



City Council Business Session - Emergency

April 21, 2022 - 4:00 PM

zoom webinar id: 899 8137 3524

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
 - A. DCI emergency location consideration of Rite Aid Building**
- 4. ADJOURNMENT**

ADA STATEMENT

Contact the City Recorder's Office for physical or language accommodations at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.

REQUEST FOR COUNCIL ACTION



Date Action Requested: April 21, 2022

Order <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/>	
No. 2022-2898	
Subject: AN ORDINANCE TO DECLARE A LOCAL STATE OF EMERGENCY AS A RESULT OF DESTRUCTIVE FIRES AT 305 N SPRINGBROOK ROAD, AND TO SUSPEND APPLICATION OF THE LOCAL DEVELOPMENT CODE AT 1150 N SPRINGBROOK ROAD (FORMER RITE AID BUILDING)	Staff: James Walker, City Attorney; Doug Rux, Community Development Director Department: Legal/Community Development File No. GEN22-0010
Business Session	Order On Agenda:
Hearing Type: Legislative <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Administrative <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>	

Recommendation:

Adopt Ordinance No. 2022-2898.

Executive Summary:

On Sunday, April 10, 2022, DCI's 33,000 square foot parts assembly building located at 305 N Springbrook Road (the "Facility") was destroyed by fire. Staff met with the DCI owners, TVF&R, Business Oregon and Yamhill County at the fire site on April 13, 2022, to discuss possible options to address the consequences of the fire and options for an alternative location for business operations.

The consequence of the fire is that destruction of the DCI facility resulted in the displacement of approximately 80-90 production workers in the parts assembly facility, 30 office workers, and impacts over 500 DCI employees down the supply chain that is currently delayed or suspended.

Staff briefed the City Council on assistance activities on April 18, 2022. At that meeting City Council scheduled an emergency session for April 21st at 4 p.m. to consider an ordinance that would allow DCI to temporarily utilize the former Rite Aid building located at 1150 N Springbrook Road that is in the C-2 (General Commercial) zone for the DCI industrial assembly operation.

Post the April 18th City Council meeting the city has reached out to surrounding property owners to explain the situation and gather feedback on whether there are any concerns with DCI utilizing the building space at 1150 N Springbrook Road on a temporary basis. No negative feedback has been provided from those outreach efforts. Staff also discussed the draft emergency ordinance with Gordon Howard at the Department of Land Conservation and Development. That discussion concluded that the Department did not see a problem with the proposal and requested that a Post Acknowledgement Plan

Amendment notification be provided as soon as possible after City Council consideration of the ordinance declaring a local state of emergency. Attached is the proposed ordinance.

Fiscal Impact:

Not applicable.

Strategic Assessment:

Not applicable.

ORDINANCE NO. 2022-2898

AN ORDINANCE TO DECLARE A LOCAL STATE OF EMERGENCY AS A RESULT OF DESTRUCTIVE FIRES AT 305 N SPRINGBROOK ROAD, AND TO SUSPEND APPLICATION OF THE LOCAL DEVELOPMENT CODE AT 1150 N SPRINGBROOK ROAD (FORMER RITE AID BUILDING)

Recitals:

1. **WHEREAS**, DCI International, LLC (“DCI”) is a dental manufacturing company and is one of the largest employers in the City of Newberg.
2. **WHEREAS**, on Sunday, April 10, 2022, DCI’s 33,000 square foot parts assembly building located at 305 N Springbrook Road (the “Facility”) was destroyed by fire.
3. **WHEREAS**, the fire damaged the Facility beyond repair and construction of a new facility is estimated to require three years to complete.
4. **WHEREAS**, destruction of the Facility resulted in the displacement of approximately 80 production workers.
5. **WHEREAS**, part assembly activities at the Facility supported other DCI operations performed by over 500 employees down the supply chain that is currently delayed or suspended.
6. **WHEREAS**, DCI has an immediate need to resume the work disrupted by the fire at the Facility.
7. **WHEREAS**, DCI has been a critical employer and economic contributor in the City of Newberg for over 35 years and the loss of their contributions would cause substantial damage to Newberg’s economic wellbeing.
8. **WHEREAS**, real property located at 1150 N Springbrook Road (the “Temporary Location”) has been identified as a location DCI could use temporarily to resume parts assembly operations, but the Temporary Location is zoned for commercial use (C-2) under the Newberg Municipal Code.
9. **WHEREAS**, ORS 401.309 authorizes City Council, as the governing body for the City of Newberg, to declare emergencies and carry out activities that allow the City to minimize, respond to, or recover from emergencies.
10. **WHEREAS**, the City Council desires to exercise its powers to support the welfare of the City.

The City of Newberg Ordains as Follows:

1. **Declaration of Emergency.** A state of emergency is declared by the Newberg City Council, effective on this 21st day of April, 2022.

2. **Suspension of Local Zoning Laws.** Subject to Section 3 of this Ordinance, the Council hereby suspends application of all provisions concerning use under Title 15 of the Newberg Municipal Code (the “Development Code”) to the Temporary Location (Exhibit “A”). No City official, department, or employee shall (a) require the Temporary Location to conform with the Development Code or (b) enforce provisions of the Development Code against the Temporary Location.
3. **Exclusions to Suspension.** Newberg Municipal Code Chapters 15.100 (Land Use Process and Procedures), 15.220.020(A) (Site Design Review Applicability), 15.220.030(B)(1) through 15.220.030(B)(12) (Site Design Review Requirements), 15.220.050 (B)(1) through 15.220.050(B)(10) (Criteria for Design Review), 15.230 (Property Consolidations), 15.235 (Land Divisions), 15.435 (Signs) are not subject to the suspension established under Section 2 of this Ordinance. City officials, departments, and employees may comply with code provisions suspended under Section 2 to the extent required to enforce Chapters 15.100, 15.220.030(B), 15.220.050(B), 15.230, 15.235, and 15.435 of Newberg’s Municipal Code.
4. **Expiration.** This ordinance shall expire at 12:00 A.M Pacific Standard Time on April 21, 2025, unless extended or sooner terminated by the City Council.
5. **Emergency Clause.** The City Council of Newberg declares that an emergency exists to protect the welfare of the City and, therefore, this ordinance shall be in full force and effect immediately after its passage and adoption.

Effective Date of this ordinance is the day after the adoption date, which is: April 21, 2022.

Adopted by the City Council of Newberg, Oregon, this 21st day of April, 2022, by the following votes:

AYE: NAY: ABSTAIN:

Sue Ryan, City Recorder

Attest by the Mayor this 22nd day of April, 2022.

Rick Rogers, Mayor

EXHIBIT "A"

R-2
Subject Building
R3216CB 00700

