

<u>Requirement</u>	<u>Existing Regulations</u>	<u>Draft Regulations</u>
Agricultural exemption/modification?	No	Yes
Exemption for property with development approval? (Plan, plat, building permit)	Yes. *Building permit by zoning determination.	Yes, all are listed explicitly.
Exemption for routine yard maintenance activities	Not explicitly. Yes by zoning determination.	Yes, it is listed explicitly.
Clean earth fill definition	a) Up to 25% rock fragments greater than 3 inches b) Roots and woody material no greater than 5% by volume	a) Up to 50% rock fragments greater than 3 inches b) No tree stumps
Duration of fill activity	1 year. May be extended by special exception from the Board of Supervisors.	1 year. May be extended by special use permit approval from the Board of Supervisors.
Access road for fill activity	Access from public or private roads subject to limitations as stated. <i>If a private street, shared driveway or access easement is used, the applicant must demonstrate that the access is adequate for the proposed activity and that the applicant has the right to use the access. In order for access to be deemed adequate, the owner must limit vehicles associated with the fill activity to not more than 56,000 pounds. In addition, the access must meet the standards of section 4.6.6 of this chapter and have a surface adequate to accommodate a vehicle weighing 56,000 pounds. The owner may increase the weight of vehicles associated with the fill activity to a maximum of 80,000 pounds, provided that the access meets the standards of section 4.6.6 of this chapter and has a surface adequate to accommodate a vehicle weighing 80,000 pounds.</i>	Unless approval of a special use permit, the subject property involved in fill activity must directly access a public road that is a collector (major or minor) or arterial based on the Virginia Department of Transportation (VDOT) functional road classification system. Direct access means that the property or adjoining property under the same ownership must have frontage on a public road that is classified by VDOT as a collector or arterial. Same requirement for privately owned access to meet legal right to access and capacity of road. <i>If access using a private street, shared driveway or access easement is proposed, the applicant must demonstrate that the access is adequate for the proposed activity and that the applicant has the right to use the access. In order for access to be deemed adequate, the owner must limit vehicles associated with the fill activity to not more than 56,000 pounds. In addition, the access must meet the standards of section 4.6.6 of this chapter and have a surface</i>

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		<i>adequate to accommodate a vehicle weighing 56,000 pounds. The owner may increase the weight of vehicles associated with the fill activity to a maximum of 80,000 pounds, provided that the access meets the standards of section 4.6.6 of this chapter and has a surface adequate to accommodate a vehicle weighing 80,000 pounds.</i>
Inert waste	Allowed within the Rural Areas, Village Residential or the Monticello Historic zoning districts by special exception.	Allowed within the Rural Areas, Village Residential or the Monticello Historic zoning districts by special use permit.
Fill activity of any size is subject to:	• Fill area must be shaped and sloped to prevent undrained pools of water. • Height of fill may not exceed eight feet above natural grade. • Fill shall not be located in the floodplain (except as authorized by section 30.3), or in any stream buffer as defined by Chapter 17 or on any hydric soils as identified by USDA. • Fill area shall be reclaimed within 7 days of completion of fill activity. • Fill area must be topped with clean earth fill to a minimum 3 foot depth • May require a performance bond. • Fill activity setbacks (see setbacks below) • Minimum lot size of 5 acres • No fill may occur within the drip line of any tree • Trees may be cut subject to plan approval, however, no tree greater than 36 inches or greater in diameter may be cut. • Except in RA, VR or MHD, tree canopy may not be disturbed. • Maximum fill area is 2 acres for any parcel in existence on September 16, 2020.	No change except: • Height of fill may not exceed 15 feet above the elevations existing prior to grading. • Within the Rural Areas zoning district, fill may occur within the drip line of a tree. • The maximum fill area is not linked to a parcel in existence at a certain date. • Limits of fill must be clearly marked and staked on the property at all times. • Access is limited to direct access from a public road that is classified by VDOT as a collector or arterial. • The duration of any fill activity is limited to 1 year without approval of a special use permit.

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(continued) Fill activity of any size is subject to:	- Privately owned road access requirements for legal access and surface adequate for weight of the trucks. - VDOT approval of the entrance onto the highway.	
Fill exceeding 2,500 square feet up to 10,000 square feet	Performance standards apply such as requirements for transporting vehicles, prevention of dust or debris, hours of activity, provision of lateral support, and one year limitation. Plan or narrative is required.	All performance standards apply, such as hours and days of operation. No change in requirement of a plan or narrative.
Fill exceeding 10,000 square feet	No additional requirements.	Compliance with erosion and sediment control regulations of the Water Protection Ordinance. This is relevant for uses, such as agriculture, that might otherwise be exempt from this.
Height of fill	Height of fill may not exceed eight feet above natural grade.	Height of fill may not exceed 15 feet above the elevations existing prior to grading.
Setbacks	<u>Fill activity</u> must be set back from the following: a. A minimum of 150 feet from any entrance corridor street. b. A minimum of 75 feet from all property lines (unless adjoining lots are under the same ownership) in the Rural Areas (RA), Village Residential (VR), Monticello Historic District (MHD), and residential zoning districts, and from all public street rights of way. And c. A minimum of 50 feet from all non-residential property lines, unless adjoining lots are under the same ownership. <u>Fill activity access</u> must be set back from the following: a. Unless adjoining lots are under the same ownership, a minimum of 50 feet from property lines and 100 feet from dwellings on adjacent property. b. There is no setback from public street right of way.	No change

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Trees	No tree greater than 36 inches or greater in diameter may be cut. No fill activity may occur within the drip line of any tree.	No other changes except within the Rural Areas zoning district, fill within the drip line may occur.
Maximum fill area	The maximum area for fill activity on any parcel is two acres. The area for fill activity includes all locations used, or designated to be used, for fill, vehicle storage and vehicle maintenance but does not include area used for exclusively for access.	No change
Hours of Fill Operation	Except in cases of a public emergency as determined by the County Executive, fill activity may only occur between the hours of 7:00 a.m. to 7:00 p.m.	No change
Days of the week for fill activity	No restriction	Fill activity may only occur Monday through Friday and between the hours of 7:00 a.m. to 7:00 p.m.
Criteria for variation or special exception	A variation or exception from any requirement of this section may be approved upon a finding that any of the following factors are satisfied: (i) the proposed fill activity would further agricultural use of the property; (ii) the variation or exception would allow for a more natural appearance of the site after the fill activity has occurred; (iii) a reduction in setback from the entrance corridor is recommended by the Architectural Review Board; (iv) the variation or exception is supported by the abutting owners impacted by the variation or exception; (v) approval of any variation or exception is consistent with an approved and valid initial or preliminary site plan or any other land use decision of the County; (vi) the proposed fill activity will be of limited duration (less than 90 days) and involve not more than 10,000 cubic feet of fill within any 12 months.	No change
Zoning clearance is required	Yes, except for exempted activity	No change