



# FAUQUIER COUNTY

## Nonagricultural Fill FAQs

Department of Community Development

Zoning and Development Services

29 Ashby Street, Suite 310, Warrenton VA 20186

Zoning Phone: 540-422-8220

On September 13, 2018 The Fauquier County Board of Supervisors adopted a text amendment to Articles 3, 5 and 15 of the Zoning Ordinance to create a nonagricultural excavation fill material storage or disposal use in conjunction with an agricultural operation, and develop standards and definitions. These FAQs are intended to answer some common questions regarding the new standards.

<b>QUESTION:</b>	What is nonagricultural fill material?
<b>ANSWER:</b>	<i>Nonagricultural fill material is uncontaminated soil and rock that is brought from another site onto a property to support an agricultural operation. Other materials brought to the farm operation are acceptable if the material is for the maintenance of the farm such as gravel and millings for driveway repair or loads of manure for fertilization.</i>
<b>QUESTION:</b>	How do I know if the new Ordinance applies to my property?
<b>ANSWER:</b>	<i>The Ordinance applies to any property zoned Agriculture (RA) or Conservation (RC), where non-agricultural fill material is brought onto the property from another site.</i>
<b>QUESTION:</b>	My parcel is 10 acres – how much nonagricultural fill can I have brought to my property?
<b>ANSWER:</b>	<i>Parcels that are equal to, or less than, 10 acres can import up to 100 cubic yards (approximately 8 dump truck loads) within a one-year period with the approval of a no-fee Administrative Permit. If more than 100 cubic yards of nonagricultural fill will be brought to the property within a one-year period, a special exception approval is needed prior to bringing the fill material onto the site.</i>
<b>QUESTION:</b>	I would like to apply for the no-fee Administrative Permit. Who do I contact?
<b>ANSWER:</b>	<i>The no-fee Administrative Permit is handled through the Zoning office. Please call (540) 422-8220 and you will be helped with the application.</i>
<b>QUESTION:</b>	My parcel is larger than 10 acres – how much nonagricultural fill can I have brought to my property?
<b>ANSWER:</b>	<i>Parcels that are greater than 10 acres can import up to 200 cubic yards (approximately 15 dump truck loads) within a 24-hour period or up to 4,200 cubic yards (approximately 300 dump truck loads) within a one-year period. If the amount of nonagricultural fill is more than either of these limits – a special exception approval is required before bringing the fill material onto the site.</i>
<b>QUESTION:</b>	Where can the nonagricultural fill be placed on my property?
<b>ANSWER:</b>	<i>Nonagricultural fill cannot be placed any closer than 100 feet of the outer property lines of a parcel, or parcels, if multiple parcels are included in the farm operation. Also, a 100 foot setback must be maintained from any wells or the edge of a stream unless a permit has been obtained to construct an embankment within or near a stream.</i>
<b>QUESTION:</b>	I own multiple parcels that are adjacent to each other. Am I permitted to import up to 200 cubic yards to each parcel that I own within a 24-hour period before a special exception is required?
<b>ANSWER:</b>	<i>Multiple parcels that operate as a single farm are part of a common plan of development and may import a cumulative total of 200 cubic yards of nonagricultural fill within a 24-hour period. A special exception approval is required if the daily/yearly limit of fill material is exceeded.</i>

**QUESTION:** I am an excavation contractor for the Commonwealth of Virginia. What approvals are necessary to place nonagricultural fill on property that I own?

**ANSWER:** *The Virginia State Code exempts Agencies of the Commonwealth and their contractors from the requirement to obtain a special exception from a local jurisdiction prior to disposing of non-agricultural fill when the fill is to be used for an agricultural purpose. In order to assert this exemption, a contractor of the Commonwealth must produce a copy of the contract between the Commonwealth and the contractor. The contractor or owner of the property must also complete an agricultural affidavit describing the agricultural use which it to be made of the fill. Be aware that the Commonwealth may require other approvals prior to the commencement of the operation.*

**QUESTION:** Are there any fill activities that are exempt from needed approvals?

**ANSWER:** *Small gardening activities that require fill to plant in raised flower beds or gardens are exempt.*

**QUESTION:** I would like to apply for a special exception to allow more nonagricultural fill than I am permitted to import to my property by-right. What do I need to do?

**ANSWER:** *Please contact the Planning Division at (540) 422-8210 to discuss the Special Exception process and the materials needed for the application. In addition to the typical application forms, the nonagricultural fill application should include a grading plan and an erosion and sediment control plan to show any impacts to neighboring properties and how these impacts are being addressed.*