

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

LUCK STONE CORPORATION, SPA 81-S-064-10 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 81-S-064 previously approved for stone quarrying, crushing, sales and ancillary uses to permit renewal. Located at 15717 Lee Hwy. on approx. 210.25 ac. of land zoned R-C, NR and WS. Sully District. Tax Map 64-1 ((1)) 1, 4, 13, 14, 15, 17 pt., 33A, 38 pt., 39 pt., and 64-1 ((4)) 7A. (Deferred from 7/8/08 at appl. req.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 16, 2008; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-C, NR, and WS.
3. The area of the property is 210.25 acres.
4. Staff recommends approval of the special permit amendment.
5. This is a continuing renewal.
6. The function has been operating since the 1930s.
7. Staff has determined, based on the documentation, that the applicant has continually up-dated the requirements in the development conditions to keep abreast of the changing times pursuant to Fire Department's requirements in so far as blasting, and air quality requirements pursuant to crushing.
8. There was testimony from the president of a local civic association that the applicant is a good neighbor, especially in cleaning the vehicles and keeping mud, and so forth, off the street.
9. The applicant is always available to communicate with its neighbors as it relates to any problems the neighbors may have, as the site abounds a heavy industrial area.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect. 3-C03 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 15717 Lee Highway (210.25 acres), and is not transferable to other land. Other by-right, Special Exception and Special Permit uses may be permitted on the property without a Special Permit amendment, if such uses do not affect this Special Permit use.

2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Patton Harris Rust and Associates, dated January 18, 2008, signed January 21, 2008, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. All landscaping and screening required in previous approvals of this use shall be maintained as follows:
  - a. Landscaping and screening shall be maintained in accordance with the landscape plan approved in conjunction with SPA 81-S-064-2 to ensure the use is adequately screened from the adjacent residentially zoned, planned and used properties and Lee Highway.
  - b. The vegetation between the access road to the asphalt plant and the maintenance building shall be maintained at the level of Transitional Screening 3.
  - c. To ensure quarry operations on the north side of Lee Highway are adequately screened, all existing vegetation south of the existing quarry pit shall be preserved and limits of clearing and grading shall not extend south of the existing quarry pit.
  - d. The shade trees adjacent to the entrance on the south side of Route 29 and evergreen trees on the eastern side of the entrance shall be maintained in a healthy condition and any dead or dying trees shall be replaced as needed as determined by the Urban Forestry Division, Department of Public Works and Environmental Services (DPWES). The trees shall be a minimum of 6.0 feet in height and shall serve to soften the visual impact of the use. The number and type of any replacement trees shall be determined by the Urban Forestry Division.
  - e. The following screening and landscaping shall be provided on the berm located along the periphery of the expansion area:
    - For the 400 foot long portion of the berm which directly abuts Bull Run Post Office Road, two (2) rows of staggered deciduous and evergreen trees planted ten feet on center shall be provided.
    - The remainder of the berm shall be landscaped with natural grasses and with seedlings of a species and density to be determined by the Urban Forestry Division, Department of Public Works and Environmental Services (DPWES). To ensure compatibility with surrounding low density development, emphasis shall be placed on using native species to fulfill this requirement.
  - f. In order to screen the quarry from Lee Highway, all existing vegetation which lies north of the ultimate right-of-way line and associated improvements to Lee Highway shall be preserved to the maximum extent possible.

- g. Any dead, dying and/or hazardous vegetation shall be replaced. Number, size and species shall be as determined by the Urban Forestry Division.
5. Prior to the issuance of a new Non-Residential Use Permit (Non-RUP) for SPA 81-C-093-9, a portion of the screening buffer located on the western corner adjoining the south side of Lee Highway, shall be cleared of all noxious vines, undergrowth and exotic trees. This area, as determined in consultation with the Urban Forestry Division, shall be replanted with Austrian Pines to equal one tree per 10 linear feet and eastern red cedars to equal one tree per five linear feet. These trees plantings shall be a minimum height of six feet at the time of planting.
6. The existing siltation pond located adjacent to the stockpiling operation on the south side of Lee Highway shall be designed to release runoff from the site in accordance with Best Management Practice (BMP) standards as determined by DPWES. The agreements reflected in the letter of September 25, 1992, and DPWES approved modifications thereof, may be used to fulfill this requirement as may be acceptable to DPWES.
7. The sales, loading and hauling of crushed stone shall be permitted 24 hours per day for not more than 100 nights per year, Monday through Saturday. All activities between the hours of 6:00 p.m. and 7:00 a.m. associated with this use shall be confined to the south side of Lee Highway.
8. Strobe lights shall be used in place of back-up beepers on loaders during nighttime operating hours.
9. To accommodate the planned widening of Lee Highway, right-of-way shall be conveyed to the Board of Supervisors in a manner which provides a minimum uniform width of 112 feet along the site's entire frontage of Lee Highway. This right-of-way shall be dedicated in fee simple at such time as a road project requiring the right-of-way is designed and funded the Virginia Department of Transportation (VDOT) or Fairfax County. Based on final design of future improvements to Lee Highway or the design and /or implementation of public improvements on adjoining property to the west, the requirement for right-of-way dedication may be increased as may be shown to be necessary by the Department of Transportation in an amount not to exceed 158 feet.
10. There shall be no access to the northern section of the quarry from Route 289. All access for excavation and/or parking of vehicles for on-site and/or off-site vehicles shall be by the tunnel under Route 29, Lee Highway.
11. The applicant shall screen the recyclable concrete coming to the site from mud, dirt, trash and other construction debris. No leads shall be accepted if found to be contaminated with the aforementioned material.
12. Stockpiling and recycling of concrete on this site shall be approved for spent concrete obtained only from customers of the quarry and hauled by the same vehicles which deliver stone products to the customer.
13. The total cost of enforcement services shall be absorbed by the applicant. As monitoring equipment is shared between Luck Stone Quarry and Vulcan Quarry, the applicant shall be responsible for 50% of the cost of the maintenance of all seismographic and noise monitoring

equipment and all air quality monitoring equipment required in previous approvals of this use.

14. In order to ensure protection of the EQC, in the north pit, the limits of excavation shall not extend beyond the boundary of the EQC as delineated in accordance with the criteria contained in the Comprehensive Plan. Further, there shall be no clearing and grading and no structures located within the area designated as an EQC. Grass located between the pond in the EQC and the picnic pavilion shall not be mowed, except for the area for boat and fishing access.
15. Berms shall be twenty (20) feet in height with the exception of the berm constructed to the south of Lee Highway which shall be allowed to remain at its present height in order to allow the adjacent property to retain its view of the Bull Run Mountains.
16. The design of the berm along the northern lot line on the north side of Route 29, Lee Highway shall be maintained so as to permit uninterrupted flow from drainage areas off- site to the existing pond on site.
17. In accordance with the provisions of Sect. 8-103 of the Zoning Ordinance, a bond of \$2,000 per acre for the 134 unrestored acres shall be maintained for the duration of this mining operation. Upon amendment or renewal of this application any agreements or performance guarantees shall be subject to review and approval by the Bonds and Agreements Branch, DPWES.
18. Blasting vibrations shall be limited to a maximum resultant particle velocity of 1.5 inches per second in the earth at any occupied structure not on quarry property. Within these limits the operator shall continue to diligently oversee all loading and blasting so as to minimize to the extent possible any justifiable complaints of residents.
19. Blasting shall be regulated as follows:

Millisecond delay caps or the equivalent shall be used in all blasting operations, with no blast to exceed 15,000 pounds. No single millisecond delay charge shall be loaded in excess of 850 pounds. Blasting within 400 feet of any non-company owned residence shall conform to the standard blasting operation procedure as approved with this use permit.

In addition to the above referenced blasting procedures, blasts 200 feet or closer to the Trans Continental Pipeline shall be subject to the following additional provisions:

Trans Continental shall be notified prior to any blast occurring at a point 200 feet or closer to the pipeline.

Each such notice shall be given at least twenty-four hours prior to the blast and shall be provided to individual(s) as designated by Trans Continental.

Any blast within 200 feet of the pipeline shall adhere to the following minimum delays.

17 milliseconds between decks in a hole.

25 milliseconds between holes.

The following information shall be forwarded to Trans Continental following each blast that occurs within 200 feet of the pipeline:

A diagram or pattern of the shop;

Maximum pounds per delay of explosives in the shop;

Depth of the holes in the shop;

Type of explosive used;

Type of delays used;

Seismography reading and location;

Blasting records for the entire site shall be made available to the County.

20. Signs shall be permitted in accordance with Article 12 of the Zoning Ordinance.
21. Earth vibration produced by the quarry from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on quarry property.
22. The Zoning Enforcement Branch of the Zoning Administration Division, Department of Planning and Zoning, shall be notified at least four (4) hours prior to each blast to allow unscheduled monitoring. The Fairfax County Department of Public Safety Communications shall be notified prior to 8:00 am each day a blast is scheduled.
23. Airborne noises produced by the quarry from sources other than blasting shall not exceed the following at any occupied structure not on quarry property: 10 decibels above the background in residential areas and 16 decibels in commercial or industrial areas.
24. Roads or other areas subject to traffic within the confines of the quarry shall be watered as often as necessary to control dust.
25. All present dust control equipment including the wet suppression system shall continue to be maintained and operated.
26. No drilling or crushing shall be performed other than during the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
27. Blasting shall be limited to a maximum of five (5) blasts per week with a maximum of two (2) blasts per day, between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, only. All reasonable measures shall be taken to minimize adverse effects of blasting upon any privately owned occupied dwellings.
28. All explosives, blasting agents, and associated materials shall be handled and stored in accordance with standards and regulations established by the Fairfax County Fire Marshal, the Virginia Department of Mines, Minerals, and Energy, and other appropriate agencies.
29. There shall be no work performed other than sales of materials or maintenance activities of facilities and equipment on Saturday between the hours of 7:00 a.m. and 6:00 p.m., except as qualified by Condition #7. There shall be no work on Sundays.
30. In the event any feasible equipment or means of controlling dust during blasting activities becomes available to the industry, the quarry operators shall install and use this equipment as soon as reasonably possible.

31. Discipline of personnel and supervision during blasting and loading shall be diligently exercised to prevent flyrock. Flyrock is defined as any dirt, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast. All reasonable precautions shall be taken to prevent flyrock from leaving the blast area. In the event of an occurrence of flyrock leaving the blast area, causing injuries, or damaging any structures, equipment, or property, such an occurrence shall be investigated and any reasonable additional measures shall be taken to correct the cause of the flyrock.
32. Public roads in the immediate vicinity of the blast are to be closed to all traffic during the blast when blasting within 600 horizontal feet of a public road. For all other blasts, public roads may be blocked for blasting when best blasting practices deem necessary.
33. The Zoning Administrator or designated agent shall periodically inspect the premises to determine that the quarry is being operated in compliance with all conditions and restrictions.
34. Fencing shall be provided around the site to secure the site from unauthorized entry. Existing fencing and that shown on the Special Permit Plat may be used to fulfill this requirement. Magazines used for the storage of explosives, blasting agents, or associated materials shall be enclosed within a secure fenced perimeter and properly marked to indicate restricted access and the hazards within.
35. Water quality monitoring reports shall be provided by the applicant on an annual basis to the Department of Planning and Zoning. Parameters to monitor shall be the following: water flow, sediment transport, dissolved oxygen (DO), pH, temperature, nutrients and alkalinity.
36. The existing entrance and exit shall be labeled as one-way to ensure safe circulation on the site.
37. The water/oil separator system shall be a totally closed system. There shall be no discharges of water, oil or other waste from the facility. Sludge materials which are removed in the cleaning of the facility shall be disposed of in accordance with applicable local, state and federal requirements.
38. The applicant shall ensure that the siltation pond located on the south side of Route 29, Lee Highway, is functioning in accordance with Best Management Practices (BMPs) standards, as determined by DPWES.
39. The emergency spill response and containment plan developed by the applicant to address accidental spills of any hazardous substances stored on the premises shall be submitted to and approved by the Fairfax County Fire and Rescue Department and the Fairfax County Health Department.
40. Special Permit Amendment SPA 81-S-064-10 is granted for a period of five (5) years from the date of approval, with annual review by the Zoning Administrator or designee in accordance with Section 8-104 of the Zoning Ordinance.

41. The Applicant shall forward all seismographic records to the Zoning Enforcement Branch and the Fire Marshal for review on a quarterly basis. These reports shall also include the following information pertaining to blasts:
  - A. Date of blast
  - B. Time of blast
  - C. Pounds of explosives per delay
  - D. Total pounds of explosives per blast
  - E. Ground vibration levels
  - F. Air blast in decibels
42. The Applicant shall forward any and all blasting - or explosive-related complaints to the Fire Marshal within one (1) business day of receipt, except those complaints claiming damage. Complaints claiming damage shall be reported to the Fire Marshal immediately upon receipt. The Fire Marshal shall investigate all complaints and forward all verified, legitimate complaints to the Zoning Enforcement Branch. This includes complaints from any citizen, local, state, or federal agency whether located in Fairfax County or not, but only those referring to operations conducted within Fairfax County. In addition, the Applicant shall instruct complainants to contact the Zoning Enforcement Branch and the Fire Marshal to submit their complaint directly as well.
43. The applicant shall notify the Zoning Enforcement Branch and the Fire Marshal immediately upon discovering a violation of any blasting- or explosive-related condition of this special use permit, including but not limited to ground vibrations or air blast above the levels set forth in the special use permit.
44. Irrespective of the quarterly seismograph results submittals referenced in Condition 41, the Applicant shall provide the results from seismograph monitoring, which includes the date and time of each blast, within seven (7) days of receipt of such request by the Zoning Administrator or the Fire Marshal.
45. When a conflict exists between these conditions and other regulations by local, state or federal authorities regarding the quarry operations the stricter condition shall apply.
46. The peak overpressure from any blast shall be limited to 0.0092 psi (130 dB) at any privately-owned occupied structure not on quarry property.
47. The Applicant and its agents or contractors shall acquire any and all applicable fire prevention code permits, as provided by the Fire Marshal, for blasting- or explosive-related operations that occur within Fairfax County.
48. The Applicant shall use the best readily available standard industry-accepted technology and standard industry practices applicable to quarry operations in blast design and blasting operations to ensure accuracy in drilling, loading, timing, and detonating blasts to maintain the lowest effective powder factor and pounds of explosive per delay to produce the desired blast effects.

49. The Applicant shall use the best readily available standard industry-accepted technology and standard industry practices applicable to quarry operations to reduce the creation and effects of air blast and ground vibrations, particularly vibration peak particle velocity and frequency.
50. The Applicant shall maintain accurate drilling, blasting, and seismographic records on-site and readily available for Zoning Enforcement Branch and the Fire Marshal's review for a period of five years.
51. The Applicant shall notify the Zoning Enforcement Branch and the Fire Marshal of any change in the location of fixed permanent seismographs monitoring blast effects and the reason(s) for the change.
52. This special permit may be renewed in accordance with the provisions of Section 8-104(4).

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Smith and Ms. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Hart recused himself from the hearing. Mr. Hammack was absent from the meeting.