

## *Land Development Services*

### 31-02-Site Inspections and Enforcement

Fund/Agency: 001/31	Land Development Services	
Personnel Services	\$3,908,394	<div style="text-align: center;"> <p><b>CAPS Percentage of Agency Total</b></p> <p>23.3%</p> <p>76.7%</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <span style="color: blue;">■</span> Site Inspections and Enforcement  <span style="color: yellow;">■</span> All Other Agency CAPS                 </div> </div>
Operating Expenses	\$502,605	
Recovered Costs	(\$22,710)	
Capital Equipment	\$0	
<b>Total CAPS Cost:</b>	<b>\$4,388,289</b>	
Federal Revenue	\$0	
State Revenue	\$0	
User Fee Revenue	\$4,301,731	
Other Revenue	\$0	
<b>Total Revenue:</b>	<b>\$4,301,731</b>	
<b>Net CAPS Cost:</b>	<b>\$86,558</b>	
Positions/SYE involved in the delivery of this CAPS	71/68	

#### ► CAPS Summary

This CAPS is responsible for the administration and enforcement of land development construction agreements to ensure that the environment is protected during land development and that public improvements are satisfactorily completed and in compliance with all required development obligations in accordance with State and County regulations and standards. Staff accepts, reviews, executes, monitors, and releases all land-development surety agreements between the County and the developers. Additionally, through on-site inspections and enforcement actions, staff ensures that land disturbing activities and construction of public improvements are in accordance with the approved plans and applicable State and County regulations.

Staff of this program is also responsible for the intake, review, resolution or prosecution of complaints and violations of The Virginia Building Code and Chapters 61, 104, and 119 of the Code of the County of Fairfax. Staff coordinate multi-issue complaints for the entire Land and Development Service Line of Business, performs onsite inspections as needed, mediates complaint issues when appropriate, and prepares and presents criminal court cases on behalf of

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DPWES. In addition to primary responsibility for criminal prosecution of the above referenced codes, the staff of this program coordinate with other State and County agencies including the police and fire marshal's office for the resolution of contractor issues, health and zoning issues.

Specific services that this CAPS provides include:

- Ensuring the protection of land, water, air, vegetation and other natural resources of Fairfax County.
- Alleviating erosion, siltation and other harmful effects of land-disturbing activities on neighboring land and streams.
- Ensuring that the construction of roads, storm sewers, sanitary sewers, trails, sidewalks, and grading meets applicable standards.
- Fostering tree preservation measures, and ensure required planting is performed in accordance with the approved plans and applicable standards.
- Enforcing the County's grass and lawn code ordinance.
- Determining the applicability of State and County codes to complaints and citizen inquiries associated with new construction activity (both structural and land development), unlicensed contracting activity and work performed without permits to determine appropriate investigative authority or agency response.
- Facilitating equitable resolution to complex technical code compliance issues, through mediation and negotiation, if field staff is unable to resolve code violations.
- Reviewing and compile evidence and interviews witnesses to determine if there is sufficient probable cause to issue criminal summons.
- Preparing necessary court documents, prepares witnesses and represents DPWES in criminal court prosecution of building code, land disturbing, un-permitted and unlicensed contractor violations.
- Monitoring court orders to ensure compliance with court decrees and pursues further legal action, if necessary.

Customers include:

- Homeowners, builders, developers, engineers, architects, contractors, other County agencies, as well as the Counties Boards, Authorities, and Commissions.

However, since ensuring safe building, dwellings and infrastructure and enforcing quality development standards are DPWES' primary goal, all County citizens are recipients of DPWES' services.

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## **Funding Sources**

Under State law, reasonable fees may be charged in line with costs. Consistent with the policy adopted by the Board of Supervisors in April 1993, DPWES collects fees for plan review, and inspections, designed to recover at least 80 percent of the Land Development Services' costs.

## **Accomplishments**

- Developed guidelines for processing developer's requests for conservation deposit reductions.
- Developed alliances with non-profit organizations and other County Departments to more efficiently identify illegal land-disturbing activities along the Potomac River Gorge.
- Conducted an annual land conservation awards program in conjunction with the Northern Virginia Soil and Water Conservation District.
- Developed a comprehensive erosion and sediment control training program for staff, private sector professionals, and the development community.
- Developed a Site Inspections Divisional awards program.
- Authored amendments to the Public Facilities Manual related to environmental controls and testing and inspection requirements.
- Developed cross training initiatives with the Land Development Services' (LDS) staff, the Department of Health and the Department of Planning and Zoning to effectively and efficiently address citizen complaints.
- Enhanced the complaint tracking system by upgrading the report module and adding a multi-user features that allows the staff of this program simultaneous access to complaint data.
- Established a 24-hour complaint hot line to better respond to the concerns of citizens. The hot line is available for citizens seeking information on complaints filed or to report environmental infractions such as improperly functioning erosion and sediment controls on new development sites.

## **Key Initiatives**

- Developed and delivered a training program on erosion and sedimentation and tree conservation to plan reviewers, inspection staff and private industry in FY 2000.
- Planned and forwarded an alternative inspection program to the Virginia State Water Control Board for approval, which will utilize a quantitative methodology to prioritize construction sites based on environmental sensitivity.
- Implemented a project release program, which more closely integrates the administrative bonding and code enforcement components along with the site inspection process to streamline and improve the timeliness in the release of construction bonds.

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- Served on a multi-agency task force to deal with contractors who commit fraud on the public. In addition to agency coordination on criminal prosecution of repeat contractor offenders, the task force developed a Consumer Focus program and a citizen information brochure to provide assistance to citizens at times of severe weather events.
- Coordinated with State and local agencies to develop enhanced computer and communications links to assist in the more efficient handling of citizen complainants and effective and timely criminal court cases.
- Served as resource staff for BOS members, home owners' associations and civic associations to assist in dealing with new construction and rehabilitation projects in older parts of the County.

### **Anticipated Initiatives**

Development and implementation of a 24-hour multi-system complaint intake program, in response to increase number of complaints from County citizens.

### **Trends**

- Increased emphasis on environmental protection.
- Increased accountability for project completion and bond release.
- Increased in-fill development. As open space continues to diminish, more development is taking place in previously avoided locations, such as problem soils, in proximity to flood plains, and in densely developed neighborhoods. This in-fill development is more difficult to design and review, and to process code complaints.
- Greater use of electronic technology to improve communication with County citizens, the development community and other agencies.
- Increased responsibility to facilitate and mediate solutions to problems between developers and homeowners.
- Complaint resolutions continue to become more complex due to multi-issues, such as the increase in unlicensed contractors.

### **► Method of Service Provision**

- Regular merit County employees provide the services of this County activity and program.
- Hours of operation are Monday through Friday, 8:00 a.m. – 4:30 p.m.

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### ► Performance/Workload Related Data

Title	FY 1997 Actual	FY 1998 Actual	FY 1999 Actual	FY 2000 Actual	FY 2001 Actual	FY 2002 Estimate
Code violations complaints processed	1,680*	1,327	1,349	1,748*	1,522	1,522
Court prosecutions	49	83	52	104*	55	55
% of complaints processed w/in 24 hrs	N/A**	96%	96%	96%	97%	97%
Active projects at year end	1,144	1,158	1,222	1,287	1,342	1,342
Value of active project (millions)	\$230	\$234	\$281	\$307	\$347	\$347
Site inspections performed	41,177	43,789	41,809	40,707	37,927	37,927
Residential and non-residential permits inspections performed (RUPs/NON-RUPs)	3,669	3,684	3,763	3,825	2,973	2,973

\* A severe weather event in June 1996 and April 1999 resulted in increased complaints and prosecutions

\*\* Data not tracked.

### ► Mandate Information

This CAPS is Federally or State mandated. The percentage of this CAPS' resources utilized to satisfy the mandate is 76 - 100%. The specific Federal or State code and a brief description of the code follows:

- Code of Virginia 15.2-2245-15.2-2245.1 - Inspection of bonded improvements and bond release. Localities are required to provide for reduction of performance bonds up to three times a year, and the County must respond within 30 days for both reduction and release.
- Code of Virginia Section 10.1-562 through 566 - Local erosion and sediment control programs. All areas of the State are required to have an erosion and sediment control program that is consistent with State guidelines and minimum standards. The program shall be implemented by local governments through ordinances and local programs that provide for plan review, inspections, and enforcement. Localities shall perform site inspections of projects under construction.
- Code of Virginia Section 10.1-2100 through 2115 - Chesapeake Bay Preservation Act. Localities shall ensure that critical areas, which have been designated in accordance with Chesapeake Bay Preservation Act regulations as either Resource Protection or Resource Management Areas on construction plans, are either not disturbed or that certain provisions of development are met. Additionally, localities shall ensure that required pollution abatement measures which are required by the Act or as provisions of approval are provided.

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- Code of Virginia Section 15.2-15.2-2240 - Ramps and accessible routes - Localities shall review plans for which building permit applications and building construction drawings are submitted to ensure that curb ramps and accessible routes will be provided on the proposed development.
- Code of Virginia Section 33.1-72.1 - In order for roads to be maintained by the State, the County must ensure that roads are developed to the State's standards.
- Code of Virginia Section 2.1-340.1 - Local governments must comply with the Virginia Freedom of Information Act by providing ready public access to records in the custody of public officials.
- Code of Virginia Section 42.1-76 - Localities shall comply with regulations issued by the State Library Board to inventory, schedule, and microfilm official records of counties and cities.
- Code of Virginia Section 15.2-1215 -Local governments shall require that the owner of occupied residential real property therein cut the grass or lawn area of less than one-half acre on such property or any part thereof at such time or times as the governing body shall prescribe when growth on such grass or lawn area exceeds twelve inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.
- Code of Virginia Section 15.2-2303.2. - Disclosure of proffered cash payments and expenditures. The governing body of any locality accepting a cash payment voluntarily proffered shall report aggregate amount of proffered cash payments collected.
- Code of Virginia Section 15.2-2240 – Localities are required to adopt an ordinance an ordinance to ensure the orderly subdivision of land and its development.
- Code of Virginia Section 15.2-2241-2246 –
  - The local subdivision ordinance must contain:
    - Provisions to ensure that certain public improvements are constructed or dedicated by the subdivider. Localities must provide for the acceptance or dedication for public use right-of-ways and certain public improvements provided the subdivider furnishes certain certifications or a cash escrow, bond, letter-of-credit or other assurances that the proposed work will be completed.
    - Provisions to ensure the collection of Pro-Rata share funds. Localities shall include in the subdivision ordinance provisions to collect payments by a subdivider or developer of land for a pro-rata share of the cost of providing certain public improvements to be located outside the limits of his property.
    - Provisions for the partial and final release of bonds, escrows, letter of credit, or other performance agreements within 30 days of receipt of written notice by the subdivider or developer of such request.
- Code of Virginia Section 42.1-76 – Localities shall comply with regulations issued by the State Library Board to inventory, schedule, and retain official building records of counties and cities.

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- Code of Virginia Section 2.1-340.1 - Local governments must comply with the Virginia Freedom of Information Act by providing ready public access to records in the custody of public officials.
- Code of Virginia Section 36-105- Enforcement of Building Code. The Building Official is required to enforce the Building Code and make sure all structures are in compliance with the VUSBC. The Code Enforcement Division prosecutes building code violation cases when field inspection staff is unable to obtain code compliance.