

<u>LOCALITY</u>	<u>FILL ZONING REGULATIONS YES/NO</u>	<u>HOW REGULATED IN ZONING</u>	<u>NOTES</u>
1. Augusta County	No		
2. Albemarle County	Yes	Fill is allowed in all districts and in conjunction with an approved site plan, subdivision plat or building permit. Only clean earth fill is allowed in the Rural Areas, Village Residential or Monticello zoning districts. Performance standards (such as height of fill, setbacks, road access and tree protection) apply to all fill. Additional performance standards apply to fill with an aggregate area greater than 2,500 square feet, including a one year completion. These standards may be modified through a special exception.	
3. Charles City County	No		
4. City of Chesapeake	Yes	Deposit and contouring of fill on land is exempt from requirement of a site plan if directors of permits and public utilities determine it will not adversely impact existing public facilities. ( <a href="#">Section 18-101 C(5)</a> ). It is not listed as a use.	
5. Chesterfield County	Yes	Conditional use permit (construction, demolition and debris landfill) in agricultural, O2 (corporate), commercial (C2-C5) and industrial (all) districts. <a href="#">Sect. 19.1-11B</a> and <a href="#">19.1-52</a> D3. Regulations include hydrogeological and engineering report, limitations on material, requirements for cell design, compaction and cover, drainage. Buffers and setbacks include: 100 ft to adjacent property, wetlands, floodplains or flowing streams; 200 ft to any residential, recreational, school use or property designated in Comp Plan for such; and 200 ft from any active water supply well. Regulations for access control and entrance road. Equipment requirements for sweeping dust and mud from roads and entrances, etc. Includes listed guidelines for acting on conditional uses.	High Growth Coalition Community
6. Fairfax County	No		

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7. Fauquier County	Yes	Special exception and grading / erosion & sediment control plan if more than 200 cubic yards within any 24 hour period or more than 4,200 cubic yards of fill within a year. Fill must support a <a href="#">farming purpose</a> (see FAQs on Nonagricultural Fill). Uncontaminated soil and rock are permitted fill material. Additional standards for storage or disposal of nonagricultural fill/stockpiling <a href="#">Sect. 5-1707</a> not established in conjunction with a permitted use or an approved site or subdivision plan. Standards include minimum lot size of 5 acres; no single fill area greater than 2 acres; height of fill shall not exceed 8 ft in agricultural district and 25 ft in industrial above the original natural grade or exceed 3:1; not visible above existing tree line as viewed from any property line; not within 100 ft of any wetlands, floodplain, well, streambank or property line zoned agricultural or residential; no activity within 500 ft of existing residential structure; hours of operation 7 am to 6 pm; access from a paved state maintained road with VDOT pre-activity evaluation; if access via private road, the applicant must demonstrate legal access and that it is adequate to accommodate the fully loaded vehicle used with sufficient width to allow passing traffic; public roadway shall be cleaned/hosed on a daily basis while operation is active; waste burial is prohibited.	
8. Fluvanna County	No		
9. Gloucester County	Yes	Construction debris landfill requires a conditional use permit in <a href="#">Rural Countryside district and Industrial I-1 districts</a> .	High Growth Coalition Community
10. Goochland County	Yes	A debris landfill is allowed by conditional use permit in the general industrial (M-2) district, <a href="#">Sect. 15-272</a> .	
11. Greene County	No		
12. Hanover County	Yes	Permanent or temporary placement, storage, stockpiling or fill whether the source or destination are the same	

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		<p>property or another property, is a conditional use permit in Agriculture, Agricultural Residential (<a href="#">Sect. 26-35</a>), B1, Business Office (<a href="#">Sect. 26-100</a>), Neighborhood Business District. It is permitted by-right in Office/Service district if done in connection with development on the same or another property based on an approved plan or if not being done in connection with a plan and the average depth is greater than 1 foot, provided that a plat shall be recorded within 30 days of the conclusion of filling activities on the property (<a href="#">Sect. 26-138</a>). It is permitted by-right in M1 Limited Industrial (subject to the same platting requirements).</p> <p>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 clean earth fill by-right. In addition by conditional use permit, allows fill including other than clean earth fill to be placed, stored/stockpiled and sold.</p>	
13. James City County	Yes	<p>A1 (general ag district) Excludes non-ag excavation material, waste and debris if not generated on the farm, from the definition of production agriculture or silviculture. <a href="#">Excavation or filling</a>, for purposes including farm pond construction and field leveling is by right. Other uses involving excavation or filling in the Agriculture district, is by SUP unless in connection with development with subdivision or site plan approval. Construction debris landfills require a special use permit. Soil <a href="#">stockpiling</a> subject to numerous regulations (<a href="#">Sec. 24-46</a>). Phased clearing plans are required with tree clearing and protection plan when more than 25 acres are disturbed. Phased clearing and grading plans to be coordinated to provide balance of cut and fill and</p>	High Growth Coalition Community

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		minimize the need to transport fill. Excavation or filling in Rural Residential district only requires an SUP if not associated with an agricultural use ( <a href="#">Sec. 24-348</a> ). With some listed exceptions, regulated as soil stockpiling and subject to permitting and performance standards if exceeds 2500 sf or 8 ft from natural grade at max height.	
14. King George County	No		Mandatory Ches Bay and High Growth Coalition Community
15. Loudoun County	Yes	Stockpiling is their term for fill. It is classified as either temporary or long term. Temporary stockpiling is for a period of less than 12 months. Such stockpiles are removed or immediately graded out based on an approved plan. Long term stockpiling or filling is a special exception in TR10 and Rural (AR-1 and AR-2) Zoning. Temporary stockpiling is allowed in conjunction with approved land disturbance activities ( <a href="#">Section 3.04.B.2</a> ). Importing fill and grading for an agricultural activity within 30 days may be permitted subject to a farm or forest management plan ( <a href="#">Section 4.08</a> ). Dirt stockpiling (subject to zoning permit and sometimes involving grading plan) limited to 2 acres with height and slope limitations. Activities setback 500 ft from existing residences and 100 ft from any lot line and/or street. Hours of operation limited to 7 am to 6 pm. Dirt and rock with 3% limitation to incorporated organic material. Regulations about access, landscaping/screening and noise. Preliminary soils report to be provided to County Soil Scientist prior to commencing. Access from paved, state maintained road at least 20 feet wide. <a href="#">Section 4.07.07.</a>	High Growth Coalition Community
16. Louisa County	No		

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17. Montgomery County	Yes	Clean earth fill up to 15,000 cubic yards of soil, spoil or inert waste, not related to establishing a permitted use is by-right in the agricultural district ( <a href="#">Section 10-21 (3) i</a> ). Over this volume or for a site used longer than one year, construction debris and/or rubble landfills are by special use permit ( <a href="#">Section 10-41(23)</a> ) with performance standards ( <a href="#">Section 10-48 (4)</a> ). These include 50 foot setback, Fill activity hours limited to 7 am to 7 pm, and the property shall have at least 40 feet of frontage on a public road unless the applicant can demonstrate the authority to use a private road and a method to maintain it.	Not high growth coalition
18. New Kent County	Yes	The deposit of anything other than clean fill is considered a landfill and is prohibited ( <a href="#">Section 98-872 e2</a> ). Farm pond construction, field leveling or stripping of sod for agricultural purposes are permitted generally and without a conditional use permit ( <a href="#">Section 98-213 (18)</a> ).	High Growth Coalition Community
19. Orange County	No		
20. Powhatan County	No		
21. Prince William County	Yes	Special use permit for storage or disposal of non agricultural excavation material in Agriculture district on lot of any size when truck deliveries a) exceed 15 on any day, or b) 300 over a 1 year period. Nonagricultural excavation material shall include only soil and rock, not construction debris or waste. ( <a href="#">Sec. 32-301.04 (33)</a> )	High Growth Coalition Community
22. Rockingham County	No		
23. Spotsylvania County	No		
24. Stafford County	Yes	Minor grading plan is required when adding more than 2,500 but less than 21,780 square feet of clearing, grading or stockpiling fill with no structures and a major grading plan is required for fill greater than 21,780 square feet ( <a href="#">Section 28-245</a> ).	High Growth Coalition Community

\*Within coalition of high growth communities: Albemarle County, Chesapeake, Chesterfield County, Falls Church, Gloucester County, James City County, King George County, Loudoun County, New Kent County, Prince George County, Prince William County, Stafford County.