



Final Decision

Planning Commission

File number(s): DR 22-18, MOC 22-02, & VAR 22-16

Project name: Boones Crossing Phase 6

Date of decision: May 11, 2023

Date of mailing: May __, 2023

Applicant: Eugene Labunsky, West Coast Home Solutions, LLC

Landowner: West Coast Home Solutions, LLC

Site location: Tax Lot 051W18C001405 (no assigned address, near the intersection of Iris Street at Boones Ferry Road)

Decision: **Denied**

Public Hearing Summary

The Planning Commission held a public hearing on April 27, 2023 for the Design Review (DR), Modification of Conditions (MOC), and Variance (VAR) application package. Two Commissioners were absent. After closure of the record, the Commissioners who were present deliberated and made a tentative decision to deny the project by a 3-2 vote. Commissioners unanimously passed a subsequent vote for staff to prepare findings and a final decision for review at the next meeting.

No testimony was received in support of the project. Testimony in opposition to the project was received from the following individuals:

- Gilberto Villanueva, 1596 Iris Street
- Larry & Jonnetta Chambers, 1488 Iris Street
- Sydni Vandal Avila, 1447 Sunflower Street
- Michael Mansur, 1472 Iris Street
- Michael Robertson, 1426 Iris Street
- Rudy Perez Delgato, 1456 Iris Street
- Kathryn Pettit, 1410 Iris Street
- Dorothy Lokken, 1355 Autumn Boulevard

Proposed Development

The subject property is an undeveloped 8.41-acre property in the Single-Family Residential (RS) zoning district and encompasses a portion of land within Phase 6 of the Boones Crossing Planned Unit Development (PUD), a development originally approved in 1999 via Ordinance No. 2246. Numerous modifications and approvals occurred in the years following the original approval that, coupled with the passage of time and changes in ownership, created uncertainty about the project and ultimately led to the execution of a Statutory Development Agreement (SDA) in 2016 between the City and four separate owners of the remaining undeveloped phases of the PUD property. Contained within the original PUD approval and the SDA, Phase 6 was specified to include a medium density residential development of up to 94 multi-family dwelling units, a neighborhood commercial development of 1.35 acres, and a 3-acre public park. Since the execution of the SDA, the 3-acre park area was dedicated to the City by the Phase 6 property owner.

The proposal before the Planning Commission was a Design Review application to construct 94 townhouse-style dwelling units across 22 buildings. The applicant included a Modification of Conditions application with a request to remove the neighborhood commercial component within Phase 6, as well as a Variance application requesting to have one of the drive aisles encroach into a setback.

Final Decision

The Modification of Conditions request to remove the neighborhood commercial component from Phase 6 of the Boones Crossing PUD has not been duly justified by the Applicant, nor has it been demonstrated through evidence introduced during the public hearing that the site cannot be effectively developed with both the commercial and multi-family components. The Commission reaches this conclusion on the basis of the following findings:

The original PUD approval notes in its findings for compliance with the applicable goals and policies of the Woodburn Comprehensive Plan that the commercial aspect of this development will serve the residents within the Boones Crossing PUD (Policy A-9). The commercial portion of Phase 6 is sized to be of a smaller neighborhood scale that is pedestrian-oriented, the purpose being to reduce reliance on personal vehicles that generate traffic for shopping-related trips (Policy B-3). Allowed uses within the neighborhood commercial area were also identified for purposes of being compatible with the mixed-use development and include family services (e.g. pre-schools), personal services (e.g. barber/beauty shops), small retail businesses with gross floor area per business of 5,000 square feet or less (e.g. cafes/coffee shops).

The original commercial element of the PUD arguably remains an important part of the project, therefore the above-identified goals and findings are still relevant when considering whether to eliminate and modify the PUD-zoning for this Phase. Because a clear justification or argument has not been presented by the Applicant for elimination of the commercial component, and a mere desire to only develop the multi-family housing is by itself an insubstantial argument, it

becomes evident based on the City's goals related to this PUD area that the commercial component should remain in place.

Because the Commission finds that the Modification of Conditions standard has not been met by the Applicant and the proposed site plan fails to include a commercial component, the entire application package is hereby denied.

Appeals

Per WDO 4.01.11E, the decision is final unless appealed pursuant to Oregon Revised Statutes (ORS), state administrative rules, and WDO [4.02.01](#). The appeal to City Council due date is twelve (12) days from the mailing date of this final decision notice per 4.02.01B1. A valid appeal must meet the requirements of 4.02.01.

A copy of the decision is available for inspection at no cost, and the City would provide a copy at reasonable cost at the Community Development Department, City Hall, 270 Montgomery Street, Woodburn, OR 97071. For questions or additional information, contact the Planning Division at (503) 982-5246 or planning@ci.woodburn.or.us.

Sincerely,

Dan Handel, AICP, Planner

Date

Affirmed,

Charlie Piper, Chair, Planning Commission

Date