

**EXHIBIT A. FINDINGS FOR MIMD323-0003  
MODIFICATION OF COLLINA AT SPRINGBROOK SUBDIVISION  
PHASING PLAN**

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in **italic bold** font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Exhibit “D” Recommended Conditions of Approval.

***NMC Chapter 15.326 Springbrook (SD) District***

***NMC Section 15.326.060 Modification to the master plan***

***A. The following modifications to the master plan shall follow the Type I administrative procedure identified in NMC 15.100.020:***

***1. Land use district boundary modifications prior to development within that phase of no more than one acre that adjust a boundary no more than 50 feet.***

***B. The following modifications to the master plan shall follow a Type II procedure identified in NMC 15.100.030:***

***1. Land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet.***

***2. Modifications to the “Trip Cap” established with approval of the master plan.***

***C. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050:***

***1. Modifications other than those noted above.***

***2. Modifications to the Springbrook district boundary.***

**Findings:** Because the proposed modifications to the phasing plan do not modify the Springbrook District Master Plan, this criterion is not applicable.

***NMC 15.235.030 Preliminary plat approval process.***

***[...]***

***D. Modifications to Approved Preliminary Plats. The applicant may request changes to the approved preliminary plat or conditions of approval. Modification requests may either be deemed minor modifications or major modifications, according to the following criteria and at the determination of the director:***

***1. Minor Modifications. Minor modifications are reviewed through the Type I procedure, pursuant to NMC 15.100.020. Minor modifications retain consistency with the general layout and pattern of the approved plan and do not modify an element of the approved plan by a quantifiable standard of greater than 10 percent. Minor modifications may include the following:***

***a. Relocations of property lines, streets, walkways, and alleys;***

***b. Changes to the site utilities;***

***c. Changes which increase or decrease the number of lots; and***

***d. Modifications to the conditions of approval where an alternate method will derive the same result intended by the condition, or where a condition is deemed to be met in a different way than specified in the staff report.***

***2. Major Modifications. Major modifications are reviewed through the same procedure as the original approval procedure. Major modifications are any proposed changes to elements of the approved plan or conditions of approval not meeting the thresholds in subsection (D)(1) of this section.***

**Finding:** According to the application materials, the proposed phasing plan modification is to help provide better clarity of when public infrastructure is to be completed within the Springbrook at Collina development. The previously approved phasing plan had 8 phases with one phase being completed each year and both the original and modified phasing plans have 403 total dwelling units.

The modification will result in one lot being split into two phases and modifies the proposed timing in the phasing plan. However, the proposal did not specify what the quantifiable standard of 10% there was to justify use of a Type I procedure. Out of the approximately 420 lots in the subdivision, only one lot that was an open space tract was moved by splitting it up over two phases, which is a .002% for the amount of lots which is well below the 10% threshold requirement. The proposed phasing plan did not change the proposed time by more than 1 year from the previously approved phasing plan for any phase and the total amount of time. The proposal adds Phase 1.5 to the Phasing Plan to accommodate the design of a roundabout or traffic signal, a potential modification to conditions of approval that would be subject to a separate application.

In summary, the proposal modifies the previously approved phasing plan through the following:

- Tract G that is open space will be divided into two lots for development in Phases 1 and 2;
- E Mountainview improvements are broken down into improvements adjacent to Phases (1, 1.5, and 3) rather than all improvements occurring in Phase 1;
- Phase 1.5 is added to the phasing plan for installation of a roundabout or traffic signal;
- Renumbers lots throughout the subdivision; and
- Clarifies when other road improvements will occur.

Regarding the renumbering of lots throughout the subdivision, the previously approved phasing plan showed “Parent” lots as a number with “Child” lots having a letter after the parent lot number for middle housing which is referenced in the conditions of approval for the subdivision. In the proposed phasing plan, all “child” lots from the previously approved phasing plan are assigned individual lot numbers despite the Applicant stating that these are middle housing lots meant for duplexes and quadplexes. Because there was no explanation for changing the lot numbers from the prior approval and the proposed phasing plans child lot identification is indistinguishable from parent lot identification, the Applicant shall submit a Type I application clarifying and updating the original conditions of approval that these lots are indeed child lots for middle housing detached quadplex and duplex units and revise the lot numbers used in the original conditions of approval. The following list shows the lots that shall be considered one “parent” lot with each individual lot being a “child” lot.

**Parent Lots:**

1. Lots 43, 44, 49 and 50
2. Lots 76, 77, 82 and 83
3. Lots 78, 79, 80 and 81
4. Lots 88, 89, 104 and 105
5. Lots 218, 219, 220 and 221
6. Lots 90, 91, 102 and 103
7. Lots 216, 217, 222 and 223
8. Lots 92 and 101
9. Lots 206 and 215
10. Lots 93, 94, 99 and 100

11. Lots 207, 208, 213 and 214
12. Lots 209, 210, 211, 212
13. Lots 95, 96, 97 and 98
14. Lots 158, 159, 160 and 161
15. Lots 166, 167, 168 and 169
16. Lots 156, 157, 158, 159
17. Lots 164, 165, 170 and 171

There were also conditions related to certain lots (338 through 341) that required an additional parking space over those otherwise required. Since the proposed phasing plan now has these lots numbered as 388 through 391, the Applicant shall submit a Type I application pursuant to NMC 15.235.030 to modify the conditions of approval of the subdivision to reflect the updated lot numbers 388 through 391 being used for the additional parking spaces rather than lots 338 through 341 to maintain compliance with the original conditions of approval of Order No. 2023-44 and Ordinance No. 2023-2915.

The Applicant's proposal seeks to break up the improvements along E Mountainview Drive to better suit stormwater facilities and grading in a logical manner at the high point of grading. If the entire E Mountainview Drive improvements were to occur prior to Phase 3, it would be impractical as all the other improvements to Phase 3 would need to be made at the same time. Staff agrees that with the proposed phasing schedule and additional stormwater facilities that would need to be created for the improvements for the Mountainview Drive portion adjacent to Phase 3, that it is logical that the E Mountainview Improvements be broken down into multiple phases.

This criterion is met with the aforementioned conditions.

***E. Phased Subdivision. The city may approve a phased subdivision, provided the applicant proposes a phasing schedule that meets all of the following criteria:***

- 1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;***

**Finding:** The Applicant has proposed the first phase and the construction phase to be completed within one year. The Applicant states that this will be done in 2024. To ensure compliance with this, Phase 1 and 1.5 shall start construction in calendar year 2024 and take no longer than a year for required public improvements and infrastructure to be installed except as otherwise bonded for pursuant to 15.235.070.

This criterion will be met with the aforementioned condition.

***2. Public facilities shall be constructed in conjunction with or prior to each phase;***

**Finding:** Public facilities are planned to be constructed in conjunction with each phase or prior to the next phase in line for development. The Applicant's proposed phasing plan adds new Phase 1.5 for E Mountainview Drive frontage improvements to accommodate the design of a traffic signal or potential roundabout if approved as part of a separate application. The Applicant's proposed phasing plan modification indicates that Phase 1.5 is anticipated to start construction prior to occupancy of Phase 1. Due to the uncertainty of dates, public improvements for Phase 1 and Phase 1.5 should both be completed prior to the Applicant applying for the Final Plat for Phase 1. In the event that Phase 1.5 public improvements are not completed concurrent with completion of Phase 1 public improvements and the Owner desires to request early issuance of residential building permits or the Owner desires approval of the final plat prior to completing all required improvements and conditions of the tentative plat approval, the Owner is required to follow the City's Substantial Completion Policy and enter into a Security and Improvement Agreement with the City in accordance with NMC 15.235.060. Phase 1.5 shall be completed before occupancy of Phase 1.

This criterion will be met if the aforementioned condition of approval is adhered to.

***3. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;***

**Finding:** The phased development will not result in requiring the City of a third-party to construct required public facilities.

This criterion is met.

***4. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application; and***

**Finding:** The proposed phasing schedule was reviewed with the preliminary subdivision. The Applicant is proposing minor time changes and clarification of what is to be completed within each phase. To maintain compliance and avoid uncertainty regarding when phases will be completed due to the Applicant's "approximate start date" in the phasing plan, the Applicant shall start construction within two (2) years of the calendar year listed for each phase's start date except Phase 1 and 1.5, or shall otherwise submit a Type III application in accordance with NMC 15.235.030(D) and (E) to modify the phasing schedule or any phasing elements.

This criterion will be met with adherence to the aforementioned condition of approval.

***5. Modifications to the phasing schedule or phasing elements will be processed in accordance with subsection (D) of this section.***

**Finding:** As seen above, the modifications to the phasing schedule and elements are processed in accordance with subsection (D).

### **CONCLUSION**

The proposed modifications to the Phasing Plan can meet the applicable criteria if the aforementioned conditions of approval are adhered to. Staff **recommend approval** of the proposed phasing modifications to the Collina at Springbrook Subdivision subject to the conditions of approval seen in Exhibit “D”.