

North Powder City Council Public Hearing
November 6, 2023
6PM City Hall

Attendance: Mayor John Frieboes, City Councilors Vicki Townsend, Logan McCrae, Jeff Nielsen, Justin Wright and Lindsey Thompson. Beth Wendt City Recorder
Others: Barbara Weeks, Mike Wisdom, Shorty Schwehr, Barry Princevalle, Lisa Aichele, Mike Schoeningh, and Dave Hoene.

Mayor John Frieboes called the meeting to order and reviewed the process for a public hearing. Due to the unusual circumstances regarding the applications from the City for a Conditional Use Permit and parking variance for a new city library, all councilors had some ex parte contact.

Beth gave staff reports for the Conditional Use Permit and Variance applications. The two requests need to work together as the proposed plan for a new library cannot meet off-street parking requirements as identified in the City zoning ordinance #1983-3, Section 8.07(2). A library is an allowable use in the Public Zone with an approved Conditional Use Permit. Other applicable criteria for a Conditional Use Permit are found in Section 8.07 thru 8.09 regarding off-street parking and street access and Section 9.01 thru 9.04 regarding building in or near a floodplain. Section 10.01 thru 10.04 identify criteria for a Conditional Use Permit process. Basic findings include: the property is in the Public Zone and the building is owned by the City; the subject building is located at the corner of 3rd & E Streets; City Hall is located in the northern most section of the building with a meeting room between City Hall and the proposed library; metered water and sewer utilities are supplied to the City Hall part of the building but there is none supplied to the proposed library; there is a large paved parking area in front of City Hall that can be shared with the Library and some additional off-street parking can be added off 3rd Street; the building is located next to a delineated 500 year floodplain. Fire and QRT services are provided by the Powder Rural Fire Protection District. Criteria for a Variance are found in Sections 11.01 and 11.02 and Sections 8.07 and 8.08 identify criteria for parking and loading in all zones. To grant a variance it has to meet all criteria listed in Section 11.02. Criteria consists of: exceptional or extraordinary circumstances apply to the property that do not apply to other properties in the vicinity as a result of lot size or shape, topography, or other circumstances over which the applicant has no control; the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or facility; authorization of a variance shall not be materially detrimental to the purposes of the zoning ordinance, be injurious to property in the zone or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy; and the variance must be the minimum variance from the provisions and standards of the ordinance which will alleviate the hardship. Basic findings include: the property is in the Public Zone and the use may be approved by Conditional Use Permit; other than in front of City Hall and next to the City Shop there is no off-street parking in the area; current library parking is angle parking on E Street or 3rd Street. Section 11.02 of City Ordinance #1983-3 grant the City Council the authority to grant a variance for unusual or exceptional conditions that don't generally apply to other properties in the same zone or vicinity.

As President of the North Powder City Library Board Mike Schoeningh presented Library Board's request for approval of the Conditional Use Permit and Variance for off-street parking. The Conditional Use Permit request is to renovate, remodel and add on to the south side of the City Hall building to build a new City Library. The North Powder City Zoning Ordinance requires a minimum of 1 off-street parking space for every 100 square feet of assembly area. The proposed new library would be approximately 1968 square feet which would require a minimum of 19 off-street parking spaces. According to research, most standards for off-street parking for a library require 1 space for every 300 square feet of assembly area. There are currently 9 off-street parking spaces in front of the building but there are none on 3rd Street.

Since Library hours seldom coincide with City Hall business hours or Council meeting times, it seems reasonable to combine City Hall and Library parking spaces, thus eliminating the need for at least 6 additional parking spaces for the library. The proposed Library plan includes using a portion of the grassy area at the south end of the building for another 6 or 7 parking spaces making a total of 15 or 16 off-street parking spaces. Additionally there is room for some off-street parking next to the City shop and diagonal parking across 3rd Street and on E Street. North Powder's library is small and historically does not have an influx of users at any one time so it stands to reason that 19 off-street parking spaces for just the Library is a bit extreme.

Testimony in Support: Dave Hoene wondered what would happen to the old library building. He suggested it could be torn down and the space used for a small parking lot. John said it hadn't been decided yet and that was not part of the discussion at this time.

Barbara Weeks commented that there is only hour per week when the Library and City Hall hours overlap. Barry Princevalle wondered when the Library was open. Beth noted it is open 4 days for 4 hours. Barry added that he rarely sees more than one or two cars parked next to the Library and one was for an employee. The City really needs a new library but he wondered if anyone knew how many people actually use the library. Barbara said they keep track of everyone that comes in and most of them walk instead of drive to the Library. Dave thought once a new library is open it would draw in more people.

Testimony in Opposition: None

Rebutal: None

The hearing was closed to public testimony and the Council was given opportunity to debate the applications. In making a decision, Beth thought the Variance request met the criteria noted in Section 11.02 and encouraged the Council to remember that the addition would be in a floodplain and we need to mitigate for run-off water from both the addition to the building and the parking area. Logan didn't think there would be a great deal of impact in the floodplain. John added that we'd have to work with an architect and/or engineer to be sure they are aware of the situation and they can minimize any effects. Logan agreed there would be due diligence needed. We may have to alter the design slightly. Beth thought if we get a CDBG grant, there may be a certain amount of environmental study required. Logan thought since we are leaving part of the grassy area around the flag pole and sign there would be room to handle storm water in that area. Beth clarified that in order to meet the minimum variance for off-street parking, there would have to be some parking spaces on the south end of the building. Logan thought in order to avoid getting into a pinch with DEQ we should try to handle the storm water run-off on site as opposed to sending it into the ditch.

Logan made a motion to approve the Conditional Use Permit and Variance for the North Powder City Library. Conditions shall apply to mitigate and do due diligence in regards to the flood plain and we will handle storm water on site maximum extent as possible. A minimum of 6 additional off-street parking spaces will be added to the south side of the building off 3rd Street. Lindsey seconded the motion. All were in favor.

Notice of decision will be sent out within 5 working days to all those who provided testimony.

Hearing closed at 6:29PM. Council will reconvene for the regular meeting at 7PM.

Respectfully submitted,

Attest:

Beth Wendt
City Recorder