

# Woodburn files suit to close COVID-19 shelter

City: County violating zoning, lacking permit

Whitney Woodworth

Salem Statesman Journal  
USA TODAY NETWORK

The City of Woodburn is suing Marion County over a COVID-19 isolation shelter at a local Super 8 Hotel and is accusing the county of violating the law and putting the community at risk of the coronavirus.

The lawsuit was filed Thursday following a directive by the Woodburn City Council.

Attorneys for the city are seeking a court order against Marion County to cease operations of the COVID-19 shelter at the Super 8 on 821 Evergreen Road near Interstate 5.

City officials maintain the shelter is operating in violation of the Woodburn's Zoning & Development Ordinance and say the shelter poses a public safety risk to the neighborhoods surrounding the hotel, which also includes a high number of residents over 65.

The hotel is located directly across Woodburn Estates — home to 1,510 senior-restricted residences, a nursing home, memory care units and a medical facility specializing in senior care.

City officials first learned of Marion County's plans to utilize the Super 8 Hotel as a COVID-19 Isolation Center on June 16 and did not participate in the planning for the use of the site.

"On information and belief, it appears the County must have been planning this project for weeks or months prior to ever contacting the City," city attorneys said in the lawsuit.

Marion County officials said they would begin operating the shelter on July 1 and continue using it as a shelter for nine months.

Woodburn attorneys said the county is illegally using the hotel because they do not have a city permit and are violating the Woodburn Development Ordinance.

They also cited data from the Centers for Disease Control and Prevention stating that the coronavirus spreads "very easily and sustainably" between people and that those over the age of 60 and



The Super 8 at 821 Evergreen Road in Woodburn when it was under construction in 1997. STATESMAN JOURNAL FILE

people with underlying health risks are at a higher risk of serious illness and death.

"Relying on the CDC data, it is clear that the County's illegal use of the Subject Property not only violates the WDO but immediately exposes senior citizens who reside near the Subject Property to increased health risks," city attorneys said.

As a condition of the county moving into phase 2 of reopening on June 19, county health officials were required to find a facility for COVID-19 positive patients with mild symptoms who don't have anywhere to isolate.

The county set their sights on the hotel in Woodburn — one of the hotspots of coronavirus cases in the state. They planned to pay for people to isolate at the 81-room hotel for the recommended time period or about 14 days.

County officials said these guests would include COVID-19 positive or presumptive cases struggling to self-isolate, including migrant and seasonal farmworkers, homeless individuals, people living in multigenerational households and those in congregate care settings.

To date, 1,770 COVID-19 cases and 53 deaths have been reported in Marion County. With 342 cases, the 97071 area code in Woodburn has one of the highest incidence rates in the county.

According to the lawsuit, the county planned to have 24-hour security from the Marion County Sheriff's, a public health nurse on-site and would not allow those isolating to have visitors. Residents would be required to follow a "code of conduct," county officials said.

City officials argue that the county has no legal authority to stop "guests" from leaving the facility, going to a restaurant and going to the grocery store, thus exposing more in the community.

On June 24, Marion County Commissioners held a public meeting and unanimously approved a \$2.1 million agreement to use the hotel.

The funding came from money received by the county from the federal government under the CARES Act.

The move to create the shelter drew concern from Woodburn residents and city councilors.

Some expressed concern over the senior-aged loved ones who lived near

the hotel. Others decried the county for not working with the city and community during the process.

"We were surprised and concerned to learn of the County's proposed use of the Super 8 Hotel as a COVID-19 site," City Administrator Scott Derickson said after the lawsuit was filed Thursday. "Had the City and the community been afforded an opportunity to participate in the County's planning and due diligence process I believe the current issue could have been avoided."

As it stands, the City believes that the use of the Super 8 Hotel as a COVID-19 Isolation Shelter violates existing law."

Marion County spokeswoman Jolene Kelley said as of Friday, no COVID-19 guests had utilized the hotel as a shelter.

She declined to comment further on the city's claims, citing the pending litigation.

For questions, comments and news tips, email reporter Whitney Woodworth at [wmwoodworth@statesmanjournal.com](mailto:wmwoodworth@statesmanjournal.com), call 503-910-6616 or follow on Twitter @wmwoodworth

## OSHA

Continued from Page 1A

March, as the governor started issuing orders to close certain businesses to slow the spread of the virus, and then complaints tapered off for a bit.

### What businesses should do

If you're a business or organization owner or manager, OSHA recommends that employees greet customers at entrances to remind them the face covering requirement, and to keep on hand inexpensive disposable face coverings or shields to provide in the event that a customer doesn't have one.

And businesses can offer options to shop outside the business — like curbside pickup — to people who don't want to wear a mask or cannot wear a mask due to a disability or medical condition.

According to a memo published by the agency, if a patron refuses to wear a mask, the employee should ask them whether they have a disability or medical condition that prevents them from wearing a mask. If so, they should be offered a reasonable accommodation such as curbside pickup or be asked whether a face shield is an option.

If the person does not have a medical condition or disability that prevents them from wearing a face covering, though, the patron "should be politely told that the employer cannot serve them and that they need to leave the premises," the memo states.

But the agency says that "under no circumstances should the employer or their representative attempt to physically block an individual from entering or physically remove them from the premises."

If the person refuses to leave, the business or other organization should follow typical procedures that are used

if someone refuses to leave when asked, according to Oregon OSHA.

### Why face coverings are mandatory

The face covering requirement is an effort to prevent cases from spiking more after a recent resurgence, Brown said. On Thursday, the state announced the highest daily total of new COVID-19 cases since the onset of the pandemic.

Public health experts have stressed that wearing masks can help prevent spreading the virus through droplets you release when you talk, sneeze or cough.

The federal Centers for Disease Control and Prevention recommends that people two years old and up wear cloth face coverings when they are with people who are not members of their immediate household, and in places where it's hard to keep a distance of at least six feet between people.

"Face coverings that cover your nose and mouth play a critical role in reducing the spread of this disease because droplets from our breath can carry the virus to others without us realizing it," Brown said in a statement. "If we all wear face coverings, practice six feet of physical distancing in public, wash our hands regularly, and stay home when we are sick, then we can avoid the worst-case scenarios that are now playing out in other states."

On Thursday, Brown announced a public awareness campaign to encourage Oregonians to wear masks.

"Wearing a face covering is a simple, common sense way to protect yourself and others," Brown said. "It's an easy way to help reduce the spread of COVID-19 and save lives."

Claire Withycombe is a reporter at the Statesman Journal. Contact her at [cwithycombe@statesmanjournal.com](mailto:cwithycombe@statesmanjournal.com), 503-910-3821 or follow on Twitter @kcwithycombe.



Sen. Arnie Roblan, D-Coos Bay, is seen wearing a Star Wars mask during a special session called to address police reform and coronavirus concerns, at the Oregon State Capitol in Salem, Oregon, on June 24. BRIAN HAYES / STATESMAN JOURNAL

## A New Way To Look At Savings



**M5660SUHD**  
with LA1154SU

- 56 Gross HP<sup>1</sup> @ 2,600 RPM, 4-Cylinder Kubota Diesel Engine
- 2WD or 4WD • Fully Synchronized, Hydraulic Shuttle Transmission
- State-Of-The-Art External Hydraulic Cylinders Improve Lifting Power



**BX2380**  
with LA344 Loader

- 21.6 Gross HP<sup>1</sup> 3-Cylinder Kubota Diesel Engine
- 4WD • Category I, 3-Point Hitch
- Performance-Matched Implements Available



**U35-4R1A**

- 24.8 Gross HP<sup>1</sup> Kubota Diesel Engine
- Deluxe Interior • Wider Entrance
- Tight Tail Swing • Deluxe Suspension Seat



**OVS**  
WE SELL SOLUTIONS

OVS® MCMINNVILLE  
2700 ST. JOSEPH RD.  
MCMINNVILLE, OR  
(503) 435-2700

OVS® AURORA  
19658 HWY. 99 E.  
HUBBARD, OR  
(971) 216-0111

www.ovs.com • 800-653-2216

STORE HOURS: Mon-Fri: 8-5 • Sat: 8-Noon

FULL SERVICE SHOPS AT BOTH LOCATIONS!

\$0 DOWN, 0% A.P.R.  
FINANCING FOR UP TO

# 84

MONTHS\*

ON SELECT NEW KUBOTAS



\*© Kubota Tractor Corporation, 2020. Offer valid for residents within states of CA, AZ, NV, UT, WY, ID, OR, MT and WA only. \$0 Down, 0% A.P.R. financing for up to 84 months on purchases of select new Kubota B, BX, L, L60 and LX Series equipment from participating dealers' in-stock inventory is available to qualified purchasers through Kubota Credit Corporation, U.S.A.; subject to credit approval. Some exceptions apply. Example: 84 monthly payments of \$11.90 per \$1,000 financed. Offer expires 7/31/20. Terms subject to change. This material is for descriptive purposes only. Kubota disclaims all representations and warranties, express or implied, or any liability from the use of this material. For complete warranty, disclaimer, safety, incentive offer and product information, consult your local Dealer or go to [KubotaUSA.com](http://KubotaUSA.com). †For complete warranty, safety and product information, consult your local Kubota dealer and the product operator's manual. Power (HP/KW) and other specifications are based on various standards or recommended practices. K1006-04-144497-11