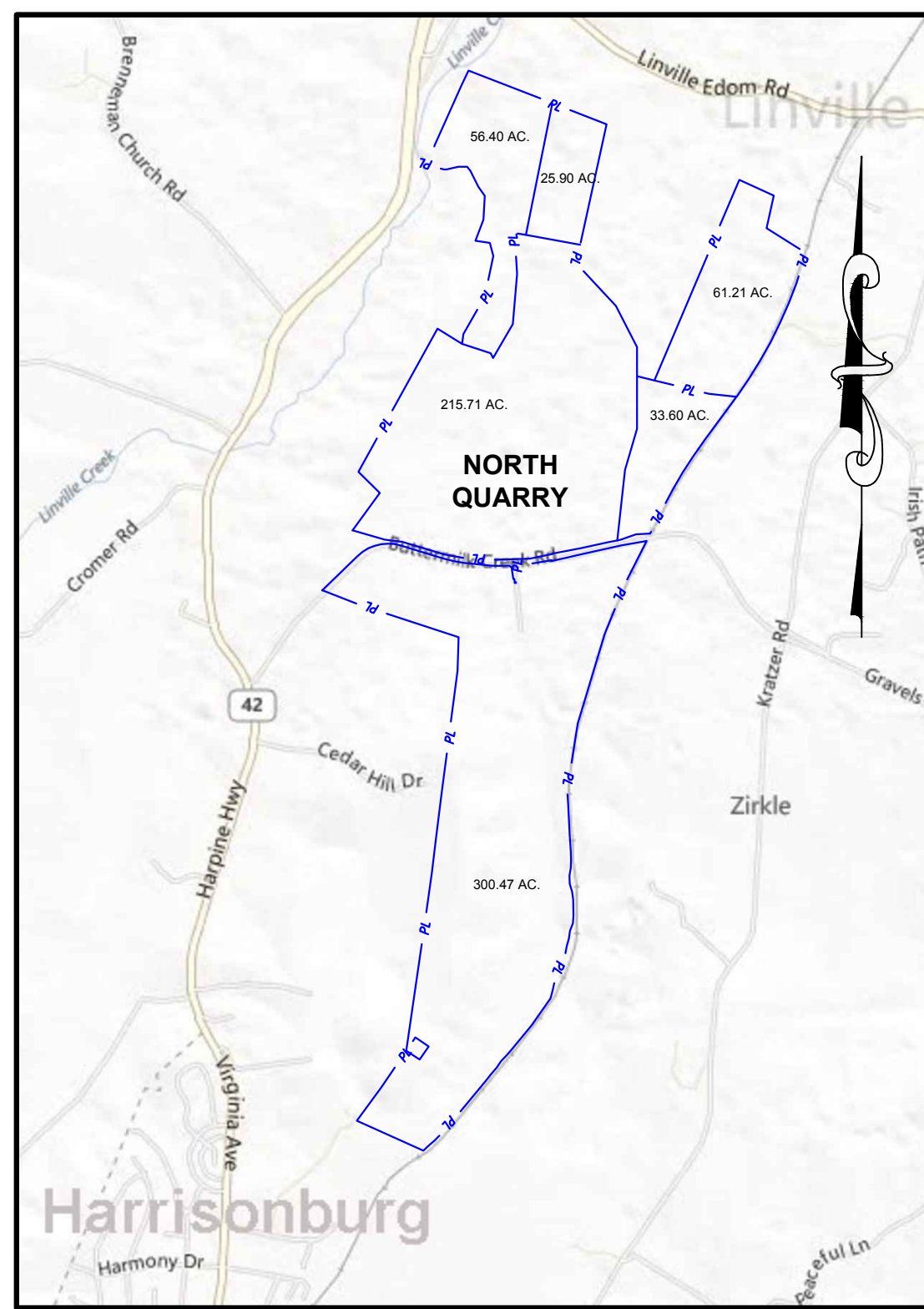
VDOT

VDOT does not expect the proposed special use permit to have a significant negative impact on adjacent state roads. Any proposed entrance in the future would need to be evaluated by VDOT and prior to approval would and have to meet all pertinent state standards including the VDOT Road and Bridge Standards.

VA Dept. of Health Environmental

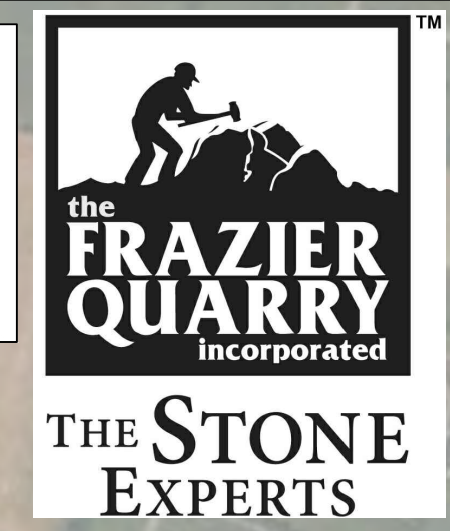
Health department records reflect that a 750 gallon per day alternative onsite sewage system was permitted to serve 3044 & 3042 Buttermilk Creek Rd. Any proposed increase in use of the existing sewage disposal system will require that it be evaluated by the private sector and a determination made as to whether the existing system can accommodate the increased usage. If the proposal is to just add additional mining operations without an increase in use of the existing system then the owner is advised to not encroach upon the system with vehicles, etc.

Since the sewage system serving the business is an alternative onsite sewage system the owner is required to have a licensed operator visit and inspect the system at least annually, and submit a report to the health department. The last O&M report received for this system was 2021.



LEGEND

- SITE BOUNDARY LINE/ SUP AREA
- - - INTERNAL SITE PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING ELECTRIC LINE
- EXISTING GAS LINE
- EXISTING EASEMENT



Date: 9-11-23

Scale: AS SHOWN

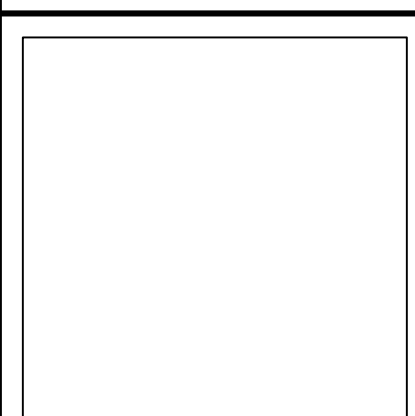
Designed by: TBF

Drawn by: TBF

Checked by: EHB



Blackwell Engineering
A Trademark of AES Consulting Engineers
566 East Market Street
Harrisonburg, Virginia 22801
Phone: (540) 432-9555



Revision Dates

12-1-23

SUP EXHIBIT

FRAZIER QUARRY - NORTH PLANT
THE FRAZIER QUARRY, INC.
75 WATERMAN DRIVE
HARRISONBURG, VA 22802

Drawing No.

1

of 1 Sheets

Job No. B3001-02
REF: 1558

FILE: B3001-02.dwg PRINTED: December 1, 2023



Rockingham County Special Use Permit Application

Application Procedure

The special use permit process usually takes about eight weeks from time of application submittal. However, timing can vary depending on application submission date in connection to scheduled public hearings.

1. Applicant participation in a recommended Pre-Application Meeting to receive early input from county and agency staff. Call (540) 564-5074 for more information and scheduling.
2. Submission of complete application (as a guide, use the check list provided below).
3. Staff and agency application review and comments from the County departments of Building, Engineering, Planning, Fire & Rescue, Public Works, Environmental, Zoning, Economic Development, Public Schools; Virginia Department of Health (VDH); and Virginia Department of Transportation (VDOT). Other applicable agencies may be contacted if needed.
4. Notification letters of public hearing mailed to adjoining landowners.
5. Special use permit sign placed on property in public view and drone video of property taken.
6. Public hearing advertisement placed in the local paper.
7. Board of Supervisors public hearing, review, and final special use permit determination. The decision to approve or deny the special use permit request is ultimately determined by the Rockingham County Board of Supervisors. (The applicant, or representative, is encouraged to attend related public hearing.)

Application Checklist *(please submit with application)*

It is the responsibility of the applicant to gather all information and submit a complete special use permit application to the Rockingham County Department of Community Development. Applications can be mailed, dropped off in person, or [emailed](#) to the Rockingham County Zoning Administrator.

- A completed and signed application (digital PDF preferred).
- A boundary map of the property, showing what is described in the "Guide: Proposed Use Layout for Special Use Permit Application" section of this application. The submitted map cannot be larger than 11" x 17".
- Required **\$550 fee**
- Please answer the following questions and where required, attach additional information to this application. The information provided will be reviewed by the staff in their analysis of your request.

An application for a special use permit shall be considered incomplete when an applicant fails to provide the following required information. Based upon the size, scale, complexity and impact of the proposed use, the zoning administrator may waive or modify certain requirements of this application. Any waivers or modifications shall be expressed in writing by the zoning administrator and shall be provided, by the applicant, as part of this application.

Special Use Permit Application Form

Property Owner: See attached Sheet

Address: See attached Sheet

Telephone: 540-820-7853

Email: Kevin.Baker@frazierquarry.com

Other Applicant Party (such as a contract purchaser) if applicable: N/A

Address: _____

Telephone: _____

Email: _____

Other Contact Person (such as a law or engineering firm) if applicable: AES Consulting Engineers

Address: 566 East Market St. Harrisonburg, VA 22801

Telephone: 540-432-9555

Email: Ed.Blackwell@aesva.com; Brian.Kinzie@aesva.com

Application Contact: Frazier Quarry; Attn. Kevin Baker, CEO

Property Address: 3044 Buttermilk Creek Rd.

Property Location: (N S E W) of (Road Name) Buttermilk Creek Rd (Route #) 765

approximately 2300 miles/feet (N S E W) of (Road Name) Virginia Poultry Dr.

(Route #) 939. Election District #: Edom Precinct

Property Tax Map Number(s): 94-A-L4; 79-A-34, 35, 103

Use Applied For: Quarry

Acreeage in Parcel: See attached Acreeage to be used: See attached Current Zoning: See attached

Size And Height Of Existing And/Or Proposed Building Or Structure if applicable: N/A

Size and Height of Signage if applicable: N/A

Indicate Method of:

Water Supply

- County Water
- City Water *
- Community System
- Well
- Cistern

Sewage Disposal

- County Sewer
- City Sewer *
- Community System
- Septic System
- Alternative: _____

Existing

* If City water and/or sewer are selected, applicant must have full approval by City & County prior to submitting this application.

Are there any historical features, listed on a national or state registry, located on the property? If so, please provide documentation. No

Are there any wetlands or sinkholes, as delineated by a professional engineer, located on the property? If so, please provide documentation. See wetlands & sinkhole map (sheet 3 of drawing)

Are there any known cemeteries located on the property? No

Is the property located in the Cross Keys and Port Republic Battlefield Study Area, Core Area, or Field of Fire? No

Is the property currently in an Agricultural and Forestal District? If so, please indicate which District.
NO

Explain in detail your proposal, hours of operation, number of employees, customer trips expected, etc.

The site is currently operated by Frazier Quarry, which has mined the property since 1978. All, or portions, of TM# 94-A-L4, 79-A-L32; L103; & L104A (black hatched area) are covered under a DMME permit. This permit allows for extraction of TM# 79-A-L32; & L104A but only fill of 79-A-L103 & portions of 94-A-L4.

In 2013, a rezoning/SUP was provided by the County allowing an additional 60± acres of extraction (green hatched area) on TM 79-A-L32, along with a boundary line adjustment for the parcel.

As demand for stone rises and Frazier Quarry expands its operations, Frazier Quarry is requesting the portions of TM# 94-A-L4; 79-A-L34; 35; & L103 (red hatched area) be allowed for extraction, which is a Special Use within the A2 and I1 zoning districts.


Signature of Landowner


Signature of Applicant or Agent

Guide: Proposed Use Layout for Special Use Permit Application (required)

The Rockingham County Zoning Ordinance requires [Special Use Permit](#) applications to include an accurately scaled proposed use layout. The scaled proposed use layout and any demonstrative materials submitted with the application will become part of the record of the hearing on the application and become legally binding elements of the zoning ordinance and map if the special use permit is approved by the Board of Supervisors.

The accurately scaled proposed use layout shall include the following information as a minimum:

1. Size and shape of parcel of land where use or building is to be located.
2. Location of use of proposed and/or existing buildings---distance from public highways, from adjoining property.
3. Size and shape of proposed and/or existing buildings.
4. Access to and from property.
5. Relation to street and highway intersections.
6. Any planned screening or landscaping.
7. Number and location of off-street parking spaces.
8. Specify proposed use of area (if not contained in building).

Reference Section [17-1003.01](#) of the Zoning Ordinance located on the County's website for more information and requirements.

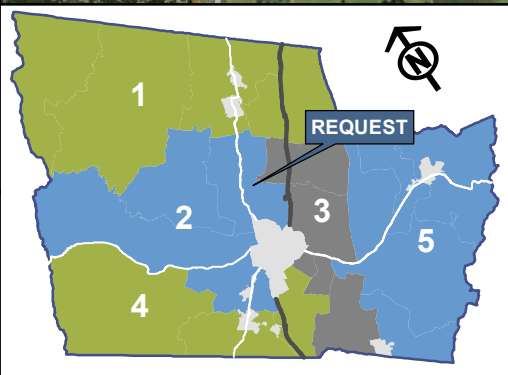
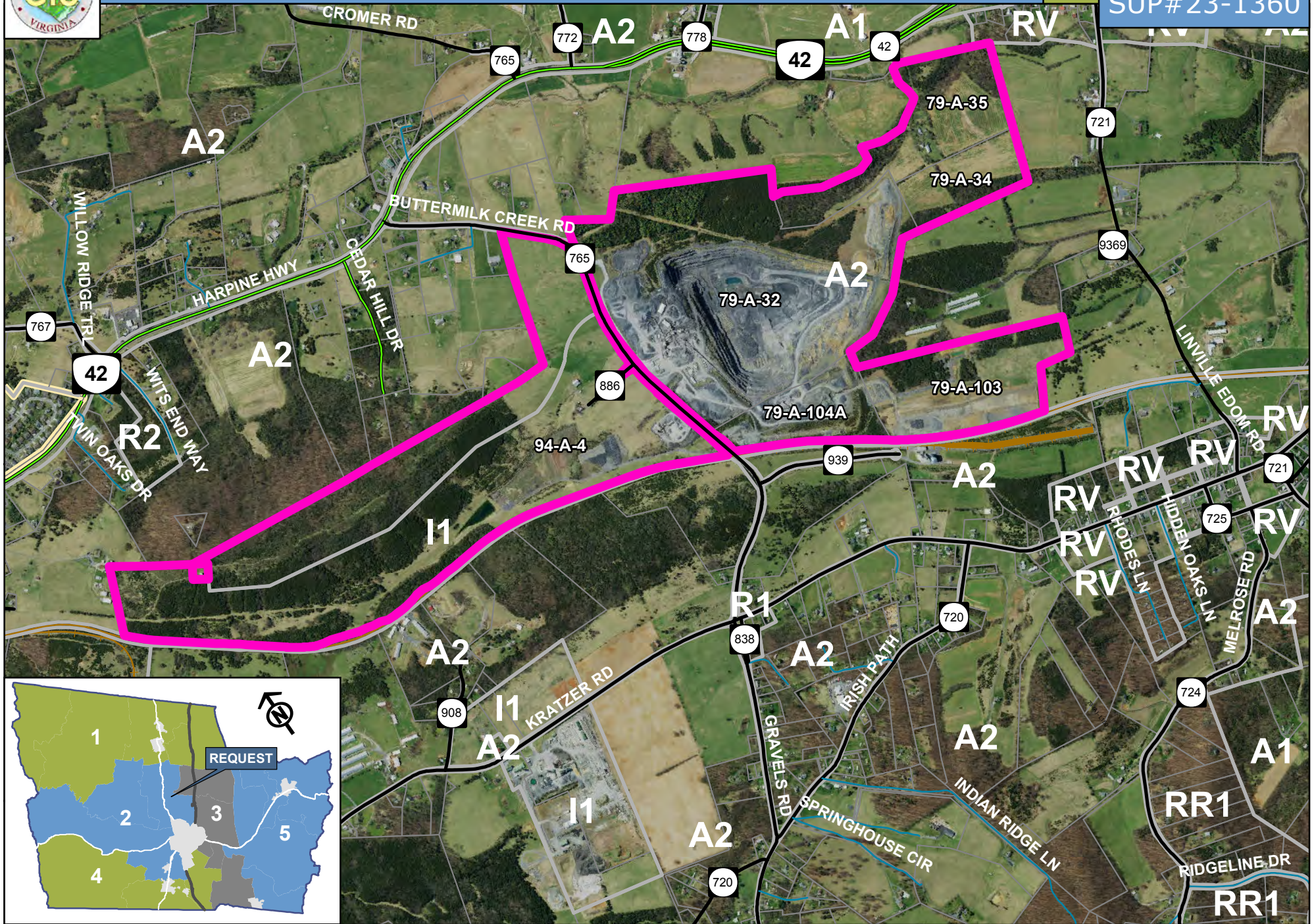


Frazier Quarry, Inc Special Use Permit Request



12/13/2023

SUP#23-1360



Frazier Quarry Timeline

In 1973 a special use permit was approved for the quarry operation on tax parcel 79-A-32. In 1987, 1989, and 1991 special use permits were approved for an expansion of the facilities for storage of materials and equipment, a scale house, and an amendment to the original conditions, all of which were located on parcel 79-A-32.

In 1995 (SUP95-070) a special use permit was granted for the expansion of the existing quarry operations to include tax parcel 79-A-104A with the following conditions:

1. Use shall be in accordance with plot plan as approved.
2. No buildings are approved as a part of this special use permit. Any buildings on this property would require further special use permit approval.

In 2000 (REZ00-03) Tax map # 94-A-4, south of Burrermilk Creek Road was rezoned from A-2 zoning to CM-1 zoning. (Now I-1 zoning with conditions). Conditions related to the quarry business included the installation of a dry-hydrant and that there would be no mineral extraction, including drilling and blasting in connection therewith, but not excluding processing of or stockpiling of stone.

In 2005 (SUP05-29) a Special use permit was granted for an asphalt plant on a portion of tax map # 94-A-4.

In 2012 (SUP12-046) a Special Use Permit was granted for the update of the 1973 special use permit regarding blasting requirements. Tax map # 79-A-32 (North Quarry Plant) with the following conditions:

1. Blasting operations shall be limited to Monday through Friday from 7:00 a.m. to 5.00 p.m.

2. Oversized rocks from primary blasts shall be broken without the use of explosives.
3. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth or the maximum limit imposed under state and federal regulatory requirements whichever is lower, as measured at the nearest occupied structure outside the quarry boundaries. Vibration of every blast containing more than 100 pounds of explosives shall be measured and recorded using seismic instruments which meet or exceed the standards required by applicable state regulations. Such records shall be maintained on file at the quarry office and available to inspection by the Zoning Administrator.
4. Peak-over-pressure (noise) from any blast shall be limited to 0.012954 pounds per square inch (133 decibels) at any occupied structure not on the subject property.
5. All other conditions of the 1973 conditional use (special use) permit shall remain in effect and shall be enforced.

In 2013 a special use permit (SUP13-159) was approved for an expansion of the quarry operation to include tax map numbers 79-A-34 and 79-A-35 with the following conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Hours of operation for the quarry operations shall be from 6:30 a.m. until 5:00 p.m. Monday through Saturday.
3. Hours of blasting operations shall be from 7:00 a.m. until 5:00 pm Monday through Friday.
4. A screening berm according to DMME guidelines along the boundary of the 60-acre expansion area and adjoining tax parcel #79-(A)-96 (to the east of the subject property as shown on the attached map) shall be constructed.

5. Access to the property in this permit shall be through the existing quarry operation on site, and all truck traffic will access the property only from Buermilk Creek Road.
6. Oversized rocks from primary blasts shall be broken without the use of explosives.
7. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth or the maximum limit imposed under state and federal regulatory requirement, whichever is lower, as measured at the nearest occupied structure outside the quarry boundaries. Vibration of every blast containing more than 100 pounds of explosives shall be measured and recorded using seismic instruments which meet or exceed the standards required by applicable state regulations. Such records shall be maintained on file at the quarry office and available to inspection by the Zoning Administrator.
8. Peak-over-pressure (noise) from any blast shall be limited to 0.012954 pounds per square inch (133 decibels) at any occupied structure not on the subject property.
9. There shall be a minimum of 100' buffer area between the quarry operation and Buermilk Creek

Approval of this special use permit would allow for quarry operations on tax parcels 79-A-32, 79-A-104A, 79-A-34, 79-A-35, 79-A-103, and 94-A-4 with a portion of 94-A-4 being designated in the site plan as a future location for facilities and processing. The following conditions have been submitted by the applicant:

Applicant Supplied SUP Conditions

1. For purposes of Section 17-1003.02 (d) of the Zoning Ordinance the use(s) related to this Special Use Permit shall be satisfied by the operation of the permitted use(s) on any of the tax parcels listed in the application. The two entities that own the land are related limited liability companies and the quarrying operation is being conducted now and anticipated to be done in the future by Frazier Quarry, Inc. This is an update and expansion related to special use permits issued March 12, 1973, December 18, 1991, May 9, 2012 and September 11, 2013.
2. Working Hours
 - a. Hours of blasting operations shall be from 7:00 a.m. until 5:00 p.m. Monday through Saturday.
 - b. Operation of the quarry and crushing plant shall be conducted Monday through

Saturday with no limitations on hours; except for Sunday, where no quarry or crushing operations shall take place.

c. Maintenance tasks, sales, and rail loading of stone will not be limited.

3. Dust Control

a. All reasonable steps shall be taken to prevent dust originating in crushers, screens or elsewhere in the processing plant from blowing across the property lines.

b. Dust caused by traffic over roadways within the property shall be minimized by paving/ sprinkling, or treatment with chlorides.

4. Blasting

a. All blasting shall be done with Nonel or electronic caps.

b. No secondary blasting shall be permitted. Oversized rocks from primary blasts shall be broken without the use of explosives.

c. Poundage per delay will be determined by blaster not to exceed the estimated peak particle velocity or Z scale factors.

d. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 2.0 inches per second in the earth or the maximum limit imposed under state and federal regulatory requirement, whichever is lower, as measured at the nearest occupied structure outside the quarry boundaries. Vibration of every blast containing more than 100 pounds of explosives shall be measured and recorded using seismic instruments which meet or exceed the standards required by applicable state regulations. Such records shall be maintained on file at the quarry office and available to inspection by the Zoning Administrator.

e. Peak-over-pressure (noise) from any blast shall be limited to 0.012954 pounds per square inch (133 decibels) at any occupied structure not on the subject property.

5. A screening berm according to Virginia DOE guidelines along the boundary tax parcel #79-(A)-L4 and adjoining agricultural parcels shall be constructed.

6. Access to the properties and all truck traffic will access the property only from Buermilk Creek Road.

7. There shall be a minimum 100' buffer area between the quarrying operation and Buermilk Creek.

8. These conditions shall supersede and replace all previous SUP conditions for the parcels covered by this permit.

Tax Map # 79-A-32

March 12, 1973 - Original conditional use permit for Quarry Operation.

August 12, 1987 - SUP granted for expansion of storage facilities.

March 08, 1989 - SUP granted for new scale house.

December 18, 1991 - SUP91-106 granted to amend 1973 conditions regarding hours of operation.

May 09, 2012 - SUP12-046 granted to update 1973 conditional use permit regarding blasting requirements.

Tax Map # 94-A-4

February 23, 2000 - REZ00-03 rezoned from A-2 to CM-1 (now I-1).

Tax Map # 94-A-4

May 25, 2005 - SUP05-29 granted for asphalt plant.

Tax Map 79-A-104A

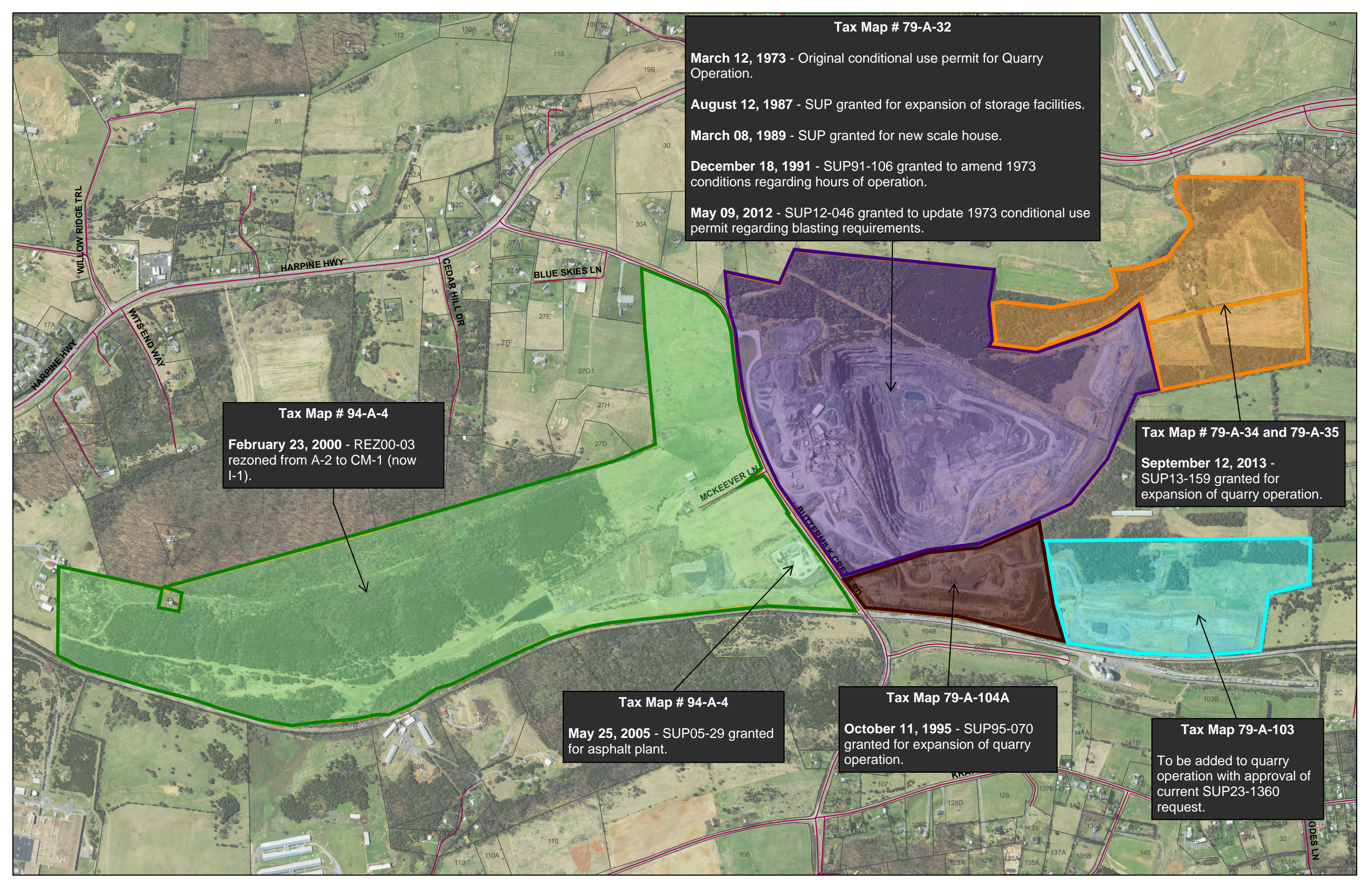
October 11, 1995 - SUP95-070 granted for expansion of quarry operation.

Tax Map # 79-A-34 and 79-A-35

September 12, 2013 - SUP13-159 granted for expansion of quarry operation.

Tax Map 79-A-103

To be added to quarry operation with approval of current SUP23-1360 request.



Applicant Supplied SUP Conditions

1. For purposes of Section 17-1003.02 (d) of the Zoning Ordinance the use(s) related to this Special Use Permit shall be satisfied by the operation of the permitted use(s) on any of the tax parcels listed in the application. The two entities that own the land are related limited liability companies and the quarrying operation is being conducted now and anticipated to be done in the future by Frazier Quarry, Inc. This is an update and expansion related to special use permits issue March 12, 1973, December 18, 1991, May 9, 2012 and September 11, 2013.
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8. These conditions shall supersede and replace all previous SUP conditions for the parcels covered by this permit.

4886-2683-3300, v. 1