

Erosion & Sediment Control Program

AGRICULTURAL EXEMPTION

FACTS

There is a prevailing misconception that all land disturbing activities conducted on property that is zoned and used for agricultural purposes are exempt from the Virginia Erosion and Stormwater Management (ESM) Program. **NOT TRUE!** There are some agricultural activities that are excepted (exempt) from the requirements of the ESM regulation, such as the tilling or planting of agricultural, horticultural, or forest crops, but there are other land disturbing activities that are **NOT EXEMPT**, such as the construction of roads, homes, sheds, and barns.

The exempt activities, pursuant to Virginia's Erosion and Stormwater Management Regulation (9VAC25-875), are incorporated into Roanoke County's Code, Chapter 8.1, the Erosion and Stormwater Management Ordinance # 070924-3, under exception #6, as follows:



Exception # From Chapter 8.1 Section 8.1-7*	Agricultural Exception *Roanoke County Code, Chapter 8.1 Erosion and Sediment Control Ordinance # 070924-3
6	Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including 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 additionally 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 (§ 10.1-1100 et seq. of the Code of Virginia) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of the Code of Virginia

Land-disturbing activities associated with the construction of any of the following **ARE NOT EXEMPT** from the County's Erosion and Stormwater Management Ordinance **IF** the project disturbs 2,500 square feet or more of land. Such projects must have an Erosion and Sediment Control permit and an approved Erosion and Sediment Control (ESC) plan from Roanoke County **before construction begins.**



BARNs



ROADs



SHEDs



HOMES