

DRAFT

9/24/08

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
SEPTEMBER 23, 2008

The Henderson County Board of Commissioners met for a special called meeting at 7:00 p.m. in the Commissioners' meeting room at the Historic Courthouse on Main Street.

Those present were: Chairman Bill Moyer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Charlie Messer, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, Planning Director Anthony Starr, Senior Planner Autumn Radcliff, Deputy Clerk to the Board Teresa Wilson, Clerk to the Board Libby Corn, Associate County Attorney Sarah Zambon, County Attorney Russ Burrell and Public Information Officer Pam Brice.

SPECIAL CALLED MEETING: PUBLIC HEARING FOR LDC TEXT AMENDMENT 2008-04 REGARDING MANUFACTURED HOME REGULATIONS

Chairman Moyer called the meeting to order and stated that this is a special called meeting, public hearing for the Land Development Code Text Amendment regarding manufactured home regulations.

Commissioner Williams made the motion that the Board go into public hearing. All voted in favor and the motion carried.

PUBLIC NOTICE:

Before taking action on the request, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 23, 2008, public hearing regarding text amendment #TX-2008-04, were published in the Hendersonville Times-News on September 3, 2008 and September 10, 2008.

Overview & Recommendation by Planning Staff

Planning Director Anthony Starr stated that On March 27, 2008, the Board held a public hearing on amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code (LDC). During the hearing, several requests was made that the Board of Commissioners consider the issue of the existing manufactured homes standards and the exclusion of manufactured homes from certain zoning districts. At the request of the Board, Staff has proposed the attached text amendment (#TX-2008-04) to the Land Development Code to allow multi-section manufactured homes in all residential zoning districts with additional standards.

**LDC Text Amendment
TX-2008-04, Allow Multi-section
Manufactured Homes in all
Residential Zoning Districts**

Board of Commissioner Meeting
September 23, 2008

DATE APPROVED: _____

Issue

During the March 27, 2008 public hearing, the issue of the existing manufactured home standards and the exclusion of manufactured homes from certain zoning districts were discussed. Several requests were made to allow manufactured homes in the R1 and R2 zoning districts with additional standards and requirements. Currently, manufactured homes (singlewide, multi-section, and mobile homes) are allowed in the R2MH, R3, and R4 zoning districts with standards as outlined in SR 1.5.

Recommended Solution

Change the permitted use table and the zoning district regulations to allow multi-section manufactured homes in the R1, R2, R40, WR and LC zoning districts. In addition, change the supplemental requirements for manufactured homes (SR 1.5) to require masonry underpinning on multi-sectioned units.

Text Amendment TX-2008-04:

- **Issue:** Concerns raised during 3-27-08 public hearing. Requests were made that BOC allow manufactured homes in the R1 & R2 zoning districts with additional standards. BOC directed staff to review the issue.
- **Solution:** Allow multi-section manufactured homes in the R1, R2, LC, R-40, and WR zoning districts & require these homes to have masonry underpinning. Vinyl or metal underpinning would not be allowed.

Modular Homes are allowed in any zoning district that allows a single-family dwelling unit. Because it meets the same construction standards this Board cannot impose additional safety or building codes requirements; that area is solely regulated by the State. This Board can only regulate the esthetics.

The pictures provided show that there are limited differences even to the trained eye. It is difficult to make distinctions between the homes; at times the only way to distinguish between the two is to examine the certification in the home determining whether it was built to State building code standards or to HUD standards.

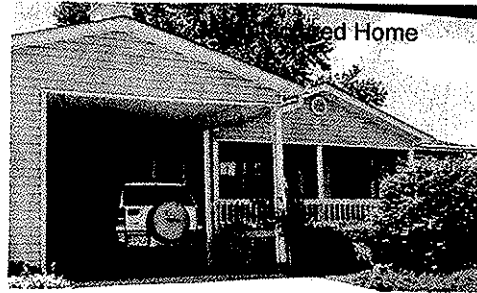
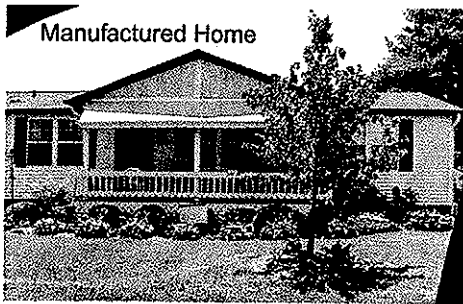
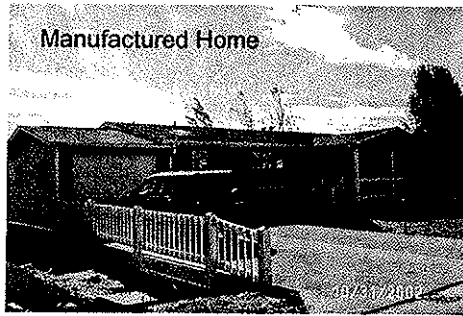
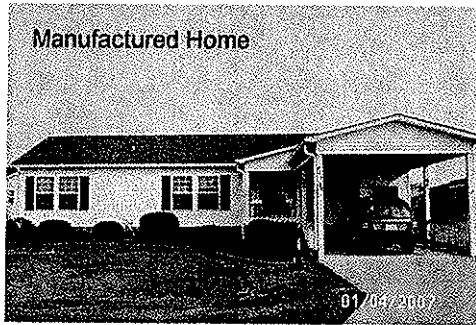
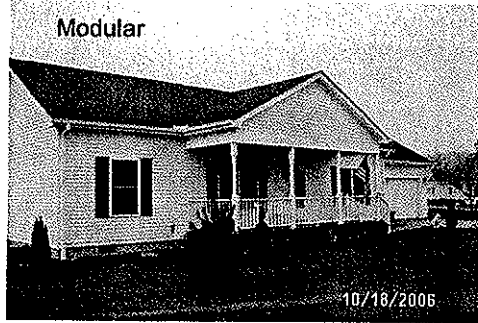
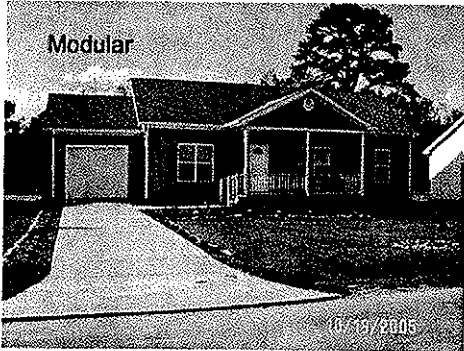
In examining this issue, staff looked at what they were accomplishing with the current regulations. Through study they realized that if you require the masonry underpinning that is associated with modular homes then there is no visual difference between a manufactured home and a modular home.

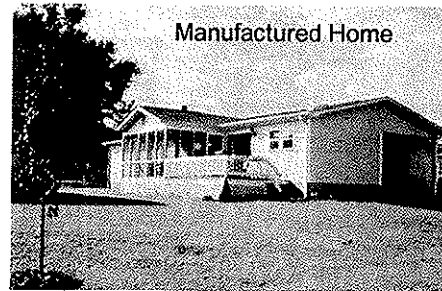
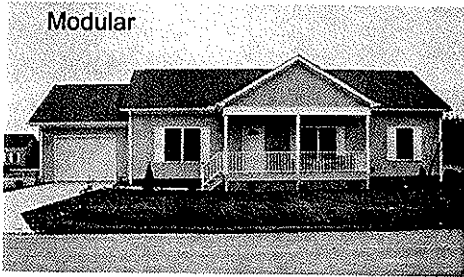
What are the differences?

- Mobile Home: Factory built home prior to 1976.
- Manufactured Home: Factory built home after 1976 that meet HUD standards.
- Modular Home: Factory built home that meets NC State Building Code Standards.
- Stick/Site Built Home: A home constructed/built on site that meets NC State Building Code Standards.

Where are they allowed?

- Modular Home: Allowed in any zoning district that allows a single-family dwelling unit.
- Manufactured Home: Allowed in the R2MH, R3, & R4 zoning districts with standards.





What are we accomplishing by restricting manufactured homes in this way? Clearly singlewides homes are a different matter; they will still be limited to the same districts that they are currently limited in, R2MH, R3 and R4. We are proposing to allow multi-section manufactured homes in all of our residential districts where we allow site built homes and modular homes.

The Henderson County Technical Review Committee (TRC) reviewed the request at its meeting on June 3, 2008 and voted 5-2 to recommend that the Board of Commissioners approve text amendment #TX-2008-04 to allow multi-sectioned manufactured homes in the R1, R2, R-40, WR, and LC zoning districts with changes to SR1.5, 4-b-2 as discussed. Those opposed to the motion stated that the older multi-sectioned manufactured homes were not built to the same quality and appearance standards as today's newer manufactured homes.

The Henderson County Planning Board first considered proposed text amendment #TX-2008-04 at its meeting on June 19, 2008 at which time the Board tabled its discussion until its July 17, 2008 meeting. On July 17, 2008 the Planning Board voted 6-0 to send the Board of Commissioners a recommendation to deny text amendment #TX-2008-04 to allow multi-section manufactured homes in the R1, R2, R-40, SW, and LC zoning districts.

Planning Staff recommends that if the Board of Commissioners is inclined, to approve text amendment #TX-2008-04 to the Land Development Code as it is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Questions from the Board

If you get a tax bill from one of these homes how is it listed?

We require the axles and tongue to be removed. This question could be best answered by the County

Assessor. Most of the time if the title is surrendered they are taxed as real property; which provides more financing options.

At the March meeting specific questions were raised in regards to the R2 and R1 zones; why was the proposal expanded to include R40, WR and LC?

This conclusion was arrived at because the areas that are currently zoned R1 and R2 were previously R20, R15 and R10 have prohibited manufactured homes as long as the R40 and the waterfront residential district. There was not an overriding justification for allowing it in those districts that used to be R15 and R20.

Is the WR district Lake Summit district?

Yes it is.

Public Input

- 1) Tom Christ – Mr. Christ is the President of the Manufactured Housing Association of Western North Carolina and they support the amendment as written. Since the last meeting, March 27, a lot has happened in the housing industry that's really put pressure on lots of people looking for affordable housing. There are statistics out today and the vast growing number of people who are spending 50% of their income on houses. We need to have affordable housing made available to as many people as possible. The financing for manufactured housing has really gotten stronger as the financing for regular stick built houses is failing. The owners of Vanderbilt and 21st Mortgage have a very good plan and his business is getting stronger as everything else crumbles. When you look at manufactured housing over the past few years and some of the worst storms have hit the Southeast, they perform at the same level as a stick built or sometimes even better. One of the problems with segregation is without segregating manufactured homes to a specific zone the value will remain high throughout the County; with a ban stick built homes in the areas where the manufactured housing is currently available will be on an equal footing with those areas where manufactured housing has been banned.
- 2) Joe Belcher – Mr. Belcher lives in Candler and is with Clayton Homes out of Knoxville. He supports this amendment. They were able to successfully petition the Commissioners in Buncombe to adopt a similar agreement. The result is creating an affordable home for 90% of the people who live in that County. He referred to an article in the paper the previous week that stated that affordable housing was scarce, yet it never mentioned their product, manufactured homes. Their houses are new and are being built to withstand up to one-hundred and fifty miles and hour winds. We do not have to have this in our area but they are up in the nineties with incredible construction. The main difference between a modular and a manufactured home is that the frames stays with a manufactured home; the tongue and axle are removed and it becomes "real property." Mr. Belcher shared photos of manufactured homes built in Buncombe County that were built to HUD standards. The price is \$150,000 and includes a \$65,000 lot price because it is in a subdivision. They are currently looking at a site in Henderson County in the Etowah area. He felt that most people would not be able to recognize a manufactured home from a modular home.

Commissioner Messer made the motion that the Board go out of public hearing. All voted in favor and the motion carried.

Board Discussion

Commissioner Messer stated that this item had been on his plate for a long time. He and his wife began their marriage in a single wide mobile home. He was impressed with the product being built in the

factories. He feels this is a must for Henderson County and a long time overdue. Affordable housing is now in the \$150,000 range. He was in support of the request.

Commissioner Young was in agreement with Commissioner Messer.

Commissioner Williams realizes that there are some people who do not like to see manufactured housing at all and only want stick built homes. This can be accomplished in subdivisions with restrictive covenants which are throughout the County. If someone wants to be in an area without a manufactured home those options remain available. This does provide an opportunity for folks that cannot afford a stick built home and he does not object to the amendment.

Commissioner McGrady stated that if all manufactured housing were like the manufactured housing being built at this time he would feel comfortable with the change. He did not feel that this was the most significant housing issue in Henderson County. He questioned why a number of residential districts were being added where there were no requests. Mr. McGrady was not comfortable with the proposal as drafted. He was against the proposal with the districts that were included.

Chairman Moyer supported the statements made by Commissioner McGrady. It was a close call for him when it was initially proposed and that was the purpose of the public hearing with respect to a couple of the districts. By adding R40 after all the issues with the Land Development Code he felt it was strongly debated with respect to manufactured homes in some districts. He felt this went against the promise to keep R40 as it was. He was against the amendment.

Commissioner Messer made the motion that the Board approves text amendment #TX-2008-04 to Chapter 200A, Land Development Code to allow multi-section manufactured homes in all residential districts with standards and with any other conditions that the Board has discussed, based on the recommendations of the Henderson County 2020 Comprehensive Plan.

Chairman Moyer questioned the motion in regards to “based on the recommendations of the Henderson County 2020 Comprehensive Plan.”

Anthony Starr explained that the State Law requires any amendment to the zoning rules or maps that a written determination regarding its consistency with the Comprehensive Plan. Either a motion to support or against requires a determination in writing and is included as a standard practice.

It was a consensus of the Board that this would be their interpretation of the plan and therefore *voted on the motion which passed 3-2 with Chairman Moyer and Commissioner McGrady voting nay.*

Adjourn

Commissioner Messer made the motion to adjourn. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman