

NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

Department: Planning		Agenda Date:	
Category: Timed Agenda Item – 11:00 a.m.		February 5, 2019	
Contact: Brett Waggoner		Phone: 775-751-4249	Continued from meeting of:
Return to: Brett Waggoner	Location:		Phone:
Action requested: (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. 2019-01: A Bill proposing to amend Nye County Code Section 15.17.060, Minimum Standards for Manufactured Homes; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)			
Staff recommends adoption of the Bill with an effective date of February 25, 2019.			
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.			
Expenditure Impact by FY(s): (Provide detail on Financial Form)			
<input checked="" type="checkbox"/> No financial impact			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

☒ Place on Agenda

ITEM # 10

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

Meeting Date: February 5, 2019

AGENDA ITEMS

11:00 - For Possible Action — Public Hearing, discussion and deliberation to: 1) Adopt, amend and adopt, or reject Nye County Bill No. 2019-01: A Bill proposing to amend Nye County Code Section 15.17.060, Minimum Standards for Manufactured Homes; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Set an effective date.

GENERAL INFORMATION SUMMARY

BACKGROUND: Nevada State law (NRS 278.02095) requires that a governing body “shall adopt standards” for the placement of a manufactured home (that will not be affixed to a lot within a mobile home park) which require that:

The manufactured home must be permanently affixed to a residential lot; be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot; 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 in the immediate vicinity of the manufactured home, as established by the governing body; consist of more than one section; and consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and if the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

However, the governing body of a local government in a county whose population is less than 45,000 may adopt standards that are less restrictive than the standards set forth above.

Since Nye County’s population is less than 45,000 it may adopt less restrictive standards than those set forth in the NRS – which this proposed Bill does. Adoption of this Bill will allow for more lenient restrictions than those specified in the NRS.

Staff recommends adoption with an effective date of February 20, 2019.

Attached are letters received from the Towns of Amargosa Valley, Beatty and Gabbs.

Attached is the proposed Bill.

RPC

N/A - Not Applicable. This Bill doesn't apply to the PRPD.

RECOMMENDATION

Recommended BOCC Motion: "I move to adopt Bill 2019-01 with an effective date of February 20, 2019."

DRAFT

BILL NO. 2019-01

NYE COUNTY ORDINANCE NO. _____

SUMMARY: A Bill proposing to amend Nye County Code Section 15.17.060, Minimum Standards for Manufactured 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 SECTION 15.17.060, MINIMUM STANDARDS FOR MANUFACTURED 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 County 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 SECTION 15.17.060 IS HEREBY AMENDED AS FOLLOWS, with ~~Deletions~~ shown in strike-through red font, and additions and modifications shown in underscored blue font:

15.17.060: MINIMUM STANDARDS FOR MANUFACTURED HOMES:

- A. The following minimum standards shall apply to the placement of a ~~new or used~~ manufactured home that will not be affixed to a residential lot in a mobile home park:
1. A soils report shall be required for the pad site and the manufactured home pad shall be certified by a professional engineer, pursuant to Nye County Building Code applicable to the location of installation;

2. A manufactured home shall be permanently affixed to a residential lot by the use of poured in place reinforced concrete footings, and shall be mechanically connected or anchored in accordance with the manufacturer's specifications and the requirements of the manufactured housing division of the Nevada department of business and industry State of Nevada Housing Division, Manufactured Housing; and (Ord. 374, 2009)
3. A manufactured home shall be manufactured within the twenty (20) years immediately preceding the date on which it is affixed to the residential lot.

B. Waivers and Special Exceptions:

1. The installation of any manufactured home more than twenty (20) years old on the date which it is affixed to the residential lot shall require approval of a Waiver application by the Planning Director. When applicable, Town Boards, both elected and advisory, may make a recommendation of either approval, approval with conditions, or denial to the Planning Director prior to the Planning Director making a decision on the Waiver application.
2. An exception to sections A(1), (2), (3), or a combination thereof, may be granted to promote affordable housing options or 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. If an exception to section A(1) is applied for, the manufactured home owner must receive an approval of an alternative pad design from the Nye County Building and Safety Department. 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.

C. Under no circumstances shall the new 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 Nye County.

D. Compliance With Applicable Laws: All manufactured homes must be installed in accordance with Federal and Nevada state regulations and Nye County Code, inspected by the appropriate government agency, and have the appropriate Installation Label(s) placed in the window, as required by the Nevada Housing Division, Manufactured Housing, prior to occupancy.

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

DRAFT

BILL NO. 2019-01

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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:

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2. A manufactured home shall be permanently affixed to a residential lot by the use of poured in place reinforced concrete footings, and shall be mechanically connected or anchored in accordance with the manufacturer's specifications and the requirements of the State of Nevada Housing Division, Manufactured Housing; and (Ord. 374, 2009)
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1. The installation of any manufactured home more than twenty (20) years old on the date which it is affixed to the residential lot shall require approval of a Waiver application by the Planning Director. When applicable, Town Boards, both elected and advisory, may make a recommendation of either approval, approval with conditions, or denial to the Planning Director prior to the Planning Director making a decision on the Waiver application.
 2. An exception to sections A(1), (2), (3), or a combination thereof, may be granted to promote affordable housing options or 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. If an exception to section A(1) is applied for, the manufactured home owner must receive an approval of an alternative pad design from the Nye County Building and Safety Department. 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.
- C. Under no circumstances shall the new 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 Nye County.
- D. Compliance With Applicable Laws: All manufactured homes must be installed in accordance with Federal and Nevada state regulations and Nye County Code, inspected by the appropriate government agency, and have the appropriate Installation Label(s) placed in the window, as required by the Nevada Housing Division, Manufactured Housing, prior to occupancy.

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



11-26-18A10:25 RCVD

TOWN OF AMARGOSA VALLEY, NEVADA

Distributed To:

Bocc

Sutton

Lorina

Brett

Sarah / Anvold

Melissa

Nye County Board of Commissioners
Nye County Planning Department

Subject: Proposed Nye County Code Section 15.17.060, Minimum Standards for Manufactured Homes

In the Amargosa Town Board Meeting, held November 15, 2019, we adopted the following resolution with a vote of 5 -0.

Whereas, the Amargosa Town Board finds that NRS 278.02095 was originally enacted in 1999;

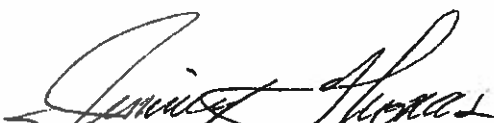
Whereas nearly two decades have elapsed since this statute relating to manufactured homes was enacted by the Nevada Legislature;


Whereas the Nevada Legislature intended that restrictions not be placed on the installation of manufactured homes if it would impede the provision of affordable housing;

Whereas the current population of Nye County is estimated to exceed or will shortly exceed 45,0000;

Therefore, be it resolved that the Amargosa Town Board requests that Nye County table consideration of the draft ordinance until:

- (1) The Nevada Legislature increases the population threshold to a number significantly higher than 45,000 to ensure that either the Nye County Commission or any locally elected Town Board might qualify to adopt regulations less restrictive than those in NRS 278.02095;
- (2) The completion of an economic study of each community in Nye County that may be affected by an amendment to Ordinance 374 and its impact on the provision of affordable housing pursuant to NRS 278.02095(3); and
- (3) Each community has had a sufficient opportunity to pass its own ordinance or to be otherwise exempted from a general ordinance if such Town Board or Town Advisory Board so determines.


Jimmy Thomas, Chairman
Amargosa Valley Town Board


PJ Marshall
Amargosa Valley Town Board
821 East Farm Road, Amargosa Valley, NV 89020

Beatty Town Advisory Board
PO Box 837
Beatty, Nevada 89003
775-553-2050



Brett Waggoner
Director of Planning
Nye County
bwaggoner@co.nye.nv.us

November 19, 2018

Director Waggoner,


Our review and discussion of the bill draft proposing to amend Nye County Code Section 15.17.060, Minimum Standards for Manufactured Homes has resulted in our support of this amendment.

The Beatty Town Advisory Board and the residents of Beatty appreciate the steps your department has taken to comply with the spirit of the Nevada Revised Statutes while considering and addressing the need for affordable housing and reasonable standards in Beatty and throughout rural Nye County.

We would also like to thank you for your commitment to and execution of allowing all Nye County communities to weigh in on amendments and changes to County Ordinances that directly impact them prior to those amendments being placed on a Nye County Board of Commissioners agenda to set a public hearing or hold one.

Should you have any questions please feel free to contact the Beatty Town Office at 775-553-2050 or email beatty@beattynv.com.

Sincerely,


Dick Gardner
Beatty Town Advisory Board Chair

cr/DG

cc: T. Sutton; County Manager, T. Dahl; Public Works Director, A. Bellow; District Attorney; L. Wichman; Commissioner, J. Koenig Commission Chair



TOWN of GABBS
P.O. BOX 86
503 BRUCITE STREET
GABBS, NEVADA 89409-0086

Phone (775) 285-2671

November 29, 2018

Celeste Sandoval
Administrative Secretary
Nye County Planning Department
250 N. Hwy 160, Ste. 1
Pahrump, NV 89060

RE: Manufactured Homes Bill Draft

Dear Ms. Sandoval,

The Gabbs Town Advisory Board at their meeting on November 14, 2018 came together and discussed the changes proposed to the Manufactured Home Bill.

It was the decision of the Gabbs Advisory Board that the changes increased the amount of regulations on owners and was unnecessary.

The Gabbs Advisory Board takes the official position of opposing the ordinance as presented.

Sincerely,

Town of Gabbs Advisory Board