



Land Development Services

Technical Bulletin

**Subject: Requirements for Site-Related Plans
Submitted to Address Notice of Violations**

Date: 10/18/23

No.: 23-04

Summary: This technical bulletin clarifies requirements for site plans submitted to address Notice of Violations (NOV) issued by Land Development Services (LDS) for unpermitted land disturbances.

Effective Date: December 20, 2023

Background: Site-related plans are often required following violations of codes related to land disturbance. These plans often have insufficient information for adequate review of the violating activity and proposed future condition. Confusion arises about what conditions to display on a plan (i.e., the pre-violation condition vs. current site condition with the violation). This policy establishes the required content and format for these types of submissions. Instead of the typical “existing conditions” plan, NOV plans must include a “pre-violation conditions” plan and a “current site conditions” (when applicable) plan.

Procedure: Site-related plans addressing NOVs for unpermitted land disturbing activities must be in compliance with the provisions of Chapters 104, 112.1 (including floodplain regulations in 112.1-5105), 118, 122, and 124 of the [Code of the County of Fairfax, Virginia](#).

All plans submitted to resolve land disturbance violations must show the following information in addition to the information required on [site-related plans](#):

- 1) Pre-violation conditions plan
- 2) Current site conditions plan (showing the changes after unpermitted disturbance)
- 3) Proposed improvements plan, when different from the current site condition
- 4) Tree Conservation Plan, where applicable
- 5) County NOV case number and issuance date. If no PLUS case number exists, then a full copy of the NOV must be uploaded into the Documents folder during plan submission.
- 6) A compliance narrative clearly stating the need for any modifications, exceptions, or variances. Such deviations from standard requirements could include modification of Public Facility Manual (PFM) requirements; exception for encroachment in the Resource Protection Area (RPA) (Chapter 118); Floodplain Use Determination Requests (Chapter 112.1); departures from the Virginia Erosion and Sediment Control (Chapter 104) regulations; and exception to Stormwater Management (Chapter 124) regulations. These requests should be submitted following requirements for those separate applications, and approval letters should be provided with the plan.

Plans listed under #1 through #3 must include topography and planimetric information (including structures, pavements, utilities, water features, easements, RPA, floodplain, etc.). If the exact topography in the pre-violation condition cannot be observed, the submitting professional must provide an exhibit based on their best professional judgement and note where estimates are used in the plans.

A Tree Conservation Plan (#4 above) must be included when and as required per PFM 12-0300.1. The Tree Conservation Plan must also show all site features as they existed before the violation and the site features as they are proposed to appear, in the same manner as if a violation had not occurred. The Tree Conservation Plan must include proposed site remediation activities according to the guidelines set forth in § 12-0506.4 and must provide a date for completion of all items specified on the plan.

All necessary supporting documents and information must be submitted with the application.

Implementation of the corrective measures must meet the deadlines as specified in the NOV and must also comply with all applicable County codes, regulations, and policies associated with applicable site related plans apply for these submittals as well. Standard plan review duration should be factored into the implementation timeline.

If you have any questions, please contact the LDS Site Development and Inspections Division at **703-324-1720, TTY 711**.

Approved by: Matthew Hansen, PE, Director
Site Development and Inspections Division
Department of Land Development Services
12055 Government Center Parkway
703-324-1752, TTY 711