

# Board of County Commissioners

## Agenda Request

Date of Meeting: February 17, 2009

Date Submitted: January 30, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
William Wright, Planning Technician

Subject: Board Consideration of Request for Vearil Family Enclave Agreement

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### **Statement of Issue:**

This agenda item provides the Board with a request to consider a Family Enclave Agreement between the Board of County Commissioners and Wayne and Sandra Vearil and Mathew and Rena Vearil.

### **Background:**

The Vearil's own an 8.97 acre parcel located at 441 Edgar Poole Road. Their daughter-in-law, Rena Vearil, has serious health issues, and needs assistance with childcare and home maintenance, and transportation for medical appointments and other necessities. If approved the family will be permitted to install a second dwelling (mobile home) for the period of one year. Staff notes that the Family Enclave Agreement Policy and Procedure, adopted August 3, 1998, requires that "No enclave agreement shall be extended beyond a period of one year unless a new hardship is established." This Policy and Procedure has been loosely enforced in the past, with staff completing an annual renewal of all active Agreements if the hardship was stated by the property owner to be ongoing. On this note, staff provided a status report to the Board at their August 6, 2007 public hearing, which explained staff's process and provided suggested Policy and Procedure changes. No Board action occurred on this matter.

The Vearil's son and daughter-in-law and their four children would reside in the additional mobile home and receive assistance from Wayne and Sandra Vearil. The property is served by a well and an on-site septic tank. The proposed mobile home could tie into these existing facilities or they may be required to install a new well and septic tank, as determined by the Environmental Health Department.

### **Analysis:**

This property is zoned RR-5, which is a Rural Residential zoning district, and has Rural 1 Future Land Use. This RR-5 zoning allows one site-constructed home or mobile home per five acres. The Rural 1 Land Use allows one unit per 10 acres on an unpaved road, such as Edgar Poole, or 1 unit per 5 acres if the road is a paved County or State-maintained roadway. The property falls in the "C" FEMA flood zone and as such is considered to be at risk for minimal flooding. As shown in the attached Affidavit,

the property owners have provided a notarized, sworn statement showing the need of the family members. It will be the responsibility of the Planning and Community Development Department to ensure the terms of the Agreement, should it be approved, are followed per County regulations. The Department contacts the Enclave Agreement parties annually to ensure compliance. Attached is a copy of the Policy and Procedures for Family Enclaves.

**Options:**

1. Approve the Vearil's Family Enclave Agreement.
2. Continue the Vearil's Family Enclave Agreement.
3. Do not approve the Vearil's Family Enclave Agreement.
4. Board direction.

**Recommendation:**

Option #1

**Attachments:**

1. Family Enclave Application
2. Family Enclave Agreement
3. Family Enclave Agreement Affidavit
4. Property Deed
5. 911 Map
6. Family Enclave Agreement Policy and Procedures
7. Status of Family Enclave Agreements Spreadsheet

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