

FAUQUIER COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT

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Warrenton, VA 20186

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PLANNING  
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Zoning & Development Plans: (540) 422-8220  
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**AGRICULTURAL AFFIDAVIT**

Certain land disturbing activities are exempt from the requirements of the Fauquier County Erosion and Sediment Control Ordinance. Included are those agricultural activities detailed in §10.1-560 of the Code of Virginia.

**Date:** \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_

**Owner's Phone Number:** \_\_\_\_\_

**Project Property Address:** \_\_\_\_\_

**Project Property PIN** \_\_\_\_ - \_\_\_\_ - \_\_\_\_ - **000**

I, the undersigned, verify that the land disturbing activity described below to be conducted at the above referenced project property falls within that group of activities listed in §10.1-560 (see page 2) that are exempt from the requirements of the Fauquier County Erosion and Sediment Control Ordinance.

Brief description of project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Area to be disturbed:** \_\_\_\_\_ **acres**

As owner, I grant right-of-entry to the project property to the agents and employees of Fauquier County for purposes of inspection, monitoring and verification of the project description. If at any time land disturbance activity on the project property exceeds 10,000 square feet and fails to qualify as an exemption, I understand that a Land Disturbance Permit and an Erosion and Sediment Control Plan may be required.

By completing the following affidavit, I swear that the proposed land disturbing activity meets the agricultural exemption status of §10.1-560 of the Code of Virginia. Neither a Land Disturbance Permit nor an Erosion and Sediment Control Plan is required.

STATE OF VIRGINIA

COUNTY OF FAUQUIER, to wit:

COMES NOW \_\_\_\_\_ (name), and after having been sworn, state that I have read and understand the above, have truthfully described the proposed use and affirm it to be exempt from the requirements of the Fauquier County Erosion and Sediment Control Ordinance.

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

SUBSCRIBED and SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**"Land-disturbing activity"** means any land change that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
2. Individual service connections;
3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk that is hard surfaced;
4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
5. Surface or deep mining activities authorized under a permit issued by the Department of Mines, Minerals and Energy;
6. Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas;
7. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;
8. Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
9. Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of this title, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
10. Disturbed land areas of less than 10,000 square feet in size; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;
11. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
12. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
13. Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

**NOTE:** If the proposed land disturbance includes the placement of fill on agricultural land, the owner should be aware of the following:

- An Off-Site Soil Tracking Form must be submitted;
- Placing fill in low lying wet areas (wetlands) may result in the loss of benefits from the USDA, and the assessment of civil penalties from the US Army COE, the EPA and Virginia's DEQ;
- Permits may be required from the USDA, the US Army COE, the EPA and Virginia's DEQ;
- An Erosion and Sediment Control Plan may be required;
- The John Marshall Soil and Water Conservation District and the Natural Resources Conservation Service provide technical assistance for land owners who wish to place fill on agricultural lands. Both agencies may be reached at (540) 340-3210 ext. 3.