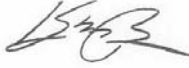


MEMORANDUM
COUNTY OF LOUDOUN

DATE: April 20, 2005

TO: Department and Agency Heads 

FROM: Kirby M. Bowers, County Administrator

SUBJECT: Action Report of the April 19, 2005 Board of Supervisors Meeting

Listed below is a summary report of the Board's action taken at its April 19, 2005 regular meeting. On items requiring follow-up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

- APPOINTMENTS

The Board of Supervisors nominated the following to various committees and commissions:

1. Library Board of Trustees
Supervisor Clem nominated Judy Coughlin.
2. Building Code and Appeals Board
Supervisor Staton nominated William Aird.
3. Health Systems Agency
Supervisor Clem nominated Judy Hines.
4. Historic District Review Committee
Supervisor Burton nominated Leah Thayer

1. RESOLUTION OF COMMENDATION / TRACY LYNN HEITFIELD

Vice Chairman Tulloch moved that the Board of Supervisors approve a Resolution of Commendation for Tracy Lynn Heitfield, who has earned the Girl Scout Gold Award (The Board voted unanimously). Staff Contact: Matt Brownfield, Aide to Vice Chairman Tulloch.

2. RESOLUTION OF COMMENDATION / KATHERINE FLICKINGER

Vice Chairman Tulloch moved that the Board of Supervisors approve a Resolution of Commendation for Katherine Flickinger, who has earned the Girl Scout Gold Award (The Board voted unanimously). Staff Contact: Matt Brownfield, Aide to Vice Chairman Tulloch.

3. RESOLUTION OF COMMENDATION / THOMAS SENG

Staff Contacts: Mark Adams, Susan Hack, Nelia Larson-Mann, Cheryl Middleton, Management and Financial Services.

12c. FINANCE/GOVERNMENT SERVICES COMMITTEE REPORT/LEESBURG PARK AND RIDE PPTA PROPOSALS

Vice Chairman Tulloch moved the Finance/Government Services Committee recommendation that the Board of Supervisors reject the proposals received under the Request for Partnership Proposals number QQ-01123 for a Structured Parking Facility in the Leesburg Area (Consent; The Board voted unanimously).

Staff Contacts: Terrie Laycock, Assistant County Administrator and Tina M. Borger, Management and Financial Services.

12d. FINANCE/GOVERNMENT SERVICES COMMITTEE REPORT/ INFORMATION: SUMMARY OF THE APRIL 5, 2005 COMMITTEE MEETING - The Board accepted, as presented, an item which summarized the April 5, 2005 Finance/Government Services Committee meeting. Staff Contact: Sandy Truslow, Recording Secretary

13a. TRANSPORTATION/LAND USE COMMITTEE REPORT: REQUEST FOR FUNDING/TOWN OF HILLSBORO

Supervisor Burton moved that the Board of Supervisors approve the recommendation of the Transportation/Land Use Committee to approve a contribution of \$22,394 as requested by the Town of Hillsboro to cover the cost of a traffic improvement and pedestrian safety planning session to develop a conceptual design to provide to VDOT to utilize in scoping, designing and implementing a pedestrian mobility plan for the Town of Hillsboro. He further moved that the Board of Supervisors authorize staff to obtain the funding from the Bicycle and Pedestrian Contingency account in the local gasoline tax fund (7-2; Supervisors Delgaudio and Snow voted no).

Staff Contact: Terrie L. Laycock, Assistant County Administrator

13b. TRANSPORTATION/LAND USE COMMITTEE REPORT: PROACTIVE ZONING ENFORCEMENT WITHIN ROUTE 50 CORRIDOR

Supervisor Snow moved that the Board of Supervisors direct staff to initiate enforcement action in the target area identified in Attachment 1 and periodically report back to the Board the results of the enforcement action (The Board voted unanimously).

Staff Contacts: Melinda M. Artman, Zoning Administrator and T. Keith Fairfax, Enforcement Program Manager.

13c. TRANSPORTATION AND LAND USE COMMITTEE REPORT / SPEX 2004-0002 MAIN STREET PROJECT

Supervisor Snow moved that the Board of Supervisors forward SPEX 2004-0002, Main Street Project, to the Transportation/Land Use Committee meeting (April 25, 2005 meeting) for further discussion (The Board voted unanimously).

Staff Contact: Matt Jesick, Department of Planning.

Date of Meeting: April 19, 2005

**BOARD OF SUPERVISORS
ACTION ITEM**

#13.b

SUBJECT: Transportation/Land Use Committee Report:
Proactive Zoning Enforcement within Route 50 Corridor

ELECTION DISTRICT: Dulles

CRITICAL ACTION DATE: At the pleasure of the Board

BACKGROUND:

As part of the Route 50 Task Force, complaints have been brought forward that deal with potential violations now occurring in the Arcola/Route 50 area. Staff has conducted a preliminary analysis of the area in question and prepared a brief presentation for the Joint Land Use/Transportation Committee on March 28, 2005.

At that meeting, the Committee was informed that there are approximately 216 parcels within the identified area. Staff estimates that there are approximately 164 parcels where commercial uses have been established. Some of these parcels may not have the appropriate administrative approvals and may violate requirements of the Zoning Ordinance, the Uniform Statewide Building Code and other provisions of the Codified Ordinances. Staff informed the Committee that by Board policy established in 1992, Zoning Enforcement Staff has responded to written complaints, complaints from a Supervisor or other County agencies, and proactively in cases of eminent peril to life or property. At Board direction, in 1997 Zoning Enforcement staff began proactive enforcement of the sign ordinance. Last year the Board directed staff to cease proactive enforcement of the sign ordinance, pending an amendment to the sign provisions.

The Committee asked staff to provide a map of the target enforcement area and this is provided in Attachment 1. The Committee also asked what types of zoning violations or other violations were observed. Potential violations include: establishing the use without a site plan, building permit or zoning permit; failure to install required buffering and screening, failure to have adequate sanitation, failure to have a VDOT commercial entrance permit, and establishing uses not otherwise permitted. Uses within the target area include: contractors' establishments, junk yards, outdoor storage yards, heavy equipment storage, automobile repair and heavy equipment repair. Committee members also expressed concern about the potential costs of this type of enforcement effort, the desire for correspondence to be sent to owners that addressed the status of compliance, and other potential impacts on property owners.

Following the briefing on March 28, 2005, staff was asked to prepare an action item for Board Action during the April 19, 2005 meeting. Attachment 2 provides a suggested enforcement approach and Attachment 3 provides a copy of the power point slides presented to the Committee.

ISSUES:

Should staff undertake pro-active enforcement in targeted areas? Are there sufficient resources to provide a comprehensive, interdepartmental enforcement effort? Would enforcement efforts result in predatory real estate practices against alleged violators?

FISCAL IMAPACT:

Zoning enforcement is not fee offset and is part of the General Fund portion of the Building and Development budget. Health Department, County Attorney's Office and Office of Solid Waste Management funding is also part of the General Fund budget. The County Attorney's Office and the Health Department have limited ability to participate in enforcement efforts.

Cases initiated based on this action will have a workload impact on the Engineering and Zoning Permit Division of the Department of Building and Development and will be covered by the review and permitting fees charged for Site Plan and Zoning Permit applications. The Building Official will also experience an increase in Building Permit applications and reviews in relation to change of use for structures. Other agencies that will be impacted by this action may include the County Attorney's Office, the Health Department (water and septic), LCSA (sewer requests), and OSWM (trash and outdoor dumps). No additional funding is requested for this effort.

ALTERNATIVES:

The Board could instruct staff to continue enforcement efforts consistent with current Board policy. This option is dependent upon written citizen complaints or complaints from a Board member or other County agency. The result may be inconsistent enforcement efforts within the identified problem area.

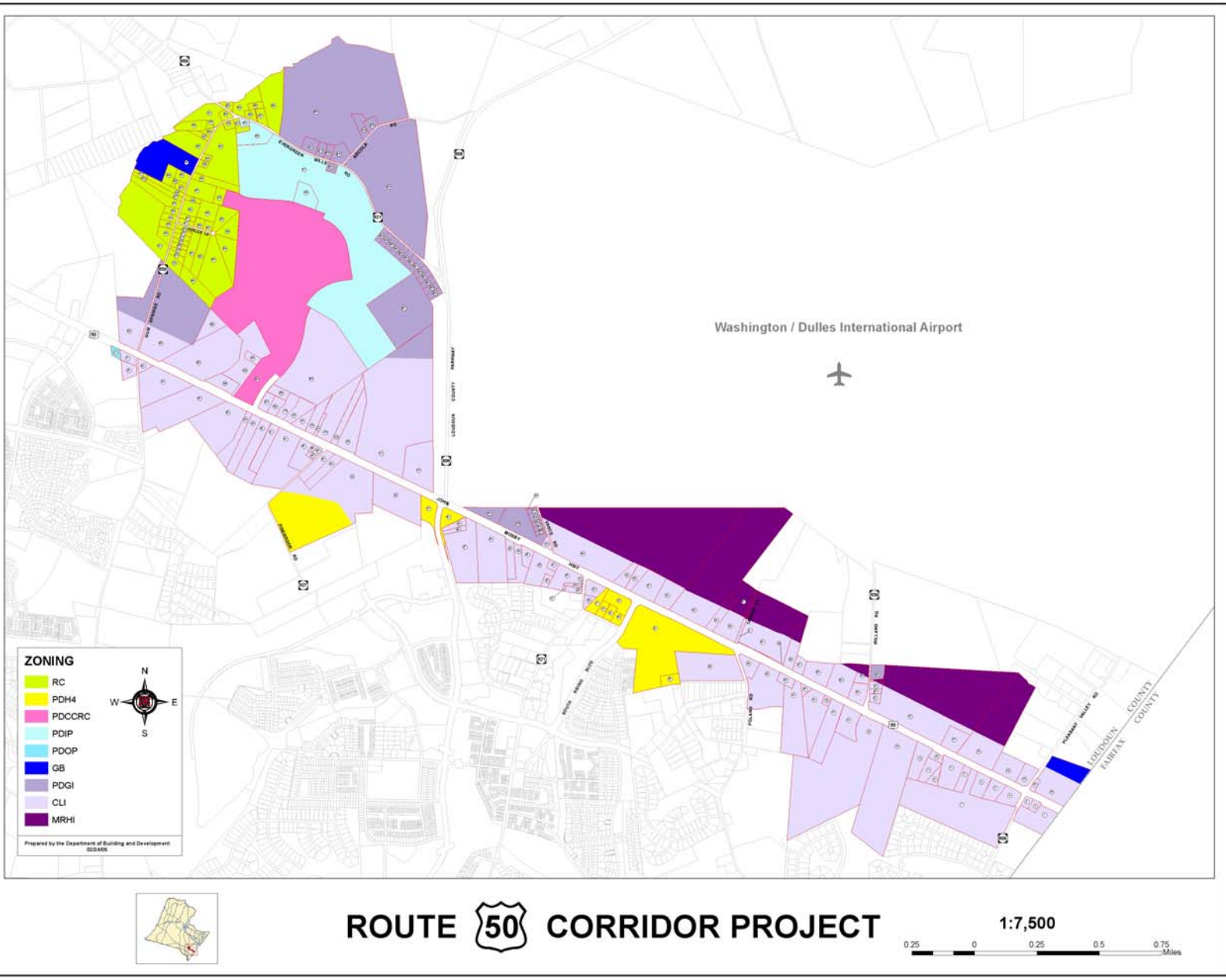
DRAFT MOTION:

1. I move that the Board of Supervisors direct staff to initiate enforcement action in the target area identified in Attachment 1 and periodically report back to the Board the results of the enforcement action. OR
2. I move (an alternative motion)

ATTACHMENTS:

- 1. Map of targeted enforcement area: Route 50 Corridor Project**
- 2. Suggested Enforcement Approach**
- 3. Powerpoint presentation**

Staff: Melinda M. Artman, Zoning Administrator
T. Keith Fairfax, Enforcement Program Manager



**PROACTIVE ENFORCEMENT PLAN
IN RESPONSE TO ROUTE 50 TASK FORCE CONCERNS**

1. Staff will work through the Department of Economic Development to establish contacts with the Small Business Administration and local lending institutions for the purpose of identifying commercial loan products that may be suitable for rectifying identified violations.
2. A courtesy letter will be sent to each property owner identified in Attachment 1 alerting the owner of upcoming inspections. A news release will be prepared through the Office of Public Information alerting the public of the proactive investigation. Information will also be posted to the County website
3. County staff will conduct inspections and document alleged violations.
4. Every property owner who is found to be in compliance with the applicable County regulations will be sent a letter so stating.
5. Where violations are documented, notices of violation will be issued.
6. Properties will be re-inspected every 10 days until compliance is achieved.
7. In response to the courtesy letters or notices of violations, land development applications will be received for site plan approval, health department approvals, and building plan approvals.
8. Over a ten to 18 month time frame, compliance with the Zoning Ordinance and other applicable ordinances can be expected in the majority of the targeted area.
9. When the maximum fines have been levied and compliance has not yet been achieved, the case will be referred to the County Attorney's Office for injunctive relief.