



Expertise that Works

Frederick County Government Health Department Permitting Performance Audit

December 20, 2023

Report #23-01

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I. Executive Summary

SC&H Attest Services, P.C., a wholly owned affiliate of SC&H Group, Inc. was engaged by Frederick County Government Interagency Internal Audit Authority and Frederick County Health Department (FCHD) to conduct a performance audit of Frederick County Government's Health Department Permitting process. The audit was performed in two phases: a planning and risk assessment phase and a testing phase.

In Frederick County, individual property owners and owners of commercial businesses must obtain an approved building permit in order to construct new structures or add onto existing structures. Prior to issuance of a building permit, applicants must first submit site plans for approval, either show that required sewage disposal areas exist on subject properties or, schedule and receive soil evaluations and/or percolation testing, and pay any associated fees. Approval by multiple County Departments, including the FCHD, are also required. FCHD is operated by the state of Maryland and is a state agency.

The following provides a summary of the audit's objectives, procedures, and results. Additional details surrounding the audit can be found in the report's body and appendices.

SC&H thanks the Health Department and its personnel, whose assistance knowledge, and availability were essential during the completion of this audit.

Audit Objectives

1. Evaluate timelines for completion of Health Department assigned reviews/inspections and identify contributing factors of delays.
2. Verify residential site/subdivision plans are tracked, maintained, approved and documented completely and accurately.
3. Verify commercial site plans are tracked, maintained, approved and documented completely and accurately.

Performance Audit Process

SC&H conducted the audit with the following two-phased approach.

1. Phase 1, Planning Survey and Risk Assessment: Understand processes, evaluate risks/controls, and develop audit program.
2. Phase 2, Testing: Conduct evaluation procedures to achieve internal audit objectives and conclude internal audit and report results.

Summary Results

Based on the audit procedures performed, process challenges were identified pertaining to FCHD's permitting process. FCHD employs knowledgeable individuals with extensive understanding of the permitting process, the nuances related to various plan types, and the information required to approve and issue permits. While they perform their duties competently, areas for improvement exist. Two reportable observations are included as a result of this audit.

The observations are presented for FCHD's review and are related to:

1. Timeliness of approval of permitting documentation including location site plans and building permits.
2. Maintaining and tracking documentation pertaining to residential site plans and building permits. Tracking includes logging in receipt at front desk, logging in receipt at plat office, and logging in review date.

II. Performance Audit Summary

Background

SC&H Attest Services, P.C., a wholly owned affiliate of SC&H Group, Inc. was engaged by Frederick County Government Interagency Internal Audit Authority and Frederick County Health Department (FCHD) to conduct a performance audit of Frederick County Government's Health Department Permitting process. The audit was performed in two phases: a planning and risk assessment phase and a testing phase.

In Frederick County, individual property owners and owners of commercial businesses must obtain an approved building permit in order to construct new structures or add onto existing structures. Prior to issuance of a building permit, applicants must first submit site plans for approval, schedule and receive soil evaluations and/or percolation testing, and pay any associated fees. Approval by multiple County Departments, including the FCHD, are also required. FCHD has established a review timeline of 14 days (10 business days) from receipt of an application to providing comments based on review of the application. This differs from the timelines established by County Permitting. Based on the review being performed, timelines range from one to three weeks¹.

Between January 1, 2021 and December 31, 2022, FCHD was assigned 592 unique site plan applications and 2,422 unique building permits for review and approval. Of the 592 site plan applications 332 pertained to residential sites and 260 pertained to commercial sites. The following provides a summary of FCHD's permitting processes and components. Process details presented in visualized form are included in **Appendix A: Permitting Flowcharts**.

Definitions

There are various types of documents submitted through County Permitting and the Health Department that require review and approval by the Health Department prior to finalization. Types of plans/reviews include, but are not limited to:

1. **Development Review Site Plan Reviews**: These reviews include an existing plat or site plan that is utilized by both Permitting and FCHD as the approved plan for a project. FCHD reviews plans submitted to County Permitting and provides approval based on requirements such as approval of a well/septic and performance of soil testing. These reviews include sub-divisions.
2. **Residential Site Plan Reviews**: Also known as plat plan reviews, these may be submitted directly to County Permitting if there is an existing lot of record that does not require the drilling of a well or septic. Separate residential site plans are submitted to FCHD for review, approval, and testing when a septic or well is required to be drilled.
3. **Site Development Reviews**: These reviews are required when an expansion/change to an existing lot of record is being performed. These expansions/changes could be addition of a deck or similar structure and may require review by FCHD. Documentation is submitted through County Permitting for review by applicable agencies.

Residential Permits

Individual landowners and residents may apply for building permits for various projects including the construction of new homes or structures and additions to existing structures. Except for septic system permits serving new structures or those used on a property where fees are collected at the time of application, permits for the drilling of new wells, deepening of existing wells, and substantial repairs/changes to existing septic systems are issued independent of the County permitting system with applications and fees collected at FCHD.

¹ <https://www.frederickcountymd.gov/documentcenter/view/1517>

Health Department Residential Site Plans

All residential site plans are reviewed and approved by the FCHD Program Manager, Community Services/Development Review (Program Manager). Applicants submit hard copy site plans to the Front Desk Receptionist (Receptionist) within FCHD with completed site plan submittal documentation and the associated fees. Receipt of the site plans is documented by the Receptionist on the site plan sign-in sheet and the payment is reviewed and processed.

The Development Review Office receives new submissions and records them within their internal tracking spreadsheet prior to beginning their review. Documentation is reviewed to determine the soil type and if it is a restricted or non-restricted area, and whether the property line, well location, and septic areas have been staked. The need for any additional information or documentation is communicated to the applicant via email and responses are included with the plan documentation. The Program Manager, and/or their staff, then schedules and conducts a field check of the property. Field checks consist of the Development Review office staff visiting the site and reviewing/comparing it against the submitted plans and verifying staked areas are compliant with regulatory requirements. FCHD has established a timeline target for completion of field checks to be within 15 business days of submittal of an application. Any comments or corrections needed to be made are documented directly on the site plan documentation. Feedback to applicants is provided by email.

Once approved following a site evaluation and completion of required testing, site plans are signed by the Program Manager and logged within an internal tracking spreadsheet maintained in the office. Site plans that include areas where there is restricted soil are also noted on the restricted incoming plats log that is provided to Environmental Health Specialists (aka EHS or Sanitarians) prior to the performance of percolation testing. Sanitarians, also known as Licensed Environmental Health Specialists, are members of FCHD who are responsible for performing and evaluating the results of various quality tests required to be performed prior to the approval of site plans and issuance of permits. Percolation testing is a shorthand term for the testing of soil permeability and/or the evaluation of geologic conditions and other soil and site properties affecting the treatment and dispersal of sewage effluent. Percolation testing is performed to determine the water absorption rate of the soil in which a septic system is proposed to be built. The Program Manager assigns a Sanitarian to the project and generates an email to the applicant, Surveyor, and Sanitarian indicating the site plan has been reviewed and percolation testing can be performed. Once testing is completed, a well may need to be drilled in many cases, and the well inspected and completion report reviewed. Then the surveyor is notified what additional information may need to be included on the site plan.

Percolation Testing

Percolation testing and site evaluation is performed by the EHS upon receipt of the preliminary site plan and notification from the Program Manager. Results of percolation testing conducted by Well and Septic office staff are sent to the Development Review Program Manager, who drafts a letter to the applicant explaining the results. At times, percolation testing may need to be reperformed and the site of a well or septic may need to be moved. This would result in the need for the site plans to be updated to reflect the new location of the infrastructure. All updates that are required are included in the letter sent to the applicant. The target time for sending this letter is 3-4 weeks, but may take longer depending on seasonal and other factors. The letter is sent to the applicant by the Program Manager and any updates to site plan are documented and resubmitted for review.

If favorable, upon receipt of the percolation testing and site evaluation results, the applicant completes and submits a well application, if necessary. The Sanitarian reviews and approves the application and works with the applicant and their appointed Well Driller to complete the work. Following, a well completion

report is submitted to the Well and Septic Program staff for review and approval with drillers allowed 45 days after completing the well to submit the well completion report. Updates to plan documentation are made, if necessary, and the approved completion report is provided to the Program Manager. A final site plan approval letter is then drafted and sent to the applicant approving the site plan. FCHD's target time to send this letter to the applicant is 10 days. Once the final site plan is submitted and approved following the submittal and log in process previously described, site plan is logged into the internal tracking sheet and then filed until needed for building permit approval, application for which may be pending or at a future undetermined date.

Commercial Permits

Commercial property owners may apply for building permits for various projects including the construction of new structures, the renovation/repurposing of existing structures, and additions to existing structures.

Health Department Commercial Site Plans

Site plan applications for commercial sites are submitted by applicants on the FCG Application Portal, managed by the Division of Planning & Permitting (DPP), a County agency. The FCG Application Portal is the public-facing ~~permit~~ application software, in which applicants can submit site plan and building permit applications and make payments. When submitting a site plan application, the applicant attaches all pertinent submittal documentation. Following, fees are assessed and payments are made.

Site plan submittals are reviewed by the County Department of Development Review and Planning (Development Review and Planning) within Infor Public Sector (IPS) and Project Dox. IPS is the system utilized by the County to track and monitor all site plan applications and ensure review is performed timely. Project Dox is a web-based document workflow solution that allows citizens and County staff to initiate and complete the submission of documentation for various planning and permit applications. Applications that require additional documentation are returned to the applicant with notes indicating any required updates. Complete submittals are assigned to all relevant reviewing agencies based on the requirements of the application. Reviewing agencies include, but are not limited to, FCHD and the Department of Water and Sewer Utilities. As a state agency, FCHD has access to both systems to review and approve permit and site plan documentation assigned by County Permitting.

Development review site plans are reviewed by the FCHD Well and Septic Program Manager within Project Dox and IPS. Any changes that need to be made to the plans are entered as comments within IPS and the application is returned to the applicant for updates. Completion of commercial site plans can include the same requirements for testing and well drilling described in the previous sections, and MDE may be involved in some projects involving Water Appropriation Permits and/or Industrial Discharge Permits.

Subdivision Plats

Plans for residential or commercial subdivisions follow similar procedures to those for the respective individual site plans. The Program Manager and/or Well and Septic Program Manager review the site plans and work with applicants to update plan documentation based on reviews. Field checks may be completed, as well as percolation testing. Or, if the property is to be served by public systems, the capacity and availability of the municipal system(s) to accommodate the proposed water and sewer demands is evaluated. Final approved subdivision plats are reviewed and approved within IPS prior to mylars being prepared and signed by the Planning Commission for the County or municipality and Director of Environmental Health or the Health Officer. Only then can the issuance of a building permit occur following the creation of the lot or lots in a subdivision. The building permit approval will be subject to additional information for the building permit application being provided and found acceptable – these may include house design, driveway locations, and stormwater features, or other physical structures such as pools

Building Permits

Following final approval of a site plan for a residential or commercial property, applicants submit a building permit application within the FCG Application Portal (It is possible and not uncommon that applicants have applied for a building permit prior to being notified they need a health department site plan). Applications are received and reviewed by Permits and Inspections to ensure all relevant documentation has been received. Complete submittals are reviewed by Permits and Inspections and assigned to all relevant reviewing agencies based on the requirements of the permit being requested and the work to be performed.

All building permits are originally assigned to the Well and Septic Program Manager, who reallocates applications to the Well and Septic staff based on the project type. All residential permits are reviewed by the Well and Septic Staff, while all commercial permits remain with the Well and Septic Program Manager for review.

Utilizing the approved site plans and the results of percolation testing, the Well and Septic Program Manager and/or Staff perform a site visit to confirm the location of the structure, locations of any wells and septic systems, and ensures that all areas are appropriately staked prior to breaking ground. If a septic system is proposed to serve the property, prior to permit issuance, a septic system design must be prepared by a private sector consultant and submitted to the Health Department for review and approval. If existing systems are to be employed their design and adequacy must be addressed in light of the proposed use. Updates are made based on any comments documented by the approver and the application is approved within IPS. Permits are issued following the approval of the permit application and the landowners are able to proceed with their projects.

Certificates of Potability and Use Permits (FCHD Use and Occupancy Permits)

Following the completion of a construction project, and prior to putting a water system into service, owners are required to receive a Certificate of Potability for the well. Subsequently and dependent upon the COP issuance, a use and occupancy certificate from County Permitting may be issued if other county agency requirements are also met. A certificate of potability is only issued following the collection and testing of water samples from the site's well to ensure the water is potable. Typically, the applicant's chosen State Certified Water Sampler collects a sample from the house plumbing and sends it to a state certified private lab for independent testing. The health department may also collect and submit the sample to the state lab for testing. Following, results of testing are received by FCHD and reviewed. Deviations from expected thresholds are reviewed and remediation efforts are undertaken if there is a problem with the well construction. If any or all necessary remediation efforts have been completed so that the well can be verified by testing to produce potable water, the Director of Environmental Health Services reviews and signs the certificate and it is maintained in the FCHD and County Permitting's records. Upon issuance of the certificate, a use permit (FCHD use and occupancy permit) is also issued following approval by required agencies, including FCHD and other County departments assigned a review of the Use and Occupancy permit. There are cases where treatment may be employed for certain constituents of concern. In these cases an agreement is recorded by the property owner(s) with the property deed in the land records after notarized signatures are provided by the property owner and the Director of EHS.

Objectives

During the testing phase, SC&H developed audit objectives and identified the steps necessary to evaluate the effectiveness and efficiency of the permitting process. The following objectives for the testing phase were developed based upon the understanding gained during the planning phase and approved by the IIAA.

1. Evaluate timelines for completion of Health Department assigned reviews/inspections and identify contributing factors of delays.
2. Verify residential site/subdivision plans are tracked, maintained, approved and documented completely and accurately.
3. Verify commercial site plans are tracked, maintained, approved and documented completely and accurately.

Scope

The audit was initiated in August 2022 and completed in June 2023. The period in scope for the performance of these procedures included all planning reviews and permits submitted for review and approval by FCHD from January 1, 2021 to December 31, 2022.

Methodology and Approach

SC&H conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions.

In order to obtain the necessary documentation to appropriately perform and conclude upon the objectives of this audit, SC&H conducted the following procedures.

Creation of Audit Plan

SC&H created a detailed audit plan describing each of the procedures to be executed to effectively address the objectives detailed above. The audit plan was reviewed and approved by the Director- Internal Audit Division and FCHD prior to implementation. The approved plan was then used as a guide throughout the review process to ensure that the goals of each objective were thoughtfully addressed, with the results to provide value-added and actionable information for FCHD and the County.

Execution of Audit Program

SC&H executed the audit plan by completing the following tasks.

Objective A

Evaluate timelines for completion of Health Department assigned reviews/inspections and identify contributing factors of delays.

Summary Procedures	Summary Results
<p>A.1 – Performed data analysis and selected a sample of planning reviews assigned to FCHD that were resubmitted for additional review and:</p> <ol style="list-style-type: none"> 1. Reviewed application notes within IPS/Project Dox to identify the reason for the resubmittal. 2. Evaluated the resubmittals to identify trends or contributing factors. 	<p>Based on the procedures performed:</p> <ol style="list-style-type: none"> 1. 28.02% of planning reviews were completed after the due date assigned within IPS. 2. Planning reviews required resubmittal multiple times prior to obtaining approval from FCHD. <p>Delays related to the need for resubmittal of documentation, awaiting applicant response to review</p>

Summary Procedures	Summary Results
	<p>comments, and inconsistency of review procedures performed by FCHD appeared to be present.</p> <p><i>Refer to Observation #1 for additional details.</i></p>

Summary Procedures	Summary Results
<p>A.2 – Performed data analysis and selected a sample of building permit reviews assigned to FCHD that were resubmitted for additional review and:</p> <ol style="list-style-type: none"> 1. Reviewed application notes within IPS/Project Dox to identify the reason for the resubmittal. 2. Evaluated the resubmittals to identify trends or contributing factors. 	<p>Based on the procedures performed:</p> <ol style="list-style-type: none"> 1. 35.57% of building permit reviews were completed after the due date assigned within IPS. 2. Building permit reviews required resubmittal multiple times prior to obtaining approval from FCHD. <p>Delays related to the need for resubmittal of documentation, awaiting applicant response to review comments, and inconsistency of review procedures performed by FCHD appeared to be present.</p> <p><i>Refer to Observation #1 for additional details.</i></p>

Summary Procedures	Summary Results
<p>A.3 - Performed data analysis and selected a sample of septic inspections assigned to FCHD that were performed prior to and in excess of the assigned due date and:</p> <ol style="list-style-type: none"> 1. Reviewed application notes within IPS/Project Dox to identify the reason for the resubmittal. 2. Evaluated the resubmittals to identify trends or contributing factors. 	<p>Based on the procedures performed:</p> <ol style="list-style-type: none"> 1. 94.47% of building permit reviews were completed after the due date assigned within IPS. 2. Building inspection reviews required resubmittal multiple times prior to obtaining approval from FCHD. <p>While there were fewer building permit inspections performed during the period in scope, the majority of those completed occurred after the assigned due date within IPS.</p> <p>Delays related to the need for resubmittal of documentation, awaiting applicant response to review comments, and inconsistency of review procedures performed by FCHD appeared to be present.</p> <p><i>Refer to Observation #1 for additional details.</i></p>

Summary Procedures	Summary Results
<p>A.4 - Performed data analysis and selected a sample of use and occupancy reviews assigned to FCHD that were performed prior to and in excess of the assigned due date and:</p> <ol style="list-style-type: none"> 1. Reviewed application notes within IPS/Project Dox to identify the reason for the resubmittal. 2. Evaluated the resubmittals to identify trends or contributing factors. 	<p>Based on the test procedures performed:</p> <ol style="list-style-type: none"> 1. 11.11% of use and occupancy permit reviews were completed after the due date assigned within IPS. 2. Use and occupancy reviews required resubmittal multiple times prior to obtaining approval from FCHD. <p>Delays related to the need for resubmittal of documentation, awaiting applicant response to review comments, and inconsistency of review procedures performed by FCHD appeared to be present.</p> <p><i>Refer to Observation #1 for additional details.</i></p>

Objective B

Verify residential site/subdivision plans are tracked, maintained, approved and documented completely and accurately.

Summary Procedures	Summary Results
<p>B.1 – Performed data analysis to verify the completeness of information tracked manually by FCHD.</p> <p>Specifically, performed analysis to determine the number of site/subdivision plans submitted during the in-scope period.</p> <p>Additional review of the spreadsheet was performed to determine completeness of information maintained by FCHD.</p>	<p>Based on the procedures performed:</p> <ol style="list-style-type: none"> 1. Data maintained related to residential site plan submittals is manually tracked across multiple spreadsheets and tracking mechanisms. Spreadsheets and tracking mechanisms utilized within FCHD are inconsistently maintained and updated, resulting in incomplete information associated with individual submissions. <p><i>Refer to Observation #2 for additional details.</i></p>

Summary Procedures	Summary Results
<p>B.2 – Verified residential site plans were processed timely and completely by FCHD.</p> <p>Based on the data analysis performed, a sample of residential/subdivision plans were selected and assessed to determine if all procedural steps were performed and documentation was adequately maintained.</p>	<p>Based on the procedures performed:</p> <ol style="list-style-type: none"> 1. Documentation is not consistently maintained to document all procedural steps performed during the review and approval of residential site plans. <p><i>Refer to Observation #2 for additional details.</i></p>

Objective C

Verify commercial site plans are tracked, maintained, approved and documented completely and accurately.

Summary Procedures	Summary Results
<p>C.1 - Performed data analysis and selected a sample of commercial site plans assigned to FCHD that were resubmitted for additional review and:</p> <ol style="list-style-type: none"> 1. Reviewed application notes within IPS/Project Dox to identify the reason for the resubmittal. 2. Evaluated the resubmittals to identify trends or contributing factors. 	<p>Based on the analytical procedures performed:</p> <ol style="list-style-type: none"> 1. Delays related to the need for resubmittal of documentation, awaiting applicant response to review comments, and inconsistency of review procedures performed by FCHD appeared to be present. 2. Documentation maintained within the system appeared to be reasonable and sufficient related to the review procedures performed by FCHD staff. Project Dox maintains site specific plans and includes comments and evidence of review by FCHD staff. Comments are also included in IPS to document the completion of reviews or the requirement for resubmittal. <p><i>Refer to Observation #1 for additional details.</i></p>

Data Analysis

As part of the audit objectives, SC&H performed multiple data analyses to identify trends related to application approval times and requirements for resubmittal of applications due to issues identified with the provided documentation. Through inquiry with FCHD and County Permitting staff, applications typically require multiple rounds of resubmittal and review due to applicants providing incomplete or incorrect plan documentation.

FCHD has established a review timeline of 14 days (10 business days) from receipt of an application to respond to the application and subsequent permit.

Within IPS, reviews pertaining to the issuance of a final use and occupancy permit are completed in four stages:

1. Planning Reviews: Reviews of planning documentation, including site plans, submitted by applicants prior to issuance of a building permit.
2. Building Permit Reviews: Review of building permit applications submitted by applicants in conjunction with planning documentation.
3. Building Inspection Reviews: Reviews and completion of inspections following the completion of the work detailed within an approved building permit.
4. Use Reviews: Final review by FCHD and County agencies to ensure the establishment has met all requirements for individuals to operate their business or live within the building.

Planning Reviews

Between January 1, 2021 and December 31, 2022, FCHD was assigned 592 unique site plan applications and completed 967 reviews of site plan documentation submitted.

An analysis was performed to determine the length of time between the submittal of a site plan review and final review of the plan. Applications were categorized by spans of time from the due date of an assigned review and the date the review was completed. The analysis also identified projects that were originally approved within Hanson, the permitting system utilized by County Permitting prior to the implementation of IPS.

The tables below show the percentage of reviews completed prior to and after the assigned due date within IPS. Based on the information reviewed, 28.02% of planning reviews were completed following the assigned due date. This increased to 29.37% when accounting for the number of workdays it took to complete the reviews.

Number of Days to Complete Review (Calendar Days)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	696	71.98%
Less than 1 Week	154	15.93%
1 - 2 Weeks	71	7.34%
2 - 3 Weeks	32	3.31%
3 - 4 Weeks	10	1.03%
More than 1 Month	4	0.41%
TOTAL	967	100%

Table A. Planning Reviews – Number of Days to Complete Review (Calendar Days)

Number of Days to Complete Review (Workdays)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	683	70.63%
Less than 1 Week	161	16.65%
1 - 2 Weeks	80	8.27%
2 - 3 Weeks	29	3.00%
3 - 4 Weeks	10	1.03%
More than 1 Month	4	0.41%
TOTAL	967	100%

*Table B. Planning Reviews – Number of Days to Complete Review (Workdays)***Building Permit Reviews**

Between January 1, 2021 and December 31, 2022, FCHD was assigned 2,422 unique building permit applications and completed 3,258 reviews of permit documentation submitted. Various application types are included within building permits. They include, but are not limited to:

1. Residential building applications
2. Non-residential building applications, including reviews performed by the FCHD Food Control Office
3. Residential use applications
4. Demolition applications
5. Zoning certifications

An analysis was performed to determine the length of time between the submittal of a building permit application and final approval of the permit. Applications were categorized by spans of time from the due date of an assigned review and the date the review was completed. It was noted that several building permits had not yet been reviewed and approved during the performance of this analysis and are included in the analysis tables. When approving building permits, a second review by the FCHD Food Control Office may be required if the establishment will be serving food and beverages. During the period in scope, 88 reviews (2.70% of all reviews) of building permit applications were performed by the Food Control Office.

The tables below show the percentage of reviews completed prior to and after the assigned due date within IPS. Based on the information reviewed, 35.57% of building permit reviews were completed following the assigned due date. This percentage remained the same when accounting for the number of workdays it took to complete the reviews.

Number of Days to Complete Review (Calendar Days)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	2099	64.43%
Less than 1 Week	721	22.13%
1 - 2 Weeks	267	8.20%
2 - 3 Weeks	87	2.67%
3 - 4 Weeks	34	1.04%
More than 1 Month	48	1.47%
Not Yet Complete	2	0.06%
TOTAL	3258	100%

Table C. Building Permit Reviews – Number of Days to Complete Review (Calendar Days)

Number of Days to Complete Review (Workdays)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	2099	64.43%
Less than 1 Week	728	22.34%
1 - 2 Weeks	268	8.23%
2 - 3 Weeks	81	2.49%
3 - 4 Weeks	35	1.07%
More than 1 Month	45	1.38%
Not Yet Complete	2	0.06%
TOTAL	3258	100%

*Table D. Building Permit Reviews – Number of Days to Complete Review (Workdays)*Building Inspection Reviews

Between January 1, 2021 and December 31, 2022, FCHD was assigned 37 building permit inspections and completed 38 reviews within IPS.

An analysis was performed to determine the length of time between addition of the building permit inspection within IPS and review and completion of the inspection. Inspections were extrapolated across spans of time from the added date of an assigned review and the date the review was completed. Several building permits had not yet been reviewed and approved during the performance of this analysis and are included in the tables.

The tables below show the percentage of inspections completed prior to and after the added date within IPS. The added date is the date County Permitting added the inspection to IPS to be completed/reviewed by FCHD. Based on the information reviewed, 94.74% of building permit inspections were completed following the added date. This increased to 97.37% when accounting for the number of workdays it took to complete the inspections.

Number of Days to Complete Review (Calendar Days)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Added Date	1	2.63%
Complete on Added Date	1	2.63%
Less than 1 Week	6	15.79%
More than 1 Month	30	78.95%
TOTAL	38	100%

Table E. Building Permit Inspections – Number of Days to Complete Review (Calendar Days)

Number of Days to Complete Review (Workdays)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Added Date	1	2.63%
Complete on Added Date	0	0.00%
Less than 1 Week	7	18.42%
More than 1 Month	30	78.95%
TOTAL	38	100%

Table F. Building Permit Inspections – Number of Days to Complete Review (Workdays)

Use Reviews

Between January 1, 2021 and December 31, 2022, FCHD was assigned 57 unique use and occupancy permit applications and completed 72 reviews of permit documentation submitted.

An analysis was performed to determine the length of time between the submittal of a use and occupancy permit application and final approval of the permit. Applications were categorized by spans of time from the due date of an assigned review and the date the review was completed. Several permits did not have a due date within IPS and are included in the tables. When approving permits, a second review by the FCHD Food Control Office may be required if the establishment will be serving food and beverages. During the period in scope, 15 reviews (20.83% of all reviews) of use permit applications were performed by the Food Control Office, and all were completed prior to the assigned due date within IPS.

The below tables show the percentage of reviews completed prior to and after the assigned due date within IPS. Based on the information reviewed, 11.11% of use and occupancy permit reviews were completed following the assigned due date. This percentage remained the same when accounting for the number of workdays it took to complete the reviews.

Number of Days to Complete Review (Calendar Days)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	64	88.89%
Less than 1 Week	3	4.17%
1 - 2 Weeks	2	2.78%
2 - 3 Weeks	1	1.39%
No Due Date	2	2.78%
TOTAL	72	100%

Table G. Use and Occupancy Permit Reviews – Number of Days to Complete Review (Calendar Days)

Number of Days to Complete Review (Workdays)		
Timeframe	Number of Reviews	% of Reviews Completed
Complete before Due Date	64	88.89%
Less than 1 Week	3	4.17%
1 - 2 Weeks	2	2.78%
2 - 3 Weeks	1	1.39%
No Due Date	2	2.78%
TOTAL	72	100%

Table H. Use and Occupancy Permit Reviews – Number of Days to Complete Review (Workdays)

Conclusions

Based on the analyses performed and types of reviews that are performed by FCHD, it appears that the assigned due dates within IPS may not be realistic. Overall, approximately one-third of all reviews are not completed until after the assigned system due date. This percentage increases significantly (an increase from approximately 40% of reviews being completed after their due date to approximately 96% being completed after their due date) when looking at building permit inspections. While there were fewer building permit inspections performed during the period in scope, the majority of those completed occurred after the assigned IPS due date. There are several factors that may contribute to the building permit inspections being completed after the system due date. These include inspections being performed by a limited number of resources, the requirement that applicants schedule inspections prior to FCHD going on-site, and the need for remediation of issues identified. The results of inspections may increase the time to approval as remedies may be required based on the review performed by FCHD while on-site.

Additionally, the completion date may be extended by the unique projects being reviewed and the number of resubmittals and supplemental reviews required. This could be directly attributed to applicants improperly submitting documentation or submitting incomplete documentation. During a review of resubmittals and the potential causes of delays, we observed applicants did not provide adequate documentation, did not respond timely to FCHD and or County requests for additional information, and/or required input from other agencies prior to final approval. This may be the result of applicants being unaware of the timelines, documentation requirements, and overall process for obtaining approval of site plans, permits, and other pertinent documentation. Further, FCHD resources may be inadequate to describe the requirements to applicants and enhanced communication of the timeline, requirements, and process may reduce the number of resubmittals required.

Summary of Work

Based on the audit procedures performed, process challenges were identified pertaining to FCHD's permitting process. FCHD employs knowledgeable individuals with extensive understanding of the permitting process, the nuances related to various plan types, and the information required to approve and issue permits. While they perform their duties competently, areas for improvement exist. Two reportable observations are included as a result of this audit.

We appreciate the assistance and cooperation of the management and staff of the Frederick County Health Department who assisted in the performance of this audit. Please contact us if you have any questions or comments regarding any of the information contained in the performance audit report.

SC&H Attest Services, P.C.

SC&H Attest Services, P.C.

Sparks, Maryland

December 20, 2023

III. Observations

Observation 1

Reviews of various planning and permitting documents are not completed timely.

Detail

Planning, permit, and inspection reviews are entered in IPS and Project Dox by the County Permitting. Submittal packages are approved by Development Review and Planning and assigned to all relevant reviewing agencies based on the requirements of the permit being requested and the work to be performed. FCHD is included as a reviewing agency on many of the applications that are submitted for review. Depending on the review being performed and the documentation provided, an applicant may be required to resubmit rejection applications with additional or corrected information. Comments are provided with instructions and applicants are responsible for providing additional documentation or providing additional information to FCHD. There are instances where applications were resubmitted multiple times prior to being approved.

FCHD has established review due dates of 14 days (10 business days) following the assignment of an application. Due to the reliance on applicant submission of documentation, the need for multiple reviews of individual applications, limited staffing within FCHD, and the volume of reviews assigned to FCHD, reviews are not completed on or prior to the system due date.

FCHD comments and documentation were reviewed for 168 reviews assigned to FCHD staff during the in-scope period. Reviews included the approval of site plans, building permits, building inspections, and use and occupancy permits. Of the 168 submittals reviewed, 125 were not approved until after the assigned due date. Comments regarding the following were included:

1. Applications had unresolved issues or were missing documentation related to the staking of properties, insufficient well, septic, and percolation testing results and responses, the need for plan adjustments based on site visits, and the collection of fees from the applicant.
2. Delays in approving applications due to the need for approval or consultation from other County agencies, such as the Department of Sewer and Water Utilities or the Food Control Office within FCHD.
3. Delayed receipt of assigned documentation within IPS.
4. Insufficient justification of the delay.
5. Reviewers intentionally withholding completion of a review while working with the applicant to obtain additional documentation.

Due to the level of effort required to complete reviews and the need for multiple reviews to approve applications, FCHD's established timelines appear to be insufficient to complete all reviews prior to the system due dates.

Risk

Delayed, deferred, and inconsistent completion of reviews of plan and permit applications could result in undue burden on County Permitting and FCHD employees to complete reviews and further result in insufficient review and approval of applications. Additionally, assigning unrealistic due dates within the system could negatively impact County's reputation with outside entities seeking approval of plan documentation.

Recommendation 1.1

FCHD should evaluate timelines for the review of various planning and permitting documents.

FCHD should consult with County Permitting to discuss all key review points within the permitting process and determine reasonable timelines for the completion of FCHD reviews. These revisions should be in line with the timelines established by the County and any revisions to the timelines should be communicated to applicants and revised in the documentation provided by County Permitting and/or FCHD.

FCHD should also evaluate the key review points for all application types and evaluate the feasibility of leveraging the applications and documentation submitted to County Permitting by applicants. This could eliminate redundancies and duplicate submittal of documentation by applicants. Updates to documentation should be clearly defined and should include updates to standards and guidelines for documenting comments and re-submitting applications for review and submittal of additional information/documentation.

Updates to documentation and timelines should be disseminated to FCHD staff and training should be administered to ensure all individuals are aware of the updated procedures and requirements related to the review of various plans and permits. Similarly, FCHD should consider cross-training department employees in various review areas to ensure consistency of operations in the event individuals are on leave or performing other job responsibilities outside of the review and approval of site plan applications.

FCHD and County Permitting should meet on a regular basis to assess timelines and adjust based on review of data and trends within the system. FCHD should appoint a liaison to work with County Permitting to determine the steps necessary to meet established timelines. Similarly, staffing should be evaluated. Based on the analysis performed, FCHD may identify the need for additional staff or reallocation of resources to perform specific review types to meet established due dates. Training should be provided to all staff to review updated processes and communicate timing expectations. This may help to reduce the reputational risk associated with not finishing the review prior to the system due dates.

Further, the FCHD and County Permitting should update and develop guidance to be disseminated to individuals applying for various permits and plan reviews through County Permitting. Guidance should be specific to the application type and indicate all required documentation and fees needed to perform a review of application documentation.

Management's Action Plan

1. Review information provided to county permitting/ applicants as to what applications should include in order to be complete, and what fees should be collected relating to health department process, so that delays in processing applications due to incomplete applications can be reduced.
2. Develop training to present to county permitting.
3. Meet with county permitting on a bi-monthly basis to discuss problematic permits, concerns with specific permits, changes in process and strategies to enhance permit review efficiency. Depending on outcome of bi-monthly meetings, frequency of meeting could be increased or decreased over time.
4. Increase clerical staff in plat office. Increasing clerical staff in the plat office should allow existing LEHS staff to utilize less time scanning, and filing and allow them to become better trained in other aspects of the plat approval process and review of plats, including fieldwork. This will increase manpower dedicated to plat and site plan approval.

Implementation Date

1. December 2023
2. January to April 2024
3. Begin May 2024
4. New clerical staff person in plat office begins employment and training on December 15, 2023.

Observation 2

The maintenance and documentation of FCHD residential site plan reviews is manual, and procedures are not standardized or performed consistently.

Detail

All residential site plans are reviewed and approved by the FCHD Program Manager, Community Services/Development Review once received within FCHD. Residential site plans are not entered into the IPS database for electronic review and approval. Instead, all reviews are performed manually and documentation is maintained in hard copy at the FCHD offices. Site plan submittals require multiple procedural steps and reviews by members of FCHD prior to approval. Steps include, but are not limited to:

1. Documentation of the project within the Site Plan Submittal Log / Plat Sign-in Sheet.
2. Documentation of the performance of a field check on the hard copy site plan documents.
3. Documentation of the project in the Routing Book.
4. Documentation of the project in the Restricted Incoming Plats Log, if applicable. This step is only required for properties that contain restricted soil and are therefore subject to additional testing and evaluation prior to approval of a site plan.
5. Documentation of and performance of percolation testing at the site.
6. Documentation of approval of well drilling on the hard copy site plant documents (as well as subsequent issuance of an approved Well Completion Report).
7. Final approval of the site plan documented in a letter to the applicant or stamped on the hard copy site plan documents.

Documentation for 50 approved residential site plans (including new construction and sub-division plans) was reviewed to determine completeness and if all procedural steps were performed. The following was identified:

1. Documentation of review and approval of site plan documentation is inconsistent and varies depending on the individual performing the procedural step during the course of the site plan review. FCHD staff communicated there is no standard requirement(s) for how to document key procedural steps on the site plan documentation, resulting in the inability to reperform various reviews by an outside party.
2. For 44 of the 50 samples selected for testing, we were unable to determine if the site plan documentation provided properly evidenced the completion of all reviews required to approve the site plan.

Risk

Manual processes are susceptible to human error, which can lead to inaccuracies, inconsistencies, and inefficiencies. Further, in extreme situations, manual processes could be susceptible to fraud, waste, and/or abuse, as they may lack the necessary checks and balances to prevent or detect related risks.

Recommendation 2.1

FCHD and County Permitting should consider the following to help streamline the review of residential site plans and reduce the manual, repetitive procedures being performed.

1. Assess the feasibility of fully integrating the review of residential site plans within IPS and Project Dox. FCHD should work with County Permitting to identify the key procedural steps to be included in the review and evaluate ways to implement timelines to adequately track the approval of plans.
2. Implementation of a streamlined, electronic filing system to minimize the need for hard copy documentation and manual tracking of site plan documentation being reviewed within the department. Priority of digitization should be focused on the electronic filing of any new applications received by FCHD. A separate effort should be considered to digitize documentation currently filed in the FCHD offices.

3. Develop of standard operating procedures (SOPs) detailing the residential site plan approval process. SOPs should include documentation of roles and responsibilities, timelines, and template language to be utilized when documenting review and approval on hard copy documentation. SOPs should be periodically evaluated and updated, as needed.
4. If integration into IPS and Project Dox is deemed unfeasible, checklists and cover sheets should be created and maintained with all new site plan documentation. The checklists should include all key procedural steps and evidence of all required reviews, approvals, and inspections. The results of testing should be documented on the checklist as well.

Management's Action Plan

Meet with county permitting to determine feasibility of actions that could better integrate health department processes into county IPS and Project Dox systems.

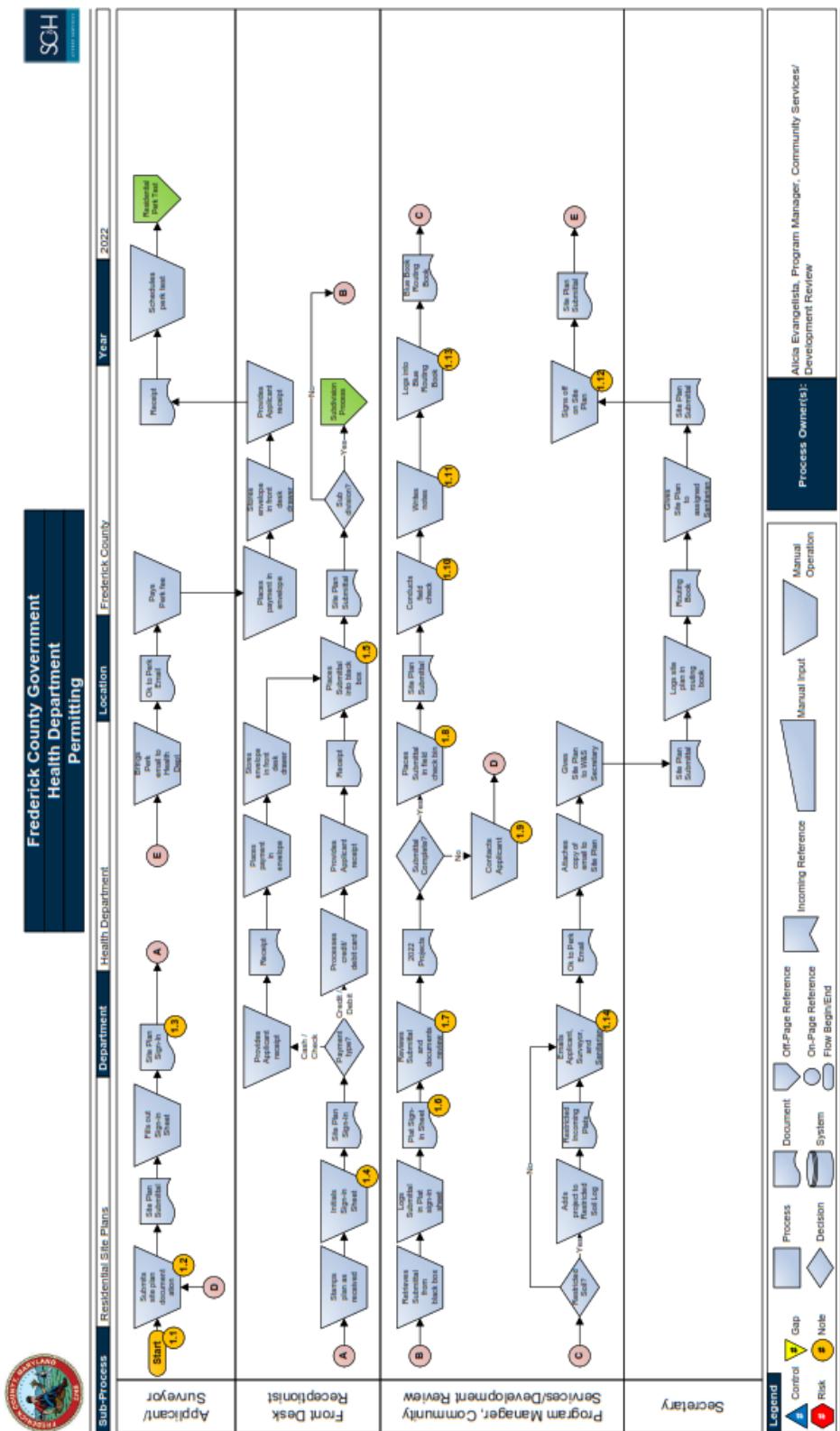
Develop internal checklists and coversheets for well and septic office to track building permit process more efficiently. Coversheets would serve a purpose for file organization in permit packages.

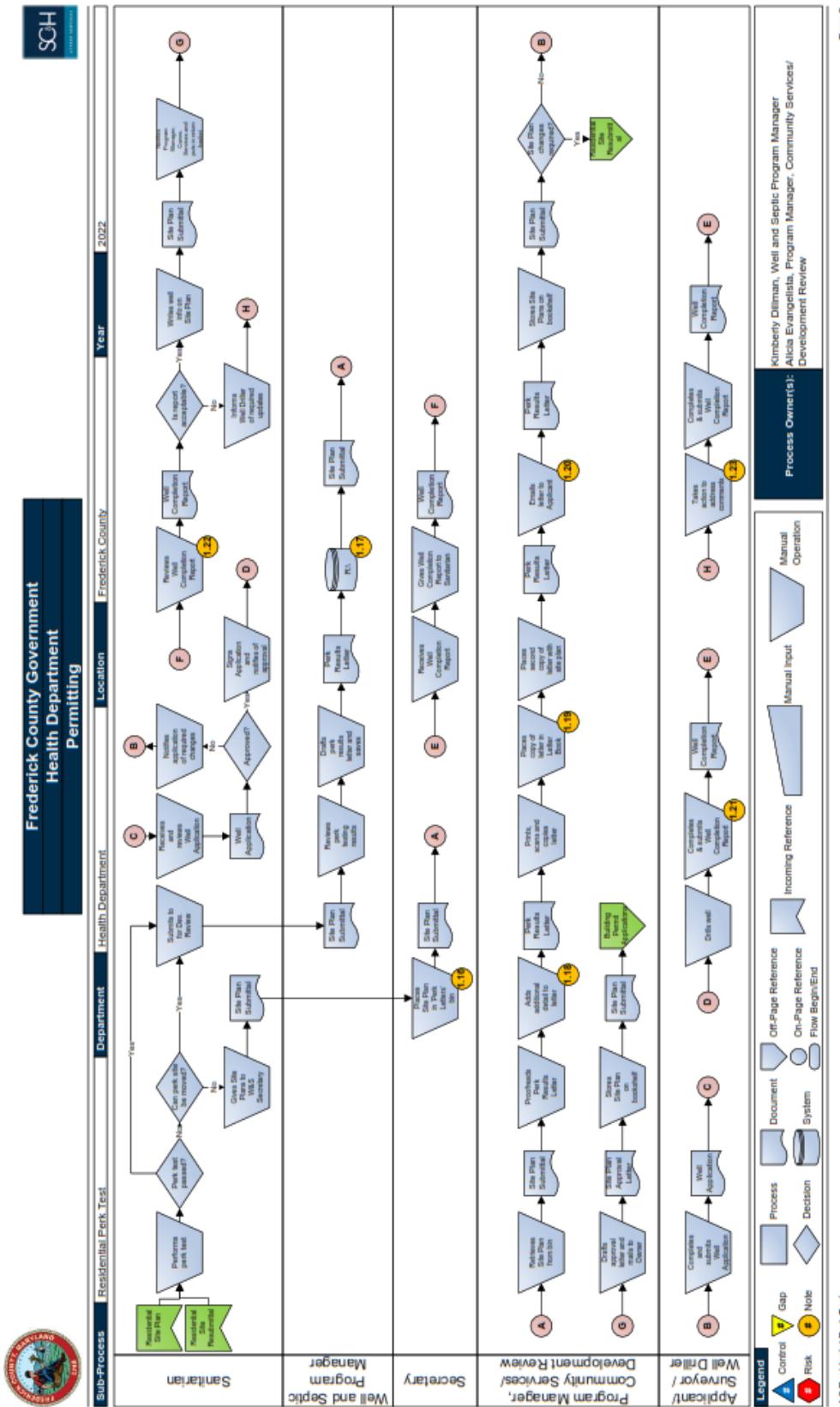
Implementation Date

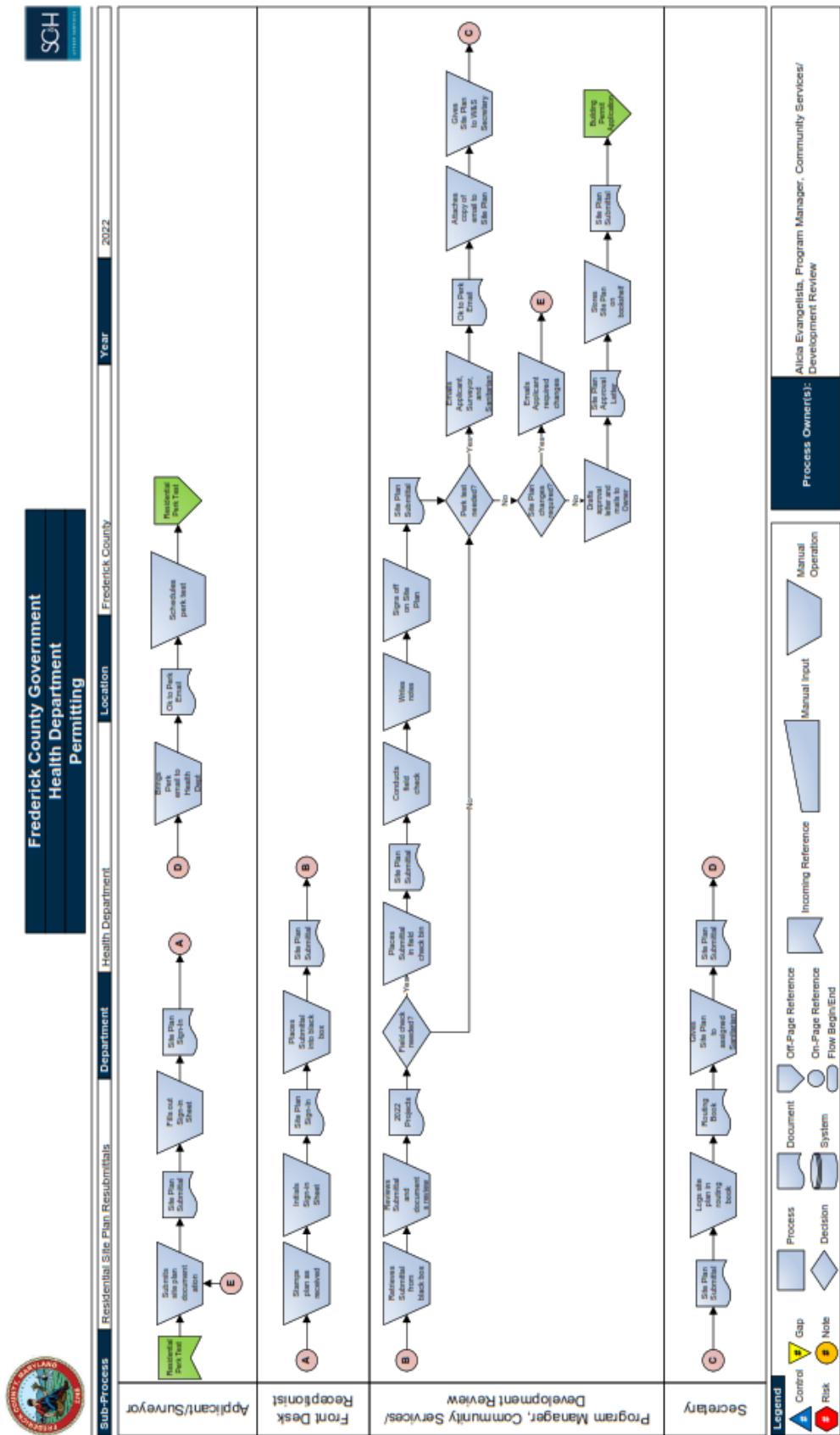
Beginning in June 2024 have bi- monthly meetings with county permitting staff to include discussions of individual permit concerns as well as potential areas to better integrate health department processes into IPS and Project Dox.

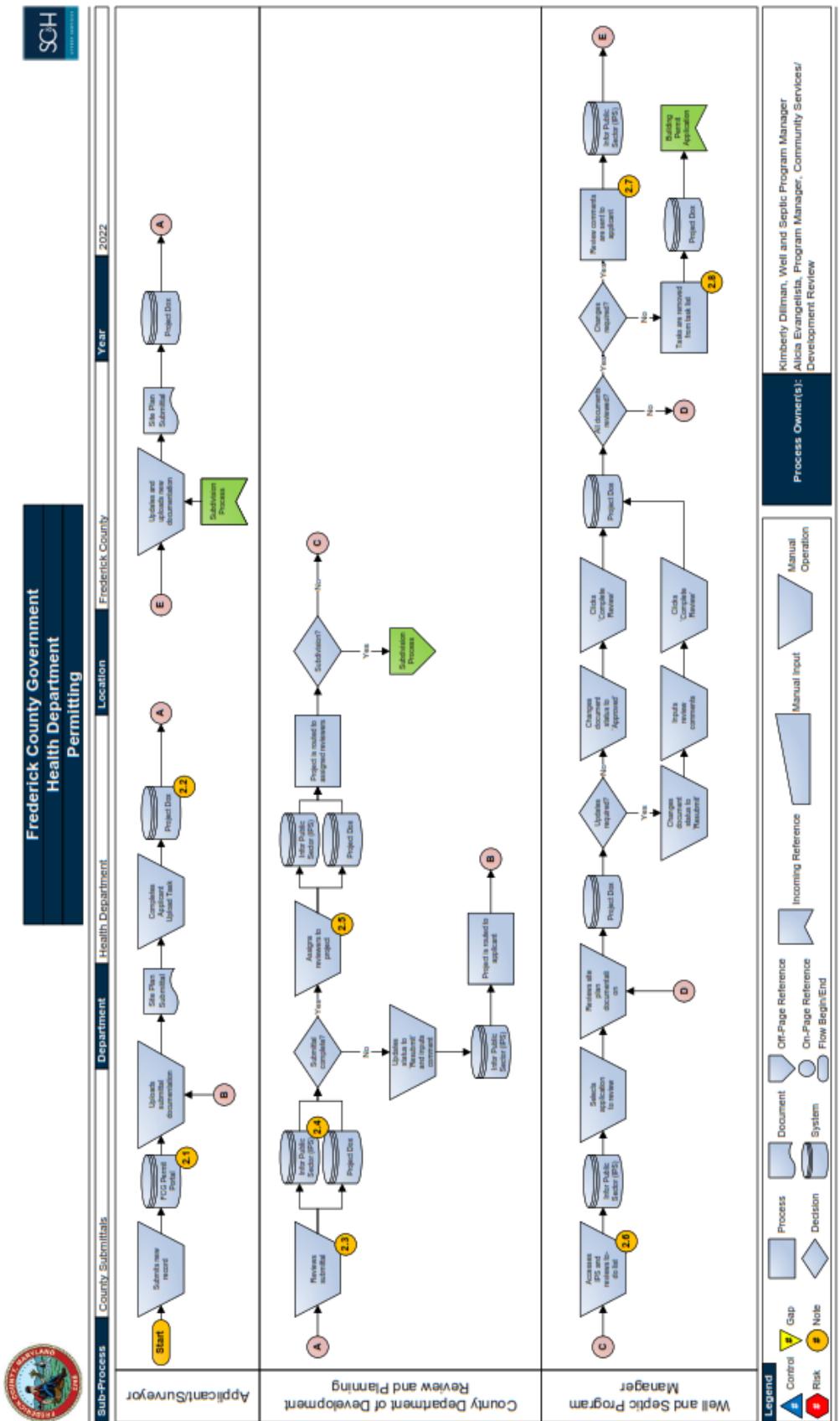
Internal checklist and coversheets for internal well and septic process for building permit approvals to be developed January -February 2024.

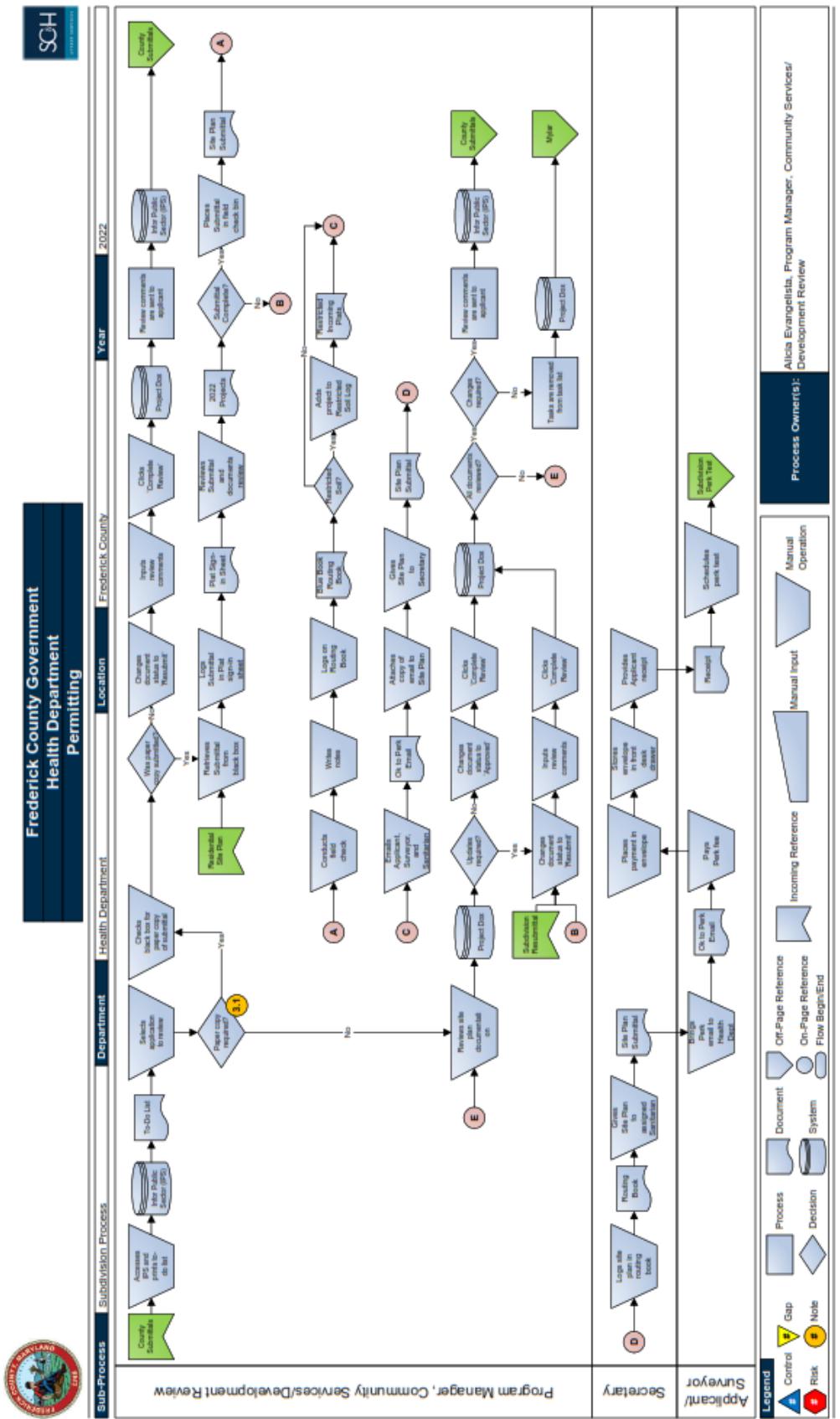
Appendix A: Permitting Flowcharts

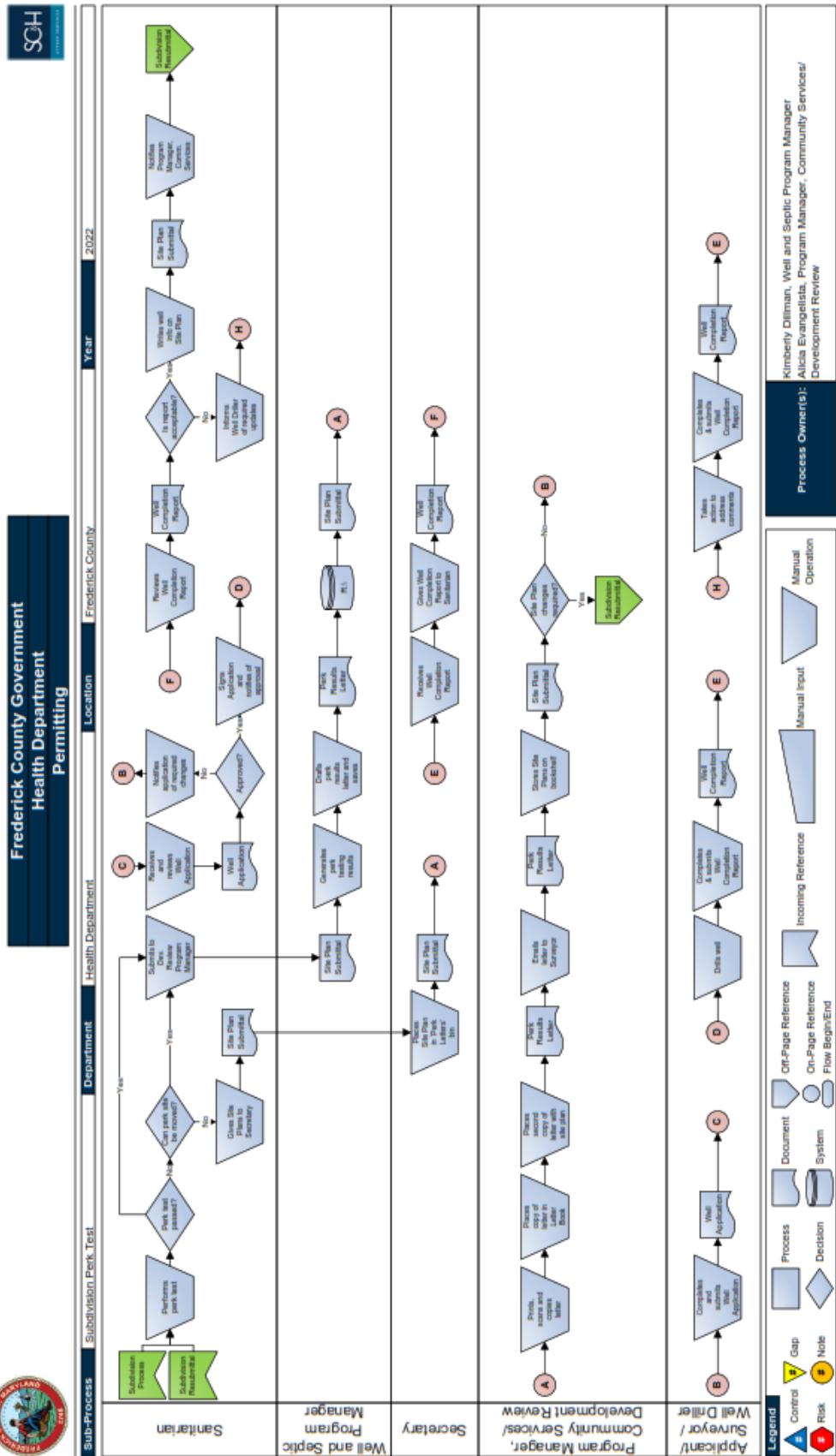






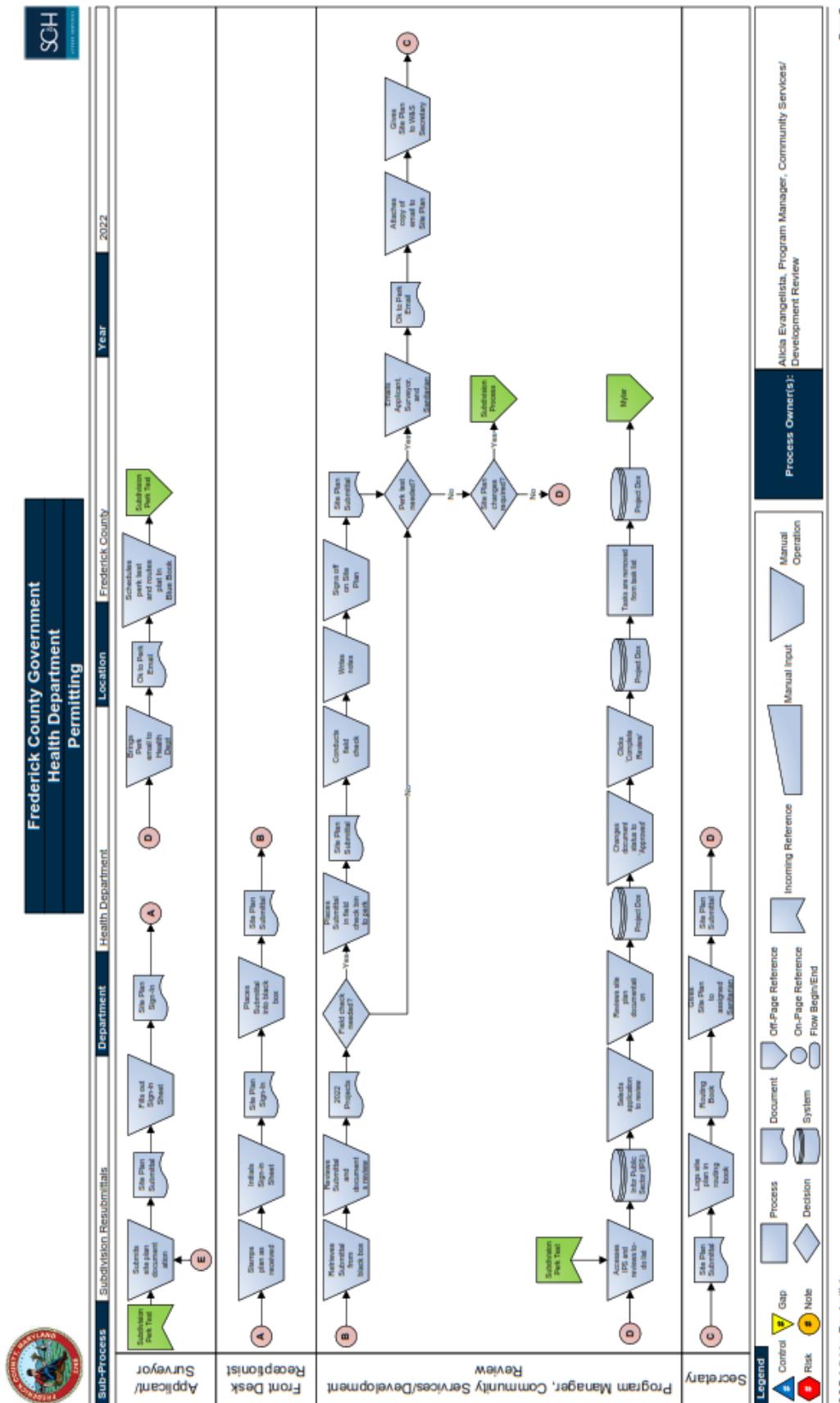


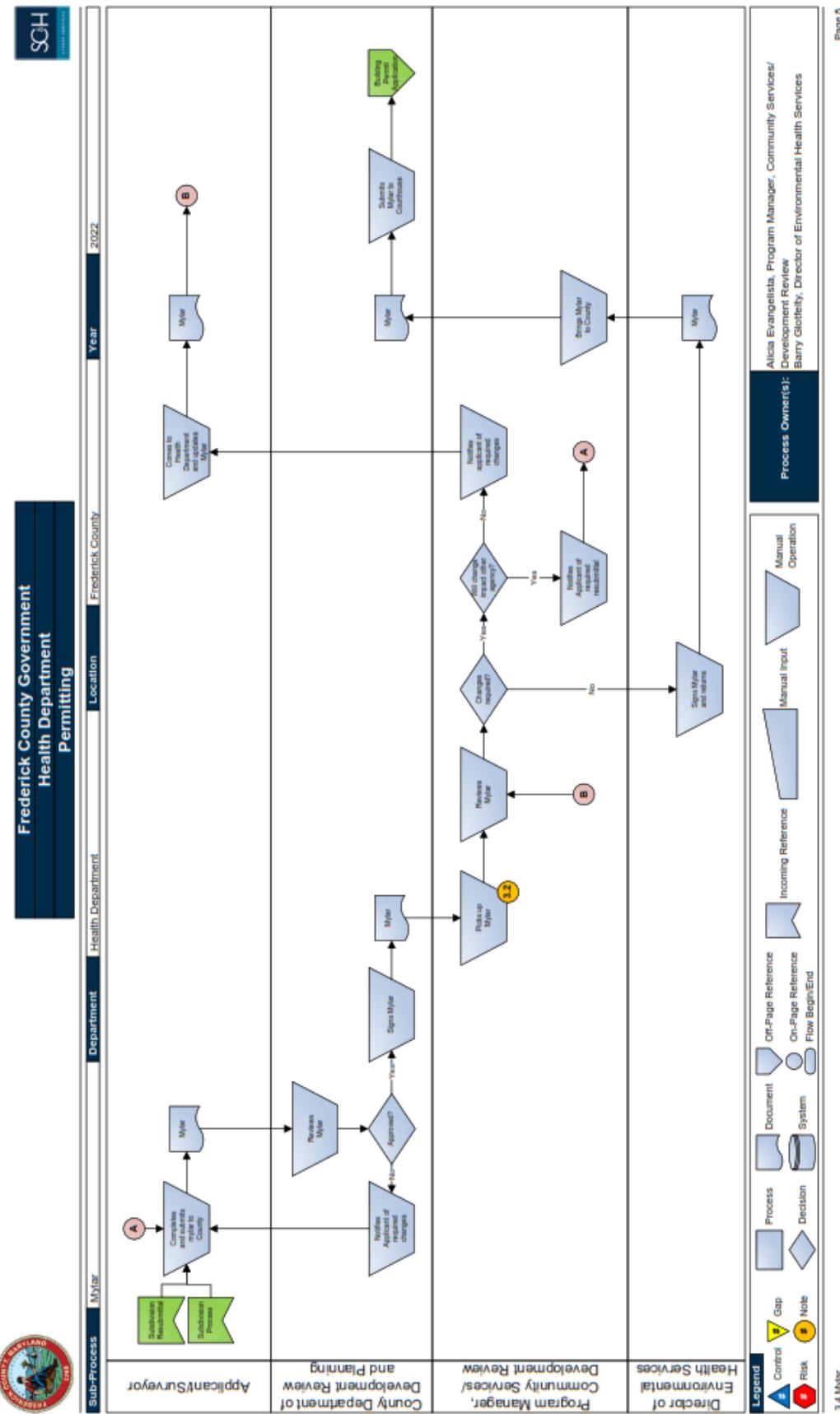


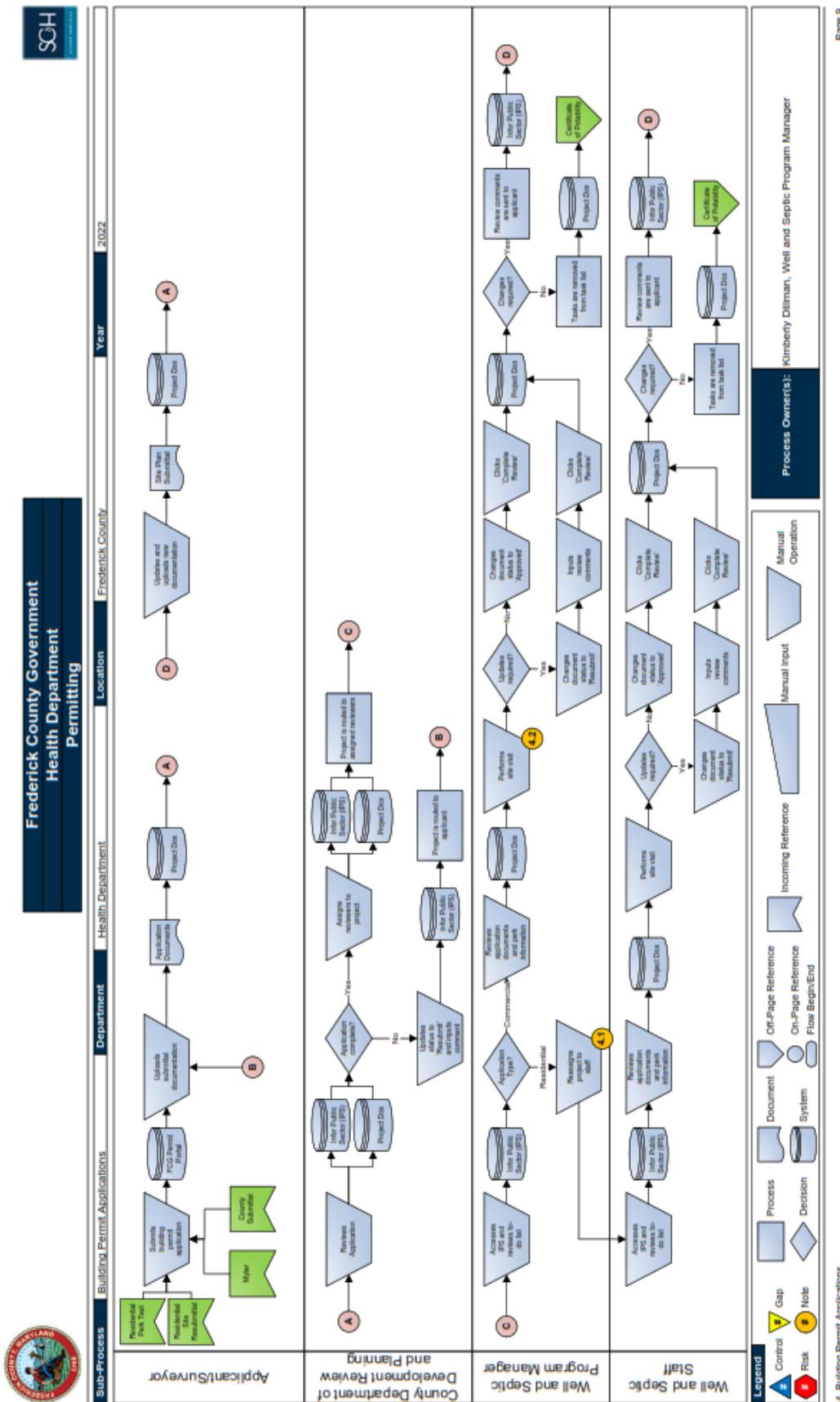


3.2 Subdivision Perk Test

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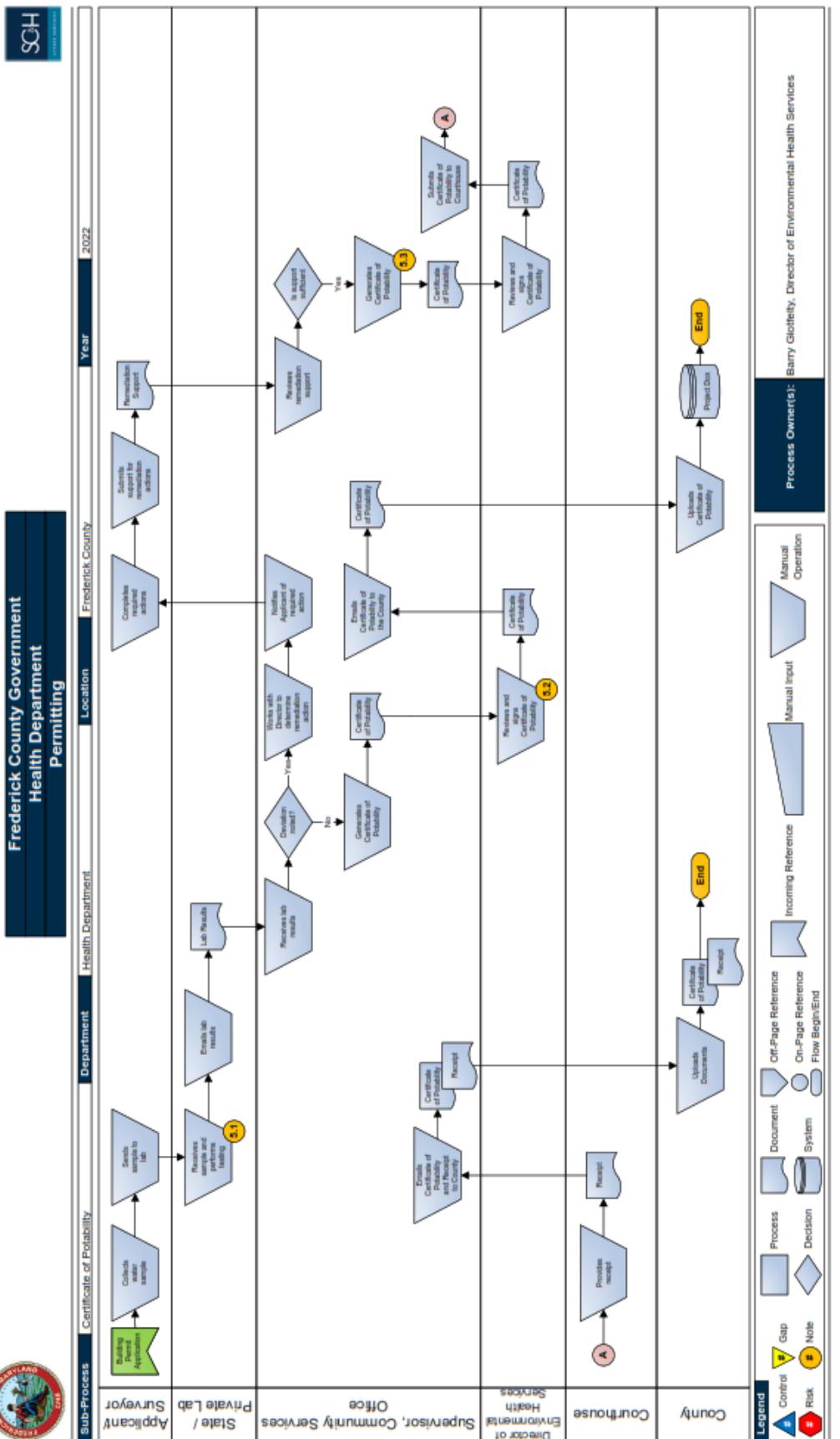




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Process Owner(s):

Kimberly Dillman, Well and Septic Program Manager





Frederick County Government Health Department Permitting

Notes

1.1 All steps through this process can be done by the Applicant or Surveyor.

1.2 Residential Site Plans are submitted at the Health Department office at 390 Montevue Lane, Frederick, MD 21702.

1.3 The applicant/surveyor documents the date, site plan name, location of property, name of surveyor, and signature for every site plan received.

1.4 The Health Department Front Desk employee initials the 'Accepted By' column on the sign-in sheet.

1.5 The black box is a lockable bin that is located within the Health Department office. This bin is used to store and secure submitted documents.

1.6 The Plat Sign-In Sheet contains the following information: name of project, date, road, surveyor submitting, number of copies, and who its going to (Kim or Alicia).

1.7 As a part of this step, the Program Manager, Community Services/Development reviews the following: soil type, restricted/non-restricted, whether the property is stated.

1.8 The extent of the review differs depending on whether the property is vacant or has existing structures.

1.9 The field check bin is located within the Health Department office and is used to store Site Plan Submittals that have been reviewed and are ready for a field check.

1.10 If as a result of this review, it is determined that documentation or information is missing, the Program Manager, Community Services/Development Review will reach out to the applicant to notify them of the missing items.

1.11 A field check consists of the Program Manager, Community Services/Development Review visiting the location and verifying the physical site against the documents site plans.

1.12 If there are any findings or notes that need to be communicated to the Applicant/Surveyor, the Program Manager, Community Services/Development Review writes them directly on the site plan.

1.13 The Program Manager, Community Services/Development Review initials, dates and writes 'FC' directly on the site plans to indicate the completion of the field check.

1.14 The Routing Book is a printed excel sheet. On this sheet, the following information is documented: Date, File, Site Plan, Street, Surveyor, # of Lots, Owners Name, Sanitarian, Restricted Soil, and comments.

1.15 The Health Department maintains a template for this email. The Program Manager, Community Services/Development requirements.

1.16 Review will mark on the required items to be completed during the perk test and will also include any additional unique requirements.

1.17 The Health Department Secretary utilizes this log book to document receipt of the site plan and to document who within the Well and Septic Office the plan is being assigned to based on who was included on the email sent by the Program Manager, Community Services/Development Review.

1.18 The perk letters bin is located within the Health Department office and is used to store Site Plan Submittals that have been perk and are ready for the perk results letter to be drafted.

1.19 The R:1 is a Health Department shared drive that is used to store project documentation.

1.20 Additional details may include any additional items that are needed in order to complete the plat approval.

1.21 The letter book is a binder utilized by the Health Department to maintain copies of all perk result letters that are sent to applicants.

1.22 The Surveyor is also copied on this email. There are some instances where a letter will be physically mailed, such as not having the applicant's email.

1.23 The Well Completion Report has to be completed by the Well Driller on a carbon copy form. A copy is sent to both the Health Department and to the State. This can be sent via mail or delivered in person.

1.24 The Sanitarian reviews items within the report such as: well location, acceptable yield, etc.

1.25 The actions required by the Well Driller will be situational depending on the findings as a result of the review of the Well Completion Report.

2.1 Applicant's can submit applications via the Frederick County Planning and Permitting Portal at <https://planningandpermitting.frederickcountymd.gov/>

2.2 ProjectBox Electronic Plan Review (ePlan) is a web-based document workflow solution that allows citizens and County staff to initiate and complete the building permit plan submission, review and approval process online.

2.3 The Health Department has provided the County Department of Development Review and Planning with review guidelines for all submittals. This review will consist of verifying that all Health Department requirements are satisfied. If the submittal is missing information, the project will be pushed back to the applicant prior to being assigned to the Health Department (or any other reviewing agency).document workflow solution that allows citizens and County staff to initiate and complete the building permit plan submission, review and approval process online.

2.4 Inter Public Sector (IPS) is the system utilized by the County Planning and Permitting Department alongside Project Box to initiate and complete the building permit plan submission, review and approval process online.

2.5 Based on the criteria and parcel data included within the submittal, the Department of Development Review and Planning assigns the project to all relevant agencies for review and approval. Submittals can be assigned to multiple agencies simultaneously. Reviewers are assigned a deadline that is 15 days after the date in which the submittal is assigned to the reviewing agency.

2.6 The To-Do List within IPS provides a dashboard of all projects that have been assigned to a given reviewer.

2.7 If any of the submitted documents were changed to the 'Resubmit' status, the applicant is required to address the comments and upload a updated document to ProjectBox.

2.8 Once application documentation is changed to the 'Approved' status, the task is removed from the to-do list within Project Box.

2.9 Depending on the type of sub-division plans submitted, the Health Department may not require a paper copy of the submittal documentation. If the plan involves well and septic, a paper copy will be required.

2.10 The Program Manager, Community Services & Development review picks up mylars from the County approximately once a week. Occasionally, mylars will be delivered to the Health Department.

Notes (1/2)

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**Frederick County Government
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Permitting**

Notes

- 4.1 The Well and Septic Program Manager assigns residential building permits to her staff based on the location of the property.
- 4.2 As a part of the site visit, the Well and Septic Program Manager reviews items such as verifying the site is stated correctly and aligns with the plan, observing the Septic and well location, etc.
- 4.3 The applicant can select to either submit their samples to a State lab or a private lab. Typically, when applicant's require a quick turnaround time, a private lab is used, as they are able to turn around results faster than the State lab.
- 4.4 For samples that passed with no deviations, the Program Manager, Community Services/Development Review also has the authority to sign the Certificate of Potability.
- 4.5 If a deviation is identified, the deviation is noted on the Certificate of Potability. Any Certificate's with a noted deviation are also required to be submitted to the Courthouse.