



# HERRITY REPORT



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## ***Herrity Report Special Update*** **March 18, 2009**

Two issues highlighted in articles in the February *Herrity Report* were addressed by the Board of Supervisors' Development Process Committee at their March 16 meeting. I believe we made significant progress on these issues and wanted to give you an update.

### **Administrative Change Is Stopping Homeowner Improvements**

**Background:** Last year, County staff issued a letter to the building industry stating that they were revising the way in which builders should calculate the amount of land that is being disturbed during a construction project. Most notably they increased the buffer from 10 ft. to 15 ft. This past month I received many calls — one from a homeowner who, because of this new requirement, can no longer afford a small addition to his home. Another call was from a contractor who has had to submit grading plans for 100 percent of his projects since the letter was issued. Prior to this time, he had only submitted grading plans for less than 1 percent of his projects. Both had the same concern: the County was destroying their plans, and for the latter, possibly his business.

This new burden could not have come at a worse time and raises many concerns. First, the County staff did not reach out to the real stakeholders in this issue – the homeowners of our communities who remodel their existing homes and those small businesses that help them do it. These are the people who are bearing the cost of the grading plan that they must now submit. This new requirement should have been fully vetted by these communities before this was issued. Secondly, the County did not calculate the true impact and cost of this new policy change. The cost of a grading plan plus subsequent filing fees to the County could cost the homeowner up to \$30,000 putting many projects out of their reach. These requirements also make it difficult, if not impossible, for contractors to design and build projects in a manner that will sustain their businesses enabling them to pay their permits and taxes, improve County properties and ultimately raise the value of the County's tax base. My motion to revisit this policy was unanimously approved and this issue was sent to the Board of Supervisors' Development Process Committee which was held on Monday, March 16.

**Update:** I was successful, with the support of County staff, to get the 15 foot buffer put back to 10 feet. This should provide immediate relief to the problems we were seeing in the homeowner improvement area. Although there are differences among Board members on how to resolve land disturbing activities in the long term, my approach would be to require a new house location plat and allow approval without a full blown commercial grading plan for land disturbing activities between 2,500 and 5,000 s.f. Although this would require a code amendment and additional costs for field inspection, a full scale

grading plan would no longer be required for land disturbance activities between 2,500 and 5,000 s.f. Please let me know if you would like to be kept informed on this issue.

### **Reducing the Cost of Regulations On Our Citizens, Businesses, and the County**

**Background:** The prior issue is a prime example of why we need to do a better job of analyzing our regulations and requirements that we issue. As is seen in the case above, the cost of the new policy change was an overwhelming burden to small businesses and our homeowners such that small design builders may not be able to sustain their business and homeowners may stop remodeling projects. This is not what we want or need in Fairfax County. At a time when we are seeking to expand our commercial base and encourage economic development, we should not be creating additional burdens on those people and businesses that can help us achieve our goals.

The County is being shortsighted in not addressing the regulatory and fiscal impacts of our regulations. A perfect example is the Tree Ordinance with its 125 pages of regulation. The Board Item presented for its passage included no analysis of the fiscal and process time impact of the regulation. In fact it listed the fiscal impact as “NONE.” That is why I made a motion, which was approved by the Board, that we consider whether our regulations and requirements produce a benefit equal to the cost to the County, to the regulated community and to our citizens. This issue was also addressed at the Development Process Committee on March 16.

**Update:** I believe we made significant progress on this issue as well, at least going forward. As a result of my Board Matter, County staff recommended, and the Board agreed, to revisions to the REGULATORY IMPACT section of the Board Package to include estimates of the following for both small and large projects:

- List of entities to whom the regulation would apply
- County Staff Cost
- County Staff Time
- Process Impacts (especially time)
- Developer Costs (rely on industry to provide their costs)
- Costs to Individuals (homeowners)
- Benefits of the Regulations

I asked that this also be highlighted in the FISCAL IMPACT section of Board Items. My hope is that with these revisions we can start to consider the true impact of the cost of regulations (including process time) on our County government, the regulated communities and our citizens and homeowners. While this will help moving forward I am still pushing for a look at past regulations which were passed without consideration of the fiscal impact.

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The **Herrity Report** is a monthly publication from the Office of Supervisor Pat Herrity to keep citizens informed on the issues facing Fairfax County. Communication is important to Supervisor Herrity and he encourages your feedback on the items in the **Report** or other issues that concern you. Past issues of the **Herrity Report** can be found at <http://www.fairfaxcounty.gov/springfield/herrity-report-newsletter.htm> . To sign up for the Herrity Report please go to <http://www.fairfaxcounty.gov/springfield> .