



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP201900009 S.L. Williamson Replacement Asphalt Plant	<b>Staff:</b> Cameron Langille, Principal Planner
<b>Planning Commission Public Hearing:</b> December 7, 2021	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> Martin Marietta Materials Inc. c/o Jeff Pannebaker	<b>Applicant:</b> S.L. Williamson Company
<b>Acreage:</b> 4.4 acres (portion of 579.13-acre parcel)	<b>Special Use Permit for:</b> Asphalt mixing plant use in the Natural Resources Extraction Overlay Zoning District under Zoning Ordinance Section 18-30.4.02.2 (2)
<b>TMP:</b> 08800-00-00-01800 <b>Location:</b> 2625 Red Hill Road, North Garden, VA 22959	<b>By-right use:</b> RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> Samuel Miller	<b>Conditions:</b> Yes <b>EC:</b> No
<b>Proposal:</b> Request for replacement of an existing asphalt mixing plant on a 4.4. acre portion of a 579.13-acre parcel. Application includes two special exceptions to disturb critical slopes and waive building site requirements.	<b>Requested # of Dwelling Units:</b> None
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; residential (0.5 unit/acre in development lots) in Rural Area 4 of the Comprehensive Plan
<b>Character of Property:</b> The area subject to the proposed special use permit is 4.4 acres of cleared land leased to the S. L. Williamson Company at the southwest corner of the 579-acre parcel. The lease area is the home of the company’s Red Hill asphalt mixing plant and its associated equipment and vehicular access. The larger parcel is commonly known as the Red Hill or Martin Marietta quarry. Mining operations with heavy mechanical equipment and associated structures are located in the south-central portion of the parcel. Approximately 350 acres in the north, northwest, and eastern portions of the parcel are wooded and unaffected by the mining operations.	<b>Use of Surrounding Properties:</b> Surrounding properties are zoned for Rural Area uses. Abutting properties to the east are developed as rural area single-family detached residences. Abutting properties to the north are primarily undeveloped and heavily wooded. Abutting properties to the northwest feature some single-family detached residences and undeveloped vegetated parcels. Properties immediately to the west of 4.4-acre special use permit area are owned by Martin Marietta, 1.2 acres of which is currently leased to the S.L. Williamson Company. The southern boundary of the property borders Red Hill Road, and parcels on the south side of Red Hill Road consist of undeveloped land and rural area residences.
<b>Factors Favorable:</b> 1. The proposed use is consistent with the purpose and intent of the Natural Resources Overlay Zoning District.	<b>Factors Unfavorable:</b> 1. The proposed use is not entirely consistent with the Rural Area land use recommendations from Chapter 7 of the Comprehensive Plan.

<ol style="list-style-type: none"> <li>2. The proposed use will not create substantial detriment to adjacent properties.</li> <li>3. The proposed use is consistent with the character of the nearby area.</li> <li>4. The proposed use is consistent with many recommendations from the Natural Resources and Economic Development chapters of the Comprehensive Plan.</li> </ol>	
<p><b>Recommendation:</b> Staff recommends approval of SP201900009 S.L. Williamson Replacement Asphalt Plant with conditions. Staff recommends approval of the Special Exception requests, SE202100036 and SE202100037.</p>	

**STAFF PERSON:** Cameron Langille, Principal Planner  
**PLANNING COMMISSION:** December 7, 2021  
**BOARD OF SUPERVISORS:** TBD

**PETITION:**

PROJECT: SP201900009 S.L. Williamson Replacement Asphalt Plant  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL: 08800-00-00-01800  
LOCATION: 2625 Red Hill Road  
PROPOSAL: Request for approval of a special use permit to replace aging facilities of an existing asphalt mixing plant with modern equipment.  
PETITION: Asphalt mixing plants within the Natural Resource Overlay District under Section 30.4.02.2 (2). No dwelling units proposed. Application includes special exceptions to disturb critical slopes, and waive building site requirements.  
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).  
OVERLAY DISTRICT: FH – Flood Hazard Overlay; NR Natural Resource Extraction Overlay – overlay to allow natural resource extraction.  
COMPREHENSIVE PLAN: Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots).

**CHARACTER OF SURROUNDING AREA:**

Surrounding properties are zoned for Rural Area uses. Properties to the east, north, and south feature a mix of undeveloped land that is heavily vegetated and some single-family detached homes. Properties immediately west of the 4.4-acre special use permit area are undeveloped.

Attachment 2 provides an aerial map of the subject property and surrounding areas.

**PLANNING AND ZONING HISTORY:**

FDP202000005 S.L. Williamson Replacement Asphalt Plant Floodplain Development Permit: On July 20, 2021, FEMA approved a Letter of Map Revision to the FEMA Floodplain located on and adjacent to the property. This was processed through the County as a Floodplain Development Permit (FDP) application.

**DETAILS OF THE PROPOSAL:**

The applicant, S.L. Williamson Company, is requesting a special use permit to replace an existing asphalt mixing plant on a 4.4-acre portion of Tax Map Parcel (TMP) 08800-00-00-01800, which the company leases from Martin Marietta Materials, Inc.

Several businesses lease portions of the property for mining activities, including the S.L. Williamson Company. The property is commonly referred to as the Martin Marietta Red Hill Quarry. S.L. Williamson’s current on-site activities include the production of plant mix asphalt that is sold and used for road paving and construction. The existing machinery and facilities within TMP 88-18 that belong to the S.L. Williamson operation are located at the southwestern corner of the property, north of Red Hill Road (State Route 708).

As stated in the applicant’s Project Narrative, contained in Attachment 3, the S.L. Williamson Company is a private asphalt paving business that has served a variety of private and public sector customers throughout central Virginia for more than 60 years. The existing asphalt mixing plant is a legal nonconforming use that has been in operation at its current location since 1969. Asphalt mixing plants are allowed in the Natural Resources Extraction Overlay District through

approval of a special use permit application. Since no special use permits have previously been approved by Albemarle County for this specific use, a new special use permit is required to replace the existing structures/equipment.

The applicant proposes a drum mix plant to be located in the same area as the existing asphalt mixing plant. The “drum mix plant” features different equipment from the existing “batch plant” type, with a variety of mixing drums, silos, and conveyors that will transport and store materials throughout the mixing process. See Attachment 3 for the Applicant’s narrative. Other improvements include new travel aisles that will allow vehicular access to the mixing operation. All of the structures and improvements proposed with this special use permit are illustrated on the concept plan, Attachment 4.

The western side of the 4.4-acre special use permit area also features a Water Protection Ordinance (WPO) stream buffer. This buffer extends 100’ around the centerline of an unnamed stream that flows to the south and into the North Fork Hardware River, which is located across Red Hill Road to the south of TMP 88-18. The layout of the replacement plant places vehicular travel lanes and a stormwater detention basin in the WPO buffer. Section 17-604(A) of the WPO authorizes the County Engineer to allow encroachments within the landward-most 50’ of the stream buffer. The applicant has worked with County staff to minimize the extent of encroachments into the WPO buffer and has proposed landscaping to minimize soil erosion. Further analysis is provided later in this report.

Portions of the 4.4-acre lease area are located within the Flood Hazard Overlay District. The Flood Hazard Overlay District applies to land located within the 100-year floodplain as established by the Federal Emergency Management Agency (FEMA) on official Flood Insurance Rate Maps (FIRM). The applicant has obtained approval from FEMA for a Letter of Map Revision (LOMR) that has revised the limits of the floodplain boundary (Attachment 5). Sheets 3-7 of the concept plan identify the previous FEMA FIRM floodplain limits (identified by gray dashed lines), and the floodplain limits revised through the LOMR (identified by blue dashed lines). Improvements associated with the special use permit request are proposed outside the floodplain boundary established by the approved LOMR. Further analysis of this is provided later in this report.

There are existing critical slopes (slopes greater than 25%) within the limits of the special use permit area. As noted on the concept plan, these slopes have been created over the years through placement of overburden (deposits of rock, soil, and/or minerals) associated with the variety of industrial activities that occur on TMP 88-18. The applicant has requested a special exception to waive the requirement of Section 18-4.2.3 (b) of the Zoning Ordinance to allow disturbance of approximately 1,200 sq. ft. of critical slopes to install new equipment associated with the asphalt mixing plant use. A detailed analysis of the critical slopes request is provided later in this report.

There are two Special Exception applications under consideration as part of the special use permit proposal. The application numbers and general information on each Special Exception request are below. Detailed staff analysis of each request is provided later in this report.

- **SE202100036 – Critical Slopes Waiver** (Attachment 6)

The applicant is proposing to disturb 1,200 sq. ft. of critical slopes to install certain improvements associated with the asphalt mixing plant. [Section 18-4.2.3 \(b\)](#) of the Zoning Ordinance does not allow improvements to be installed over critical slopes unless a waiver is granted under [Section 18-4.2.5](#) of the Zoning Ordinance.

- **SE202100037 Building Site Area and Dimensions Waiver** (Attachment 7)

[Section 18-4.2.2\(a\)\(2\)](#) requires developments subject to Section 32 of the Zoning Ordinance to be located within a building area “measuring 30,000 square feet or greater and shall be of such dimensions that no one dimension exceeds any other by a ratio of more than five to one as described by a rectangle inscribed within the building site.” The proposed building site dimensions for the asphalt mixing plant do not meet the 5:1 ratio required by the Zoning Ordinance.

### **COMMUNITY MEETING:**

A community meeting was held on December 19, 2019 at Red Hill Elementary School. The applicant provided a detailed explanation of the proposed replacement plant facilities and the air and water quality benefits that would result, as well as the reduction in noise pollution. 5 community members attended, and no objections were expressed to the proposal. Community members made comments in support of replacing the plant with modern equipment since it would reduce noise, air, and water pollution.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal’s compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related and roughly proportional to the impacts.

***Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:***

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

#### **Traffic**

The proposed asphalt mixing plant would be accessed via an existing private driveway that enters TMP 18-88 from Red Hill Road. Staff from the Virginia Department of Transportation (VDOT) and County transportation planning staff evaluated the request and determined that it would yield no transportation impacts since it is consistent with the existing use.

As such, staff finds that traffic associated with the proposed use will not create substantial detriment to adjacent parcels.

#### **Sound/Visual**

To maintain quiet and serene evening hours commonly associated with the rural areas, staff recommends Condition #3 to limit the hours of operation for the asphalt plant. Additionally, Conditions #4 and #5 will limit noise and lighting pollution associated with the replacement plant, respectively. These conditions are similar to conditions applied to asphalt mixing plants located elsewhere in the County that are within the Natural Resources Extraction Overlay District.

With those conditions, staff find that the character of the adjacent parcels and nearby area will not be changed by the proposed use.

**2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

The character of the area will remain unchanged given that there is currently an asphalt mixing plant in operation at the same location as the replacement plant under consideration.

**3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,**

The Albemarle County Zoning Ordinance states that the purpose and intent of the Rural Area (RA) zoning district is the preservation of agricultural and forestal lands and activities; water supply protection; limited-service delivery to the rural areas; and conservation of natural, scenic, and historic resources.

Asphalt mixing plants are not a permitted use within the RA Zoning District. However, TMP 88-18 is located within the Natural Resources Extraction Overlay Zoning District, which allows asphalt mixing plants through approval of a Special Use Permit.

The nearest residential dwelling is located approximately 650 linear feet to the west of the proposed replacement plant. Dense, mature vegetation covers most of the land between these two areas. In conjunction with the recommended conditions on the special use permit, adjoining residential properties would experience less noise and light impacts than what is created by the existing asphalt mixing plant. Public health, safety, and welfare will be enhanced by reducing air and water pollution through the installation of modernized mixing plant equipment. This demonstrates that the replacement asphalt mixing plant is compatible with adjoining properties that are zoned RA and can only be developed for low density residential uses by-right.

As stated in Section 18-30.4.01 of the Zoning Ordinance, the purpose of the Natural Resources Extraction Overlay District is “*to provide for the utilization of spring water for off-site consumption, sand, gravel, stone or other mineral deposits within the county in a manner compatible with adjacent land uses.*” The mineral extraction activities that occur on TMP 88-18 are permitted by-right in the overlay district. Most of the raw materials used in the asphalt mixing process would be obtained from the existing quarry on the property. This demonstrates that the asphalt mixing plant and adjacent mining activities on TMP 88-18 are compatible land uses.

The Ordinance further explains that properties in the Natural Resources Extraction Overlay District should not generate heavy truck traffic on streets that exist to primarily serve residential areas. Trucking operations serving the replacement plant would utilize U.S. Route 29 and Red Hill Road to access TMP 88-18. Route 29 is classified by VDOT as a principal arterial road, and Red Hill Road is classified as a major collector. Therefore, the use would not generate truck traffic on nearby secondary streets that only serve residential uses.

For these reasons, staff finds that the replacement asphalt mixing plant is consistent with the purpose and intent of the Zoning Ordinance. Staff recommends conditions #1 through #5, which include performance standards, to ensure that the asphalt mixing plant will remain in harmony with the purpose and intent of the Natural Resources Extraction Overlay District and the Zoning Ordinance.

***...with the uses permitted by right in the district,***

The subject property and surrounding properties are zoned Rural Areas. The replacement asphalt mixing plant use will not restrict current or other by-right uses available on surrounding properties.

***...with the regulations provided in Section 5 as applicable,***

There are no supplementary regulations for asphalt mixing plant uses.

***...and with the public health, safety, and general welfare.***

The hardware proposed with the replacement asphalt mixing plant would be an upgrade that would produce less water, air, light, and noise impacts than the existing plant. The existing mixing plant currently leaks dust during operations due to the age of the facility. The metal has worn thin and has been patched over time. The new drum system will provide a greater level of containment for dust generated by the plant. Any remaining potential impacts of the proposed use on air and water quality and from light and noise pollution would be addressed with recommended Conditions #3 – 5.

**4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.**

Chapters 4, 6 and 7 of the Comprehensive Plan provide guidance for evaluating this proposal. The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates this parcel, TMP 88-18, for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also to allow residential uses at a density of up to 0.5 acres per dwelling unit. Land use recommendations of Chapter 7 focus on enabling an agricultural and forestal-based economy in conjunction with low-density residential uses. Non-residential uses that would be consistent with this chapter include farmland, wineries, farmers markets, timber production and similar uses that support the agricultural and forestry sectors. The replacement asphalt mixing plant is not entirely consistent with the non-residential land uses recommended in the Rural Areas by Chapter 7.

Chapter 4 focuses on the protection of sensitive environmental features and waterbodies in Albemarle County. TMP 88-18 is located within the North Fork Hardware River Watershed, which is not a water-supply watershed. Nearby streams drain into the Hardware River, which belongs to the Middle James River Basin. Staff from the Engineering Division of the Community Development Department and the Virginia Department of Health (VDH) have reviewed this request and find that the replacement asphalt plant will be consistent with the following objectives and strategies from Chapter 4:

- **Objective 1:** Ensure clean and abundant water resources for public health, business, healthy ecosystems, and personal enjoyment by preventing shortages and contamination;

*No new buildings are proposed that would require installation of new private drinking wells or septic systems. VDH staff have stated that the replacement asphalt plant will not harm the drinking water table or create wastewater flow that would contaminate soil and water systems.*

- **Objective 2:** Protect air quality;

*The replacement plant will minimize production and emissions of dust and other airborne particulates associated with mixing asphalt.*

- **Objective 3:** Recognize the economic value of the County's mineral resources while giving due consideration to the potential harm mineral extraction activities and byproducts can have on human health and property values.

*As mentioned earlier in the report, the mineral extraction activities that occur on TMP 88-18 are permitted by-right on the subject property by the Zoning Ordinance. Raw materials used to mix the asphalt are obtained from the quarry located on TMP 88-18, which supports the economic value of the County's mineral resources and associated industries. Therefore, an asphalt mixing plant that is co-located with a by-right use in the Natural Resources Extraction Overlay District is consistent with Objective #3a from Chapter 4 of the Comprehensive Plan.*

*As stated elsewhere in the report and the application narrative, staff agrees with the applicant's assertion that the proposed replacement plant would reduce risks to human health and property values because of the modernized equipment. The replacement mixing plant would generate less noise and dust and utilize cleaner energy sources than the existing plant.*

- **Objective 4:** Protect the biological diversity and ecological integrity of the County in both the Rural Area and Development Areas; **and Objective 6:** Retain and improve land cover near rivers and streams and protect wetlands.

*The concept plan proposes new landscaping along the southern, western, and northern perimeter of the lease area adjacent to the WPO stream buffer. No new land clearing is proposed in order to install the replacement plant and its supporting structures. Grading has been limited to not encroach into wetland areas located at the north end of the lease area. Disturbance of these ecological features has been primarily avoided, and mitigation measures have been proposed to further limit impacts associated with the use. Engineering staff and the Natural Resources Manager from the Community Development Department have evaluated the request and found that the use can be carried out without adverse impacts on surrounding environmental resources and living systems.*

Relevant objectives to consider from Chapter 6 are as follows:

- **Objective 1:** Promote economic development activities that help build on the County's assets while recognizing distinctions between expectations for the Development Areas and the Rural Area.

*Strategy #1e states "Encourage all businesses to adopt environmentally sustainable business practices." Equipment upgrades included in the proposed replacement will result in reduced air and water pollution. Furthermore, the applicant proposes to switch from oil and diesel to natural gas for the mixing operation. The anticipated 51.23% reduction (see Attachment 8) in carbon emissions resulting from this change is consistent with environmental sustainability goals of the Comp Plan. Approval of the special use permit will allow S.L. Williamson to continue its role in the County's*



*economy while simultaneously utilizing more environmentally sustainable technology in its operations.*

### **SE2021-36 CRITICAL SLOPES WAIVER ANALYSIS**

County Code Sections 18-4.2.3(b) and 18-4.2.5(a) allow for disturbance of critical slopes with Board of Supervisors approval of a special exception, provided the findings in 18-4.2.5(a)(3) are made. The County Engineer has reviewed the critical slopes waiver request and found it to be consistent with the findings specified by Section 18-4.2.5 (a). Detailed analysis by the County Engineer can be found in Attachment 9.

Staff recommends approval of the SE2021-36.

### **SE2021-37 BUILDING SITE AREA AND DIMENSIONS WAIVER ANALYSIS**

The replacement asphalt mixing plant does not meet the rectangular shape requirements and 5:1 dimension ratio specified by Section 18-4.2.2 (a)(2). Under Section 18-4.2.2 (a)(3), these requirements can be waived or modified by the Board of Supervisors with the recommendation of the VDH if the applicant provides information that:

- (i) **the parcel has an unusual size, topography, shape, location or other unusual physical condition;**

The building site within the 4.4-acre lease area subject to the proposed special use permit is rectangular in shape and meets the minimum 30,000 sq. ft. area requirement. However, it measures 34' wide (on average) by 784.' The proposed dimensions exceed the 5:1 ratio limitation required by the Zoning Ordinance. See Sheet 2 of Attachment 4 for the building site boundaries.

As shown on the concept plans for the special use permit, TMP 88-18 has unusual topography, shape, and other physical conditions. WPO stream buffers, wetlands, and the Flood Hazard Overlay District to the west and north, constrain the possible width of the building site. Requiring a wider width would necessitate expanded earth disturbing activities that would encroach into sensitive environmental areas.

- (ii) **no reasonable alternative building site exists;**

VDH staff have reviewed the special use permit and building site waiver request and have stated that it is unlikely that an alternative building site exists on the property within the vicinity of the replacement asphalt plant. This is due to existing critical slopes, stream buffers, floodplain, shallow soil depths, and a lack of undisturbed soils on all sides of the 4.4-acre lease area. VDH has no objections to the requested waiver.

- (iii) **modifying or waiving the rectangular shape would result in less degradation of the parcel or adjacent parcels than if those dimensions were adhered to.**

The special use permit concept plan demonstrates that parking areas, asphalt mixing plant, and material storage are all located within the proposed building site. Requiring the width of the building site to be widened would result in encroachments into WPO stream buffers, critical slopes, and possibly wetlands on TMP 88-18. In order to reconfigure the project layout to meet the Ordinance requirements,

encroachments into these features are highly likely, and would thus result in greater degradation of the subject property.

Staff recommends approval of SE2021-37.

**SUMMARY:**

Staff find the following factors favorable to this request:

1. The proposed use is consistent with the purpose and intent of the Natural Resources Overlay Zoning District.
2. The proposed use will not create substantial detriment to adjacent properties.
3. The proposed use is consistent with the character of the nearby area.
4. The proposed use is consistent with many recommendations from the Natural Resources and Economic Development chapters of the Comprehensive Plan.

Staff find the following factors unfavorable to this request:

1. The proposed use is not entirely consistent with the Rural Area land use recommendations from Chapter 7 of the Comprehensive Plan.

**RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends approval of the requested special exceptions, SE202100036 and SE202100037.

Based on the findings contained in this staff report, staff recommends approval of the requested SP201900009 with the following conditions:

**CONDITIONS:**

1. SP201900009 will be developed in general accord with the concept plan titled "Proposed Layout Plan Special Use Permit SL Williamson Asphalt Plant @ Red Hill Quarry." The Zoning Administrator may approve revisions to the concept plan to allow compliance with the Zoning Ordinance;
2. Use of the asphalt plant authorized by this special use permit will expire when the adjacent quarry is no longer in operation;
3. Hours of operation of the asphalt plant will be between 7:00 a.m. and 12:00 a.m., Monday through Sunday, provided that for no more than 90 days per year, the hours of operation may be between 12:01 a.m. and 12:00 a.m., Monday through Sunday.
4. Sound and noise attenuation measures will be provided as necessary to comply with the County's noise ordinance (section 18-4.18);
5. Plant site lighting will comply with the County's outdoor lighting ordinance (section 18-4.17). Height of the asphalt plant and all associated structures will be limited to 80 feet

## **ATTACHMENTS**

- Attach. 1: [SP2019-9: Application](#)
- Attach. 2: [SP2019-9: Vicinity Map](#)
- Attach. 3: [SP2019-9: Narrative](#)
- Attach. 4: [SP2019-9: Concept Plan](#)
- Attach. 5: [SP2019-9: FEMA Letter of Map Revision Approval](#)
- Attach. 6: [SP2019-9: SE2021-36: Critical Slopes Waiver Request](#)
- Attach. 7: [SP2019-9: SE2021-37: Building Site Area and Dimensions Waiver Request](#)
- Attach. 8: [SP2019-9: Carbon Emissions Reduction Estimates](#)
- Attach. 9: [SP2019-9: SE2021-36 County Engineer Analysis of Critical Slopes Waiver Request](#)