



Zoning Fill Regulations Work Session

Board of Supervisors
September 17, 2025



Zoning Fill Regulation Revisions WHAT WE'RE DOING AND WHY

- Current ordinance adopted 9/16/2020
- Program update 11/15/2023
- Community and staff input



INTRODUCTION TO ZONING FILL REGULATIONS

- The Zoning Ordinance regulates filling and placing clean earth and inert waste fill on property.
- Fill regulations are broken into 2 categories: 1) clean earth and 2) inert waste fill



UNIQUE IMPACTS and FEATURES ASSOCIATED WITH FILL ACTIVITY

- Larger trucks are typically used to carry fill. Truck traffic is the most common impact cited with fill operations.
- Dumping, spreading and compacting the fill makes noise. Noise may be an impact of a fill operation.
- Development can sometimes result in the need to export surplus fill materials.
- Farmers have many agricultural purposes for using fill.



Stakeholder Input

- Access to fill sites should not be allowed through residential streets, or by shared private easement.
- Fill should not be allowed on properties under conservation easement.
- Fill activity should never last longer than 1 year, even with special exception.
- Agricultural activity should be exempt from zoning fill regulations.



Stakeholder Input – (cont'd)

- Proper disposal of material is an important part of development and redevelopment.
- Exemptions should be considered for farmers who are improving their land without harming the environment.
- Asphalt should not be allowed as inert waste fill.



Research

Of 23 localities we surveyed:

12 have zoning fill regulations.

- 6 have fill performance standards.
- 9 allow some fill by-right and 6 also allow fill by legislative approval.
- 3 only allow fill through legislative approval.

Three localities limit by-right fill to agricultural use of fill.



Proposed Ordinance

- **Access:** Restriction for fill activity access
- **Duration:** Fill activity that lasts greater than 1 year requires a special use permit
- **Agriculture:** Creation of an agricultural exemption for smaller, short-term clean earth fill serving agricultural activity



Special Exception vs. Special Use Permit

- A special use permit process involves a broader public process with a community meeting and two public hearings, giving those affected more opportunity to provide input.
- A special exception is limited to technical review, while a special use permit is reviewed against broader criteria.
- Conditions on a special use permit may be broader, addressing impacts of the use to protect public health, safety or welfare.



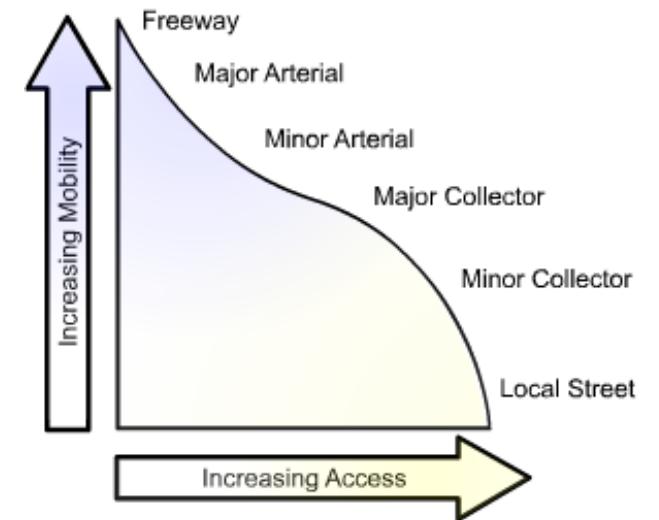
Proposed New Regulations: Duration of Fill Activity

Fill activity that takes long than 1 year to complete requires a special use permit.



Proposed New Regulations: Restriction for Fill Activity Access

A fill site that does not directly access a public road that is a collector or arterial based on VDOT functional classification system requires a special use permit.





Proposed New Regulations: Agricultural Exemption

1. Zoned Rural Areas and 21 acre minimum.
2. Access must be either directly from a public road or from a private access where the owners give their approval.
3. No more than 15 truck round trips to the site per day. *And*
4. Does not last longer than 30 days in a rolling calendar year.



Proposed New Regulations: Agricultural Exemption (cont'd)

1. Setback from fill activity and access
2. Maximum fill area
3. Limits of fill
4. Hours of operation – Monday–Saturday, 7:00 a.m.–7:00 p.m.
5. Access from the fill area directly to a collector or arterial
6. Plan or narrative
7. Any fill larger than 10,000 square feet must follow erosion and sediment control requirements



Questions and Focused Questions:

1. Does the Board support an exemption for agricultural use? If so, does the Board support the specific proposed exemptions proposed for this agricultural use?
2. Does the Board support limiting by-right fill activity (that is not an exemption), to property with direct access to a public road classified by the Virginia Department of Transportation as a collector or arterial?



Next Steps:

- Incorporate Board input into the draft ordinance
- Publish revised draft ordinance on Engage Albemarle site
- Receive community feedback via an online form on engagement site
- Public hearings at the Planning Commission and Board of Supervisors

[ArcGIS - Functional Classification Web Map](#)



Height of Fill Illustration

