

BOARD OF ADJUSTMENT MEETING MINUTES
City Council Chambers
401 4th Street
March 17, 2022 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

IN ATTENDANCE WERE:

Present: Clark, Lindberg, Jacobson, Johnson

Absent: Lamb

Others Remotely present: James Colvert, Building Inspector
Charlie Woodford, Applicant
Danny Christoffers, Secretary
Sarah Kleber, City Attorney

Approve Minutes of the Previous Meeting

A motion was made by Lindberg, seconded by Jacobson to approve the minutes of December 8, 2021. All ayes, motion carried.

Potential action to modify the Conditional Use Permit previously approved for RV Interim Parking in Woodford Mobile Home Park and Bridge Mobile Home Park. City Staff is requesting clarification regarding the requirements for Storm Shelters.

Garry Clark explained that at the last meeting this Conditional Use Permit was discussed in detail. Conditions were applied for the permit for RV Interim Parking. This issue regarding how to interpret one of the conditions has come up. He asked the City Attorney if RV Interim Parking is a new or old use?

Sarah Kleber, City Attorney, explained that this was previously approved as a temporary use under a different structure. It comes to the BOA as a Conditional Use, which is a different vehicle for approving that use. In order to approve that you follow your code requirements and then you may apply conditions. Those conditions were those that you individually voted on and approved in order for that use to be allowed going forward for the time period allowed.

Garry asked about whether this would be a new use as it related to the Iowa Code?

Sarah said it's understood to be a new use. Iowa Code section 364.3 is a code section which sets out specifically what the power and duties are allowed under Iowa code. Under subsection 8.a that is part of a list of limitations of the powers that the City may enforce. She read 364.3 8a and explained that it does provide for a limitation on the powers of the BOA to require a storm shelter as a condition of a Conditional Use Permit. In her interpretation is that you are not limited by that code section in putting that condition in place.

Garry explained that the conditional use permit, as previously stated, a storm shelter needs to be provided because this is a new use. He expressed a desire to modify our conditional use permit

indicated that he needs to present a plan for the construction of a storm shelter to qualify for RV Interim Parking.

Carl Johnson asked about the plan that was submitted by Charlie Woodford.

Garry said that he submitted an evacuation plan, not a construction plan. Under the new interpretation he would need to submit a construction plan to be able to use a conditional use permit for RV parking.

Richard Lindberg how soon would he be required to build it?

Garry asked what the Board would consider to be a reasonable time?

Garry expressed that this part of Iowa is subject to a large amount of tornados, the Sioux City area has a high probability of having a tornado in this area. I don't think a storm shelter is unreasonable, this is a high probability area for tornados. We know that manufactured housing is subject to devastating destruction. The mobile home park is approved because it's grandfathered in prior to 1999. The only thing that we can control is the conditional use permit for the RV Interim Parking. To allow RV parking there would have to be a plan for the construction of a Storm Shelter.

Richard said that would be pricey.

Garry expressed that the cost of a life is not cheap. He also discussed the potential liability to the city.

Carl and Garry discussed the wording of the original action as it pertains to the shelter.

Sarah Kleber said that in the original meeting there was discussion about a storm shelter, but no discussion about an evacuation plan. The confusion arose after the original action was issued because the property owner interpreted this as a storm shelter plan for residents to take shelter at another location. The interpretation of the staff members was in conflict with what was presented by the property owner. That is why this has come back to the Board of Adjustment for more detail. We would need to add language to include the construction of a storm shelter. It would be helpful to reference any FEMA standards that have been presented by the Building Inspector and a timeline.

Can we add to it that we construct it to..

Kleber motion to amend #1 of the conditional use permit to clarify that what is needed is Construction of a physical storm shelter pursuant to FEMA regulation provided by the Building Inspector on a timeline.

Motion by Jacobson, seconded by Lindberg to amend condition #1 of the Conditional Use Permit approved for the applicant Charlie Woodford for RV Interim Parking to clarify that it is required that there be the construction of a physical storm shelter pursuant to FEMA regulations according to the specification provided by the Building Inspector on a timeline based upon the City Attorney's recommendations.

Roll Call Vote to approve the motion: Clark- yes, Lamb- absent; Jacobson- yes, Johnson- yes, Lindberg- yes;

All ayes, motion carried.

Motion by Lindberg, seconded by Jacobson to develop a timeline of 1 year from the date of March 17, 2022 to submit a construction plan.

All ayes, motion carried.

There was discussion regarding whether or not this would require that the plan be submitted in one year, or that the structure would be built in one year.

Building time.

Motion by Jacobson, seconded by Johnson to clarify that construction would need to start within 18 months from the meeting of March 17, 2022. The plans need to be approved by the Building Inspector.

All ayes, motion carried.

Charlie Woodford read the following statement:

"We are all here at this meeting for the same reason, we all take pride in the community and want to see it grow and flourish. We have some of the best schools in the area, great recreation, and a small town feel with access to large town shopping and other amenities. No one has more pride in this community than my family. Our town was settled in the summer of 1848 and my family moved to Sergeant Bluff and began homesteading here in May of 1855. Woodfords have lived in this town for more than 150 years. We have taken pride in the community, been active in the school system, helped bring churches to this community, served on the volunteer fire department and even had members of our family work at City Hall.

This place has been home to us for generations and we want to continue to help our city grow and be a quality community for people of all socioeconomic backgrounds. My father started the mobile home park out of a need for housing for our military base. This grew into an entire community of people who could affordably live in our community. We take pride in the mobile home park that we have established, in fact we live in the middle of the mobile home park and ensure that it is clean, yards are maintained, and it is a reflection of our community.

Today our community has a need for a different type of housing to reflect our ever changing society. Many people in today's society have to move with their jobs and instead of buying new homes in different community or renting, they choose to purchase recreational vehicles as their housing. Thesaurus.com shows that a mobile home is a synonym for an RV, house trailer, or recreational vehicle. The homes we would like to put into the mobile home parks are no different than those that my father put in. They are a home with a chassis underneath and can range in price from \$35,000 to \$300,000 depending on the amenities that someone wants. We are not looking to add a new use to the mobile home park, we are simply going back to the original definition of a "mobile" home as a way to expand our amenities in our community, bring new residents to the community, and continue to help our economy flourish.

We have had multiple requests from people who want to be long term residents and we are not looking to start a campground. We have no restroom facilities or other perks that a campground would have. These residents would have to pay all of their utilities like all the other residents in town. They would stay for months (we would prefer years), not days or weeks and would spend money at our grocery store, gas stations, and restaurants to help our economy grow. We would be providing a service for the big businesses like CF Industry whose tax dollars help us to have the quality schools that we have today."

Charlie Woodford stated that he has two facilities within the parks, each is 950 sq ft and according to FEMA we should have 7 sq ft per home. There is a total of 1,900 sq ft, there are presently 146 homes in our facility. We can accommodate 135 homes in each shelter. One of them is the office that he lives in and one of them is 405 B St.

Charlie Woodford asked for the board to reflect on that.

Garry Clark explained that this part of the country is subject to tornadoes and mobile home parks suffer tremendous damage and loss of life. It's the responsibility of the community to provide that protection.

Charlie Woodford read the following statement:

"We have met your request within Iowa code 364.3 8a ("In lieu of requiring construction of a storm shelter, a city may require a community or park owner to provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds if the city determines that a safe place or shelter is available within a reasonable distance of the manufactured home community or mobile home park for us by community or park residents.").

Charlie Woodford discussed the City Attorney the language of Iowa Code. The City Attorney explained that the full section is longer than the excerpt provided.

Charlie Woodford read the following statement:

We have made residents aware that they have access to shelter within the mobile home park community. Our request for this was denied and the means don't justify the ends to provide a new storm shelter within our community while still providing affordable living to our community members. At this time I would like to terminate my request for a variance so that I can continue to provide an economical, clean, and safe housing community to meet the needs of the financially diverse in our city."

Motion by Jacobson, seconded by Lindberg to accept the request by Charlie Woodford to withdraw his Conditional Use Permit request to have Recreational Vehicles.

Roll Call Vote to approve the motion: Clark- yes, Lamb- absent; Jacobson- yes, Johnson- yes, Lindberg- yes;

All ayes, motion carried.

Garry Clark explained that we lost a long-time member of the Board of Adjustment, Ed Collins, who passed away on December 8th. Mr. Collins was a very valuable member of the community and donated much time and effort to various activities in the community.

The Board of Adjustment expressed recognition of his dedication and work with the City.

Motion by Jacobson, seconded by Johnson to adjourn at 6:20 pm.

Danny Christoffers, Secretary

Garry Clark, Chairman