

**City of Newport  
Planning Commission Regular Session Minutes  
October 27, 2025**

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| <b>LOCATION:</b> CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT     |
| <b>Time Start:</b> 7:00 P.M. <span style="float: right;"><b>Time End:</b> 9:20 P.M.</span> |

**ATTENDANCE LOG/ROLLCALL**

| COMMISSIONER/ ADVISORY MEMBER | STAFF                                         |
|-------------------------------|-----------------------------------------------|
| Chair Bill Branigan           | Derrick Tokos, Community Development Director |
| Commissioner Bob Berman       | Sherri Marineau, Community Development Dept.  |
| Commissioner Jim Hanselman    |                                               |
| Commissioner Braulio Escobar  | <b>PUBLIC</b>                                 |
| Commissioner John Updike      | Todd Woodley                                  |
| Commissioner Robert Bare      | Tod Mobley (by video)                         |
|                               | George Dwyer                                  |
|                               | Michael Cappelli                              |
|                               | Carol Kutz                                    |
|                               | Kathy Petersen                                |
|                               | Debbie Gile                                   |
|                               |                                               |

| AGENDA ITEM                                                                                                                   | ACTIONS                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REGULAR MEETING</b>                                                                                                        |                                                                                                                                                                                                                              |
| <b>CALL TO ORDER AND ROLL CALL</b>                                                                                            |                                                                                                                                                                                                                              |
| a. Roll Call                                                                                                                  | None.                                                                                                                                                                                                                        |
| <b>APPROVAL OF THE MINUTES</b>                                                                                                |                                                                                                                                                                                                                              |
| a. Meeting minutes of Regular Session Meeting on October 13, 2025.                                                            | Motion by Bare, seconded by Berman, to approve the regular session meeting minutes of October 13, 2025 as written. MOTION carried with Branigan, Berman, Escobar, Updike, and Bare all voting in favor. Hanselman abstained. |
| <b>CITIZEN/PUBLIC COMMENT</b>                                                                                                 | None.                                                                                                                                                                                                                        |
| <b>PUBLIC HEARINGS</b>                                                                                                        |                                                                                                                                                                                                                              |
| (Continuation) File No. 1-TIA-25-A1 & A2:<br>Appeal of Wyndhaven Phase 3 Traffic Impact Analysis Approval (File No. I-TIA-25) |                                                                                                                                                                                                                              |

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| a. PUBLIC HEARING OPEN          | 7:10 p.m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| b. STAFF REPORT - DERRICK TOKOS | <p>Mr. Tokos reviewed what had transpired at the last public hearing and summarized the staff report. He reported there was no new additional testimony submitted since the last meeting.</p> <p>Escobar joined the meeting at 7:13 p.m.</p> <p>Berman questioned what was done to refresh the original report to prepare for this phase. Tokos replied the applicant could reply to this, but the report that had been prepared accounted for all of the traffic for the three Wyndhaven phases, the background traffic on the facilities being evaluated, and how the construction would happen a little later than originally reported.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. PUBLIC COMMENT               | <p>Todd Woodley (Wyndhaven Ridge LLC), and Tod Mobley (Traffic Engineer), addressed the Commission. Woodley reviewed the elements he discussed at the last hearing that would help with the cause.</p> <p>Berman asked Mobley for a reaffirmation of the original traffic impact analysis they did. Mobley explained they prepared a supplemental TIA on October 9th prior to the first appeal hearing and noted they moved their traffic volumes farther by two years to represent a new construction date, and included all three phases of Wyndhaven Ridge. The analysis was the same as the original. There were no revised findings or recommendations in the supplemental TIA. Berman asked for confirmation on if the original or supplemental report did a deep dive in 31st and 32nd Street intersection. Mobley confirmed this was not included as one of the study areas.</p> <p>Escobar pointed out how the previous discussion about how the construction vehicle traffic could be diverted, and encouraging residents at the apartments to use 36th Street instead of 31st Street would help with the concerns of the people who testified at the last hearing. He noted the applicant included a schematic from the Transportation System Plan (TSP) that showed where construction vehicles would be coming into the development. Escobar and Woodley reviewed the diagram and noted there was construction phase work that they could mitigate to keep construction traffic off of 31st Street. Escobar asked if they could close off exit four and then have traffic exit through exit 3. Woodley noted they couldn't control fire access rules that could negate them from closing that exit. They could do an outreach to existing residents to advise them</p> |

of a better path through 36th Street to exit. They were also happy to participate in police patrols and notify residents they would be ramping up patrols. There were improvements the city could impose. Woodley thought they could say they could provide construction signage and direct their operations away from this. They couldn't address the city's issues with the street without certainty. Escobar asked if it would be a city project to put a sign on the roadway. Woodley said there were things they were willing to participate in but they were under the control of the city. Measures like rumble strips at the stop signs would be something they would be happy to participate in. Escobar noted the stop sign up to 31st Street could be obscured during the spring and summer months. Woodley thought a flashing light would help with this. Tokos noted this could be brought to the City Council and then the City Engineer who would consider if it could be deemed appropriate.

Berman asked if what Woodley was saying was that they would be participating financially in mitigation measures. Woodley responded they would be participating in anything structurally related, signage, correspondence, outreach, and internal education and enforcement. Physical improvements to the City properties didn't mean they would be funding these wholly. Woodley felt they could financially participate in a reasonable manner.

Michael Cappelli, Newport, addressed the Commission. He noted he received an invoice to for additional fees. Tokos reported this was a scam from people sending invoices as if they were from the city.

Cappelli noted the findings for the TIA were based on statistical analysis. It contends that it included Phases 1 and 2 in the updates. He felt that if the analysis wasn't consistent with what was actually happening on the ground, the analysis was flawed. Cappelli thought since the analysis was done in October of this year, there was no reason why there wasn't consideration for traffic coming along 31st Street. This traffic had been observable since Phase 1 and Phase 2 construction. He noted if there was a queuing problem they needed to address it. Cappelli gave an example of his experience waiting to turn from 31st to US 101. He also noted when there were backups of traffic, Fire couldn't access their properties. He felt the traffic coming from the east to the west on 31st Street had significantly increased.

Capelli talked about the improvements that would help. He said he was behind the development. He cared about the segment of the road that wasn't on the analyses in the

very beginning at NW Harney Street and NW 31st Street. He didn't know where the data on the report was coming from when the report said there would be queuing. He was requesting that either the report be updated to reflect the actual road conditions or the city impose the mitigation efforts necessary to at least render the area safe.

Udike pointed out the development itself wasn't what was before the Commission, it was the TIA. He asked if a new analysis was done and suggested many of the mitigations discussed, would Capelli remain opposed if they came to pass, or would he remain opposed. Cappelli said they were looking for an outcome that minimizes the increased threat or risk to members of the community, pedestrians and vehicles. This could be done relatively simply and he was asking them to warn folks that were come up to the stop sign with the use of speed signs, blinking crosswalks, an actual crosswalk, and some form of mitigation for a blockage of traffic between the stop sign and intersection so vehicles weren't blocked in their development. He thought most of this could be mitigated without spending tons of money. They are looking for a practical remedy for a problematic and dangerous situation.

George Dwyer addressed the Commission. He reported he also received an invoice from the scammer. He noted how their property used to have wildlife which had moved out of the area with the apartment developments. Dwyer reported that the TIA doesn't state any evidence of adding 90 people in their area. He stated there were already 300 vehicles in the park and the two phases added too many people. He requested a non-biased party to conduct an analysis to show how difficult it is for residents to exit the intersection. He noted that buildings have maximum occupancy limits for a reason, and they were experiencing a similar issue with vehicles at their park.

Dwyer expressed concern about emergency preparedness, noting a major earthquake was likely to hit Newport. He referenced fires in Hawaii and California where people were trapped, and cited the Otis fires as an example where evacuation planning was questioned due to limited access. He warned of potential loss of life if a fire occurred and asked how many vehicles could be accommodated in the boxed-in area with only one exit to US 101. He stated this situation should not continue and urged the Commission to consider evacuation safety.

Dwyer also alleged that the Community Development Director's decision was biased in favor of the applicant but



provided no evidence to support the claim. Berman rebuked Dwyer's comments.

Escobar noted he had asked the developer about having one exit on 36th Street. He asked whether Dwyer's HOA had considered creating an exit to 35th Street that could merge with 36th Street to improve safety. Dwyer responded that the idea had been discussed, but no one wanted to give up their homes to accommodate a pathway. He added that residents could make a left at the stop sign and use 36th Street to exit. He reiterated that it takes a long time to get out of 31st Street to US 101.

Berman asked Mobley whether traffic counts were conducted on the various streets in the original report or if the data was based on population density and derived formulas. Mobley confirmed that actual traffic counts were taken and included in the appendix of the TIA.

Tokos reported that the property in question has existing development rights for apartment development. He acknowledged the community's concerns about wildfire risk and limited evacuation routes, but emphasized that the City Council has limited authority in this case because the development rights have existed for decades. He noted that if the Commission was concerned about the operation of 31st Street and US 101, they could make a second motion to convey this concern to the City Council. He explained that while the level of service at the intersection meets minimum standards, it would be prudent for the City to explore ways to improve safety and reduce congestion. This would be a separate motion, not a request to the developer, and with the City Council directing the Engineering Department and Public Works to evaluate operational improvements.

d. PUBLIC HEARING CLOSED

8:06 p.m.

e. COMMISSION DECISION

Bare stated that he believed the criteria had been met.

Escobar noted that the original TIA did not evaluate 31st Street, which was the intersection residents were most concerned about. He described 36th Street as well-developed and 35th Street as minimally improved. He appreciated the developer's willingness to address the Beach Club's concerns and enhance safety at the 31st and 32nd Street stop signs. He noted that Phase 3 is located on the northern portion of the parcel and would have ingress/egress via 36th Street. Given the developer's efforts to work with the community and city, Escobar

stated he would be happy to make the second motion suggested by the Director and moved to approve the TIA.

Hanselman stated that the stop sign at 31st and 32nd Streets was central to the issue, but separate from Wyndhaven Phase 3. He emphasized the need to base decisions on the TIA criteria and supported recommending changes to the stop sign and intersection. He acknowledged the difficulty of accessing US 101 and did not support the appeal of the TIA.

Udike agreed with the other Commissioners and stated the TIA appeared to meet standards and had been reviewed by ODOT. He asked whether a condition could be added regarding construction traffic. Tokos confirmed this would be a reasonable addition.

Berman agreed that the TIA met technical requirements and did not warrant overturning the Director's approval. He strongly supported sending a letter to the City Council. He noted that fire evacuation concerns were citywide.

Branigan agreed with the deliberations of the other Commissioners. He acknowledged safety concerns and affirmed that the Commission's role was to review the TIA. He supported a second motion recommending the City Council take traffic issues at the 31st Street intersection seriously.

Motion was made by Berman, seconded by Hanselman, to deny the appeal of the Director's approval of the Traffic Impact Analysis, File No. 1-TIA-25, and add the condition that all construction traffic will access the site via 36th Street and not use 31st Street. MOTION carried unanimously with Branigan, Berman, Escobar, Udike, and Bare all voting in favor.

Motion was made by Escobar, seconded by Bare, to have the minutes reflect and be forwarded to the City Council that the Planning Commission desires to have staff take a look at and do what it can to improve the safety of the intersection of 31st Street and US 101 with potential changes related to vegetation maintenance, advance warning of the stop sign, crossing enhancements, and speed bumps as a result of the anticipated increased traffic from the Wyndhaven Phase 3 construction. MOTION carried unanimously with Branigan, Berman, Escobar, Udike, and Bare all voting in favor.

**File 1-AX-22 / 8-Z-22: South Beach Island Annexation.**

**a. PUBLIC HEARING OPEN**

8:23 p.m.

**b. STAFF REPORT - DERRICK TOKOS**

Mr. Tokos reviewed the staff report. He referenced the map showing the 44 properties included in the proposed island annexation.

Updike asked whether the residential properties would be subject to the 3-year rule. Tokos responded that the annexation would not be effective for three years for residential properties. He explained that funding would come from urban renewal funds, and once committed to the rebate program, those funds would remain available until used. He noted one public comment had been received from the owner of Newport Marine and RV Storage, who expressed concern about increased taxes and the fact they could not remonstrate against the annexation.

**c. PUBLIC COMMENT**

Carol Kutz, Newport, addressed the Commission. She described the rural residential properties she owned and objected to the annexation, stating it would raise her property taxes significantly without providing any benefit. She emphasized concerns about sewer infrastructure, noting a culvert failure that cost approximately \$60,000 to repair. She feared city sewer installation would cause further failure. She added that they maintain their own road and would not receive any services in return. She requested denial of the annexation for her parcel.

Kathy Petersen, Newport, addressed the Commission and stated there was no reason for the annexation to proceed.

Debbie Gile, Newport, addressed the Commission. She shared that she and her husband had moved to the property years ago and appreciated the wildlife in the area. She expressed concern about urbanization and the impact on their environment. As retirees on limited incomes, she said the anticipated tax increase was stressful.

Tokos explained the rationale for allowing a deferral of 3 to 10 years for residential properties. He stated that island annexations are pursued when properties are surrounded by city limits, allowing access to city services. He noted the Commission could recommend a 10-year deferral instead of three, but warned that the rebate program might not be available that far into the future. Berman asked about the implications of withdrawing properties from the annexation. Tokos responded that doing so would create

another island annexation, complicating emergency response for police and rural fire departments.

Bare asked whether the properties had city water. Tokos confirmed they did, but not city sewer systems.

Escobar asked how Tokos would respond to residents who felt the annexation offered no economic benefit. Tokos reiterated that the Commission could recommend a deferral of 3 to 10 years, which would help residents on fixed incomes. He added that the Commission could also choose to exclude certain properties from the annexation, though this would create another pocket of unincorporated land.

Escobar asked whether annexation would be triggered by a property sale. Tokos explained that it was possible that a sale could trigger annexation, depending on the circumstances.

Berman acknowledged that personalized notices had been sent to property owners. He asked what the total increase in property taxes would be across all affected parcels. Tokos reported the increase would be approximately \$84,000 per year. Berman asked about the budget for sewer connection incentives. Tokos stated the total project budget was \$500,000. After accounting for surveys and remaining bond debt payments to the Seal Rock Water District, he estimated \$350,000 to \$400,000 would remain for the rebate program. He was unsure of the exact amount needed to pay off the Seal Rock Water District.

Berman asked whether any commercial property owners had objected. Tokos reported that Rowley's Towing had expressed concern, noting they were in the process of purchasing and expanding into a property before the annexation was finalized. He also spoke with a residential property owner whose parcel was partially within city limits and partially outside, and whose main concern was whether they would be required to connect to city services. Tokos added that one commercial property with manufactured homes had didn't have letters sent out originally to the individual home owners, but were mailed afterwards.

Berman asked whether the residential properties had experienced septic issues. Tokos reported there had been no problems.

Tokos concluded by referencing relevant statutes regarding property sales and annexation triggers.



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| <p>d. PUBLIC HEARING CLOSED</p> <p>e. COMMISSION DECISION</p> | <p>8:56 p.m.</p> <p>Updike expressed sensitivity to the concerns of residential property owners and acknowledged their situation. He emphasized that the benefit of annexation lies in the delivery of services, particularly public safety, which he considered more important than the associated tax burden. He stated he had no issues with the remainder of the annexation proposal.</p> <p>Berman asked whether any of the available funds could be used not only for sewer hookups but also to support a partial property tax deferral that would taper off over a 10-year period to offset the increase. Tokos responded that this could not be done because the Urban Renewal Plan clearly outlines the framework for funding, and such a change would create an equity issue. He added that the taxes were necessary to support city services. Berman stated he was uncertain about his position on the residential properties. Tokos reminded the Commission that they could recommend an extended deferral period to the City Council or choose to exclude the residential properties from the annexation. Berman asked whether any residential owners present felt there would be tangible benefits to being annexed into the City. The group responded unanimously that they did not. Berman expressed interest in seeing language that would exclude the residential properties and create a smaller annexation area.</p> <p>Hanselman voiced concern about emergency service access if the residential properties were excluded. He noted that annexations are intended to incorporate islands, not create new ones. He also expressed uncertainty about how to proceed with the residential parcels.</p> <p>Escobar asked what steps residents would need to take to participate in the glide path. Tokos explained that the deferral period could range from 3 to 10 years, during which time residents would continue paying taxes as they currently do, since they would remain in unincorporated areas. He clarified that this would be addressed through the annexation ordinance, which would include a time-based provision.</p> <p>Bare commented that when residents call for services, they expect responders to be able to reach their properties. He shared an example of individuals wanting to connect to the sewer system after the fact, describing the situation as a quagmire that would eventually need resolution. Tokos noted that connecting to the sewer system is more cost-effective than replacing a septic</p> |
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|                    | <p>system and expressed uncertainty about whether rebate funds would still be available in 10 years. Berman asked about the rebate program details, and Tokos reported it would cover up to 75% of costs, with a maximum of \$10,000.</p> <p>Branigan acknowledged the City's interest in annexing the properties and noted that if residents dialed 911, city police would not respond—calls would go to the Sheriff's office, which has fewer officers. He also recognized the financial impact of the tax increase. He recommended proceeding with the annexation and placing the six residential properties on a 5-year glide path.</p> <p>Motion was made by Berman, seconded by Escobar, to approve a favorable recommendation to the City Council for File 1-AX-22 / 8-Z-22 with the provision that residential properties have a deferred 10-year glide path. MOTION carried with Hanselman, Berman, Escobar, Updike, and Bare all voting in favor. Branigan was a nay.</p> |
| DIRECTORS COMMENTS | <p>Tokos reported that Commissioner East had submitted his resignation, and the City would begin recruitment efforts to fill the open position. The City Council would oversee this process.</p> <p>Tokos noted that the City Center Revitalization form-based code amendments were scheduled to go before the City Council at their November 17th meeting. The South Beach island annexation was also expected to be addressed at that meeting. He further reported that ODOT had formally approved installation of a traffic signal at 40th Street and US 101.</p> <p>Tokos announced on several formal ribbon cutting events, including the OSU housing project, the Samaritan drug and rehabilitation facility, and the joint ODF and City fire station.</p>                                                                                                                                                                                                                    |

Submitted by:



Sherri Marineau, Executive Assistant