



## NYE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

<b>Department:</b> Planning/Code Compliance	<b>Meeting Date:</b>
<b>Category:</b> Timed Agenda Item - 10:00 a.m.	November 7, 2023
<b>Prepared by:</b> Qiana Medici	<b>Phone:</b> (775) 751-4242
<b>Presented by:</b> Brett Waggoner	<b>Phone:</b> (775) 751-4249

**Action requested:** (Include what, with whom, when, where, why, and terms)

Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2023-14: A Bill Proposing to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article VI, titled Development Standards, Section 17.04.820, titled Manufactured Homes and Factory-Built Homes, amending section 17.04.820(C)(1)(d & e); and providing for the severability, constitutionality, and effective date thereof; and other matters properly related thereto.

**Complete description of requested action:** (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Adoption of this Bill would allow the changes made in Senate Bill 40 (SB40) "changing Section 19, NRS 278.02095 changing NRS 278.02095(2)(a)(4 & 5)"; to be reflected in Nye County Code Title 17 and consist of a manufactured home or factory-built home to be one or more sections to be placed and consist of at least four hundred (400) square feet of livable space, to be placed within the Pahrump Regional Planning District in certain zoning districts: RH-9.5, RH-4.5, RE-2, RE-1, SE, all VR zoning districts.

**Recommendation:**

Staff recommends approval of Bill 2023-14.

### Financial Impact

Cost:	Fund Name:	Fund #:
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	FY:	<input type="checkbox"/> One-Time <input type="checkbox"/> Recurring
Comments:		

### Review & Approval

Legal Review Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal Approval Received: <input checked="" type="checkbox"/>	Date: 9/27/23
Financial Review Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Submitted to Finance: <input type="checkbox"/>	Date:
Administrative Manager Review: <input checked="" type="checkbox"/>	Place on Agenda: <input checked="" type="checkbox"/>	Initials: ST

Item # 13

BILL NO. 2023- 14

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

**SUMMARY:** A Bill to amend Nye County Code Title 17, titled Comprehensive Land Use Planning and Zoning, Chapter 17.04, titled Pahrump Regional Planning District, Article VI, titled Development Standards, Section 17.04.820, titled Manufactured Homes And Factory-Built Homes, amending section 17.04.820(C)(1)(d & e) by changing the requirements for Manufactured homes and factory-built homes; and providing for the severability, constitutionality, and effective date thereof; and other matters property relating there to.

**TITLE:** A BILL TO AMEND NYE COUNTY CODE TITLE 17, TITLED COMPREHENSIVE LAND USE PLANNING AND ZONING, CHAPTER 17.04, TITLED PAHRUMP REGIONAL PLANNING DISTRICT, ARTICLE VI, DEVELOPMENT STANDARDS; SECTION 17.04.820, TITLED MANUFACTURED HOMES AND FACTORY-BUILT HOMES, AMENDING SECTION 17.04.820(C)(1)(D & E) BY CHANGING THE REQUIREMENTS FOR MANUFACTURED HOMES AND FACTORY-BUILT HOMES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERTY RELATING THERE TO.

**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, or the general welfare of the community 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;

**WHEREAS**, the Governor approved Senate Bill 40 (SB40) changing Section 19 NRS.278.02095 changing NRS 278.02095.(2)(a)(4 &5);

**WHEREAS**, the Board finds this change to be appropriate and an improvement to the regulations

**NOW THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate, and order compliance therewith within the Pahrump regional Planning District of Nye County the following amendments and regulations:

**NYE COUNTY CODE 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

1. 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 this Code unless a waiver or exception specified in this section is granted under the terms of this section.
2. 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.
3. 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:
    1. Be permanently affixed to the land and converted to real property through the Assessor's Office;
    2. Be manufactured within the six (6) years immediately preceding the date on which it is affixed to the land;
    3. 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 one thousand feet (1,000') of the property line on which the manufactured home or factory-built home will be affixed;
    4. Consist of one or more sections;
    5. Consist of at least four hundred (400) square feet of living area; and
    6. 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:
    1. Be permanently affixed to the land and converted to real property through the Assessor's Office;
    2. Be manufactured within the ten (10) years immediately preceding the date on which it is affixed to the land;
    3. 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 one thousand feet (1,000') of the property line on which the manufactured home or factory-built home will be affixed;
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4. 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:
  1. Name of applicant;
  2. Name of the manufacturer of the manufactured home or factory-built home;
  3. Model number and serial number of the manufactured home or factory-built home;
  4. Manufacture date (month and year); and
  5. 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.
5. Waivers And Exceptions:
  1. Waivers:
    1. The Pahrump Regional Planning Commission ("PRPC") may grant a waiver, in accordance with section 17.04.915 of this chapter, for the installation of any manufactured home or factory-built home that does not conform with the design standards enumerated in subsection C1c, C1d, or C1e or C2c, C2d, or C2e of this section.
  2. Exceptions:
    1. An exception to subsection C2a or C2f of this section, 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 this Code.
6. Pre-HUD Homes: 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.
7. Compliance With Applicable Laws: All manufactured homes and factory-built homes must be installed in accordance with Federal and Nevada State regulations and this 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.
8. Pad Design Requirements: A manufactured home owner or factory-built homeowner and installer must follow the pad design requirements in the Nye County Building Code applicable to the location of the installation.

**SEVERABILITY.** If any provision of this ordinance or amendments thereto, or the application there 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 27<sup>th</sup> day of November, 2023.

Proposed on the 10<sup>th</sup> day of October, 2023

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

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2023

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_

Bruce Jabbour, Chair  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Mark F. Kampf  
Clerk and Ex-Officio  
Clerk of the Board

DRAFT  
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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.

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Proposed on the 10<sup>th</sup> day of October, 2023

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

Adopted on the \_\_\_\_ day of \_\_\_\_\_, 2023

Vote: Ayes:	Commissioners:
Nays:	Commissioners:
Absent:	Commissioners:

BY: \_\_\_\_\_

Bruce Jabbour, Chair  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Mark F. Kampf  
Clerk and Ex-Officio  
Clerk of the Board