

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

<b>Department:</b> Planning		<b>Agenda Date:</b>
<b>Category:</b> Timed Agenda Item – 11:00 a.m.		<b>June 5, 2018</b>
<b>Contact:</b> Brett Waggoner		Phone: 775-751-4249
<b>Return to:</b> Brett Waggoner		<b>Location:</b> Planning
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$ and terms))		
Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-07: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to the standards for the placement of Manufactured Homes and Factory-Built Homes; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.		
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)		
Staff recommends adoption with an effective date of June 25, 2018.		
<p><b>Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.</b></p>		
<p><b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)</p> <p><input checked="" type="checkbox"/> No financial impact</p>		

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	<i>RB</i> Date 04-24-18
4.	Date	9. Finance	<i>Na</i> Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda <i>S</i> Date

ITEM # 10

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

**Meeting Date:** June 5, 2018

**AGENDA ITEMS**

**11:00 - For possible action:** **Public Hearing**, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2018-07: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to the standards for the placement of Manufactured Homes and Factory-Built Homes; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.

**GENERAL INFORMATION SUMMARY**

The PRPC recommended adoption of this Bill on February 14, 2018.

Staff recommends adoption with an effective date of June 25, 2018.

Attached is the proposed Bill.

**RPC**

**RPC Minutes from 2-14-2018:**

**For possible action:** Discussion, deliberation and possible direction to staff regarding proposed standards for the placement of Manufactured Homes.

Steve Osborne reviewed the staff changes. It applies to all of Nye County and there are a few sections that are specific to the PRPD. On page 2, section 2 the bill is proposing that within the PRPD in the smaller zoning districts, the RE and VR zoning district, it shows what is under the NRS. Manufactured homes not older than 6 years old, more than one section, more than 1,150 sq. ft. of living area and installed on a permanent foundation. Section 3, manufactured homes on larger lot sizes, the RH and RE-2 zones, have the same requirements but manufactured homes can be 10 years old and homes older than 10 and up to 20 years old could be allowed if they are refurbished. There are requirements for outside the PRPD, but that doesn't apply to this board.

Commissioner Hafen stated he would like to go over the rest even though they have no jurisdiction over that section, they would just like to provide comments.

Mr. Osborne stated manufactured homes that are outside the PRPD would comply with the same NRS requirements unless, for example in Amargosa, if the ATB adopt their own guidelines then those would be the guidelines followed. This doesn't apply to mobile home parks or subdivisions that have their own CC & R's that allow for different standards for manufactured homes.

Commissioner Blundo stated under # 2 & #3 it must consist of 1,150 sq. ft. of living area. Is this a standard size?

Mr. Osborne stated the NRS specifies the home must be 1,200 sq. ft. unless the governing body approves a lesser amount. He believes the 1,150 is the smallest manufactured home that would have multiple sections.

Commissioner Hafen stated for clarification that we are trying to be more lenient than the NRS and it grants us the authority to be more lenient.

Gerald Schulte stated a little history behind NRS 278. There was senate bill 232 back in 1999, he was part of that. This law was created because in parts of Nevada there were a lot of older subdivisions that had owners wanting to put a manufactured home there. They can now comply with CC&R's by tiling the roof, and stucco. Clark County discriminated against MH and they lost. There is a lot of intent behind this that no one understands. Nye County never discriminated against MH. They can build a multi-section out of 900 Sq. Ft. He stated he is all for this and it will clean up the town, it will get rid of the house that were built for MHP, and it will help him sell homes. It should be down to 960 sq. ft, there are a lot of seniors that are on a budget. Nye County wants to them to be converted because they want tax revenue. Not everyone can get a FHA, VA type mortgage that converts the home. Nye County needs to look at that in a different aspect.

Dwight Lilly stated there is no language that grandfather's existing homes. If they are wanting to sell their investments does this mean they would have to comply with the requirements for instance putting a MH on a foundation. Many homes have decks built around them and they would have to tear them down to put them on a foundation. He would like to see language added to protect those existing owners. If they try to see it they could have someone from the County telling them they have to come into compliance and put it on a foundation. Some of these are 25 – 30 years old and are still livable, there is nothing wrong with them. If you leave the language the way it is, it gives owners no protection for what is existing.

Public comment closed at 7:08 pm.

Mr. Lacy stated the ordinance specifically states this is for new installation of MH. Existing homes that are currently installed are not affected by this ordinance. Clark County and California have restricted use of older MH. There are older MH's being sold cheap and we were one of the few jurisdictions where they would bring them because we didn't have these regulations in place.

Commissioner Hafen stated under the grandfathered section of the code and the development standards are uses existing prior to the code adoption are either conform or are illegally non-conforming. This is only applied to new.

Commissioner Koenig stated grandfathering is a non-issue. It is the same as a stick built house that was built 20 years ago and doesn't conform to the code today but is grandfathered in. There is nothing in the code that says grandfathered, but that is what the section of the code does. If Mr. Schulte can put together a 960 sq. ft. home he would recommend that if they adopt this they change that to be 960 feet so he doesn't have to change it later.

Commissioner Hafen asked if we have dimension of what 960 sq. ft is.

Commissioner Koenig stated half the house would be half of 960. Commissioner

Blundo asked if 960 is the most typical of the manufactured.

Mr. Schulte stated he could go smaller.

Commissioner Hafen stated yes.

Commissioner Adams stated primarily it is the lenders that tell you what needs to be done with the house. He doesn't know how you could go back to 1999 and approve everything that was built without permits. If it is there it is grandfathered.

Commissioner Hafen stated section 8 on page 3, they are just providing comments, because it is outside the PRPD. It talks about not needing an engineered pad design or a soils report, he isn't sure how the soils are outside the PRPD and has a problem recommending it for approval without an expert. He has concerns with section 8 and would like those comments passed to the BOCC.

Commissioner Koenig stated the comment is noted.

Commissioner Hafen stated another question he has is a section that talks about a permanent foundation in the PRPD. He asked for clarification that they aren't waiving anything but they want the structural walls and back fill then converted to real property.

Mr. Lacy stated that is correct.

Commissioner Hafen stated this is a whole new section, nothing is being deleted from County Code and they are trying to be more lenient than the state law allows. There was a suggestion to bring it down to 960 sq. ft. if that is the desire of the board.

Commissioner Adams motioned to recommend approval to the BOCC 17.04.820 as written with amendments of the minimum size of the home being 960 sq. ft. Seconded by Commissioner DeAnda.

Commissioner Hafen asked for clarification on his motion that his making recommendation of the sections 1 – 3 and providing comments for the sections outside the PRPD.

Commissioner Adams stated not having authority outside the PRPD they are making individual comments on the section.

Commissioner Blundo asked for clarification that the 960 sq. ft. would be reflected in section 2.e and 3.b.

Commissioner Adams stated yes.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Beth Lee, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

**Excused:** Derek Fowler.

## RECOMMENDATION

**Recommended BOCC Motion:** "I move to adopt Bill 2018-07 with an effective date of June 25, 2018."

**DRAFT**

BILL NO. 2018-07

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, by adding Section 17.04.820 relating to the standards for the placement of Manufactured Homes and Factory-Built Homes; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, COMPREHENSIVE LAND USE PLANNING AND ZONING, BY ADDING SECTION 17.04.820 RELATING TO THE STANDARDS FOR THE PLACEMENT OF MANUFACTURED HOMES AND FACTORY-BUILT HOMES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (“Board”) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals and the general welfare of the residents of Nye County, the Board is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

**WHEREAS**, the Board finds these changes to be appropriate and an improvement to the regulations;

**NOW, THEREFORE**, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**NYE COUNTY CODE TITLE 17 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions and modifications** shown in underscored blue font:

**17.04.820: MANUFACTURED HOMES AND FACTORY-BUILT HOMES:**

A. Intent: Manufactured homes and factory-built homes installed within the Pahrump Regional Planning District (“PRPD”) must comply with the requirements of federal law, Nevada state law, and Nye County Code unless a waiver or exception specified in this section is granted under the terms of this section.

B. Scope: This section applies to all installations of manufactured homes and factory-built homes within the PRPD. This section does not apply to manufactured homes or factory-built homes installed in approved manufactured home parks or subdivisions, which have been designed or designated, or both, for manufactured homes or factory-built homes with alternative standards approved and memorialized in CC&Rs, park rules or an approved Special Plan of Development.

C. Manufactured Homes And Factory-Built Homes Placed In Certain Zoning Districts:

1. Manufactured homes and factory-built homes placed within the PRPD in the RE-1, SE and all VR Zoning Districts must:
  - a. Be permanently affixed to the land and converted to real property through the Assessor's Office;
  - b. Be manufactured within the six (6) years immediately preceding the date on which it is affixed to the land;
  - c. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings within 1000 feet of the property line on which the manufactured home or factory-built home will be affixed;
  - d. Consist of more than one section;
  - e. Consist of at least 960 square feet of living area; and
  - f. Be installed on an approved permanent foundation with perimeter supporting wall in compliance with Nevada Manufactured Housing Division Standards and exterior backfilled to within twelve inches (12") of the floor elevation.
2. Manufactured homes and factory-built homes placed within the PRPD in the RH-9.5, RH-4.5 and RE-2 Zoning Districts must:
  - a. Be permanently affixed to the land and converted to real property through the Assessor's Office;
  - b. Be manufactured within the ten (10) years immediately preceding the date on which it is affixed to the land;
  - c. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings within 1000 feet of the property line on which the manufactured home or factory-built home will be affixed;
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D. Applications For Approval Of Installation Of Manufactured Homes Or Factory-Built Homes:

1. Generally: Except when specifically set out otherwise in this section, applications for approval of the installation of a manufactured home or factory-built home shall be filed with and on

forms provided by the Planning Department, which is charged with responsibility for its receipt, fee collection, if any, processing and distribution.

2. Application Requirements: The application for approval of the installation of a manufactured home or factory-built home must include the following:

- a. Name of applicant;
- b. Name of the manufacturer of the manufactured home or factory-built home;
- c. Model number and serial number of the manufactured home or factory-built home;
- d. Manufacture date (month and year); and
- e. Photographs of the manufactured home or factory-built home (interior and exterior), if the manufactured home or factory-built home is more than six (6) years old at the time of the proposed installation.

E. Waivers and Exceptions:

1. Waivers:

- a. The Pahrump Regional Planning Commission ("PRPC") may grant a waiver, in accordance with section 17.04.915 of Nye County Code, for the installation of any manufactured home or factory-built home that does not conform with the Design Standards enumerated in section C(1)(c), (d), or (e) or section C(2)(c), (d), or (e), above.

2. Exceptions:

- a. An exception to section C(2)(a) or C(2)(f), or both, may be granted for elevated (above-ground) installations only in FEMA designated flood zone areas, areas of poor soils, or rough terrain where permanently affixing to the land is not practical, provided installation would not have an adverse impact on surrounding properties. The Planning Director shall determine whether an exception shall be granted. If the applicant disagrees with the Planning Director's determination, the applicant may appeal the Planning Director's decision in accordance with Title 16, Chapter 16.36 of Nye County Code.

F. Under no circumstances shall the placement of a pre-HUD mobile home (factory-built homes produced prior to the June 15, 1976 United States Department of Housing and Urban Development manufactured home construction standards) be allowed anywhere within the PRPD.

G. Compliance With Applicable Laws: All manufactured homes and factory-built homes must be installed in accordance with federal and Nevada state regulations and Nye County Code, inspected by the appropriate government agencies, and have the appropriate Installation Labels placed in the windows, as required by the Nevada Housing Division, Manufactured Housing, prior to occupancy.

H. Pad Design Requirements: A manufactured home owner or factory-built home owner and installer must follow the pad design requirements in the Nye County Building Code applicable to the location of the installation. The owner may request a waiver from soils reports and engineered pad design from Nye County Building and Safety by using an approved alternative design and signing the appropriate waiver request affidavit.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or

provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2018.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY:

John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST:

Sandra L. "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board

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  - d. Manufacture date (month and year); and
  - e. Photographs of the manufactured home or factory-built home (interior and exterior), if the manufactured home or factory-built home is more than six (6) years old at the time of the proposed installation.
- E. Waivers and Exceptions:
  1. Waivers:
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    - a. An exception to section C(2)(a) or C(2)(f), or both, may be granted for elevated (above-ground) installations only in FEMA designated flood zone areas, areas of poor soils, or rough terrain where permanently affixing to the land is not practical, provided installation would not have an adverse impact on surrounding properties. The Planning Director shall determine whether an exception shall be granted. If the applicant disagrees with the Planning Director’s determination, the applicant may appeal the Planning Director’s decision in accordance with Title 16, Chapter 16.36 of Nye County Code.
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**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or

provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

Proposed on the \_\_\_\_ day of \_\_\_\_\_, 2018.

Proposed by: Commissioner \_\_\_\_\_.

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY:

John Koenig, Chairman  
Nye County Board of  
County Commissioners

ATTEST:

Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board