

**ORDINANCE TO AMEND A PORTION OF CHAPTER 125 (ZONING)
OF THE PAGE COUNTY, VIRGINIA CODE**

WHEREAS, by Ordinance duly adopted, the Board of Supervisors of the County of Page adopted Chapter 125, Zoning, of the Page County Code, which Chapter has been amended from time to time; and

WHEREAS, such Ordinance is in full force and effect on the date hereof; and

WHEREAS, upon mature consideration, the Board of Supervisors of the County of Page has determined that it is in the best interest of the County to further amend the Chapter.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 125 (“Zoning”) be amended as follows:

(1) §125-4: Definitions shall be amended to add the following new definitions:

QUARRY OPERATION: The processing and/or storing of extracted stone, sand, or gravel that does not transform the initial chemical composition of the extracted product.

QUARRY EXTRACTION: The process of removing valuable material, including stone, sand, gravel or soils, from the ground surface or underground. Extraction methods may include drilling, blasting, and/or mechanical extraction methods, which may include the use of excavators, loaders, conveyor systems, and hauling vehicles.

QUARRY PROCESSING: The operations and techniques used to extract valuable material and transform to a more refined or usable form, typically for commercial purposes. Processing may include crushing and grinding, gravity separation, magnetic separation, and other methods of refining.

(2) §125-9 Woodland Conservation (W-C) shall be amended under sub-part D (“Uses permitted by special permit shall be as follows”) to include a designated number twenty (20), which shall read as follows:

(20) Quarry operations pursuant to § 125-30.23.

(3) §125-10 Agriculture (A-1) shall be amended under sub-part D (“Uses permitted by special permit shall be as follows”) to include a designated number twenty-seven (27), which shall read as follows:

(27) Quarry operations pursuant to § 125-30.23.

(4) §125-13 Industrial (I-1) shall be amended to include a new sub-part D, titled “Uses permitted by special permit shall be as follows”, and a designated number one (1) shall be added as set forth below. The sub-parts and paragraphs following the new

sub-part "D" shall be amended to reflect the updated lettering, as follows:

D. Uses permitted by special permit shall be as follows:

(1) Quarry operations pursuant to § 125-30.23.

E. Minimum lot size shall be as follows: area: 20,000 square feet; width: 100 feet.

F. Minimum yard dimensions shall be as follows: front yard: 40 feet; each side yard: 20 feet; rear yard: 20 feet. For a single permitted use, the side and rear minimum yard dimensions adjoining or adjacent to a residential district shall be 75 feet. The minimum side yard of corner lots in this district shall be 40 feet. A planting strip shall be placed in yards adjacent to or adjoining residential districts of sufficient height to construct an effective screen.

G. Maximum building coverage and height shall be as follows: maximum building and paving coverage: 80%; maximum building height from average grade: 35 feet.

H. Performance standards. Standards in accordance with the Virginia Air Pollution Control Law, the Environmental Protection Agency, the Virginia State Health Department and the Local Health Department, the Virginia Soil and Water Conservation Board and the local soil and water conservation agency shall be adhered to.

I. Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit. [Added 2-12-2002]

J. Any new structure designed to be occupied as a residence, church, school, community center or commercial business establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § 125-32, Article VI, of this chapter. [Added 6-21-2005]

K. All wells in Industrial zoned districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended.[1] A variance may be sought through the Page County Board of Zoning Appeals for a well location closer than 50 feet to the property line if either of the following criteria listed can be achieved: (i) the owner of the adjacent

property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or (ii) certification by the Page County Health Department that no other site on the property complies with zoning regulations for the construction of a private well. If approved, a Variance Conveyance form, which is part of the Page County Appeal/Variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure. [Added 6-21-2005; amended 12-16-2008; 4-21-2009]

(5) A new sub-part under Article V “Supplementary Regulations” shall be created, to be identified as §125-30.23, and which shall read as follows:

§125-30.23 Quarry operation

- A. Quarry operations as defined in § 125-4 shall be subject to the following application and design requirements. These requirements shall supplement the applicable general zoning district regulations stated in Article IV of this chapter and the standards and procedures for special use permits stated in § 125-54 of this chapter.
- B. Quarry operations may include on-site sale of material quarried onsite and storage of equipment used at that quarry operation as an accessory use.
- C. Quarry operations are only permitted in the Agricultural (A-1) District, Woodland-Conservation (W-C) District, and Industrial (I-1) District. A special use permit is required. The special use permit application must include:
 - (1) The name and address of the person applying to be the permit holder, and a designation of whether that person is the owner or the intended operator of the quarry operation. Proof of land ownership and/or lease is required.
 - (2) A narrative which describes the history of each of the owner’s, and proposed quarry operator’s, experience. This shall include, but not necessarily be limited to: a list of all quarry operations or similar operations currently owned or being operated; all quarry operations previously owned or operated; a description of any and all legal challenges, claims, or regulatory violations in which the owner, applicant, or operator was named or identified; and the name of any proposed entity under which the operation intends to operate, including the name and identity of each individual or other legal entity holding an ownership interest in the proposed entity.
 - (3) A property management plan setting forth: (1) how the proposed quarry will be developed, including the proposed stages of development; (2) the operations

management plan; and (3) a plan setting forth how the impact on neighboring properties and roadways will be minimized. The applicant must send certified letters to all adjoining property owners, informing them of the proposed use, and seeking feedback on concerns they may have. Evidence of these letters having been sent must be provided to the Zoning Administrator, who shall retain such records along with the property management plan. The applicant should sponsor a neighborhood meeting prior to the scheduled public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the quarry operation.

- (4) An environmental impact study, including a baseline environmental assessment of air quality, water quality and availability, and soil conditions on and adjacent to the parcel where the proposed quarry operation will take place. Potential impacts on nearby ecosystems, natural processes, karst topography, water bodies, ground water availability and quality, air quality, flora, fauna, aesthetics and human interest shall be noted in the study. The study shall also describe the cultural status of the property, including any features of historical, archaeological, or cultural significance.
- (5) A Virginia Department of Transportation (VDOT) traffic study.
- (6) A site plan, at a minimum scale of one inch to 200 feet, created by a licensed surveyor or engineer, for the proposed quarry operation, which shall include:
 - a) The proposed location and boundaries of all planned phases of the proposed operation with a metes and bounds description.
 - b) The proposed setbacks from the property line of the excavation area(s) and the processing and/or sale areas.
 - c) The proposed sources and location of water supply and existing or proposed bodies of water.
 - d) The proposed method and location of sewage disposal system.
 - e) The proposed location of waste containers and method of trash disposal.
 - f) The proposed description and location of all interior roads to include width and surface type.
 - g) The proposed location and dimensions of vehicle parking areas.

- h) A description of the location of all existing and proposed buildings and/or structures, including but not limited to offices, service buildings, maintenance buildings, storage buildings, etc. Must also include location of any existing buildings or structures.
- (7) A landscaping plan for screening, fencing, and preserving/planting non-invasive trees to preserve the rural character of the surrounding area. This plan shall include:
 - a) A map which shows the proposed location and boundaries of the proposed excavation area(s) and the quarry processing and/or sale area, the setbacks, and all landscaped areas, including the location and description of the types and proposed spacing of vegetation.
 - b) A detailed description of existing and proposed vegetation, including tree, shrub, and groundcover species, as well as the dimensions of all proposed landscaped areas, screening, and berms.
 - (8) A detailed description regarding the means of extraction which will be used to collect and remove stone, sand, or gravel, and whether that extraction will be on or below the existing surface level.
 - (9) A detailed description regarding what means of processing will be used to process or refine the stone, sand, or gravel before the material is transported from the quarry operation site.
 - (10) A plan detailing the operator's procedure to monitor for and prevent air overpressure (noise) and vibrations exceeding levels stipulated by relevant state agency regulations, including 4VAC25-40-890 and 4VAC25-40-880.
 - (11) A plan for reclamation showing the property, in its entirety, returned to a state suitable for reuse for purposes permissible in the zoning district. The plan must include treatment of exposed soil or subsoil, including measures to be taken to replace topsoil and/or establish native vegetation in excavated areas, in order to make the property suitable for the proposed reuse, treatment of slopes to prevent erosion and delineation of floodways and floodplains to be maintained in open usage. The reclamation plan must be consistent with all State requirements.
 - (12) Such other pertinent information as the Page County Zoning Administrator may deem necessary.

D. Each quarry operation shall be subject to the following standards:

- (1) No structure, processing machinery, or storage of stone, sand, or gravel shall be located closer than 300 feet to any lot line except as necessary for the creation and maintenance of berms, as indicated in the landscaping plan required in § 125-30.23.C(7).
- (2) No structure, processing machinery, or storage of stone, sand, or gravel shall be located closer than 500 feet to any dwelling on adjacent properties except as necessary for the creation and maintenance of berms, as indicated in the landscaping plan required in § 125-30.23.C(7).
- (3) No structure, processing machinery, or storage of stone, sand, or gravel shall be located closer than 1,000 feet to any lot line of a parcel zoned Residential (R-1) or to any residence on an adjacent parcel at the time the application is submitted.
- (4) Extraction and processing activities may be conducted between the hours of 8:00 a.m. and 5:00 p.m. on Mondays through Fridays. Extraction and processing activities outside of these hours shall be considered as a condition of the SUP. Loading, unloading and sale of stone, sand, or gravel shall occur between the hours of 7:00 a.m. and 6:00 p.m. on Mondays through Fridays and between the hours 8:00 a.m. and 1:00 p.m. on Saturdays. No quarrying activities shall be conducted on Sundays.
- (5) The quarry operation must have direct access to a state-maintained highway or a 50-foot right-of-way access to a state-maintained highway. All entrances and exits onto public roads shall, at a minimum, meet VDOT requirements.
- (6) Blasting vibrations shall not exceed the limits established by state agency regulations, including 4VAC25-40-880. Vibrations shall be monitored by calibrated seismographs as determined by appropriate state agencies and paid for entirely by the applicant/operator. All reports from seismographs must be supplied to the Zoning Administrator within one week of the reading, who will maintain digital records of these reports.
- (7) The peak overpressure (noise) from any blast shall not exceed the limits established by state agency regulations, including 4VAC25-40-880, which is 133 decibels, as measured with a 2Hz or lower flat response microphone at any inhabited building not owned or leased by the operator. All equipment for measuring peak overpressure must be paid for by the operator, and the equipment must be properly calibrated. Any reports of levels exceeding these limits produced by any state agency must be supplied to the Zoning Administrator within one week of the operator receiving the report.

- (8) Stagnant pools of water, except as may be necessary for the purposes of stormwater management, shall be avoided and any such pools shall be eliminated by the operating company or individual.
- (9) To ensure sufficient screening, a greenbelt area of a minimum of 200 feet shall be included within the setback and shall be landscaped with regionally-native and noninvasive plant materials consisting of an evergreen and deciduous mix (as approved by Page County), except to the extent that existing vegetation or natural landforms on the site provide such screening as determined by Page County. Trees shall be a minimum of six feet in height at time of planting and in staggered rows of 10 feet on center. In the event existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within six months. Installation of appropriate native trees and shrubs is recommended in the green belt in accordance with the Virginia Department of Forestry guidelines for the agricultural cost-share Conservation Reserve Enhancement Program. Quarry operations located on the South Fork of the Shenandoah River and its tributaries will receive additional consideration for protecting water quality. The preservation of existing healthy regionally-native species should be prioritized. Use of regionally-native trees, shrubs and groundcovers is strongly encouraged. Landscaped areas in proximity of ponds, streams or the Shenandoah River should receive particular consideration to protect water quality and wildlife habitat.
- (10) Perimeter fencing is required for all areas of the quarry operation where topography does not already prevent unauthorized access to the operation. Future phases of the operation that have not yet started excavation need not be included in this perimeter fencing until operations begin in those sections, unless required by State regulations. A sign shall be posted every 25 feet which states: "NO UNAUTHORIZED ACCESS" in a minimum size of two-inch letters. The signs shall be posted on the property line of the quarry operation.
- (11) The quarry operator will make every reasonable effort not to blast during periods of high wind, meaning winds of 20 miles per hour or over at its greatest gusts at the blast site, measured at a convenient point to be established by the Zoning Administrator, during periods of high humidity (28 millibars vapor pressure of absolute humidity), or other than between the hours of 9:00 a.m. to 5:00 p.m. on weekdays, except in the case of unavoidable emergency.
- (12) No blasting, as part of quarry operations, shall occur within five miles of the parcels in which Luray Caverns is located, or specifically tax map numbers 42A9-A-2, 42A2-A-1, and 42A2-A-2.

- (13) The applicant shall provide proof of adequate liability insurance for a quarry operation. The applicant shall provide proof of said liability insurance policy upon request by the County.
 - (14) All quarry operations shall be conducted in accordance with Title 45.2 of the Virginia Code or other state and federal laws, as required.
 - (15) All state and federal laws and regulations, as the same may from time to time be amended, regulating quarry operations, including the extraction and processing of valuable material from the ground surface or underground, shall be considered restrictions on the special use permit thus granted by Page County, Virginia. The quarry operator will be responsible, at his own expense, to provide the County Administrator of Page County or other designee directed to enforce the restrictions in the special use permit with copies (as from time to time amended) of all such laws and regulations, within 30 days of the time that such changes come to the operator's attention.
- E. Criteria for Considering Special Use Permit: In addition to requirements listed above, the special use permit shall also include consideration of the following on a site-by-site basis:
- (1) The maximum size and location of extraction areas and overall operation area.
 - (2) Impact of noise on nearby properties, and mitigation thereof, including adequate screening measures.
 - (3) Impact of traffic on roads, and mitigation thereof.
 - (4) Considerations regarding the means and timing of extraction and processing of material outside of the established hours of operation in § 125-30.23.D(4) may be considered.
 - (5) Consideration of dust and mud control during operations and transportation.
 - (6) Accessibility to emergency services.
 - (7) Aesthetic standards to ensure the preservation of the rural character of the surrounding area, including consideration of the viewshed from Shenandoah National Park overlooks.
 - (8) Adequate measures to prevent intrusion upon the site by unauthorized persons, including but not limited to specific conditions regarding fencing requirements.

(9) Additional vibration, air overpressure, well, or other monitoring which may be necessary given topography and proximity to properties, residential communities, surface water, and other environmentally-sensitive features. Increased scrutiny is mandated for quarry operations that include karst topography.

F. The Zoning Administrator shall perform an inspection of each quarry operation approved after adoption of this ordinance at least once every three years and shall file a report of the findings to the Planning Commission within thirty (30) days of the inspection. The report shall include a statement of whether the operation has complied with the standards and conditions of the special use permit and shall include any findings furnished by state or federal agencies. Upon a finding of material noncompliance with the terms of the permit, or upon violation of any other relevant regulation, zoning ordinance, or any other ordinances of the County of Page, Virginia, the Zoning Administrator may issue a notice of violation and seek revocation in accordance with the schedule set forth herein. However, prior to the revocation of any such permit, the Zoning Administrator shall notify the permit holder in writing of the material noncompliance or violation. The permit holder shall thereafter have thirty (30) days to cure the material non-compliance or violation; and shall submit a plan to prevent future noncompliance. The notice shall be deemed received when hand delivered to the permit holder, or when delivered by certified mail, return receipt requested, to the address of record of the permit holder. Four violations which have not been cured, as determined by the Zoning Administrator, within a twelve-month period shall result in revocation of the permit notwithstanding the following schedule. The schedule of penalties is as follows:

- First Violation: A written warning detailing the offense shall be issued.
- Second Violation: The permit may be revoked for a period up to thirty (30) calendar days, as determined appropriate by the Zoning Administrator, commencing on the date of notice by Page County.
- Third Violation: The permit may be revoked for a period up to ninety (90) calendar days, as determined appropriate by the Zoning Administrator, commencing on the date of notice by Page County.
- Fourth Violation: The permit is subject to indefinite revocation, as determined appropriate by the Zoning Administrator, commencing on the date of notice by Page County.

(6) Except as amended above, Chapter 125, Zoning, remains in full force and effect.


This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.

Dates of Publication:

May 9, 2024
May 16, 2024

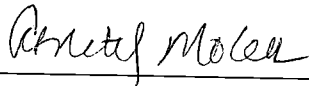
Date of Adoption of Ordinance:

July 15, 2024



Jeff Vaughan, Vice Chairman
Board of Supervisors of the County of Page, Virginia

Attest:



_____, Clerk