



FAUQUIER COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT

16 COURTHOUSE SQUARE, SUITE 100, WARRENTON, VIRGINIA 20186  
(540) 422-8200 / FAX (540) 422-8231

**AGRICULTURAL LAND DISTURBING AFFIDAVIT**

Certain land disturbing activities are exempt from the requirements of the Fauquier Control Erosion and Stormwater Management Ordinance. Included are those agricultural activities detailed in §62.1-44.15:34.F.6 of the Code of Virginia.

**Exemptions do not apply to fill activities, farm roads, equestrian facilities, barns, greenhouses, or other agricultural structures.**

Date: \_\_\_\_\_ Project Property PIN: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ -000

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

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

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

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

Area to be Disturbed: \_\_\_\_\_ acres Offsite soil location: \_\_\_\_\_

Provide a brief description of the land disturbing activity and what agricultural activity it will be used for. Also attach a sketch identifying ag-exempt areas:

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

I, the undersigned, verify that the agricultural disturbing activity described above to be conducted at the above referenced project property falls within that group of activities listed in §62.1-44.15:34.F.6 (see page 2) that are exempt from the requirements of the Fauquier County Erosion and Stormwater Management Ordinance.

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 Stormwater Management (ESM) Plan may be required.

By completing the following affidavit, I swear that the proposed land disturbing activity meets the agricultural exemption status of §62.1-44.15:34.F.6 of the Code of Virginia. Neither a Land Disturbance Permit nor an Erosion and Stormwater Management (ESM) Plan are 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 Stormwater Management Ordinance.

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

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

My Commission Expires: \_\_\_\_\_ Registration Number: \_\_\_\_\_

Notary Public

## Excerpt from Fauquier County Code – Chapter 11 – Erosion and Stormwater Management:

“**Land disturbance**” or “**land-disturbing activity**” means a man-made change to the land surface that may result in soil erosion from water or wind and movement of sediments into state waters or onto lands in the state and/or potentially changes its runoff characteristics including clearing, grading, transporting, filling of land or excavation except that the term shall not include those exemptions specified in section 11-5 of this chapter (below).

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Code of Virginia, Title 45.2;
2. **Clearing of lands specifically for bona fide agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, agricultural 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, or as set forth by the board in regulations. 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 of the Code of Virginia (Code of Virginia, § 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of Code of Virginia, § 10.1-1163. This exemption shall not apply to the construction of agricultural/farm roads, equestrian facilities such as riding rings/arenas or for buildings and other structures utilized for agricultural purposes;**
3. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work provided that they disturb less than ten thousand (10,000) square feet;
4. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authorities shall be advised of the disturbance within seven (7) days of commencing the land-disturbing activity and compliance with the requirements of this chapter is required within thirty (30) days of commencing the land-disturbing activity;
5. Land-disturbing activity that disturbs less than ten thousand (10,000) square feet of land area;
6. Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity;
7. Installation of fence and signs or telephone and electric poles and other kinds of posts or poles;
8. 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;
9. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;
10. Installation, maintenance, or repair of any individual service connection; and
11. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to the construction of the building to be served by the septic tank system.

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**NOTE:** The above exemptions **DO NOT INCLUDE** the addition of fill. Any fill activities will be required to obtain the necessary permits.

Clearing of lands to establish pasture use requires evidence of intent of bona fide agricultural purposes or improved pasture within **TWELVE** months from the date of completion of the land disturbing activity.

In order to comply with the Virginia Erosion and Stormwater Management Regulations (9VAC25-875-70) and Construction General Permit 9VAC25-880-70, the transporting of soil materials must be monitored. In order to remove materials from any permitted land disturbing activity (or an ag-exempt activity), the transport of the materials must be documented. Immediate enforcement action will occur if soil material is not disposed on a permitted and approved location. Please use the attached Off-Site Soil Tracking Form. If material will be taken to the landfill, please state this information.



**FAUQUIER COUNTY**

Department of Community Development  
Zoning and Development Services  
16 Courthouse Square, Suite 100  
Warrenton, VA 20186

TELEPHONE: (540) 422-8220  
FAX: (540) 422-8231

Zoning Permit #: \_\_\_\_\_  
Land Disturbance Permit #: \_\_\_\_\_

**Offsite Soil Tracking Form**

**Project Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

**FOR SOIL THAT WILL BE TRANSPORTED OFFSITE, provide the following information:**

<b>Type of Material taken offsite:</b>	<b>Number of Trucks:</b>
<b>Date of Transport:</b> (Form is required for each day)	<b>Cubic Yards transported:</b>
<b>Site Name:</b>	<b>Square feet of coverage:</b>
<b>Site Address:</b>	

**Local Permit contact information**

<b>Local Permit Number of offsite location:</b>	
<b>Contact Name on permit:</b>	
<b>Phone Number:</b>	<b>Email Address:</b>

**Operator (state permit) contact information**

<b>State Permit Number of offsite location:</b>	
<b>Operator/ Name:</b>	
<b>Phone Number:</b>	<b>Email Address:</b>

**Company Hauling Materials**

<b>Contact Name:</b>	<b>DOT Truck #:</b>
<b>Phone Number:</b>	<b>Email Address:</b>

**I certify that this information is accurate. The information is complete and correct, and conforms to the Fauquier County Zoning, E&S and Stormwater Ordinances.**

<b>Applicant Signature:</b>	<b>Print Name:</b>
<b>Phone Number:</b>	<b>Email Address:</b>

In order to comply with the Virginia Erosion and Stormwater Management Regulations (9VAC25-875-240(D)) and Construction General Permit 9VAC25-880-70, the transporting of soil/materials must be monitored. In order to either bring in or remove materials from any permitted land disturbing activity, the transport of the materials must be documented. Immediate enforcement action will occur if soil material is not disposed on a permitted and approved location. If material will be taken to the landfill, please state this information.

FOR OFFICIAL USE ONLY: ZONING

Zoning Permit # \_\_\_\_\_ LDP Plan Review Case # \_\_\_\_\_

Notes/Comments:

Date Received:

Staff Signature/Date: