



**LAND DISTURBING PERMIT:
FARM BUILDING OR STRUCTURE WITH
AGREEMENT IN LIEU OF A PLAN
FOR EROSION AND STORMWATER MANAGEMENT**

Zoning Permit # _____

Zoning and Development Services
Fauquier County Department of Community Development
16 Courthouse Square, Suite 100, Warrenton, Virginia 20186

E&S Phone: 540-422-8240
Building Phone: 540-422-8230
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Chapter 11 of the Fauquier County Code, as codified in the Fauquier County Erosion and Stormwater Management Ordinance, requires a Land Disturbing Permit (LDP) for most activities where the ground will be disturbed. The purpose of an LDP is to control sediment from leaving a disturbed area. Erosion and sediment controls are vital in protecting adjacent waterways and properties from sediment runoff from a project site.

Project Information:

Project Address/Location: _____ **PIN:** _____

Acreage to be Disturbed: _____ **Description of the type of work planned: (i.e., demolition of building, construction of a building, installation of road/driveway, septic, well, etc.)**

Attach a sketch (aerial, plat, or drawing can be used) showing all proposed disturbances and impervious area associated with this property. (Note: If any grading has occurred on-site prior to submitting this application, i.e., a driveway, septic field, etc.; these areas must also be shown on the plan and included in the acreage to be disturbed.) **Identify the clearing limits of all disturbances and impervious area along with labels indicating the purpose of the disturbance and calculated dimensions.** The sketch included with this application will be verified for accuracy during field inspections as well as being measured for total site disturbance.

Total Impervious Coverage Information:

**An owner or operator who plans to enter into an agreement in lieu is required to provide documentation that clearly depicts: (1) the extent of the parcel of land on which construction of the farm building or structure will take place, and (2) the total impervious cover of the parcel of land, including the impervious cover from the farm building or structure that is being constructed. The total impervious cover percentage includes all impervious areas on the parcel of land to include roads, driveways, and parking areas regardless of whether they are included within the agriculture activity exemption or not.*

Total Acreage of Parcel: _____

Total Acreage of Impervious Cover: _____

Total Percent Impervious: _____

**Only applicable where the construction of the farm building or structure will result in a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five (5) percent of the parcel of land. If the construction will result in a total impervious cover percentage that is or will be greater than or equal to five (5) percent of the total parcel of land, an agreement in lieu is not applicable. Furthermore, if the total area of land disturbance is equal to or greater than one (1) acre, Construction General Permit coverage is required.*

Additional Information May Be Required:

An erosion and stormwater management plan is typically required to be submitted and approved in conjunction with a land disturbing permit; the law allows an exception for agricultural structures or buildings with a total parcel impervious cover of less than 5%. The exception allows Fauquier County to accept an agreement in lieu of a plan if the property owner agrees as part of the permit application, to meet the minimum standards for E&S and SWM as set forth in the Virginia Code. Although a Plan is not required, the following additional information is required in certain circumstances and must be submitted, if applicable, before a zoning permit, building permit and/or a land disturbing permit are issued:

1. If the amount of land being disturbed on the property exceeds 1 acre, a Stormwater Pollution Prevention Plan (SWPPP) and Qualified Personnel are required to be submitted with this permit application. Permit will not be issued without a SWPPP.
2. As required by the Construction General Permit (VAR10), a copy of this signed and dated "Agreement in Lieu of an Erosion and Stormwater Management Plan" shall be maintained in my Stormwater Pollution Prevention Plan (SWPPP) for the construction activity, if applicable.
3. If a culvert crossing is being installed in a channel, floodplain, or a live watercourse, engineering calculations and cross sections demonstrating compliance with Minimum Standard 19 are required to be submitted for review. In addition, you will be required to contact the Army Corp of Engineers for permitting requirements. All other new and existing culverts will be assessed in the field and if there is evidence of erosion, calculations and cross-sections may also be required.
4. If land disturbance is to occur in soil descriptions identified as potential for hydric soil or hydric soil inclusions the applicant must contact the Army Corp of Engineers for permitting requirements.

CERTIFICATION/AGREEMENT:

Application is hereby made for a land disturbing permit in accord with the description and for the purposes set forth above, and in accordance with the Fauquier County Erosion and Stormwater Management Ordinance, effective July 1, 2024, as amended.

I fully understand that not complying may result in the revocation of this "Agreement in Lieu of an Erosion and Stormwater Management Plan" and that the submission of the project-specific Erosion and Stormwater Management Plan in accordance with 9VAC25-875 of the VESMP Regulations may be required.

I AGREE TO:

- a. direct runoff from rooftops as non-erosive sheet flow to well-vegetated areas on the parcel of land to the maximum extent practicable
- b. direct runoff from impervious surfaces on the parcel of land (e.g., driveways, parking areas, sidewalks) as non-erosive sheet flow to well-vegetated areas on the parcel to the maximum extent practicable
- c. direct runoff from lawns as non-erosive sheet flow to undisturbed, naturally vegetated areas on the parcel of land to the maximum extent practicable.

PRIOR TO THE START OF CONSTRUCTION:

1. A stone construction entrance shall be installed on the property.
2. Silt fence or other acceptable perimeter control shall be established downslope of the disturbed area to prevent sediment from leaving the site.
3. All soil stockpiles shall be protected by a sediment control measure or shall be seeded and covered with a mulch material as provided in the VSMH Sec. 5.3.1.2, MS-2.
4. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days.
5. All erosion and sediment control structures shall be installed and maintained in an effective, operating condition as provided in the Virginia Stormwater Management Handbook, Chapter 5.
6. All denuded areas on the lot to be denuded will be seeded and mulched within 7 days of final grading with permanent vegetation or a protective ground cover suitable for the time of year.

I hereby authorize representatives from the Fauquier County Department of Community Development to enter my property for the purpose of conducting erosion and sediment control inspections.

In addition, I further understand that failure to comply with state Minimum Standards for erosion and sediment control of the Fauquier County Erosion and Stormwater Management Ordinance could result in the any or all the following: building inspections being suspended and/or the Certificate of Occupancy being withheld until erosion and sediment controls measures are satisfied to the satisfaction of the Program Authority.

Provide Information and Signatures on page 3

CONTACT PERSON FOR THE PROJECT SITE:

OWNER:

Name (PRINT)

Address

City State Zip

Phone Number Email

Signature / Date

Name (PRINT)

Address

City State Zip

Phone Number Email

Signature / Date

**CONSTRUCTION ACTIVITY OPERATOR:
(Company)**

**RESPONSIBLE LAND DISTURBER / QUALIFIED
PERSONNEL:**

Name (PRINT)

Address

City State Zip

Phone Number Email

State Corporation Commission #

Signature / Date

Name (PRINT)

Address

City State Zip

Phone Number Email

Responsible Land Disturber # DEQ Qualified Personnel #

Fauquier County Business License #

Signature / Date

I fully understand that not complying may result in the revocation of this "Agreement in Lieu of an Erosion and Stormwater Management Plan" and that the submission of a project-specific Stormwater Management Plan in accordance with 9VAC25-875 of the VESMP Regulations may be required.

(This certification must be signed by the operator of the construction activity identified above.)

**Construction Activity Operator,
Responsible Land Disturber,
and all Signatures are
required to process form.**

FOR OFFICE USE ONLY:

- Agreement in Lieu Authorized
- Operator Confirmed
- SWPPP is included
- SWM Fee Required
- Registration Statement Required
- Responsible Land Disturber Confirmed
- E&S Fee Required
- Qualified Personnel Confirmed

Approved By: _____ / _____
Staff signature Date