

## **Locality Zoning Fill Regulations - Research Summary**

We surveyed 23 Virginia localities, most of them were counties. We noted if they were in the high growth coalition as is Albemarle County.

Research of a locality's zoning ordinance will not include zoning administrator determinations. Therefore, it is difficult to know if the placement of some amount of fill has been allowed by right as a zoning determination. Most localities explicitly allow fill as part of the development with an approved site plan, subdivision plat or building permit.

Here is additional summary information from that survey:

1. **Localities with no zoning fill regulations** (They may still have regulations in other codes, such as Chesapeake bay regulations.)

Eleven of twenty three localities surveyed have no fill regulations in their zoning ordinance. These are: Augusta County, Charles City County, Fairfax County, Fluvanna County, Greene County, King George County, Louisa County, Orange County, Powhatan County, Rockingham County and Spotsylvania County.

2. **Localities with zoning fill regulations who allow fill by-right, often requiring a site plan or minor grading plan**

Nine of twelve localities surveyed with zoning fill regulations, have some by-right provisions for fill. *Shown in italics are those localities that also have provisions for fill that are not by-right.*

- a) **Albemarle County** – fill that complies with the performance standards of Section 5.1.28 is allowed by right. This includes fill associated with a site plan, subdivision plat or building permit.
- b) City of Chesapeake - allows deposit and contouring of fill on land exempt from the requirement of a site plan if directors of permits and public utilities determine it will not adversely impact existing public facilities.
- c) Fauquier County – allows by-right fill if less than 200 cubic yards within any 24 hour period and less than 4,200 cubic yards within a year.
- d) Hanover County - allows clean earth fill by-right.
- e) James City County – allows farm pond construction and field leveling by right in the Agriculture district.
- f) Loudoun County - allows importing fill and grading for an agricultural activity within 30 days, subject to a farm or forest management plan.
- g) Montgomery County – allows clean earth fill for a 1 year period, up to 15,000 cubic yards of soil, spoil or inert waste, not related to establishing a permitted use in the agricultural district.

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- h) New Kent County - allows fill for farm pond construction, field leveling or stripping of sod for agriculture.
- i) Prince William County - allows storage or disposal of nonagricultural excavation material in an agriculture district on a lot of any size with truck deliveries of less than 15 on any day and less than 300 over a 1 year period. Only soil and rock, not construction debris or waste.
- j) Stafford County – allows fill of 2,500 – 21,780 square feet with a minor grading plan and major grading plan required for over 21,780 square feet of disturbance.

### **3. Localities that require a conditional use permit, a special exception or a special use permit for fill\***

Nine of twelve localities surveyed with zoning fill regulations, have a requirement for a conditional use permit, special exception or special use permit for fill under certain conditions. Six of these localities also have provisions for by-right fill approvals and they are shown in italics.

- a) **Albemarle County** – if any of the performance standards cannot be met, a special exception is required.
- b) Chesterfield County – conditional use permit (construction, demolition and debris landfill) in agricultural, O2 (corporate), commercial (C2-C5) and all industrial districts. Regulations include performance standards.
- c) Fauquier County – all fill must support a farming purpose. Only allows uncontaminated soil and rock. A special exception and grading/erosion & sediment control plan are required if more than 200 cubic yards within a 24 hour period or more than 4,200 cubic yards within a year. Regulations include performance standards.
- d) Gloucester County – a construction debris landfill requires a conditional use permit in Rural Countryside and Industrial I-1 zoning districts.
- e) Goochland County – a debris landfill is allowed by conditional use permit in the general industrial M2 district.
- f) Hanover County - Permanent or temporary placement, storage, stockpiling or fill whether the source or destination are the same property or another property, is a conditional use permit in the Agriculture, Agricultural Residential, B1, Business Office, and Neighborhood Business districts. Clean earth fill is considered a limited industrial use. If fill is not associated with site plan development and the depth is greater than 1 foot, the property owner shall record a plat showing the location of fill. The agricultural district allows fill including other than clean earth fill to be placed, stored/stockpiled and sold by conditional use permit.
- g) James City County - . Uses that do not meet the by-right list (involving excavation or filling) in the Agriculture district, are by special use permit unless in connection with development with subdivision or site plan approval. Construction debris landfills require a special use permit. Regulations include performance standards.

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- h) Loudoun County – long term fill that does not meet the by-right agricultural purpose requires a special exception in TR10 and Rural (AR1 and AR2) zoning districts. Regulations include performance standards.
- i) Montgomery County – If the site is used for longer than 1 year or there is over 15,000 cubic yards of fill, a special use permit is required. Regulations include performance standards.
- j) Prince William County allows storage or disposal of nonagricultural excavation material in an agriculture district on a lot of any size with truck deliveries of no more than 15 on any day and/or more than 300 over a 1 year period by-right and over that amount by special use permit. Only soil and rock, not construction debris or waste.