



## NOTICE OF PLANNING COMMISSION DECISION

**\*\* APPROVAL WITH CONDITIONS \*\***

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Case #:	CUP 21-0001 and SB 21-0001
Project:	Autumn Sunrise
Location:	23620 & 23740 SW Boones Ferry Road; 9185, 9335, & 9415 SW Greenhill Lane; Tax ID: 2S1 35D, Tax Lots 100, 400, 401, 500, 501, 600, 800, and 900
Applicant:	Lennar Northwest, Inc.
Property Owner:	Autumn Sunrise, LLC; P3 Properties LLC

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### I. FINDINGS

- A. An application for a Conditional Use Permit (CUP 21-0001) and Subdivision (SB 21-0001) was filed by Lennar Northwest, Inc., requesting approval of a 400-lot "small lot" residential subdivision, approximately 3.1 acres of open space and two commercial lots for future development.
- B. The Tualatin Planning Commission (TPC) conducted a noticed quasi-judicial public hearing on December 2, 2021 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. The Planning Commission found the proposed Conditional Use Permit and Subdivision applications will comply with the standards of the Tualatin Development Code (TDC). The TPC finds that the findings and analysis, the staff presentation, testimony at the public hearing, materials in the record, and discussion on the record, support the approval of CUP 21-0001 and SB 21-0001 with Conditions of Approval.

### II. ACTION

The Tualatin Planning Commission approved CUP 21-0001 and SB 21-0001 and adopted the staff analysis and findings, dated December 2, 2021, with the following Conditions of Approval (**bold underline** conditions were added by the Planning Commission at the hearing and are supported by the staff findings and discussion on the record):

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#### CUP GENERAL CONDITIONS:

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- C1) Building permits for up to six (6) model home units within each phase may be issued prior to completion of public improvements identified in SB 21-0001, subject to prior City Engineer approval. These units may not be sold, inhabited, or issued Certificates of Occupancy until such time as the public improvements for the phase in which they are located are fully completed, inspected and accepted by the City.
- C2) SB 21-0001 must not allow for the platting of more than 70 percent of the single-family detached lots prior to the platting of 100 percent of the total townhome lots.
- C3) Any modification to Conditions of Approval associated with the Conditional Use Permit (CUP 21-0001) will be subject to additional Conditional Use Permit application review.

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**SUBDIVISION GENERAL CONDITIONS:**

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- 1) All open spaces and common landscaped areas must comply with the requirements of Chapter 73B.
- 2) The applicant must submit with their final plans a tree removal, protection, and preservation plan consistent with their preliminary tree removal plan (Exhibit C) that demonstrates compliance with TDC 33.110, 73B.080 and 73.090.
- 3) The final plat for each phase must consistent with the requirements of TDC 36.160:
  - a) Be in substantial conformance with the approved tentative plan or tentative replat plan,
  - b) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan must be modified first to reflect the changes,
  - c) Comply with all applicable provisions of ORS Chapter 92,
  - d) Comply will all conditions of approval of CUP 21-0001 and SB 21-0001,
  - e) Dedicate, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the Tualatin Development Code or as a condition of approval.
- 4) The applicant must construct all approved public improvements and private improvements with approval from the City of Tualatin, ODOT, and Washington County; or the owner of the property subject to the final plat must have executed and filed with the City an Improvement Agreement under TDC 36.320 (Improvement Agreement for Public Improvements), requiring all City infrastructure and private improvements to be completed within 24 months of the final plat approval.
- 5) The applicant must submit a copy of the recorded plat for each phase of the subdivision where Building Permits are requested in accordance with code section TDC 36.330.
- 6) The applicant must submit final plans that show wells to be abandoned and septic tanks removed in accordance with TDC 36.340.
- 7) Each dwelling unit must be accessed from a driveway approach meeting applicable TDC requirements and provide a minimum of two (2) parking spaces, in addition to garages per TDC 73C.100.
- 8) Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development must include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner must be a member of the property owners' association. The association must have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association must be approved by the City Manager.
- 9) The applicant must submit final stormwater plans and calculations in accordance with PWCC 206:
  - a) Certified by an Oregon registered, professional engineer that in accordance with TMC 3-5-390(1):

- i) Demonstrates runoff from all new and modified private and public impervious areas meet the standards of Clean Water Services.
  - ii) Treats new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
  - iii) Demonstrates the public stormwater facility within Tract C can detain up to the 50 year storm event to discharge to the ODOT system (ODOT Hydraulics Manual
  - iv) Demonstrates the public stormwater system in Tract K is constructed in accordance with TMC 3-5-220(1), TMC 3-5-230, and CWS D&CS 4.08
  - v) Demonstrates the project site meets CWS hydromodification and detention standards, as applicable.
  - vi) Includes conveyance calculations that all public stormwater facilities can accommodate up to a 25-year storm event in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
  - vii) Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 21-001425 conditions (Exhibit G) to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
  - viii) Demonstrates compliance with all requirements stated within the Service Provider Letter and CWS Memo dated October 29, 2021 (Exhibit N).
- 10) The applicant must provide the City with a copy of an approved ODOT Miscellaneous Permit for stormwater connection to the stormwater system within Interstate 5 right-of-way.
- 11) The applicant must submit final plans showing street improvements consistent with TDC 74 and 75 that show:
- a) Frontage improvements along the site's frontage with SW Norwood Road that includes:
    - i) Dedication of right-of-way required to permit the construction of the public improvements,
    - ii) Pavement, curbs, and gutters,
    - iii) A 12-foot wide curb-tight sidewalk on the south side,
    - iv) Street lights and street signs,
    - v) An 8-foot wide public utility easement adjacent to right-of-way, which may be reduced to preserve trees at the discretion of the City Engineer,
    - vi) The portion of the street cost above local standard is Transportation Development Tax creditable.
  - b) Improvements for the internal Local streets SW 89<sup>th</sup> Avenue, SW Vermillion Drive, SW "A" Street, SW "B" Street, SW "C" Street, SW "D" Street, SW "E" Street, SW "F" Street, SW "G" Street, SW "H" Street, SW "I" Street, SW "J" Street, SW "K" Street, SW "L" Street, and SW "M" Street that include:
    - i) 50 feet of right-of-way dedication,
    - ii) 32 feet of pavement,
    - iii) Curbs and gutters,
    - iv) 4-foot wide planter strips,
    - v) Street lights,
    - vi) Street signs with local street names approved by the City Engineer,
    - vii) Street trees and planting locations with irrigation consistent with the requirements of TDC 74.765,
    - viii) 5-foot wide sidewalks except for streets with one side 6-foot wide sidewalk per condition 11c,
    - ix) 8-foot wide public utility easements adjacent to right-of-way.
  - c) A 6-foot wide sidewalk with one foot located within the public utility easement:

- i) From SW Norwood Road to SW “H” Street intersection on the west side of SW Vermillion Drive,
  - ii) From SW Vermillion Drive to SW Boones Ferry Road intersections on the north side of SW “H” Street..
  - d) Between SW Boones Ferry Road and SW “M” Street SW “H” Street must be paved 36 feet wide to accommodate three 12-foot travel lanes. A westbound left and right turn lane storage length of 125 feet must be provided at the intersection with SW Boones Ferry Road with appropriate street tapers, per City of Tualatin Public Works Construction Code standards. SW “H” Street right-of-way must be widened to match the required additional pavement width.
  - e) The SW Boones Ferry Road and SW “H” Street intersection must be constructed to accommodate truck turning movements, as directed by City Engineer.
  - f) Frontage improvements along the property’s SW Boones Ferry Road frontage that include:
    - i) Dedication of right-of-way required to permit the construction of the public improvements ,
    - ii) Striping,
    - iii) A traffic signal,
    - iv) Crosswalks and receiving ramp on the west side of SW Boones Ferry Road,
    - v) Curbs and gutters,
    - vi) One 6-foot wide planter strip on the east side,
    - vii) Street signs with local street name for SW “H” Street approved by the City Engineer,
    - viii) Approvable street trees and planting locations with irrigation,
    - ix) A 12-foot wide multi-use path on the east side with Parks System Development Credits for the additional 6 feet greater than a standard sidewalk,
    - x) An 8-foot wide public utility easement adjacent to right-of-way,
    - xi) Subject to the addition of a project consisting of a transit stop pull-out along SW Boones Ferry Road to the City’s Transportation Development Tax (TDT) approved project list, TriMet approval, and Washington County approval, the applicant must design, permit, and construct a transit stop pull-out along SW Boones Ferry Road adjacent to the project site. All costs are Transportation Development Tax creditable.
  - g) For the future SW Basalt Creek Parkway as shown on Exhibit C, Sheets SB-03 and SB-04
    - i) Dedication of adequate right-of-way,
    - ii) An 8-foot wide public utility easement,
    - iii) A slope easement sufficient for rough grading of the right-of-way.
  - h) A Private Tract L to provide access to adjacent properties to the north and east built to the following standards:
    - i) A 5-foot wide sidewalk on the west side,
    - ii) Curbs and gutters on both sides,
    - iii) A minimum of 24 feet paved travel surface to accommodate two-way traffic,
    - iv) A concrete approach to SW “H” Street matching the travel surface width,
    - v) With a blanket public access and utility easement.
- 12) The applicant must obtain construction permit approval in accordance with TDC 36.160, ODOT, Washington County, and the City of Tualatin including provision of associated financial assurance.
- 13) The applicant must purchase and install approved street trees.
- 14) The applicant must purchase and install approved street lights.
- 15) The applicant must purchase and install street signs and traffic control signs.
- 16) The applicant must submit final sanitary sewer plans in accordance with PWCC 205 that show:

- a) Location of the sanitary sewer lines, grade, materials, and other details,
  - b) A separate lateral serving each lot,
  - c) Cleanouts for all laterals as directed by City Engineer,
  - d) The applicant must extend 8-inch public sanitary sewer mains within SW Norwood Road and local public streets within each subdivision phase as shown in the Preliminary Plans (Exhibit C),
  - e) The public lines in SW "M" Street must extend to the south boundary of the development.
- 17) The applicant must submit final water plans in accordance with PWCC 204 that show,
- a) The existing 12-inch water mains from the B-Level reservoir site that connect to the existing line near the northwest corner of the development upsized to 18-inch diameter and routed within SW "C" Street and SW 89th Avenue. The portion of the pipe material cost above an 8-inch water main is System Development Charge creditable.
  - b) At developer's discretion, and with coordination with City Engineer, developer may construct additional SW Norwood Road water main improvements as outlined by City's SW Norwood Road water main improvements project. All associated costs are System Development Charge creditable.
  - c) A 12-inch diameter water main line from SW Norwood Road within SW Vermillion Drive to SW "H" Street then to SW Boones Ferry Road and the remainder of the public water main lines within the subdivision as 8-inches in diameter. The portion of the pipe material cost above an 8-inch water main is System Development Charge creditable.
  - d) A 12-inch diameter water main line within SW "J" Street from SW "H" Street extended south past SW Vermillion Drive through Tract J between lots 207 and 208 a minimum 10 feet south of the south residential lot lines for a future C Level connection. Tract J must include a public water line easement over its entirety. A 15-foot wide public water line easement must be centered on the water main from SW Vermillion Drive adjacent to lots 207 and 208 or as approved by City Engineer. The portion of the pipe material cost above an 8-inch water main is System Development Charge creditable.
  - e) A 12-inch diameter water main line ending with a blow off assembly to the north property line within SW Boones Ferry Road. The portion of the pipe material cost above an 8-inch water main is System Development Charge creditable.
  - f) A separate lateral for each lot and tract in accordance with PWCC 204.
- 18) The applicant must submit financial assurance for construction performance of the approved stormwater system in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
- 19) The applicant must show all easements, tracts, and dedications on the Final Plat consistent with these conditions of approval. All easements must be dedicated to the public as specified. Except as specified, all Tracts must be owned and maintained by the applicant or a Homeowners' Association.
- 20) SB 21-0001 is subject to all conditions in CUP 21-0001, except as modified through future Conditional Use Permit application(s).
- 21) The applicant must be responsible for construction and acceptance of all improvements shown within the Preliminary Plans (Exhibit C), except as modified by condition of approval. In the event of a conflict, conditions of approval supersede improvements shown in the plans.
- 22) All future structural development is subject to the Site Design Standards requirements of TDC 73A.

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**PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE FOR EACH SEQUENTIAL PHASE:**

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***Submit to the Engineering Division via eTrakit for review and approval:***

- 23) The applicant must comply with the contractor insurance and bond requirements of the City of Tualatin.
- 24) The applicant must submit final erosion control plans in accordance with PWCC 200.
- 25) The applicant must submit a copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- 26) The applicant must submit final plans demonstrating easement access to public improvements for operation and maintenance in accordance with TDC 74.350 as follows:
  - a) A 15-foot wide public maintenance access easement over lot 251 from the public right-of-way to the public stormwater facility on Tract K with a turn-around.
  - b) Construction of a 12-foot wide Portland Cement concrete all-weather driving surface capable of carrying a 60,000-pound vehicle from public right-of-way to surround manholes by five feet:
    - i) Within the easement over Lot 251 and Tract K with a turn-around.
    - ii) Within Tract C adjacent to SW Vermillion Drive at least 20-feet past the back of sidewalk.
  - c) 15-foot wide public stormwater easements:
    - i) Between lots 91 and 92 or as approved by City Engineer.
    - ii) Between lots 239 and 240 or as approved by City Engineer.
- 27) The applicant must submit final plans showing Tracts A, D, E, G, J, M, and O as open space, owned and maintained by the applicant or a Homeowners' Association. The improvements shown in the Preliminary Plans in Tract M must be completed prior to issuance of building permits for the fourth subdivision phase.
- 28) The applicant must submit final plans showing Tract B as dedicated to the City of Tualatin and construction of a 12-foot wide Portland Cement asphalt or concrete all-weather driving surface capable of carrying a 60,000-pound vehicle.
- 29) The applicant must submit final plans showing Tract H as dedicated to the City of Tualatin. Water System Development Charge credits must be provided to developer based on fair market value of developed land. All trees must be removed from Tract H and site graded per the approval of the City Engineer.
- 30) The applicant must submit final plans showing Tract C and K as dedicated to the City of Tualatin for public stormwater facilities.
- 31) The applicant must coordinate conveyance of Tract F to Clean Water Services.
- 32) The applicant must submit final plans showing Tract I and N as 8-foot wide concrete public accessways in compliance with TDC 74.460.
- 33) The applicant must submit final plans showing Tract L as owned as maintained by the applicant or Homeowners' Association with an easement for public utilities, public pedestrian, and vehicular access over the entire Tract.

- 34) The applicant must submit final plans showing public pedestrian access easements as shown on plans for Tracts A, D, and E sufficient for meandering sidewalk.
- 35) All retaining walls, fences, support structures, and walls must be constructed outside of public utility easements.
- 36) A gated emergency vehicle access from the south end of SW "G" Street to SW Boones Ferry Road to be constructed to TVF&R's requirements that must be constructed prior plat approval for Phase 2. An emergency vehicle gate must be installed at the end of the constructed SW "G" Street and the access intersection with SW Boones Ferry Road which must be removed prior to acceptance of the public improvements in Phase 3. **Prior to construction of the Autumn Sunrise Phase 2 temporary emergency access onto SW Boones Ferry Road, the applicant must abandon the existing stormwater outfall releasing flows onto Tax Lot 2S135CD00302 and reroute all upstream flows to Autumn Sunrise's existing southwest stormwater discharge point.**
- 37) The applicant must obtain City of Tualatin Public Works, Water Quality, and Erosion Control Permits and provide copies of the ODOT Miscellaneous Permit and Washington County Facilities Permits.

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**PRIOR TO APPROVAL OF THE FINAL PLAT OF EACH SEQUENTIAL PHASE:**

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***Submit to the Engineering Division via eTrakit for review and approval:***

- 38) The first phase expires two years from the effective date of this decision, unless an application for final plat is submitted or an extension is granted under TDC 36.210. All subsequent phases expire ten years from the effective date of this decision, and an extension under TDC 36.210 is not available. No building permits for development of lots or parcels will be issued until the final plat for applicable phase is recorded.

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**PRIOR TO BUILDING PERMIT ISSUANCE FOR LOTS WITHIN EACH PHASE:**

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***Submit to the Engineering Division via eTrakit for review and approval:***

- 39) The applicant must substantially construct improvements required of each phase as permitted by issued Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin in accordance with TDC 36.330, the obtained ODOT Miscellaneous Permit for stormwater, and Washington County Facility Permits.
- 40) The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- 41) Prior to the 51<sup>st</sup> building permit issuance the City of Tualatin Water Main upsizing project to the existing reservoirs must be completed and operational.
- 42) **The applicant must construct a continuous minimum six-foot high wooden fence along the easterly plat boundary (Lots 84-192), prior to issuance of building permits for the Phase in which the segment of fence is located, unless otherwise approved by the Community Development Director.**

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**PRIOR TO OCCUPANCY:**

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- 43) An approved public sanitary sewer system (pump station or approved alternative approach) must be available prior to occupancy of any home, including model homes.

- 44) Prior to occupancy of the 298<sup>th</sup> home (the first home of the fourth subdivision phase) the SW Boones Ferry Road and SW "H" Street signal must be operational and all public improvements completed.



### III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Tualatin Planning Commission hearing and who may be adversely affected by the Commission's decision may file a request for review of the final decision of the Variance land application to the City Council. The Tualatin Planning Commission's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Community Development Department Planning Division at 10699 SW Herman Road, Tualatin, Oregon, before 5:00 p.m., December 21, 2021. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The record and appeal forms are available at the Planning Division offices. The appeal forms must include reasons and the applicable appeal fee and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 13 DAY OF DECEMBER 2021.

CITY OF TUALATIN  
PLANNING COMMISSION

BY:



Bill Beers, Chair  
Tualatin Planning Commission

