



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

**DATE:** March 30, 2009

**TO:** All Architects, Builders, Contractors, Developers, Engineers and Surveyors

**SUBJECT:** **Letter #09-05** - Compliance with Land Disturbance Regulations for Construction of Single Family Detached and Attached Dwellings, Additions to Existing Single Family Detached and Attached Dwellings, and Accessory Structures Related to Single Family Detached and Attached Dwellings

**This letter supersedes Letter #08-17, dated September 8, 2008, regarding the subject above.**

**Issue:** Ensuring compliance with the requirements of Chapter 104 (Erosion and Sedimentation Control) and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia (the Code) with respect to submission of a conservation plan (i.e. grading plan) for land disturbing activity greater than 2,500 square feet (sq ft).

**Background:** Pursuant to the submission requirements for building permit applications as outlined in the Zoning Ordinance, a plat certified by a land surveyor, engineer, landscape architect or architect must accompany applications associated with single family detached or attached dwellings. An exception to this requirement is allowed in the case of plats submitted for additions to an existing single family detached or attached dwelling or accessory structures related to an existing single family detached or attached dwelling, which may be prepared by someone other than a land surveyor, engineer, landscape architect or architect. Pursuant to the requirements of Chapters 104 and 112 of the Code, a grading plan certified by one of these professionals is required if the proposed land disturbing activity exceeds 2,500 sq ft.

The following are definitions from Section 104-1-7 of the Code:

- *Clearing* means removing or causing to be removed the vegetation growing in the soil which protects and stabilizes the soil. Such removing or causing to be removed shall include any intentional or negligent act to (1) cut down, (2) remove all or a substantial part of, or (3) damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, or by the damage of natural grade due to unapproved excavation or filling, or damage caused by the unapproved alteration of natural physical conditions.
- *Disturbed Land Area* means that land on which the soil has been disturbed or on which soil disturbances may be caused by natural elements due to clearing of the vegetation or on which pavement or other impervious surfaces have been placed over existing pervious surfaces.

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**Department of Public Works and Environmental Services**  
**Land Development Services**

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- *Land-Disturbing Activity* means any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, paving of existing pervious areas or otherwise creating new impervious areas, except that the term shall not include...

(10) Disturbed land areas for commercial or noncommercial uses of two thousand five hundred (2,500) square feet or less in size;...

**Requirement:** *Effective immediately*, unless a grading plan is to be submitted, the disturbed area for building permit applications will be determined as the sum of the following items:

1. The area of any proposed building addition or stand-alone structure and any other improvement (stoop, stairs, patio, driveway, etc.) that will result in land disturbance. Include any change in the footprint as shown on the plan view.
2. A 10 foot wide work zone around the perimeter of the proposed structure and any other change in the footprint as shown on the plan view with the following exceptions:
  - a. When the distance between the property line and the proposed structure is less than 10 feet, that distance may be used.
  - b. For construction of improvements such as pool decking and paved driveways, a minimum of a 5 foot wide work zone may be used.
  - c. At the discretion of the Director, a 5 foot wide work zone around the perimeter may be used in lieu of 10 feet for small “bump outs” to existing walls (e.g. chimneys and small bay windows).
3. A 10 foot wide work zone around any portion of the existing structure that will have an additional story added.
4. Areas utilized for stockpiling (e.g. soil removed to dig a basement, pool, etc.). The disturbed area calculation for the stockpile area must include the access from the improvement to the stockpile area as well as the complete stockpile area itself. For excavations such as basements or swimming pools, the area used for stockpiling shall be equal to the square footage of the excavation.
5. Areas used as access to the proposed construction that are not paved. For the access area, at a minimum, a 10 foot wide strip from the access point at the street or driveway to the edge of the disturbed area shall be used when the proposed construction includes excavation such as that associated with the construction of a basement or pool.
6. Areas over which excavated soil is to be spread that is not included in any of the above areas.

A grading plan will be required if the total land disturbance exceeds 2,500 sq ft. Where the disturbed area is calculated to be greater than 2,000 sq ft, but less than 2,500 sq ft, an approval condition will be added to the permit to require the physical demarcation of the limits of disturbance prior to commencing construction, through the use of silt fence, snow fence, tree protection fencing or a comparable material. The fencing will be required to remain in place until construction is completed. The installation of the fencing will assist inspectors in ensuring that the land disturbance remains within the designated area and at 2,500 sq ft or less.

Please note that the practice of allowing a licensed professional engineer, land surveyor, or architect to certify that the limits of clearing and grading will be as little as 5 feet around the proposed structure will no longer be allowed.

If you have any questions or need additional information, please contact Site Permits at 703-324-1510, TTY 711.

Sincerely,

James W. Patteson, PE  
Director