



**City Council Meeting Agenda  
Tuesday, June 8, 2021  
7:00 p.m. – Regular Council Meeting**

*Welcome! The public is strongly encouraged to participate remotely but there is limited seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself. In accordance with Governor Kate Brown's **new face covering mandate**, **all who wish to attend public meetings must wear a face mask or some kind of face covering is required while in the building and you must maintain six feet apart from others.***

*The public is strongly encouraged to relay concerns and comments to the Council in one of three ways:*

- *Email at any time up to 12 p.m. the day of the meeting to [Claudia.Cisneros@mcminnvilleoregon.gov](mailto:Claudia.Cisneros@mcminnvilleoregon.gov);*
- *If appearing via telephone only please sign up prior to the meeting by emailing the City Recorder at [Claudia.Cisneros@mcminnvilleoregon.gov](mailto:Claudia.Cisneros@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom;*
- *Join the zoom meeting; send a chat directly to City Recorder, Claudia Cisneros, to request to speak and use the raise hand feature in zoom to request to speak, once your turn is up we will announce your name and unmute your mic.*

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*You can live broadcasts the City Council Meeting on cable channels Xfinity 11 and 331,  
Frontier 29 or webstream here:  
[www.mcm11.org/live](http://www.mcm11.org/live)*

**CITY COUNCIL REGULAR MEETING:**

*You may join online via Zoom Meeting:*

<https://mcminnvilleoregon.zoom.us/j/91063037279?pwd=aWd5RFo5QlFnVmhmWHFFeHFfOFNUdz09>

*Zoom ID: 910-6303-7279*

*Zoom Password: 851106*

*Or you can call in and listen via zoom: 1-253- 215- 8782  
ID: 910-6303-7279*

**7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM & COUNCIL CHAMBERS**

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PROCLAMATIONS
  - a. Parks and Recreation Month Proclamation and Summer Fun
  - b. LGBTQIA+ Pride Month Proclamation
4. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. The Mayor will read comments emailed to City Recorded and then any citizen participating via Zoom.*
5. PRESENTATIONS
  - a. Infrastructure-Based Time Extension Request (IBTER) House Bill(HB) 2001 Presentation.

6. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
- c. April 2021 Cash and Investment Report (in packet)

7. PUBLIC HEARINGS

- a. Proposed Fiscal Year 2021-2022 Budget as approved by the Budget Committee.
- b. Proposed Uses of State Revenue Sharing for Fiscal Year 2021-2022 as approved by the Budget Committee.
- c. Public Hearing for the FY2021 Transient Lodging Tax (TLT) Supplemental Budget.

8. RESOLUTION

- a. Consider **Resolution No. 2021-36**: A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.
- b. Consider **Resolution No. 2021-37**: A Resolution providing for and approving a form of an Intergovernmental Agreement (IGA) by and between the City of McMinnville, Oregon and the Amity Fire Protection District.
- c. Consider **Resolution No. 2021-38**: A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations (*Related to Transient Lodging Tax*).
- d. Consider **Resolution No. 2021-39**: A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations (*Related to General Fund and Information Services Fund*).
- e. Consider **Resolution No. 2021-40**: A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations (*Related to Telecommunications Fund*).
- f. Consider **Resolution No. 2021-41**: A Resolution for City of McMinnville, Oregon Ratifying the Declaration of State of Emergency signed by Mayor Scott Hill on May 27, 2021.

9. ORDINANCE

- a. Consider first reading with a possible second reading of **Ordinance No. 5104**: An Ordinance Amending Title 17 (Zoning) of the McMinnville City Code, Specific to Multiple Chapters to Update Definitions for Child Care and Remove Regulatory Barriers for Child Care Opportunities.

10. ADJOURNMENT

**EXECUTIVE SESSION – IMMEDIATELY FOLLOW THE URBAN RENEWAL AGENCY MEETING - VIA ZOOM (NOT OPEN TO THE PUBLIC)**

1. CALL TO ORDER

- 2. **Executive Session pursuant to ORS 192.660(2)(h)**: To conduct with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

3. ADJOURNMENT

# PROCLAMATION

## Designation of July as Park and Recreation Month

**WHEREAS**, McMinnville's parks and recreation programs enhance and improve the social, economic and **ENVIRONMENTAL** fabric of our community; and

**WHEREAS**, our parks and recreation programs are important to making McMinnville a **SUPER COOL** place to live; and

**WHEREAS**, parks and recreation programs make people want to **LIVE** here; and

**WHEREAS**, parks and recreation areas help the environment and give us fresh air to **BREATHE**; and

**WHEREAS**, our parks and natural recreation areas make for **FUN** places for kids and adults to go outside and **PLAY**; and

**WHEREAS**, the City of McMinnville recognizes the benefits of **AWESOME** parks and recreation resources.

**NOW, THEREFORE**, I, Scott Hill, Mayor of McMinnville, do hereby extend the spirit of **FUN** to the residents of McMinnville in recognizing the month of July as National Park and Recreation Month.

**IN WITNESS WHEREOF**, I have hereunto set my hand, this eighth day of June, in the year two thousand twenty-one.

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Scott A. Hill, Mayor



**City of  
McMinnville**

PARKS & RECREATION and LIBRARY



# Summer Fun

## Diversión de Verano

June 8, 2021

Added on 6/9/2021

Amended Packet on 06.09.2021

# Summer Fun Overview

To provide residents of McMinnville fun & healthy opportunities over the summer to connect, learn, and stay active

## Guiding Principles

- Inclusivity
- Creativity, Mobility & Flexibility in services offered
- Reaching those who are furthest from opportunity
- Optimization of City Capacity



# How to Participate

1. Pick up a Summer Fun passport
2. Show up to the fun activities
3. Have fun with us all summer!

Info can also be found at  
[bit.ly/macsummerfun](https://bit.ly/macsummerfun)



# Active Living

- Wellness Walks
- Move It! Outdoors fitness classes
- Bike Rides
- Wake Up with Mindfulness





# Especially for Kids

- Book Buddies
- Friday Fundays
- Storytime in the Park







# All Ages Fun

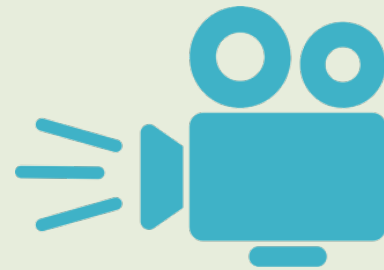
- Art in the Park
- Lasertag in the Park
- Zucchini Races
- Library Reading Challenge
- Teen Game nights
- Summer Fun Saturdays
- Wednesdays at Wortman





# Movies & Music

- Summer Concert Series
- Movies in the Park



# Sponsors and Community Partners

- Vineyard Heights Assisted Living
- McMinnville Downtown Association
- Evergreen Aviation and Space Museum
- McMinnville Education Foundation
- OSU Extension Office- Food Hero and 4-H
- Outdoor Education Adventures
- Give a Little Foundation
- McMinnville Pickleball Club
- Grocery Outlet
- Betty Lou's
- Wilco
- Buchanan Cellars
- And more!



# Summer Fun

## Diversión de Verano

[bit.ly/macsummerfun](https://bit.ly/macsummerfun)

# PROCLAMATION

## Designation of June as LGBTQIA + PRIDE Month

**WHEREAS**, the fight for equality continues for lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQIA+) and other historically marginalized members of our community, and the responsibility falls on each of us to form a more equitable and inclusive society; and

**WHEREAS**, the City of McMinnville pledges to honor, exhibit, and otherwise live out our core values of stewardship, accountability, COURAGE, and EQUITY; and

**WHEREAS**, June 28, 2021 marks the fifty-second anniversary of the Stonewall Uprising, six days of demonstrations led by Marsha P. Johnson, a Black transgender woman, sparked by the targeting and arrest by police of lesbian, gay, and transgender bar patrons in violation of their civil rights, an event widely recognized as the beginning of the modern gay rights movement; and

**WHEREAS**, on June 2, 2000, President Bill Clinton declared June to be “Gay & Lesbian Pride Month” to commemorate the June 28, 1969, Stonewall Uprising, and on June 1, 2009 President Barack Obama expanded the commemoration by declaring June to be “Lesbian, Gay, Bisexual, and Transgender Pride Month;” and

**WHEREAS**, the City of McMinnville stands with the LGBTQIA+ community in the struggle to ensure equal treatment for all and to defend and advocate for LGBTQIA+ rights as human rights; and

**WHEREAS**, despite this extraordinary and inspiring progress LGBTQIA+ Americans continue to face discrimination simply for being who they are; and

**WHEREAS**, the City of McMinnville commits to advocate for protections for all LGBTQIA+ individuals to make our City a place where all people, regardless of their sexual orientation, gender identity, or gender expression are treated with dignity and respect;

**NOW, THEREFORE**, I, Scott Hill, Mayor of McMinnville, do hereby proclaim the month of June as:

**LGBTQIA+ PRIDE Month**

**IN WITNESS WHEREOF**, I have hereunto set my hand, this eighth day of June, in the year two thousand twenty-one.

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Scott A. Hill, Mayor

# STATE HOUSING BILL 2001 IBTER - OVERVIEW

CITY IBTER APPLICATION RESULTS, JUNE 8, 2021

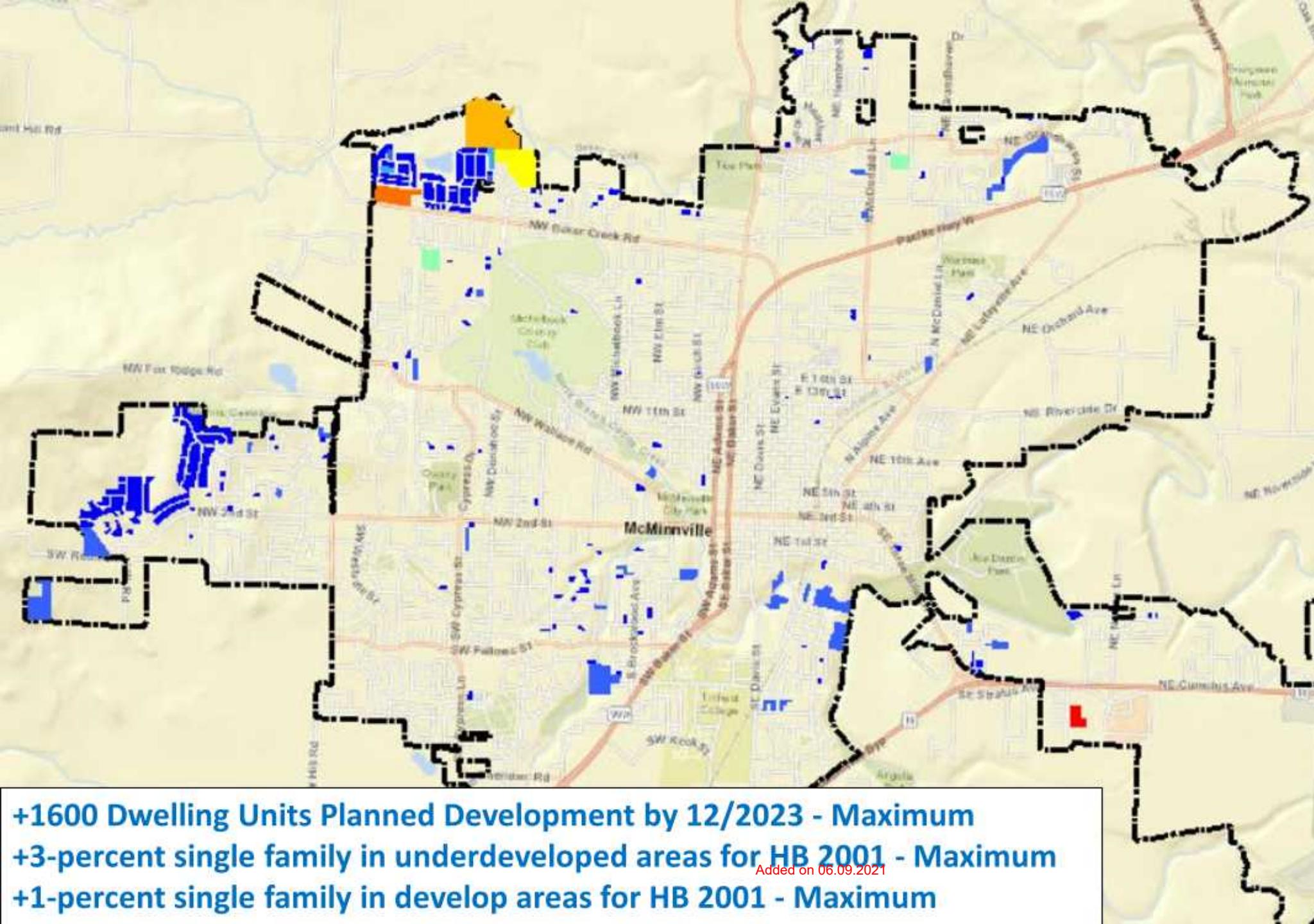
Added on 06.09.2021



Amended Packet on 06.09.2021

## Dwelling Units

Planned  
Development  
Areas Shown in  
Map



**+1600 Dwelling Units Planned Development by 12/2023 - Maximum**  
**+3-percent single family in underdeveloped areas for HB 2001 - Maximum**  
**+1-percent single family in develop areas for HB 2001 - Maximum**

Added on 06.09.2021

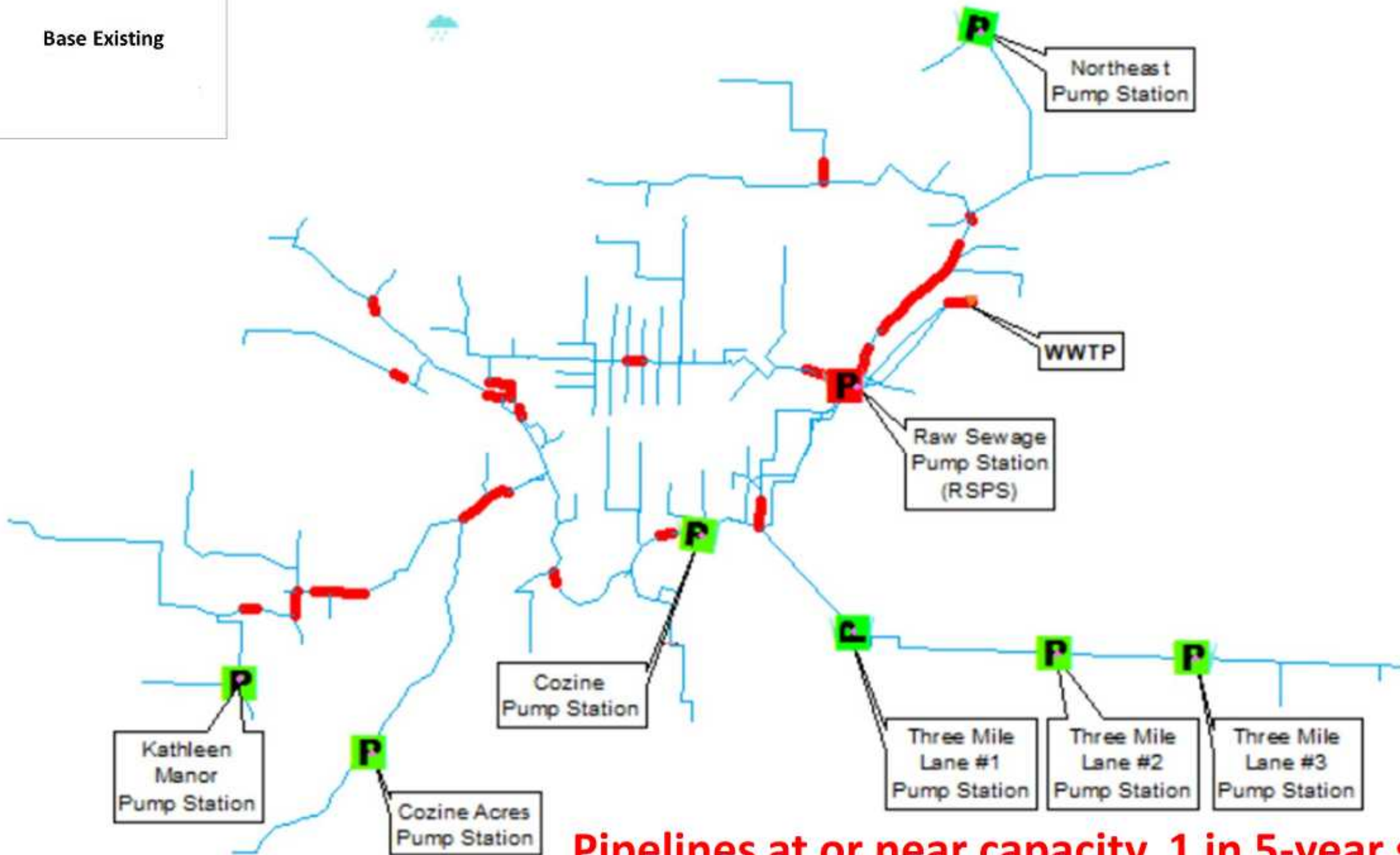
Amended Packet on 06.09.2021

# SCENARIO OVERVIEW

- **Scenarios – Sanitary Sewer**
  - Existing Dwelling Units Only
  - Existing + New Development (+1600 units)
  - Existing + New Development + Middle Housing (House Bill 2001)
    - 3-percent max increase for single family in underdeveloped areas by 2023
    - 1-percent max increase for single family in develop areas by 2023
- Alternatives for improvements may include capacity upgrades or additional wet weather flow reduction (I&I reduction program)
- Preliminary Results – Modeling work may not include recent projects to reduce wet weather flow risks
- Upcoming Collection System Master Plan (2021-2022) – Model will be refined to reflect current system capacity



Base Existing



**Pipelines at or near capacity, 1 in 5-year storm event**

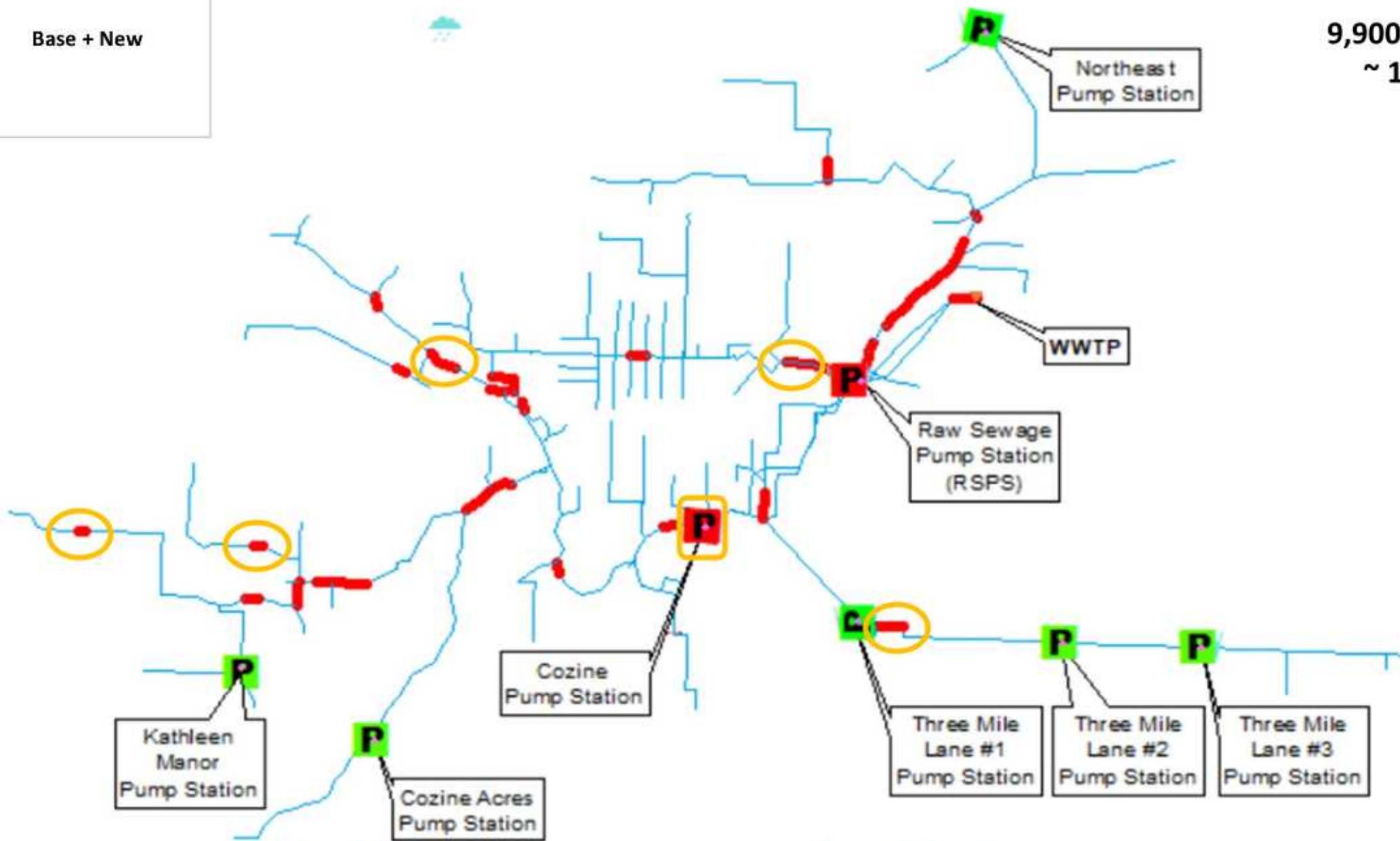
Added on 06.09.2021

**Total of 36 segments (9,900 linear feet)**

Amended Packet on 06.09.2021

Base + New

9,900 feet to 11,700 feet  
~ 1800 feet additional



**Pipelines at or near capacity, 1 in 5-year storm event**

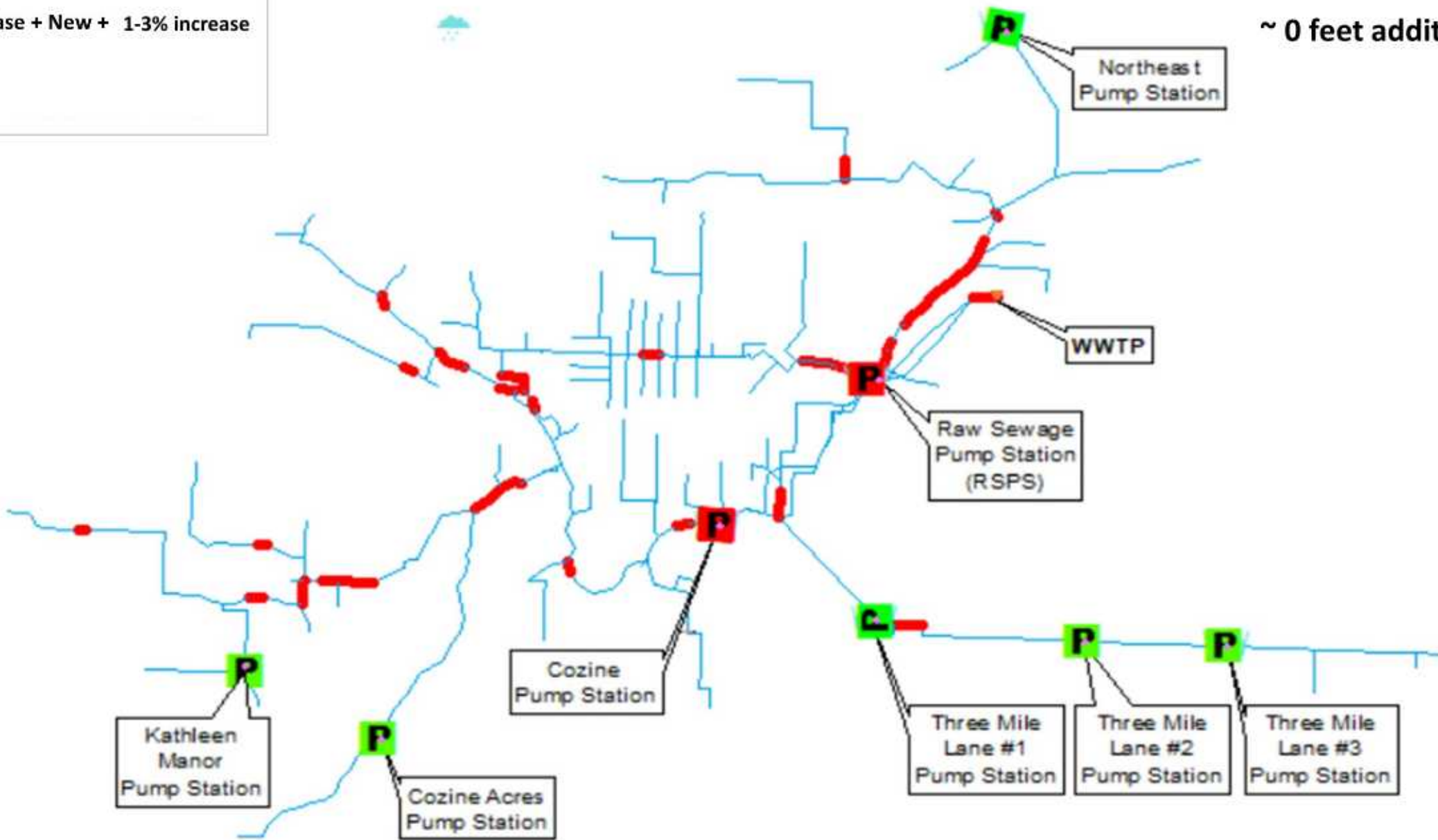
Added on 06.09.2021

**Total of 42 (11,700 linear feet; +1,800 linear feet)**

Amended Packet on 06.09.2021

Base + New + 1-3% increase

~ 0 feet additional for HB 2001



**Pipelines at or near capacity, 1 in 5-year storm event**

Total of 42 (11,700 linear feet ; +0 linear feet; limited sizing consideration)

Added on 06.09.2021

Amended Packet on 06.09.2021

# OVERVIEW - RESULTS

Scenario	New Units	Deficient Pipe Segments	Total Length of Deficient Pipes (ft)
Existing Only	0	36	9,900
Existing + New Development	1,600	42	11,700 (+1,793)
Existing + New Development + Middle Housing (1-3% increase)	100	42	11,700 (+0); limited sizing increase

# OTHER SYSTEMS OVERVIEW

- **Water Distribution**
  - Capacity in Pressure Zone 1 for new development and HB 2001 impacts by 2023
  - Pressure Zone 2 requires reservoir and pump station;
    - Improvements may consider increased development requirements
- **Transportation**
  - System plan improvements and analysis accommodate limited increase from HB 2001 impacts by 2023
  - Transportation System Plan Update – Fiscal Year 2021-2022
- **Stormwater**
  - Consider expansion of stormwater facilities as I&I rehabilitation occurs in sanitary sewer system
  - Similar stormwater system impact from HB 2001 as sanitary sewer by 2023
  - Stormwater System Plan Update – Fiscal Year 2022-2023 (consider quality and capacity)
  - Considerations for Stormwater Fund

# RECOMMENDATIONS

- **Deferral**

- Likely not a significant impact by 2023 from middle housing (HB2001) to justify application for the IBTER (water, sewer, transportation, and storm)

- **Next Steps**

- Consider the UBG Expansion within the context of I/I Reduction Program and Other System Improvements
- Master Plan Updates – sewer, transportation, storm – to improve basis of understanding of remaining system capacity & planned improvements

# QUESTIONS

Added on 06.09.2021

Amended Packet on 06.09.2021

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND  
April 2021

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$2,015,294.57	\$5,882,535.76	\$7,897,830.33
05	Special Assessment	\$265.15	\$135,357.82	\$135,622.97
07	Transient Lodging Tax	\$451.75	\$38,000.00	\$38,451.75
10	Telecommunications	\$920.53	\$1,030.00	\$1,950.53
15	Emergency Communications	\$877.75	\$43,094.81	\$43,972.56
20	Street (State Tax)	\$320.65	\$1,551,463.96	\$1,551,784.61
25	Airport Maintenance	\$408.83	\$515,749.03	\$516,157.86
45	Transportation	\$582.05	\$2,823,245.53	\$2,823,827.58
50	Park Development	\$410.44	\$1,637,441.49	\$1,637,851.93
58	Urban Renewal	\$717.99	\$204,337.31	\$205,055.30
59	Urban Renewal Debt Service	\$23.93	\$349,375.96	\$349,399.89
60	Debt Service	\$19.33	\$1,152,150.28	\$1,152,169.61
70	Building	\$270.43	\$1,491,521.39	\$1,491,791.82
75	Wastewater Services	\$201.62	\$2,499,244.46	\$2,499,446.08
77	Wastewater Capital	\$991.31	\$36,319,103.65	\$36,320,094.96
80	Information Systems & Services	\$499.48	\$234,310.83	\$234,810.31
85	Insurance Reserve	\$25.61	\$905,290.54	\$905,316.15
CITY TOTALS		2,022,281.42	55,783,252.82	57,805,534.24

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 2,022,281.42
N/A	Key Bank of Oregon	Money Market Savings Account	0.01%	\$ 9,535,963.08
N/A	State of Oregon	Local Government Investment Pool (LGIP)	0.60%	\$ 44,646,705.92
N/A	State of Oregon	Transportation Bond (LGIP)	0.60%	\$ 561,913.25
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	0.60%	\$ 254,496.15
N/A	MassMutual Financial Group	Group Annuity	3.00%	\$ 784,174.42
				<u>\$ 57,805,534.24</u>
				\$ -



## STAFF REPORT

**DATE:** May 24, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Jennifer Cuellar, Finance Director  
**SUBJECT:** Public Hearing on FY2021-22 Approved City Budget

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### CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**Report in Brief:** A public hearing on the FY2021-22 City Budget as approved by the Budget Committee is required by Oregon statute.

#### **Discussion of Hearing and Resolution Actions:**

On May 24, 2021, the City's Budget Committee approved the City of McMinnville 2021– 2022 Budget. ORS 294.453 requires that, after the local government's budget committee has approved the budget, the governing body must hold a budget hearing to take citizen testimony on the approved budget.

Five to 30 days before the scheduled hearing, ORS 294.448 requires that the governing body publish a "Notice of Budget Hearing and Financial Summary." The Notice includes the date, time, location and remote access instructions for the budget hearing and a summary of the 2021 – 2022 Approved Budget. The Notice must appear in a newspaper of general circulation.

The required Notice and Financial Summary were published in the News Register on May 28, 2021.

The City also has a Budget Public Comment page on its website to facilitate the community's ability to weigh in on budget matters in a remote way during the public health emergency.

A resolution adopting the FY2021-22 Budget will be presented to the City Council at the June 22, 2021 meeting. The City will then certify the budget to the County Assessor's office prior to July 15, 2021.

#### **Fiscal Impact:**

Following the budget adoption and public hearing process is required for the City to draw property taxes, the largest source of unrestricted general fund revenues available to support public services as well as accessing voter approved property tax funds for local bond measures.

#### **Recommendation:**

Hold public hearing as required by ORS 294.453.

FORM LB-1

NOTICE OF BUDGET HEARING

A public meeting of the McMinnville City Council will be held on June 8, 2021 at 7:00 pm in a remote access meeting due to the public health emergency. In accordance with Governor Kate Brown's Executive Order 2020-12 seating capacity at Civic Hall, 200 NE Second Street in McMinnville, is quite limited and if we meet capacity we may ask you to leave. In the effort to protect the health of our community, the City encourages remote engagement at this time. Information on remote viewing and real time public comment options is available in the calendar section of [mcminnvilleoregon.gov](http://mcminnvilleoregon.gov). In addition, public comment may be submitted ahead of the hearing online on the city's website [mcminnvilleoregon.gov/finance/webform/budget-public-comment](http://mcminnvilleoregon.gov/finance/webform/budget-public-comment). The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2021 as approved by the McMinnville Budget Committee. A summary of the budget is presented below. A copy of the budget is available online at [mcminnvilleoregon.gov/finance](http://mcminnvilleoregon.gov/finance). This budget is for an annual budget period and was prepared on the same basis of accounting as used the preceding year.

Contact: Jennifer Cuellar Telephone: 503-434-2350 Email: [Jennifer.Cuellar@mcminnvilleoregon.gov](mailto:Jennifer.Cuellar@mcminnvilleoregon.gov)

FINANCIAL SUMMARY - RESOURCES			
TOTAL OF ALL FUNDS	Actual Amount 2019-20	Adopted Budget This Year 2020-21	Approved Budget Next Year 2021-22
Beginning Fund Balance/Net Working Capital	52,423,563	53,314,204	54,315,750
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	22,779,030	22,868,110	23,180,835
Federal, State & all Other Grants, Gifts, Allocations & Donations	7,373,602	7,415,732	15,289,164
Revenue from Bonds and Other Debt	0	0	0
Interfund Transfers / Internal Service Reimbursements	12,476,693	13,553,589	11,809,061
All Other Resources Except Current Year Property Taxes	2,376,956	2,609,300	1,750,758
Current Year Property Taxes Estimated to be Received	17,172,656	18,007,100	17,674,000
<b>Total Resources</b>	<b>114,602,500</b>	<b>117,768,035</b>	<b>124,019,568</b>

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION			
Personnel Services	25,521,794	28,155,029	27,827,631
Materials and Services	12,071,070	15,604,970	24,468,154
Capital Outlay	5,654,600	15,560,751	13,810,683
Debt Service	4,701,904	4,708,998	4,621,994
Interfund Transfers	10,435,443	11,227,196	9,521,650
Contingencies	0	6,731,500	5,681,500
Special Payments	315,551	694,250	573,000
Unappropriated Ending Balance and Reserved for Future Expenditure	55,902,138	35,085,341	37,514,956
<b>Total Requirements</b>	<b>114,602,500</b>	<b>117,768,035</b>	<b>124,019,568</b>

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM *			
Name of Organizational Unit or Program FTE for that unit or program			
General Fund	35,060,152	35,747,934	35,229,154
FTE	192	193	190
Special Assessments Fund	216,272	854,229	7,602,029
FTE			
Transient Lodging Tax Fund	1,329,535	1,054,600	1,199,200
FTE			
Telecommunications Fund	244,903	246,336	249,967
FTE			
Emergency Communications Fund	1,117,896	1,061,162	1,040,061
FTE			
Street Fund	4,508,553	4,268,756	3,990,440
FTE	10	10	10
Airport Fund	1,164,533	1,006,357	2,356,605
FTE			
Transportation fund	7,463,672	7,820,311	3,818,776
FTE			
Park Development Fund	2,214,894	1,671,717	1,934,336
FTE			
Debt Service Fund	5,096,684	4,917,097	4,083,284
FTE			
Building Fund	2,183,517	1,879,581	2,017,361
FTE	5	4	4
Wastewater Services Fund	13,437,869	13,728,894	14,502,629
FTE	21	22	21
Wastewater Capital Fund	35,924,707	39,046,587	41,943,331
FTE			
Ambulance Fund	174,483	0	0
FTE			
Information Systems & Services Fund	1,403,948	1,510,740	1,698,359
FTE	4	4	4
Insurance Services Fund	3,060,881	2,953,734	2,354,036
FTE			
<b>Total Requirements</b>	<b>114,602,500</b>	<b>117,768,035</b>	<b>124,019,568</b>
<b>Total FTE</b>	<b>232</b>	<b>233</b>	<b>229</b>

**STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING \***

The City of McMinnville's FY2021-22 approved budget represents an increase of 5.3% (\$6.2 million) relative the prior year's amended budget. **Revenues:** The City's total beginning balance is anticipated to be higher than last year's by \$1 million. Property taxes are anticipated to be \$300,000 higher (1.9%) than the FY2020-21 budget. This annual increase is lower than typically is found because property taxes for voter approved bond measures are decreasing next year as the Parks and Recreation refunding bond is maturing. Grants revenues are more than doubling next year to \$15.2 million due to the one-time American Rescue Plan estimated allocation for the City of McMinnville. Other resources are down by one third relative FY2020-21 due to the steep drop in interest earnings. Transfers In category resources are down for FY2021-22 due to the discontinuation of transfer "refunds" of excess Insurance Services Fund balances and a reduction of \$400,000 in to the Transportatoin Fund from the Street Fund due to Covid-19 impacts on gas tax revenues. **Expenditures:** Personnel costs have decreased by 1.2% (\$325,000) relative the prior year budget as a result of cost containment measures including a furlough program and vacancy savings. Materials and Services are up 56.8% (\$8.9 million); the increase is due to \$1.6 million in transportation professional services costs, an increase of over \$200,000 in insurance services fund outlays, a one-time grant for police body cameras, one-time \$7.1 million in American Rescue Plan investments offset by austerity measure reductions of spending in the General Fund. Capital investments have decreased by 11.2% (\$1.75 million). The General Fund is making a \$450,000 smaller investment in replacing capital equipment in the Police and Fire Departments combined relative last year. Anticipated declines in capital investments in Transportation Fund and the Parks Development Fund of a combined decrease of \$4.85 million year over year are seen as planned bond and grant funded projects are drawing to a close next fiscal year. The Wastewater Capital Fund anticipates higher capital investments of \$2.46 million relative last year. City reserves, as defined by adding the contingency to the unappropriated ending balance (UEB) category, are \$1.34 million higher in comparison to the FY2020-21 amended budget (3.32% of total reserves), reflecting progress made towards updated reserve targets established by the Council earlier in 2021.

**PROPERTY TAX LEVIES**

	Rate or Amount Imposed 2019-20	Rate or Amount Imposed This Year 2020-21	Rate or Amount Approved Next Year 2021-22
Permanent Rate Levy (rate limit 5.02 per \$1,000)	5.02	5.02	5.02
Local Option Levy	0	0	0
Levy For General Obligation Bonds	3,716,108	3,791,459	2,904,650

**STATEMENT OF INDEBTEDNESS**

LONG TERM DEBT	Estimated Debt Outstanding on July 1.	Estimated Debt Authorized, But Not Incurred on July 1
General Obligation Bonds	\$22,360,000	\$0
Other Bonds	\$7,500,149	\$0
Other Borrowings	\$285,647	\$0
<b>Total</b>	<b>\$30,145,796</b>	<b>\$0</b>

From: [Tynan Pierce](#)  
To: [Claudia Cisneros](#)  
Subject: Fwd: Budget Questions  
Date: Tuesday, June 8, 2021 5:29:25 PM

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**This message originated outside of the City of McMinnville.**

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Hi Claudia,

I was originally planning on giving public comment at tonight's public hearing for the proposed budget, however as it turns out, I am not going to be able to.

If you could please take my comments below for public record, I would appreciate it.

Please let me know if you have any questions.

Best,

Tynan Pierce



McMinnville, OR 97128

City Councilors and Mayor,

In light of the lack of response to my previous email, I would ask that there be a delay on any votes of budget approval until my questions and concerns already brought to your attention have been addressed.

I can not, in good conscience, leave this topic without being on the record against the budget as it stands now.

A budget that fails to bring proper funding to issues like affordable housing, climate change, and non-police crisis community care and mental health services is insufficient and should be adjusted.

We are at pivotal times in the world and our city needs bold, compassionate and creative strategies to meet the challenges that are occurring right now and the ones that are coming in the near future.

I am including my original email from last week as part of my public comment.

One adjustment to the original email \*it does seem that the CAHOOTS presentation is scheduled ahead of Budget Approval meeting on 6/22, so even more reason to delay the approval vote until a plan can be added to the proposed budget.

-Tynan Pierce

Budget time of year again.

As I looked over the proposed budget I had a few questions that I would love further information on ahead of next week's meeting/public hearing:

\*While my understanding is that there is an upcoming presentation from White Bird/CAHOOTS coming up this month, it seems it is scheduled for after budget approval. And

as of now, I can not find any funds allocated for non-police intervention or crisis services, and houseless services. I would love to see some funds earmarked for these sort of community initiatives in the proposed budget. Especially with the collapse of Champion Team these services are something our community needs sooner than later. If it is not possible to earmark these ahead of time, I would ask that Budget Approval be delayed until after the CAHOOTS presentation.

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Not to say that carpets and council expenses are not worthy of funds, but if we are truly looking to support our community in the most expansive way possible, perhaps some of these numbers can be adjusted to better reflect how much we all want to take care of the most underserved in our city.

\*Last year there were affordable housing budget items in the Mid-Year review, could someone shed more light as to whether or not these funds ended up being appropriated to these sorts of services, and if so how?

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Thank you for your time.  
Tynan Pierce

----- Forwarded message -----

From: **Tynan Pierce** <[tynan.m.pierce@gmail.com](mailto:tynan.m.pierce@gmail.com)>

Date: Wed, Jun 2, 2021 at 10:12 PM

Subject: Budget Questions

To: <[Scott.Hill@mcminnvilleoregon.gov](mailto:Scott.Hill@mcminnvilleoregon.gov)>, Zack Geary <[Zack.Geary@mcminnvilleoregon.gov](mailto:Zack.Geary@mcminnvilleoregon.gov)>, Adam Garvin <[Adam.Garvin@mcminnvilleoregon.gov](mailto:Adam.Garvin@mcminnvilleoregon.gov)>, Remy Drabkin <[Remy.Drabkin@mcminnvilleoregon.gov](mailto:Remy.Drabkin@mcminnvilleoregon.gov)>, Sal Peralta <[Sal.Peralta@mcminnvilleoregon.gov](mailto:Sal.Peralta@mcminnvilleoregon.gov)>, Kellie Menke <[Kellie.Menke@mcminnvilleoregon.gov](mailto:Kellie.Menke@mcminnvilleoregon.gov)>, Chris Chenoweth <[Chris.Chenoweth@mcminnvilleoregon.gov](mailto:Chris.Chenoweth@mcminnvilleoregon.gov)>

Hello Everyone,

Budget time of year again.

As I looked over the proposed budget I had a few questions that I would love further information on ahead of next week's meeting/public hearing:

\*While my understanding is that there is an upcoming presentation from White

Bird/CAHOOTS coming up this month, it seems it is scheduled for after budget approval. And as of now, I can not find any funds allocated for non-police intervention or crisis services, and houseless services. I would love to see some funds earmarked for these sort of community initiatives in the proposed budget. Especially with the collapse of Champion Team these services are something our community needs sooner than later. If it is not possible to earmark these ahead of time, I would ask that Budget Approval be delayed until after the CAHOOTS presentation.

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Thank you for your time.

-Tynan Pierce



# STAFF REPORT

**DATE:** May 24, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Jennifer Cuellar, Finance Director  
**SUBJECT:** Public Hearing on FY2021-22 Proposed Uses of State Revenue Sharing

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## CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**Report in Brief:** A public hearing on Proposed State Revenue Sharing is required by Oregon statute.

### **Discussion of Hearing and Resolution Actions:**

ORS 221.770 requires that cities annually pass an ordinance or resolution requesting state revenue sharing money, holding public hearings, and certifying that these hearings were held.

To receive state revenue sharing in 2021 – 2022, the City must have levied property taxes in the preceding year and:

- 1) Pass an ordinance or resolution approving participation in the program and file a copy of that ordinance with the State of Oregon prior to July 31.
- 2) Hold the following hearings on the use of state revenue sharing funds:
  - a) a public hearing before the budget committee to discuss possible uses of the funds
  - b) a public hearing before the city council on the proposed uses of the funds in relation to the entire budget
- 3) Certify to the State of Oregon prior to July 31 that these hearings have been held

As required by ORS 221.770, a public hearing on possible uses of state revenue sharing was held before the City of McMinnville Budget Committee on May 19, 2021.

A resolution approving participation in the program and requesting revenue sharing will be presented to the City Council at the June 22, 2021 meeting. The City will then certify to the State of Oregon prior to July 31 that the public hearings were held.

**City of McMinnville**  
**City's Possible Uses of State Revenue Sharing**  
**2021 - 2022 Proposed Budget**

**Revenue - State Revenue Sharing** **\$456,000**

**Expenditures - State Revenue Sharing**

Support for personnel and basic operating expenses for general fund activities of a full service city.

**Administration and Finance** 20,000

**Engineering** 6,000

**Planning** 50,000

**Police** 115,000

**Fire** 115,000

**Parks & Recreation** 50,000

**Parks Maintenance** 50,000

**Library** 50,000

**Total Proposed Expenditures** **\$456,000**

**Fiscal Impact:**

The City anticipates receiving \$456,000 in state shared revenues, a vital source of unrestricted general fund revenues to support public services.

**Recommendation:** Hold public hearing as required by ORS 221.770.

**Documents:**

Hearing Notice for the FY2021-22 Proposed Uses of State Shared Revenue



**CITY OF McMinnville**  
**STATE REVENUE SHARING PUBLIC HEARING**

A public meeting of the City of McMinnville City Council, Yamhill County, State of Oregon, to receive public comment on the proposed uses of state revenue sharing funds for the fiscal year July 1, 2021 to June 30, 2022 will be held. The meeting will take place on the 8th day of June 2021 at 7:00 p.m.

In the effort to protect the health of our community, the City encourages remote engagement at this time. Seating capacity at Civic Hall, 200 NE Second Street in McMinnville, is quite limited and if we meet capacity we may ask you to leave. Information on remote viewing and real time public comment options is available in the calendar section of [mcminnvilleoregon.gov](http://mcminnvilleoregon.gov). In addition, public comment may be submitted ahead of the hearing online on the city's website [mcminnvilleoregon.gov/finance/webform/budget-public-comment](http://mcminnvilleoregon.gov/finance/webform/budget-public-comment).

This Notice of the State Revenue Sharing Public Hearing has also been posted on the City's website at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## STAFF REPORT

**DATE:** May 20, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Jennifer Cuellar, Finance Director  
**SUBJECT:** FY2020-21 Supplemental Budget Hearing and Resolutions

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### CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**Report in Brief:** One Supplemental Budget hearing for the Transient Lodging Tax Fund (TLT) is required and three supplemental budget resolutions are proposed

#### **Discussion of Hearing and Resolution Actions:**

When a supplemental budget changes a fund's expenditures by more than 10%, a public hearing is required. The TLT Fund's appropriation will change by more than 10%. Notice of the public hearing was published on May 28, 2021, more than five days prior to the hearing on June 8, 2021.

1. Supplemental action due to higher than anticipated TLT revenues:

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

Based on current receipts and a faster than predicted recovery from Covid-19 pandemic restrictions, it is anticipated that TLT revenue will be approximately \$150,000 higher than projected.

As allowed by State law, the City spends 70 percent of the TLT revenues on tourist promotion activities and transfers 30 percent Transient Lodging Tax Fund to the General Fund. Because TLT revenue is expected to be higher than budgeted, the appropriated program expenditures and interfund transfers out are also expected to be higher than budgeted.

As a result, a supplemental budget is necessary to add appropriations to these two expenditure categories. The supplemental budget in the Transient Lodging Tax fund increases Transient Lodging Tax revenue by \$150,000, program activities by \$105,000 and Transfers Out to the General Fund appropriations by \$45,000.

#### **Attachments:**

- Hearing Notice for the FY2020-21 Supplemental Budget for the Transient Lodging Tax Fund

## NOTICE OF SUPPLEMENTAL BUDGET HEARING

- For supplemental budgets proposing a change in any fund's expenditures by **more than 10 percent**.

A public meeting of the McMinnville City Council will be held on June 8, 2021 at 7:00 pm in a remote access meeting due to the public health emergency. In the effort to protect the health of our community, the City encourages remote engagement at this time. Seating capacity at Civic Hall, 200 NE Second Street in McMinnville, is available but quite limited and if we meet capacity we may ask you to leave. Information on remote viewing and real time public comment options is available in the calendar section of [mcminnvilleoregon.gov](http://mcminnvilleoregon.gov). In addition, public comment may be submitted ahead of the hearing online on the city's website [mcminnvilleoregon.gov/finance/webform/budget-public-comment](http://mcminnvilleoregon.gov/finance/webform/budget-public-comment). A summary of the supplemental FY2020-21 budget is presented below. A copy of the budget is available online at [mcminnvilleoregon.gov/finance](http://mcminnvilleoregon.gov/finance).

The purpose of the hearing is to discuss the supplemental budget with interested persons.

### SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

#### FUND: Transient Lodging Tax (TLT)

Resource	Amount	Expenditure	Amount
1 Licenses and Permits	1,200,000	1 Tourism Promotion and Programs	819,671
2 Other (unchanged)	4,600	2 Transfers out to other funds	384,929
<b>Revised Total Fund Resources</b>	<b>1,204,600</b>	<b>Revised Total Fund Requirements</b>	<b>1,204,600</b>

#### Explanation of change(s):

Based on current receipts and a faster than predicted recovery from Covid-19 pandemic restrictions, it is anticipated that TLT revenue will be approximately \$150,000 higher than projected. This means a higher amount will be expended for the 70% going to tourism-related programming and 30% funding general city activities.



## STAFF REPORT

**DATE:** April 27, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Rich Leipfert, Fire Chief  
**SUBJECT:** Contract with McMinnville Rural Fire Protection District  
**STRATEGIC PRIORITY & GOAL:**



### CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**OBJECTIVE/S:** Develop and foster local and regional partnerships

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#### **Report in Brief:**

This action is a resolution for the City of McMinnville to renew the Intergovernmental Agreement (IGA) with the McMinnville Rural Fire Protection District for Fire services

#### **Background:**

This contract includes a 3 percent increase from last year's contract. The contract allows for the City of McMinnville to provide fire protection and prevention services to the McMinnville Rural Fire Protection District in exchange for monetary compensation.

#### **Discussion:**

The Rural District has been notified of a fee increase above the 3% guarantee according to the contract for FY 22-23. We identified that we want to renegotiate a revised or new cost allocation model as part of this negotiations.

#### **Attachments:**

1. Proposed Resolution No. 2021-36
2. Intergovernmental Agreement
3. MRFPD Fee Increase Notice

#### **Fiscal Impact:**

The total remuneration for services outlined in the 2021 – 2022 contract are \$410,446

#### **Recommendation:**

Staff recommends that the City Council approve Resolution No. 2021-36 authorizing the City to renew the IGA with the McMinnville Rural Fire District.

## RESOLUTION NO. 2021 - 36

A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.

### RECITALS:

The present contract between the City of McMinnville and the McMinnville Rural Fire Protection District (MRFPD) expires June 30, 2021, and it is necessary that a new contract be executed. The new contract will be in full force and effect for a period up to and including June 30, 2022.

The City of McMinnville and the McMinnville Rural Fire Protection District have mutually agreed to the renewal of the fire protection service contract. This year we have agreed to a five percent increase.

The City of McMinnville has the necessary equipment to furnish rural fire protection to the area surrounding and adjacent to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. That a contract prepared by the City Attorney, and submitted to the Council of the City of McMinnville on the 23rd day of June 2021, be entered into by and between the City of McMinnville and the McMinnville Rural Fire Protection District for the period July 1, 2021 through June 30, 2022. The contract provides that the City shall furnish fire protection to the District and the inhabitants of the District. The contract, in the amount of \$410,446.00, is hereby approved and accepted as submitted. Payment shall be made as follows:  

\$205,223.00 by December 15, 2021  
\$102,612.00 by March 15, 2022  
\$102,612.00 by June 15, 2022
2. The Mayor is hereby authorized and directed to execute the contract in duplicate and to deliver one executed copy thereof to the McMinnville Rural Fire Protection District and to retain one executed copy thereof to be kept on file in the office of the City Recorder.
3. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 8<sup>th</sup> day of June 2021 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

## INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, authorized by ORS 190.010, is made this 8th day of June, 2021, by and between the CITY OF MCMINNVILLE, an Oregon municipal corporation, hereinafter referred to as “CITY”, and the MCMINNVILLE RURAL FIRE PROTECTION DISTRICT (MRFPD), an Oregon municipal corporation, hereinafter referred to as “DISTRICT”, the promises and agreements of each being in consideration of the promises and agreements of the other.

The parties agree as follows:

1. **Term:** The term of this Agreement is one (1) year, beginning on the 1<sup>st</sup> day of July, 2021 and ending on the 30<sup>th</sup> day of June, 2022.
2. **Scope of Services:**
  - A. The CITY agrees to provide fire protection throughout the DISTRICT, as required. In providing fire protection throughout the DISTRICT, the CITY, through its Fire Department, shall:
    1. Provide fire suppression throughout the DISTRICT.
    2. Provide the use of available pumpers, tenders and ladder equipment, and all other necessary equipment, as well as sufficient personnel to operate said apparatus, subject to the condition that reasonably sufficient apparatus and personnel shall remain within the CITY to assure adequate fire protection to the CITY. If the demands of the DISTRICT exceed the available apparatus and personnel which the CITY can provide, the CITY agrees to invoke then current mutual aid agreements as may be necessary to supplement the CITY’S apparatus and personnel.
    3. Review building and construction plans within the DISTRICT.
      - a. Request that Yamhill County submit all plans for new developments/construction in the DISTRICT requiring a “fire-and-life-safety” plan check to CITY for review. Plans will be reviewed for fire access, fire-flow, built-in-fire protection, road grades, and other fire code issues.
      - b. Perform field inspections to ensure new development and construction is accomplished in accordance with reviewed plans as regards those items listed in (3)(a) above.
    4. Investigate all fires within the DISTRICT to determine cause.
    5. Initiate and sustain a program of study, reasonably calculated to result in the formulation and necessary revision of operating procedures necessary to maintain a high level of fire protection within the DISTRICT.
    6. Review and propose fire codes and ordinances for adoption by the DISTRICT.

7. Investigate all fire code complaints; perform on-site inspection to determine validity of complaint.
8. Perform inspections as required by a priority plan adopted by the DISTRICT and agreed to by the CITY. Conduct home fire-safety inspections upon request.
9. Enforce codes, ordinances, and regulations adopted by the DISTRICT, including the assessment and collection of fees in accordance with Code Enforcement Fee Schedule adopted by DISTRICT.
10. Maintain, for the DISTRICT, adequate records of activity as may be required by the Insurance Services Office and the Oregon State Fire Marshal.
11. Participate in mutual aid agreements with the fire protection districts which are contiguous with the MRFPD and establish and maintain an automatic aid agreement in areas in which service might be improved by such an agreement, so long as it is in the best interests of all parties to do so.
12. Subject to the provisions of Section 2A of this agreement, the CITY shall maintain and operate an adequate fire protection service in the DISTRICT. CITY shall use due diligence to maintain continuous and uninterrupted service. Under no circumstances is the CITY liable to the DISTRICT for interruption or failure of service caused by acts of nature, unavoidable accident, or other circumstances beyond the control of the CITY through no fault of its own.
13. The CITY shall operate the fire protection program authorized by this Agreement twenty-four (24) hours per day, seven (7) days per week.
14. The CITY shall take all reasonable steps to maintain all of its trucks, equipment and the entire system in a good state of repair, and shall at all times conduct its operation under this Agreement in a safe and professional manner so as not to present a danger to the public or DISTRICT.
15. The CITY shall consider the needs of the DISTRICT when designing and purchasing fire apparatus, with specific regard to hill climbing ability, maneuverability, foam production and compatibility with rural fire applications.
16. The DISTRICT shall have the right to use the CITY Fire Department conference room for the DISTRICT'S regularly scheduled meetings, as well as specially scheduled meetings, given sufficient advance notice.
17. The CITY shall assist the Board of the DISTRICT in recommending the site for and development of future station needs as may be required in the DISTRICT.
18. The CITY shall provide public education as follows:
  - a. Conduct a Fire Prevention Open House each October, with announcement flyers sent to all students in all schools in the MRFPD area, including private schools.
  - b. Solicit opportunities to give fire safety education programs to all DISTRICT neighborhood associations on an annual basis.



- c. Post updated information for rural district residents containing pertinent fire safety information on the City Fire Department Web Site.
- 19. The CITY shall provide fire suppression training and provide for fire suppression preparedness as follows;
  - a. Equip all operations personnel with wild land firefighting apparel.
  - b. Conduct training for all personnel in wild land fire behavior and urban/forest interface strategy and tactics prior to fire season.
  - c. Identify locations throughout the DISTRICT where water supply might be established or improved.
  - d. Train on rural water supply operations, with surrounding rural districts, to reduce turnaround time and improve water supply procedures in rural area.
  - e. Maintain a supply of forestry type fire suppression foam.
  - f. Develop a countywide major fire event plan to be implemented as a component of the City's and County's disaster plan.
  - g. Maintain nominal staffing (call back) and situation status management plan to ensure adequate fire defense resources in the event of simultaneous responses which may deplete on-duty resources.
- B. The DISTRICT agrees that the CITY shall not be required to duplicate those efforts or services regularly provided by other governmental agencies; nor shall the CITY be required to provide any services which are, by law, reserved for another government agency.
- C. The CITY agrees to provide the DISTRICT with regular reports based on the fire protection services provided in Section 2A (see above) of this Agreement. Also, a copy of the annual audit of the City of McMinnville shall be provided to the DISTRICT. The DISTRICT agrees to provide a copy of the annual audit of the DISTRICT to the CITY.
- D. The CITY shall keep the DISTRICT informed of all new developments, issues or concerns affecting the fire operations of the CITY as they may relate to the DISTRICT. The CITY shall endeavor to notify the DISTRICT in advance of any public announcement concerning this Agreement that is to be made. The DISTRICT shall endeavor to notify the CITY of any developments or uses concerning the Agreement in advance of any public announcement on the subject.
- E. At all times during the term of this Agreement, the CITY and DISTRICT shall comply with all applicable laws, ordinances, rules and regulations of the United States of America and the State of Oregon, including all agencies and subdivisions thereof.
- F. The City agrees to support and defend the MRFPD where the MRFPD has taken action to implement rules and or ordinances at the request of, or when benefit accrues to, the City.

3. **Compensation:** The DISTRICT agrees to pay the CITY during the term of this Agreement the sum of \$410,446.00 for fire protection during fiscal year 2021-2022. In addition, as additional compensation, the CITY shall retain all fees collected by the CITY related to the Code Enforcement Fee Schedule adopted by DISTRICT.

A. The CITY and DISTRICT shall retain the right to renegotiate the service level and/or service cost as of the 30<sup>th</sup> day of June, 2021, by giving 180 days' prior written notice to the other party (see Sections 4 and 5).

B. The DISTRICT agrees to make payments to the CITY according to the following schedule unless these funds are not made available by the county tax collector.

<u>Payment #</u>	<u>Due Date</u>	<u>Amount</u>
1	Dec. 15	\$ 205,223
2	Mar. 15	\$ 102,612
3	June 15	\$ 102,612

C. The DISTRICT agrees that it will levy taxes during the term of this Agreement sufficient to provide the payments required to be made to the CITY during this Agreement.

D. It is understood and agreed by the parties that no director, officer or other representative of the DISTRICT shall be individually liable for any payments due to the CITY.

E. If, as a result of the tax limitation, the CITY is unable to provide the level of service described in Section 2 above, or the DISTRICT is unable to pay for the current level of services, then the parties agree to renegotiate in good faith the amount of compensation to be paid to the CITY for the services provided.

F. It is understood that while this agreement is in place that the City will not bill for motor vehicle accident "Fire Fees" to residents of the McMinnville Rural Fire Protection District.

4. **Future Fee Increases:** The CITY and DISTRICT agree that the fee for each future year will be increased three percent per annum. The parties agree to enter into negotiations regarding a change in the three percent increase or any other change in the fee when requested by either party so long as said request to negotiate is given not less than 180 days prior to the expiration of the Agreement. In the event negotiations have not been completed by June 30, 2022, the CITY may decline to provide the services described in Section 2 of this Agreement.

5. **Renegotiation/Termination/Renewal:** This Agreement shall be renewed unless CITY or DISTRICT gives written notice to the other party 180 days prior to the expiration of this Agreement, informing the other party that the notice-giving

party wishes to renegotiate the terms of the Agreement or to terminate the Agreement.

- A. If notification of the intent to renegotiate this Agreement has been given, the parties agree that, prior to June 30, 2022, they will negotiate in good faith concerning the terms of this Agreement.
- B. If the DISTRICT has notified the CITY of its intent to renegotiate this Agreement and a successful renegotiation has not been completed before June 30, 2022, this Agreement shall be automatically extended for 90 days to allow continuing negotiations. This Agreement may be extended further by mutual agreement for additional increments of up to 90 days each.
- C. If notification of the intent to terminate this Agreement has been given, the Agreement shall terminate on the 30<sup>th</sup> day of June 2022. If both parties agree in writing, a termination pursuant to this section may be effective at an earlier date.

6. **Rules of Construction/Interpretation:**

- A. Unless otherwise specifically prescribed in this Agreement , the following provisions shall govern its interpretation and construction:
  - 1. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
  - 2. Time is of the essence of this Agreement. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply promptly with any provisions of this Agreement by any failure of the other party to enforce prompt compliance with any of its provisions.
  - 3. Every duty and every act to be performed by either party imposes an obligation of good faith on the party to perform such.
- B. All notices, reports or demands required to be given in writing under this Agreement shall be deemed to be given a) when delivered personally to the person designated below, or b) when three (3) days have elapsed after it is deposited in the United States mail in a sealed envelope, registered or certified mail, postage prepaid, or c) on the next business day when sent by express mail, all addressed to the party to whom the notice is being given:

Fire Chief Rich Leipfert,  
City of McMinnville,  
175 NE First St,  
McMinnville, Oregon 97128

Steve Leonard  
Chairman, McMinnville Rural Fire Protection District,  
175 NE First St,

McMinnville, Oregon 97128

- C. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply with any of the provisions of this Agreement by reason of any failure of the other party to enforce prompt compliance.
  - D. The paragraph captions and headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
  - E. For purposes of determining time of performance, time shall be computed so as to exclude the first and include the last day of the prescribed period of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, the next working day shall be construed to be the last day of the prescribed period.
  - F. None of the provisions of this Agreement shall be construed to create in the DISTRICT any right, interest or ownership in any real or personal property used by the CITY for the performance of this Agreement.
7. **Hold Harmless:** The parties agree that neither the CITY nor any of the CITY'S officers, agents, representatives, employees or volunteers shall be liable to the DISTRICT, or any owner within the DISTRICT, or any other person, for any claim for injury or damage or any loss or expense growing out of or resulting directly or indirectly from the performance of this Agreement, including but not limited to, a claim for alleged failure to provide firefighting or fire protection apparatus or services, or for court costs and attorneys' fees (including an appeal filed in connection with any legal proceedings arising out of this Agreement).
8. **Discrimination:** The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this Agreement.
9. **Waiver of Breach:** A waiver of any breach of any provision of this Agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this Agreement.

City of McMinnville  
an Oregon Municipal  
Corporation

McMinnville Rural Fire  
Protection District, an  
Oregon Municipal Corporation

By: \_\_\_\_\_  
Scott Hill, Mayor

By: \_\_\_\_\_  
Steve Leonard, Chairman

Date: \_\_\_\_\_  
Approved as to form:

Date: \_\_\_\_\_

\_\_\_\_\_  
Amanda Guile-Hinman, City Attorney



# McMinnville Fire Department

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## M E M O R A N D U M

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**DATE:** 4/26/2021

**TO:** Steve Leonard, MRFPD Chairman

**FROM:** Rich Leipfert, Fire Chief

**Subject:** Fee Increase Notice

The City of McMinnville is giving formal notice to the McMinnville Rural Fire Protection District for a Fee Increase above the allowed 3% for the FY 22-23. This notice is given in accordance with Section 4 of the current contract requiring at least 180 days of notice. Given the significant financial challenges being experienced by the City and Fire Department, we will need to use a revised or new cost allocation method for the Fire Protection Services.



**City of McMinnville  
Fire Department**  
175 NE 1<sup>st</sup> Street  
McMinnville, OR 97128  
(503) 435-5800  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# STAFF REPORT

**DATE:** May 17, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Rich Leipfert, Fire Chief  
**SUBJECT:** IGA Renewal with Amity Fire Protection District  
**STRATEGIC PRIORITY & GOAL:**



## **CITY GOVERNMENT CAPACITY**

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**OBJECTIVE/S:** Develop and foster local and regional partnerships

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### **Report in Brief:**

This action is a resolution for the City of McMinnville to renew the Intergovernmental Agreement (IGA) with the Amity Fire Protection District for Fire and EMS services

### **Background:**

This contract has transitioned to an annual renewal and the addition of specific fire prevention services requested by the State Fire Marshal's Office. The City had been providing prevention and investigation services through the original IGA but the State determined that we needed to be more specific in the language around that service for their purposes. The contract allows for the City of McMinnville to provide fire administration, prevention and EMS services to the Amity Fire Protection District in exchange for monetary compensation.

### **Discussion:**

The Amity Fire District has been notified of a 1.3% fee increase due to CPI.

### **Attachments:**

1. Proposed Resolution No. 2021-37
2. Intergovernmental Agreement

### **Fiscal Impact:**

The total charges for services outlined in the 2021 – 2022 contract are \$192,686

### **Recommendation:**

Staff recommends that the City Council approve the Resolution authorizing the City to renew the IGA with the Amity Fire District.

## RESOLUTION NO. 2021 - 37

A Resolution providing for and approving a form of an Intergovernmental Agreement (IGA) by and between the City of McMinnville, Oregon and the Amity Fire Protection District.

### RECITALS:

This Intergovernmental Agreement (the “IGA”) is entered into effective as of July 1, 2021, (“Effective Date”) by and between the City of McMinnville Fire Department (MFD) and Amity Fire District (AFD) and sets forth the understanding between the parties regarding the development and implementation of a program relating to Fire and EMS Services to Amity Fire District

- A. Whereas, McMinnville and AFD desire to provide the most expedient and affordable service to their respective communities, to further economy and efficiency in local government and intergovernmental cooperation, and to minimize unnecessary and costly duplication of services, by combining and coordinating their resources; and
- B. Whereas, McMinnville maintains administration through its Administrative Chiefs and Battalion Chiefs and AFD desires to obtain such services from McMinnville; and
- C. Whereas, McMinnville and AFD desire to provide emergency service options that are sustainable to their respective service areas; and
- D. Whereas, McMinnville has qualified and trained Fire Marshal and Fire prevention and investigation staff available to provide prevention and investigation service, and
- E. Whereas, McMinnville maintains and operates training services for itself and other agencies, and AFD desires to obtain such services on a limited basis from McMinnville; and
- F. Whereas, the City has software licenses for reporting, training, and computer aided dispatch (CAD) that can be expanded to AFD; and
- G. Whereas, the City provides Paramedic Ambulance services through its McMinnville Fire Department (MFD) within the McMinnville Ambulance Service Area (ASA2), which includes Amity Fire District and the City of McMinnville; and
- H. Whereas, the Parties desire to enhance the availability of a Paramedic Ambulance Services and Fire Protection Services within the Amity Fire District and the City of McMinnville by providing enhanced Advanced Life Saving (ALS) Ambulance Service during normal business hours; and
- I. Whereas, the MFD has qualified and trained Administration staff and Firefighters and the equipment available to provide this service, and the AFD has appropriate and secure quarters for both the apparatus and the personnel at their station located in Amity, Oregon; and
- J. Whereas, the Parties are currently also parties to the Yamhill Fire Defense Board 2012 Intra-County Mutual and Emergency Assistance Agreement (the “Mutual Aid Agreement”), which would allow MFD to provide emergency assistance to AFD using any MFD personnel assigned to the ALS Ambulance Unit at the Amity Fire Station; and
- K. Whereas, Oregon Revised Statutes (ORS) Chapter 190, authorizes units of local government, including cities and special districts, to enter into written agreements with other units of local government for the performance of any or all functions and activities that a party to the agreement has authority to perform.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. That an IGA prepared and submitted to the Council of the City of McMinnville on the 8th day of June 2021, be entered into by and between, the City of McMinnville and the Amity Fire Protection District with the effective date of 1<sup>st</sup> day of July, 2021.
2. McMinnville agrees to provide invoices to AFD and AFD agrees to pay McMinnville the invoiced amounts, which shall reflect the cost of Services as described in the appendices. Invoices will be provided semiannually on or before the first day of November and May, payment is due within 30 days of the date of invoice. Invoicing may be by electronic means.
3. Total compensation for the first year is \$192,686. The IGA costs will be adjusted annually by CPI "All Cities" year-end up to a maximum increase of 3% annually.
4. The Mayor is hereby authorized and directed to execute the IGA in duplicate and to deliver one executed copy thereof to the Amity Fire Protection District and to retain one executed copy thereof to be kept on file in the office of the City Recorder.
5. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 8th day of June, 2021 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



## **INTERGOVERNMENTAL AGREEMENT FOR FIRE AND EMS SERVICES**

This Intergovernmental Agreement (the “IGA”) is entered into by and between the City of McMinnville (“McMinnville” or the “City”) and Amity Fire District (“AFD”) (the “Parties”) as of July 1, 2021, (Effective Date).

### **RECITALS**

- a. Whereas, McMinnville and AFD desire to provide the most expedient and affordable service to their respective communities, to further economy and efficiency in local government and intergovernmental cooperation, and to minimize unnecessary and costly duplication of services, by combining and coordinating their resources; and
- b. Whereas, McMinnville maintains administration through its Administrative Chiefs and Battalion Chiefs and AFD desires to obtain such services from McMinnville; and
- c. Whereas, McMinnville and AFD desire to provide emergency service options that are sustainable to their respective service areas; and
- d. Whereas, McMinnville has qualified and trained Fire Marshal and Fire prevention and investigation staff available to provide prevention and investigation service, and
- e. Whereas, McMinnville maintains and operates training services for itself and other agencies, and AFD desires to obtain such services on a limited basis from McMinnville; and
- f. Whereas, the City has software licenses for reporting, training, and computer aided dispatch (CAD) that can be expanded to AFD; and
- g. Whereas, the City provides Paramedic Ambulance services through its McMinnville Fire Department (MFD) within the McMinnville Ambulance Service Area (ASA2), which includes Amity Fire District, and the City of McMinnville; and
- h. Whereas, the Parties desire to enhance the availability of a Paramedic Ambulance Services and Fire Protection Services within the Amity Fire District and the City of McMinnville by providing enhanced Advanced Life Saving (ALS) Ambulance Service during normal business hours; and
- i. Whereas, the MFD has qualified and trained Administration staff and Firefighters and the equipment available to provide this service, and the AFD has appropriate and secure quarters for both the apparatus and the personnel at their station located in Amity, Oregon; and

- j. Whereas, the Parties are currently also parties to the Yamhill Fire Defense Board 2012 Intra-County Mutual and Emergency Assistance Agreement (the “Mutual Aid Agreement”), which would allow MFD to provide emergency assistance to AFD using any MFD personnel assigned to the ALS Ambulance Unit at the Amity Fire Station; and
- k. Whereas, Oregon Revised Statutes (ORS) Chapter 190, authorizes units of local government, including cities and special districts, to enter into written agreements with other units of local government for the performance of any or all functions and activities that a party to the agreement has authority to perform.

Now therefore, the parties agree as follows:

## **1. TERM**

The prior agreement dated April 16, 2019, is hereby terminated and replaced on the Effective Date of this Agreement. This Agreement shall be effective July 1, 2021 (“Effective Date”). This Agreement shall remain in effect until June 30, 2022 or until terminated by either party. Either party may terminate this Agreement by providing ninety days’ written notice of termination to the other party.

## **2. RESPONSIBILITIES OF MCMINNVILLE FIRE DEPARTMENT**

Beginning with the effective date, and for the duration of this Agreement, MFD shall:

- a. Provide administration services to the Amity Fire District as outlined in Appendix A.
- b. Provide a Division Chief/Training Officer to provide management of the AFD training program and move to merge the two departments training documentation and schedule.
- c. Stage an Oregon Health Authority licensed ALS Ambulance Unit at the Amity Fire Station between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The Ambulance Unit will be staffed with a minimum of one Oregon Certified dual role Firefighter / Paramedic, and one Firefighter EMT. The assigned personnel will assist with EMS related training of AFD personnel while assigned to the AFD station, and will perform appropriate Station Duties at the direction of the AFD.
- d. Provide appropriate IT infrastructure in AFD’s Fire Station that will allow the MFD and AFD employees to remotely connect to EMS report writing software, City email and other business related programs.
- e. Provide furniture for assigned personnel use (i.e. kitchen table, chairs and basic office furniture), and provide for an appropriately sized EMS supply cache to be utilized by the ambulance and AFD for restocking purposes.
- f. MFD employees will be authorized to staff and operate AFD vehicles while responding on calls with the AFD.
- g. Provide 1 Mobile Computer Terminal with CAD licenses and IS support

- h. Provide Duty Chief Coverage 24hrs daily.
- i. Provide access to ESO reporting software and report NFIRS requirements
- j. Administration will preapprove social media releases.
- k. Enforce existing AFD Standard Operating Guidelines (SOG) and policies.
- l. Provide prevention and fire investigation services outlined in Appendix A
- m. "Enforcement of the Oregon Fire Code as adopted by the Office of State Fire Marshal under OAR 837-40-0010".

### **3. RESPONSIBILITIES OF AMITY FIRE DISTRICT**

Beginning with the effective date, and for the duration of this Agreement, AFD shall:

- a. Provide an office for the Division Chief of Training at the AFD station.
- b. Continue to provide administrative/bookkeeping/Board staff support through the current accounts payable/board staff position.
- c. Provide secure facilities for the apparatus and personnel at their station in Amity, Oregon, to include at a minimum: one parking bay space, living quarters, office space, kitchen areas, bathrooms and parking for personal vehicles.
- d. Provide compensation to the City of McMinnville as outlined in section 4.
- e. Provide weekend Duty Chief Coverage when available, due to Volunteer coverage.

### **4. COMPENSATION**

McMinnville agrees to provide invoices to AFD and AFD agrees to pay McMinnville the invoiced amounts, which shall reflect the cost of Services as described in the appendices. Invoices will be provided semiannually on or before the first day of November and May, payment is due within 30 days of the date of invoice. Invoicing may be by electronic means.

After July 1, 2021, McMinnville will invoice AFD at a rate which McMinnville, in consultation with AFD, shall establish and publish by March 1 of each year for implementation on July 1 of that year.

Amounts invoiced shall include all Services as provided in the Scope of Services section. In the event AFD requests and McMinnville agrees to provide Services beyond the Scope of Work, McMinnville may charge additional amounts to the quarterly invoice. The Parties shall agree in writing to the rate for such additional Services in advance.

The compensation and Scope of Services is based upon the current number and configuration of Services, as identified in Appendix "A" In the event of a change in Services requested, both Parties shall meet to discuss these changes and different compensation. Other appendices shall be added if additional services are requested and agreed upon by the parties.

The contract costs will be adjusted annually by CPI “All Cities” year-end up to a maximum increase of 3% annually.

**5. REVIEW, EVALUATION AND QUALITY ASSURANCE**

The Parties shall collaborate, as required, to deliver excellent patient care and customer service, and shall notify each other as soon as possible of incidents that affect the quality of service delivery under this Agreement. Both parties will work diligently toward resolving any issues that may arise for the mutual benefit of the Parties. In addition, the parties shall jointly perform an annual evaluation of the effectiveness of the program. For the purposes of evaluating the program, the parties shall consider at a minimum: financial impacts / revenue, response times, unit availability, transport times, crew interoperability and overall program success.

**6. PERSONNEL**

The personnel assigned to the ALS Ambulance Unit by MFD shall at all times remain and be employed by the City, subject to the rules and regulations of the City, notwithstanding that AFD may provide for the day to day supervisory needs of that personnel under the terms of this Agreement. If available, MFD assigned personnel may be utilized by MFD to provide emergency assistance to AFD, pursuant to the terms and condition of the Mutual Aid Agreement.

**7. LIABILITY AND INDEMNITY**

- a. To the extent permitted by the Oregon Tort Claims Act and the Oregon Constitution, each party shall defend, indemnify and hold harmless the other party, and each of that second party’s elected officials, officers, agents and employees, from and against any and all losses, claims, actions, costs, judgments, damages or other expenses resulting from injury to any person (including injury resulting in death) or damage to property (including loss or destruction), of whatever nature, arising out of or incident to the performance of this Agreement by the first party, including, but not limited to, any acts or omissions of the first party’s officers, employees, agents, volunteers and others, if any, designated by the first party to perform services under this Agreement; provided however that the first party shall not be held responsible for any losses, claims, actions, costs, judgments, damages or other expenses directly, solely and proximately caused by the negligence of the second party.
- b. Each party is required to provide and be responsible for their employees’ worker’s compensation insurance. Additionally, each party shall be responsible for any and all liability arising out of its use of the vehicles by its respective employees. Each party further agrees to be responsible for any physical damage to their own vehicles while they are in use, whether being driven or parked.

- c. This section does not confer any right to indemnity on any person or entity other than the parties, waive any right of indemnity or contribution from any person or entity, or waive any governmental immunity.
- d. The obligations of the parties under this section will survive expiration or termination of this Agreement.

**8. GENERAL**

- a. Relationship of the Parties. The relationship of the parties shall be that of independent contractors collaborating for purposes of the ALS Ambulance Program, and this Agreement shall not make either party the agent or partner of the other or create any form of partnership or joint venture between the parties.
- b. Assignment and Amendment. Any changes to this Agreement must be agreed to in writing by authorized representatives of each party.
- c. Notice. Any written notification required for this Agreement shall be made to the following:

If to AFD:

Ron Huber  
Board Chairman  
P.O. Box 335  
Amity, Oregon 97101

If to City:

Rich Leipfert  
Fire Chief  
175 NE 1<sup>st</sup> Street  
McMinnville, Oregon 97128

With a copy to:

Amanda Guile-Hinman  
City Attorney  
230 NE 2<sup>nd</sup> Street  
McMinnville, Oregon 97128

- d. Counterparts. This Agreement may be executed in any number or counterparts, each of which shall be deemed an original, but all such counterparts together shall constitute but one and the same instrument.
- e. Authority. Each party represents and warrants that it is free to enter into this Agreement and to perform each of the terms and conditions of the Agreement.

**CITY OF McMinnville**

By: \_\_\_\_\_  
**Jeff Towery, City Manager**

Date: \_\_\_\_\_

**AMITY FIRE DISTRICT**

By: \_\_\_\_\_  
**Ron Huber, Board Chairman**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Dean Schulze, Board Vice Chairman**

Date: \_\_\_\_\_

ATTEST

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM

\_\_\_\_\_  
Amanda Guile-Hinman, City Attorney

## Appendix A

### SCOPE OF WORK

#### *Administration*

##### Administrative Services:

McMinnville will provide the Fire Chief, as a Contract Chief and liaison to Amity Fire District Board. McMinnville will provide administrative /prevention and investigation services using the Fire Chief, Assistant Chiefs, Division Chief , Deputy Fire Marshal or Battalions Chiefs depending upon the work being done.

1. Plans and develops departmental programs and policies to provide appropriate and effective fire safety and emergency medical services to the community.
2. Assigns, supervises and evaluates work of District personnel through subordinate supervisors. Hears grievances and administer disciplinary action. Interviews and effectively recommends hiring and termination actions.
3. Prepares initial district budget request. Manages and monitors approved department budget. Reviews and approves expenditures IAW AFD Policy. Reviews budget progress and makes necessary modifications.
4. Produces required reports for State agencies regarding District activities. Including providing access for the Amity Fire District to ESO electronic reporting software.
5. Maintains communication with media representatives to ensure cooperative effort and accurate reporting of activities. Markets initiatives for the District.
6. Attends District and various other meetings, providing input and receiving direction or other information.
7. Drafts and/or recommends resolutions and ordinances and reports for District action or information. Ensures District officials are properly informed of department/district activities.
8. Responds to and provides direction and control at fires or other emergencies and oversee fire suppression, hazardous material and natural disaster operations.
9. McMinnville will station a Division Chief at the Amity Fire Station.
10. Applies for and manages grants for the District.
11. Provide fire prevention and fire investigation services to the Amity Fire District
12. Enforcement of the Oregon Fire Code as adopted by the Office of State Fire Marshal under OAR 837-40-0010”

## **SCOPE OF WORK**

### *Training Services*

McMinnville will provide a Division Chief to manage the training program. AFD agrees to provide a member who will assist with the delivery of Training Services in the Amity Fire District, coordinated between McMinnville and AFD. As such, McMinnville will provide to AFD the below Training Services:

1. Target Solutions
  - a) Records Management and Online Training Management
2. Drill /Training Coordination
3. Create and Maintain Training Calendar
4. Access to McMinnville Webinars
5. Volunteer Fire Academy
  - a) Twice annually
6. Personnel Certification and Recertification Tracking
  - a) DPSST
  - b) DHS
7. Department DPSST Accreditation Management
8. Exceptions
  - a) AFD will fund all school, training, conferences for their staff.
  - b) AFD will fund their membership contract with Target Solutions

## **SCOPE OF WORK**

### *Prevention/Investigations*

McMinnville will provide AFD with Fire Prevention and Investigation Services. Work will be accomplished Fire Marshal, Deputy Fire Marshal or Certified Fire Investigator depending upon the work being done

1. Plan Review meetings for new development.
2. Driveway inspections
3. State required licensed facility inspections
4. Inspections upon request or complaint
5. Fire Investigation Cause and Origin



## **SCOPE OF WORK**

### *Operations*

1. MFD personnel will continue to be authorized to staff and operate AFD vehicles while responding on calls with AFD.
2. Provide 24 Hour Incident Coverage with Duty Chief \$10,333
3. Continue to provide ALS Ambulance M-F 8-5 \$10,333
4. Provide 1 MCT with licensing and computer support \$1,016
5. Provide ESO reporting software \$ 3,616

### *Total Compensation*

- Administration / Prevention/Training \$ 167,388
- Operations \$ 25,298
- Total \$ 192,686

# STAFF REPORT

**DATE:** May 20, 2021  
**TO:** Jeff Towery, City Manager  
**FROM:** Jennifer Cuellar, Finance Director  
**SUBJECT:** FY2020-21 Supplemental Budget Hearing and Resolutions

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## CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

**Report in Brief:** One Supplemental Budget hearing for the Transient Lodging Tax Fund (TLT) is required and three supplemental budget resolutions are proposed

### **Discussion of Hearing and Resolution Actions:**

When a supplemental budget changes a fund's expenditures by more than 10%, a public hearing is required. The TLT Fund's appropriation will change by more than 10%. Notice of the public hearing was published on May 28, 2021, more than five days prior to the hearing on June 8, 2021.

1. Supplemental action due to higher than anticipated TLT revenues:

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

Based on current receipts and a faster than predicted recovery from Covid-19 pandemic restrictions, it is anticipated that TLT revenue will be approximately \$150,000 higher than projected.

As allowed by State law, the City spends 70 percent of the TLT revenues on tourist promotion activities and transfers 30 percent Transient Lodging Tax Fund to the General Fund. Because TLT revenue is expected to be higher than budgeted, the appropriated program expenditures and interfund transfers out are also expected to be higher than budgeted.

As a result, a supplemental budget is necessary to add appropriations to these two expenditure categories. The supplemental budget in the Transient Lodging Tax fund increases Transient Lodging Tax revenue by \$150,000, program activities by \$105,000 and Transfers Out to the General Fund appropriations by \$45,000.

2. Supplemental action related to the Coronavirus Relief Fund (CRF) grant:

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when state or federal funds are made available that were unknown at the time the

budget was prepared. The CRF grant award agreement was signed on June 29, 2020, a date subsequent to the completion of the FY2020-21 budget process.

While all CRF-reimbursed staffing outlays and direct expenditures were unbudgeted in FY2020-21, most funds and departments which incurred costs reimbursed by the CRF fund during the year had FY2020-21 appropriations sufficient to cover these expenditures without violating Oregon budget law. However, in three instances, a supplemental budget action is needed in order to avoid such a violation:

- Reimbursements to McMinnville Water and Light, the City's discretely presented component unit, in the amount of \$277,532 are considered "special payments" and no funds were budgeted in this category
- The Municipal Court program costs were too tightly budgeted in FY2020-21 to have slack to incorporate the extraordinary expenses associated with remote Court operations and actions required to make the staff working on site safe with social distancing, heightened cleaning and masking for a total of \$11,350
- The Information Services Fund's expenditures associated with acquiring the equipment and services needed for the entire city operation are on track to exceed appropriations, thus a supplemental appropriation of \$50,000 is proposed

Because the supplemental budget for the General Fund's and Information Services Fund's expenditures are not changed by more than 10%, a public hearing is not required.

3. Supplemental action due to updated franchise fee revenues that pay for Public Education Access:

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

Based on current receipts, it is anticipated that franchise fee revenue supporting Public Education Access will be approximately \$10,000 higher than projected, meaning that the expenditures in the fund are also on track to be \$10,000 higher than currently appropriated.

Because the supplemental budget for the Telecommunications Fund's expenditures are not changed by more than 10%, a public hearing is not required.

**Fiscal Impact:**

Because all supplemental appropriations will be offset by equivalent unbudgeted revenues, the impact on the city's financial standing is neutral.

**Recommendation:** Staff recommends adoption of the three FY2020-21 budget amendments.

**Attachments:**

- Hearing Notice for the FY2020-21 Supplemental Budget for the Transient Lodging Tax Fund
- Resolution 2021-38 FY2020-21 Supplemental Budget for the Transient Lodging Tax Fund
- Resolution 2021-39 FY2020-21 Supplemental Budget for the General Fund and Information Services Fund
- Resolution 2021-40 FY2020-21 Supplemental Budget for the Telecommunications Fund

## NOTICE OF SUPPLEMENTAL BUDGET HEARING

- For supplemental budgets proposing a change in any fund's expenditures by **more than 10 percent**.

A public meeting of the McMinnville City Council will be held on June 8, 2021 at 7:00 pm in a remote access meeting due to the public health emergency. In the effort to protect the health of our community, the City encourages remote engagement at this time. Seating capacity at Civic Hall, 200 NE Second Street in McMinnville, is available but quite limited and if we meet capacity we may ask you to leave. Information on remote viewing and real time public comment options is available in the calendar section of [mcminnvilleoregon.gov](http://mcminnvilleoregon.gov). In addition, public comment may be submitted ahead of the hearing online on the city's website [mcminnvilleoregon.gov/finance/webform/budget-public-comment](http://mcminnvilleoregon.gov/finance/webform/budget-public-comment). A summary of the supplemental FY2020-21 budget is presented below. A copy of the budget is available online at [mcminnvilleoregon.gov/finance](http://mcminnvilleoregon.gov/finance).

The purpose of the hearing is to discuss the supplemental budget with interested persons.

### SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

#### FUND: Transient Lodging Tax (TLT)

Resource	Amount	Expenditure	Amount
1 Licenses and Permits	1,200,000	1 Tourism Promotion and Programs	819,671
2 Other (unchanged)	4,600	2 Transfers out to other funds	384,929
<b>Revised Total Fund Resources</b>	<b>1,204,600</b>	<b>Revised Total Fund Requirements</b>	<b>1,204,600</b>

#### Explanation of change(s):

Based on current receipts and a faster than predicted recovery from Covid-19 pandemic restrictions, it is anticipated that TLT revenue will be approximately \$150,000 higher than projected. This means a higher amount will be expended for the 70% going to tourism-related programming and 30% funding general city activities.

**RESOLUTION NO. 2021 - 38**

A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations.

**RECITAL:**

This resolution proposes a supplemental budget for the Transient Lodging Tax (TLT) Fund. Based on current receipts and a faster than predicted recovery from Covid-19 pandemic restrictions, it is anticipated that TLT revenue will be approximately \$150,000 higher than projected.

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning. The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

Because the supplemental budget for the TLT Fund's expenditures are changed by more than 10%, a public hearing is required. The hearing was noticed on May 28, 2021 and held on June 8, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2020-2021 in the Transient Lodging Tax Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2020-2021 are hereby appropriated as follows:

<b>Transient Lodging Tax Fund:</b>	<b>Adopted Budget</b>	<b>Budget Adjustment</b>	<b>Amended Budget</b>
<b>Resources:</b>			
Licenses and Permits	\$ 1,050,000	\$ 150,000	\$ 1,200,000
Other (unchanged)	<u>\$ 4,600</u>	<u>-</u>	<u>\$ 4,600</u>
Total Resources	<u>\$ 1,054,600</u>	<u>\$ 150,000</u>	<u>\$ 1,204,600</u>
<b>Requirements:</b>			
Tourism Promotion and Programs	\$ 714,671	\$ 105,000	\$ 819,671
Transfers out to other funds	<u>\$ 339,929</u>	<u>\$ 45,000</u>	<u>\$ 384,929</u>
Total Requirements	<u>\$ 1,054,600</u>	<u>\$ 150,000</u>	<u>\$ 1,204,600</u>

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 8th day of June 2021 by the following votes:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY RECORDER

**RESOLUTION NO. 2021 - 39**

A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations.

**RECITAL:**

This resolution proposes a supplemental budget for the General Fund and Information Services Fund. A supplemental budget is necessary to allow for disbursements associated with the Coronavirus Relief Fund (CRF) grant award to address the unanticipated costs due to the Covid-19 public health emergency.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when state or federal funds are made available that were unknown at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations. The CRF intergovernmental revenue award was signed on June 29, 2020, a date subsequent to the completion of the FY2020-21 budget process.

Because the supplemental budget for the General Fund's and Information Services Fund's expenditures are not changed by more than 10%, a public hearing is not required.

This supplemental budget increases expenditures in the General Fund by \$277,532 to allow disbursement of pass-through grants to McMinnville Water and Light and also by \$11,350 for Municipal Court extraordinary costs due to Covid-19 for a total of \$288,882 supplemental appropriations in the General Fund. This action also increases expenditures for the Information Services Fund of \$50,000 in unanticipated direct costs due to addressing the impact of the Covid-19 pandemic for the City of McMinnville.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:**

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2020-2021 in the General Fund and Information Services Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2020-2021 are hereby appropriated as follows:

<u>General Fund:</u>	<u>Adopted Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
<b>Resources:</b>			
Intergovernmental	\$ 2,592,422	\$ 288,882	\$ 2,881,304
Other (unchanged)	<u>\$ 33,155,512</u>	<u>-</u>	<u>\$ 33,155,512</u>
Total Resources	<u>\$ 35,747,934</u>	<u>\$ 288,882</u>	<u>\$ 36,036,816</u>

<u>General Fund:</u>	<u>Adopted Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
<b>Requirements:</b>			
Municipal Court	\$ 551,885	\$ 11,350	\$ 563,235
Special Payments	\$ 0	\$ 277,532	\$ 277,532
Other (unchanged)	<u>\$ 35,196,049</u>	<u>-</u>	<u>\$ 35,196,049</u>
Total Requirements	<u>\$ 35,747,934</u>	<u>\$ 288,882</u>	<u>\$ 36,036,816</u>

<u>Information Services Fund:</u>	<u>Adopted Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
<b>Resources:</b>			
Intergovernmental	\$ 0	\$ 50,000	\$ 50,000
Other (unchanged)	<u>\$ 1,510,740</u>	<u>-</u>	<u>\$ 1,510,740</u>
Total Resources	<u>\$ 1,510,740</u>	<u>\$ 50,000</u>	<u>\$ 1,560,740</u>
<b>Requirements:</b>			
Information Technology Services	\$ 1,329,602	\$ 50,000	\$ 1,379,602
Other (unchanged)	<u>\$ 181,138</u>	<u>-</u>	<u>\$ 181,138</u>
Total Requirements	<u>\$ 1,510,740</u>	<u>\$ 50,000</u>	<u>\$ 1,560,740</u>

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 8th day of June 2021 by the following votes:

Ayes: \_\_\_\_\_

Nayes: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY RECORDER



**RESOLUTION NO. 2021 - 40**

A Resolution Adopting a Supplemental Budget for Fiscal Year 2020-2021 and Making Supplemental Appropriations.

**RECITAL:**

This resolution proposes a supplemental budget for the Telecommunications Fund. Based on current receipts, it is anticipated that franchise fee revenue supporting Public Education Access will be approximately \$10,000 higher than projected.

Oregon Revised Statute (ORS) 294.471 allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning. The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

Because the supplemental budget for the Telecommunications Fund's expenditures are not changed by more than 10%, a public hearing is not required.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:**

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2020-2021 in the Telecommunications Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2020-2021 are hereby appropriated as follows:

<b>Telecommunications Fund:</b>	<b>Adopted Budget</b>	<b>Budget Adjustment</b>	<b>Amended Budget</b>
<b>Resources:</b>			
Franchise Fees	\$ 244,250	\$ 10,000	\$ 254,250
Other (unchanged)	<u>\$ 2,086</u>	<u>-</u>	<u>\$ 2,086</u>
Total Resources	<u>\$ 246,336</u>	<u>\$ 10,000</u>	<u>\$ 256,336</u>
<b>Requirements:</b>			
Public Education Access	\$ 244,250	\$ 10,000	\$ 254,250
Contingencies	<u>\$ 2,086</u>	<u>\$ 0</u>	<u>\$ 2,086</u>
Total Requirements	<u>\$ 246,336</u>	<u>\$ 10,000</u>	<u>\$ 256,336</u>

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 8th day of June 2021 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY RECORDER



Finance Department, 230 NE Second Street • McMinnville, Oregon 97128

**Staff Report**

**DATE:** June 8, 2021  
**TO:** Mayor and City Councilors  
**FROM:** Jennifer Cuellar, Finance Director  
**SUBJECT:** A Resolution adopting an updated Declaration of State of Emergency for the City of McMinnville

**STRATEGIC PRIORITY & GOAL:**



**COMMUNITY SAFETY & RESILIENCY**

Proactively plan for & responsively maintain a safe & resilient community.

**OBJECTIVE/S:** Lead and plan for emergency preparedness

**Report in Brief:**

This action is to consider a new resolution to adopt an updated Declaration of Local State of Emergency for City of McMinnville.

**Background:**

On March 16<sup>th</sup>, 2020, Mayor Hill declared a State of Emergency for the City of McMinnville due to the COVID-19 Virus and its impact on the City of McMinnville. This action is allowed by City Emergency Operations Plan adopted by City Council in 2009, and ORS 401. Resolution No. 2020-18 was ratified before City Council at the March 24<sup>th</sup>, 2020 Regular City Council Meeting. The State of Emergency was renewed on multiple occasions ending with Resolution No. 2021-24 that extended the state of emergency to May 29, 2021.

**Discussion:**

Over the last year, the ways in which the City has been called on to address and respond to the public health emergency have evolved. One community support need has continued for some of the most vulnerable among us: those who face housing insecurity and elevated risks for particularly negative outcomes should they contract Covid-19. The City has partnered with Yamhill Community Action Partnership (YCAP) to financially support the services it is delivering with non-congregate shelter (NCS) options.

YCAP has approached the City with a proposal to support the wind-down of its Covid-19 NCS programming from July through September 2021 with the goal of supporting the remaining 60 households anticipated to still be in the NCS program in July to more permanent housing options over that three-month period.

This time frame aligns with the Presidential Memorandum of January 21, 2021 which extends Category B Emergency Protective measures assistance provided by the Federal Emergency Management Agency (FEMA) through September 30, 2021. The City would seek to continue its existing subrecipient relationship partner with YCAP to fund these activities at the 100% reimbursement level.

We are hopeful at this time that as long as the State of Oregon's Declaration of Emergency remains in effect, the City will be eligible for these grant awards.

**Attachments:**

- Proposed Resolution No. 2021-41
- Signed Declaration of State of Emergency May 27, 2021

**Fiscal Impact:**

Declaration allows the possibility for the City to receive additional federal grant awards with equivalent funds passed on to our partner YCAP

**Recommendation:**

Council to adopt Resolution No. 2021-41 to ratify the May 27, 2021 Declaration of a State of Emergency for the City of McMinnville

## RESOLUTION NO. 2021-41

A Resolution for City of McMinnville, Oregon Ratifying the Declaration of State of Emergency signed by Mayor Scott Hill on May 27, 2021.

### RECITALS:

**WHEREAS**, Governor Kate Brown, on March 8, 2020 declared a state of emergency due to the COVID-19 virus, finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1); and

**WHEREAS**, The World Health Organization, on March 11, 2020 declared COVID-19 to be a pandemic threat that causes respiratory distress with the potential to cause serious illness and loss of life; and

**WHEREAS**, The Presidential Memorandum of January 21, 2021, extends Category B Emergency Protective measures assistance provided by the Federal Emergency Management Agency (FEMA) at 100% reimbursement levels through September 30, 2021; and

**WHEREAS**, The City of McMinnville may require significant resources to provide for the health and safety of residents including non-congregate shelter; and

**WHEREAS**, The State of Oregon, pursuant to ORS 401.309(1); authorizes the governing body of Oregon cities and counties to declare a local state of emergency; and

**WHEREAS**, The City of McMinnville, pursuant to the Emergency Operation Plan authorized the Mayor to declare a local state of emergency; and

**WHEREAS**, The Mayor of the City of McMinnville finds that conditions require a local state of emergency; and

**WHEREAS**, The Mayor of the City of McMinnville signed a Declaration of State of Emergency on May 27, 2021;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE OREGON, HEREBY RATIFY THE DECLARATION OF STATE OF EMERGENCY SIGNED BY MAYOR SCOTT HILL ON May 27, 2021 AND AUTHORIZES THE FOLLOWING:**

1. City Manager of the City of McMinnville, as the Emergency Manager as indicated in the Emergency Operation Plan, may take any and all necessary steps authorized by law to coordinate a response to this emergency; and
2. The state of emergency declaration provides the City Manager of the City of McMinnville is authorized to initiate requests for aid from Yamhill County, the State of Oregon and the Federal Emergency Management Agency as necessary; and

3. City Manager of the City of McMinnville is authorized to coordinate an effective response by redirecting funding for emergency use as needed and suspending standard procurement procedures; and
4. This resolution is effective immediately and shall remain in effect until at least September 30, 2021, but may be extended as necessary.

Adopted by the Common Council of City of McMinnville at a meeting held the 8<sup>th</sup> day of June 2021 by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this 8th day of June 2021.

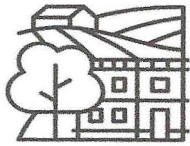
\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder



# City of McMinnville

## DECLARATION OF STATE OF EMERGENCY

To: Brian Young, Yamhill County Emergency Manager,  
Yamhill County Office of Emergency Management

From: Mayor Scott Hill,  
City of McMinnville, Oregon

At 12:52 pm (time) on 5/27/2021 (date),

The COVID -19 Pandemic continues to have negative impacts within the State of Oregon, Yamhill County

The current situation and conditions are:

The City of McMinnville seeks to align its emergency response efforts with the Presidential Memorandum of January 21, 2021, which extends assistance for Category B Emergency Protective measures assistance through September 30, 2021 including, but not limited to, supporting non-congregate housing efforts by local partners. The state of emergency declaration provides the City Manager with the latitude to coordinate an effective response by redirecting funding for emergency use as needed and suspending standard procurement procedures.

City Manager of the City of McMinnville, as the Emergency Manager, may take any and all necessary steps authorized by law to coordinate the continued response to this emergency.

City Manager of the City of McMinnville is authorized to initiate emergency request for aid from Yamhill County, the State of Oregon, and the Federal Emergency Management Agency as necessary.

Additionally, the designation aides the City's efforts when requesting assistance and/or reimbursement for expenditures related to COVID -19 response.

The declaration, set to expire on September 30, 2021 may be renewed if necessary. This declaration will be presented to the McMinnville City Council on June 8, 2021 for ratification.

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The geographic boundaries of the emergency are:  
The City Limits of McMinnville, OR 97128

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WE DO HEREBY DECLARE THAT A STATE OF EMERGENCY NOW EXISTS IN THE CITY OF MCMINNVILLE AND THAT THE CITY HAS EXPENDED OR WILL SHORTLY EXPEND ITS NECESSARY AND AVAILABLE RESOURCES. WE RESPECTFULLY REQUEST THAT THE COUNTY PROVIDE ASSISTANCE, CONSIDER THE CITY AN "EMERGENCY AREA" AS PROVIDED FOR IN ORS 401, AND, AS APPROPRIATE, REQUEST SUPPORT FROM STATE AGENCIES AND/OR THE FEDERAL GOVERNMENT.



Signed: \_\_\_\_\_

Title: Mayor Scott Hill

Date & Time: 5/27/2021 @ 12:52 pm

*This request may be passed to the County via radio, telephone, or fax. The original signed document must be sent to the County Emergency Management Office, with a copy placed in the final incident package.*





**City of McMinnville**  
**Planning Department**  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# STAFF REPORT

**DATE:** June 8, 2021  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** Ordinance No. 5104 – Proposed Amendments to Title 17 of the McMinnville Municipal Code to Remove Regulatory Barriers for Child Care (Docket G 1-21)

## STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

## OBJECTIVE/S:

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### Report in Brief:

This is the consideration of Ordinance No. 5104, for approving code amendments to Title 17 of the McMinnville Municipal Code, to remove regulatory barriers for child care opportunities in McMinnville.

This Ordinance amends the following sections of Title 17, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single Family Residential Zone), Chapter 17.15 (R-2 Single Family Residential Zone), Chapter 17.18 (R-3 Two Family Residential Zone), Chapter 17.21 (R-4 Multiple Family Residential Zone), Chapter 17.22 (R-5 Multiple Family Residential Zone), Chapter 17.24 (O-R Office Residential Zone), Chapter 17.27 (C-1 Neighborhood Business Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.36 (M-L Limited Light Industrial Zone), Chapter 17.39 (M-1 Light Industrial Zone), Chapter 17.42 (M-2 General Industrial Zone), and Chapter 17.60 (Off-Street Parking and Loading) in order to remove regulatory barriers for child care providers within the City of McMinnville and to bring the City's Municipal Code into compliance with Oregon statutory regulations and guidelines relative to child care.

The Planning Commission hosted a public hearing on this proposal on April 15, 2021 and voted to make a recommendation to the City Council for approval on May 20, 2021.

### Background:

Currently child care is allowed as an outright permitted use in residential dwelling unit and twelve or fewer people are present at any one time. In all other scenarios it is a conditional use process.

Recently the provision of available child care has emerged as a barrier for parents to work, and for employers to access necessary workforce. With the pandemic it has become an even more significant barrier for women to be in the workforce.

Cities are starting to review their zoning ordinances to evaluate how they can remove regulations which may be preventing the development of more child care opportunities in their communities.

The City of McMinnville was asked to evaluate its zoning ordinance for the same purpose.

On November 19, 2020, city staff conducted a work session with the Planning Commission to discuss the current code regulations for child care, state regulations and opportunities to revise the city's code to better emulate state regulations and to create an easier path towards success for child care providers. At that time, Planning Commission asked staff to bring back some proposed amendments to the zoning ordinance to remove regulatory barriers for child care providers in McMinnville.

On April 15, 2021, the Planning Commission hosted a public hearing on proposed code amendments to the McMinnville Municipal Code, Chapter 17, Zoning Ordinance that would remove regulatory barriers for child care opportunities and align the City's code with state regulations.

There are three different types of child care facilities licensed in the State of Oregon per Oregon Administrative Rules (OAR) 414-200-0415 – 414-350-0415.

- **Registered Family Child Care Home:** A facility in the provider's own home in which up to 10 children receive child care, including the provider's own children. (OAR 414-205-0000 to OAR 414-350-0170).
- **Certified Family Child Care Home:** A facility in the provider's own home, in which up to 16 children received child care, including the provider's own children, regardless of full-time or part-time. The number of children depends upon the physical size of the home, provider qualifications, and the number of qualified caregivers. (OAR 414-350-0000 to OAR 414-350-0405).
- **Child Care Center:** A facility, usually located in a commercial building, in which children receive care. The number of children allowed depends on the physical size of the facility and the number of qualified staff members. (OAR 414-300-0000 to OAR 414-200-0415).

Oregon Revised Statute 329A.440 governs how cities and counties can regulate certain types of child care facilities. Per ORS 329A.440, registered family child care homes and certified family child care homes shall be considered a residential use of property for zoning purposes and shall be permitted uses in all areas zoned for residential or commercial purposes. A city cannot enact or enforce zoning ordinance prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

***329A.440 Application of zoning ordinances to registered or certified family child care homes.***

*(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.*

*(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.*

*(3) A county may:*

- (a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;
- (b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and
- (c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).
- (4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Thus, in McMinnville, any zone that allows residential dwelling units needs to allow **registered family child care and certified family child care homes** as an outright permitted use. Currently the code limits child care facilities to a maximum of twelve people as an outright permitted use. The proposed amendments bring the code into compliance with ORS 329A.440, allowing child care homes in the R1 (Single Family Residential), R2 (Single Family Residential), R3 (Two-Family Residential), R4 (Multi-Family Residential), R5 (Multiple Family Residential) and OR (Office Residential) zones.

The proposed amendments also allow for **child care centers** to be considered as permitted outright uses in City-owned parks or recreation facilities, public schools or conforming private schools in the same zones: R1 (Single Family Residential), R2 (Single Family Residential), R3 (Two-Family Residential), R4 (Multi-Family Residential), R5 (Multiple Family Residential) and OR (Office Residential) zones, and as conditional uses if located in facility that is not a City-owned park or recreation facility, public school or conforming private school in the same zones.

And the proposed amendments allow for **registered child care and certified family child care homes** and **child care centers** to be considered permitted outright uses in all commercial zones (C1, C2 and C3), and then in the light industrial zones (M-L, M-1). **Child care centers** are conditional uses in the M2 zone.

Lastly, the proposed amendments require one off-street parking space per on-site employee for all child care facilities and child care centers, and a designated pick-up and drop-off zone for two vehicles, which can be on-street parking if it is not immediately adjacent to another use.

### **Discussion:**

The Planning Commission closed the public hearing on April 15, 2021 and left the record open for written comments until April 30, 2021 per the request of the Department of Land Conservation and Development.

After the close of the public hearing, planning commissioners asked staff to research the following questions:

1. *Can Cities regulate how many child care homes are allowed in attached residential dwelling units?*

Answer: No, state law requires that cities allow registered and certified child care homes in all residential units.

2. *Can developers or Home Owner's Associations prevent the location of child care facilities in a neighborhood through the use of Covenants, Conditions and Restrictions (CC&Rs)?*

Answer: Yes, unless the state regulations expressly prohibit that ability to restrict land uses through CC&Rs, developers and/or Home Owner's Associations can restrict the presence of child cares in neighborhoods through the use of CC&Rs.

3. *What is the number of children allowed per square foot of space for registered and certified child care homes and child care centers?*

Answer: This is a variable determination based upon the age of the children and the number of adults present. Please see attached Oregon Department Early Learning Division Rule Handbooks for Register Child Care Homes, Certified Child Care Homes and Child Care Centers.

**Changes Made to the Proposed Amendments After the Public Hearing:**

- Added the provision of allowing child care centers as outright permitted uses in the residential zones when located in a City-owned park or recreation facility, public school or conforming private school, as many as those facilities are located in residential zones and provide after-school child care.
- Revised the language for the number of children allowed for registered and certified child care homes per the recommendation of the Department of Land Conservation and Development.
- Added “on-site” employee parking to the parking standards per the Planning Commission recommendation.

**Attachments:**

- Ordinance No. 5104
  - Exhibit A: Decision Document
  - Exhibit B: Proposed Amendments
- Executive Summary, Child Care Work Group, State of Oregon, January 2020

**Fiscal Impact:**

There is no immediate fiscal impact to the City of McMinnville with this action.

**Recommendation:**

Staff recommends adoption of Ordinance No. 5104.

***“I MOVE TO ADOPT ORDINANCE NO. 5104”***

**ORDINANCE NO. 5104**

**AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE CITY CODE, SPECIFIC TO MULTIPLE CHAPTERS TO UPDATE DEFINITIONS FOR CHILD CARE AND REMOVE REGULATORY BARRIERS FOR CHILD CARE OPPORTUNITIES.**

**RECITALS:**

**WHEREAS**, the McMinnville Planning Department asked the Planning Commission to discuss the City of McMinnville's child care regulations in the McMinnville Municipal Code in an effort to remove regulatory barriers for child care opportunities with the City of McMinnville and to bring the City of McMinnville's code in compliance with state regulations and guidance; and

**WHEREAS**, on November 19, 2020, city staff conducted a work session with the Planning Commission to discuss the current code regulations for child care, state regulations and opportunities to revise the city's code to better emulate state regulations and to create an easier path towards success for child care providers. At that time, Planning Commission asked staff to bring back some proposed amendments to the zoning ordinance to remove regulatory barriers for child care providers in McMinnville; and

**WHEREAS**, a public hearing was held before the McMinnville Planning Commission on April 15, 2021, after due notice had been provided in the local newspaper on April 9, 2021. At the April 15, 2021, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing and kept the written record open until April 30, 2021; and

**WHEREAS**, at their meeting on May 20, 2021 the McMinnville Planning Commission voted unanimously to recommend approval of the proposed code amendments to the McMinnville City Council; and

**WHEREAS**, the City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

**WHEREAS**, the City Council having received the Planning Commission recommendation and staff report, and having deliberated;

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:**

1. That the Council adopts the Decision, Findings of Fact and Conclusionary Findings, as documented in Exhibit A for G 1-21; and
2. That Title 17 of the McMinnville Municipal Code is amended as provided in Exhibit B.
3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 8<sup>th</sup> day of June 2021, by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Approved this 8th day of June 2021.

\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT:

- o Exhibit A: Decision Document
- o Exhibit B: Proposed Amendments



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS  
FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE,  
TITLE 17, CHAPTER 17.03, GENERAL PROVISIONS.**

**DOCKET:** G 1-21

**REQUEST:** The City of McMinnville is proposing to amend Title 17, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single Family Residential Zone), Chapter 17.15 (R-2 Single Family Residential Zone), Chapter 17.18 (R-3 Two Family Residential Zone), Chapter 17.21 (R-4 Multiple Family Residential Zone), Chapter 17.22 (R-5 Multiple Family Residential Zone), Chapter 17.24 (O-R Office Residential Zone), Chapter 17.27 (C-1 Neighborhood Business Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.36 (M-L Limited Light Industrial Zone), Chapter 17.39 (M-1 Light Industrial Zone), Chapter 17.42 (M-2 General Industrial Zone), and Chapter 17.60 (Off-Street Parking and Loading) in order to remove regulatory barriers for child care providers within the City of McMinnville and to bring the City's Municipal Code into compliance with Oregon statutory regulations and guidelines relative to child care.

**LOCATION:** N/A

**ZONING:** R1, R2, R3, R4, R5, OR, C1, C2, C3, ML, M1, M-2

**APPLICANT:** City of McMinnville

**STAFF:** Heather Richards, Planning Director

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** April 15, 2021. Public hearing held virtually via Zoom meeting software, Zoom Online Meeting ID 942 3599 8716.

**DATE & TIME:** May 20, 2021. Meeting held virtually via Zoom meeting software, Zoom Online Meeting ID 960 2576 9049

**DECISION-MAKING  
BODY:** McMinnville City Council

**DATE & TIME:** June 8, 2021. Meeting held virtually via Zoom meeting software, Zoom Online Meeting ID 910 6303 7279

**PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

**CRITERIA:** Amendments to the McMinnville Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.

**APPEAL:** The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830, and Section 17.72.190 of the McMinnville Municipal Code.

**DECISION**

Based on the findings and conclusions and the recommendation of the McMinnville Planning Commission, the McMinnville City Council **APPROVES** the attached legislative zoning text amendments (G 1-21).

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: \_\_\_\_\_

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_



## **I. Application Summary:**

The City of McMinnville is proposing to amend Title 17, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Single Family Residential Zone), Chapter 17.15 (R-2 Single Family Residential Zone), Chapter 17.18 (R-3 Two Family Residential Zone), Chapter 17.21 (R-4 Multiple Family Residential Zone), Chapter 17.22 (R-5 Multiple Family Residential Zone), Chapter 17.24 (O-R Office Residential Zone), Chapter 17.27 (C-1 Neighborhood Business Zone), Chapter 17.30 (C-2 Travel Commercial Zone), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.36 (M-L Limited Light Industrial Zone), Chapter 17.39 (M-1 Light Industrial Zone), Chapter 17.42 (M-2 General Industrial Zone), and Chapter 17.60 (Off-Street Parking and Loading) in order to remove regulatory barriers for child care providers within the City of McMinnville and to bring the City's Municipal Code into compliance with Oregon statutory regulations and guidelines relative to child care. The City is adding definitions for "Child Care Center", "Child Care Home (Registered or Certified Family Child Care Home)" and "Day Care Facility (Adult)". The City is identifying "Child Care Home", and "Day Care Facility (Adult)" when the day care facility is located in a residential dwelling unit and has twelve or fewer people present at any one time, as outright permitted uses R1, R2, R3, R4, R5 and OR zones. "Child Care Center" as an outright permitted use when located in a City-owned park or recreation facility, public school and conforming private school, and "Child Care Center" when not located in a City-owned park or recreation facility, public school or conforming private school as a conditional use in the R1, R2, R3, R4, R5 and OR zones. And "Day Care Facility (Adult) when the structure is not a residence as a conditional use in the R1, R2, R3, R4, R5 and OR zones. The City is also proposing that "Child Care Homes: and "Child Care Center" be a permitted use in the C1, C2, C3, ML and M1 zones, and that "Child Care Centers" be a conditional use in the M2 zone. And finally, the city is proposing that "Child Care Center" and Child Care Facility" be required to provide one off-street parking space per on-site employee and a designated drop-off and pick-up zone for two vehicles be required.

## **II. CONDITIONS OF APPROVAL**

None.

## **III. FINDINGS OF FACT**

1. The City of McMinnville has received requests to reduce regulatory barriers for child care facilities to help enable the development of more child care in the community.
2. On November 19, 2020, city staff hosted a work session with the Planning Commission to discuss options for child care amendments to the McMinnville City Code. At that time, Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to remove regulatory barriers for child care providers as deemed appropriate.
3. Notice of the application and the April 15, 2021 Planning Commission public hearing was published in the News Register on Friday, April 9, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
4. On April 15, 2021, the Planning Commission held a duly noticed public hearing to consider the request.
5. On April 15, 2021, the Planning Commission closed the public hearing and kept the written record open until April 30, 2021.

6. On May 20, 2021, the Planning Commission voted unanimously to recommend the proposed amendments to the McMinnville City Council.
7. On June 8, 2021, the McMinnville City Council voted to approve the proposed amendments.
8. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.

#### **IV. Comments Received**

A letter was received from the Oregon Department of Land Conservation and Development, April 26, 2021. (on file with the Planning Department).

#### **V. CONCLUSIONARY FINDINGS:**

##### ***Alignment with Oregon Revised Statutes and Administrative Rules:***

**ORS 329A.440** – Oregon Revised Statute 329A.440 governs how cities and counties can regulate certain types of child care facilities. Per ORS 329A.440, registered family child care homes and certified family child care homes shall be considered a residential use of property for zoning purposes and shall be permitted uses in all areas zoned for residential or commercial purposes. A city cannot enact or enforce zoning ordinance prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

##### ***329A.440 Application of zoning ordinances to registered or certified family child care homes.***

*(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.*

*(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.*

*(3) A county may:*

*(a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;*

*(b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and*

*(c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).*

*(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]*

**Finding:** Proposed amendments bring the McMinnville Municipal Code into compliance with ORS 329A.440 by allowing registered and certified family child care homes as allowed outright permitted uses in any residential and commercial zone if provided in a single-family dwelling unit.

**OAR 414-200-0415 to OAR 414-350-0415** – Oregon Administrative Rules (OAR) 414-200-0415 to OAR 414-350-0415 govern the operational structure and licensing of child care facilities in the state of Oregon.

Finding: Proposed amendments align definitions of child care facilities in the McMinnville Municipal Code with OAR 414-200-0415 to OAR 414-350-0415, and reinforces the parameters for each type of child care facility in the allowance of the McMinnville Municipal Code.

***Alignment with McMinnville's Comprehensive Plan:***

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**Citizen Involvement**

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

Finding: Goals X 1 is satisfied by this proposal in that the proposed modifications were reviewed at a public hearing by the McMinnville Planning Commission on April 15, 2021.



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

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**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE –  
Chapter 17.03, General Provisions**

New proposed language is represented by **bold font**, deleted language is represented by ~~strikethrough font~~.

Chapter 17.06

DEFINITIONS

Section 17.06.015 General Definitions

**Child Care Center** – Any facility that is certified to provide care to children and is located in a building constructed as other than a residential dwelling. This could include a day nursery, nursery school, preschool or similar unit operating under any name.

**Child Care Home, (Registered or Certified Family Child Care Home)** – A facility constructed as a residential dwelling where child care is offered in the home of the provider, on a regular basis, to more than three children from more than one family at any one time other than the provider’s children, and not more than 16 children including children of the provider, regardless of full-time or part-time status. Must be licensed through the Oregon Office of Child Care.

**Day Care Facility, (Adult)** – Any facility that provides community based group programs designed to meet the needs of adults with functional and cognitive impairments through individual plans of care that are structured, comprehensive and provide a variety of health, social and related support services in protective settings during part of the day but provide less than 24-hour care.

~~**Day Care Facility** – Any facility that provides care to three or more persons exclusive of family members during a limited portion of a 24-hour period, including a day nursery, family day care center, adult day care, or similar unit operating under any name or as may be licensed by the State of Oregon. This does not include educational or health care facilities, residential facilities or those offering overnight care or detention facilities. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).~~

~~**Residential Child Care Facility** – (Repealed as per Ord. 4952 March 13, 2012).~~

Chapter 17.12  
R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Section 17.12.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. The structure is a residential dwelling unit.
  - 2. The provider resides at the dwelling.
  - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
  - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:**
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Twelve or fewer people are present at any one time at the center.
  - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 4. Operator must have the appropriate licenses required by state regulations.
- G. Child Care Center, under the following provisions:**
  - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
  - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)**
- ~~E. Day care facility, under the following provisions:~~
  - 6. ~~The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - 7. ~~Twelve or fewer people are present at any one time at the center.~~
  - 8. ~~Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
  - 9. ~~That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~
- ~~F. Residential Home as defined in Chapter 17.06 (Definitions).~~
- ~~G. Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.12.020 Conditional Uses.

- C. Child Care Center, under the following provisions:**
  - 1. The facility is not a facility defined in Section 17.12.010(G)(1).
  - 2. Operator must have the appropriate licenses required by state regulations.
- D. Church;**
- E. Community building, including library;**

- F. Day Care Facility (Adult), under the following provisions**
  - 1. The structure is not a residence.
  - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 3. Operator must have the appropriate licenses required by state regulations.

- ~~E. Day care facility, when the following situations exist;~~
  - ~~1. The structure is not used as a residence by the operators, and/or~~
  - ~~2. Thirteen or more people present at any one time,~~
  - ~~3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Chapter 17.15  
R-2 SINGLE-FAMILY RESIDENTIAL ZONE

Section 17.15.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. The structure is a residential dwelling unit.
  - 2. The provider resides at the dwelling.
  - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
  - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 5. Operator must have the appropriate licenses required by state regulations.
- F. Day Care Facility (Adult), under the following provisions:**
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Twelve or fewer people are present at any one time at the center.
  - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 4. Operator must have the appropriate licenses required by state regulations.
- G. Child Care Center, under the following provisions:**
  - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
  - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)**
- ~~E. Day care facility, under the following provisions:~~
  - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - ~~2. Twelve or fewer people are present at any one time at the center.~~

- ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
- ~~10. That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.~~
- ~~F. Residential Home as defined in Chapter 17.06 (Definitions).~~
- ~~G. Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.15.020 Conditional Uses.

- B. Child Care Center, under the following provisions:**
  - 1. The facility is not a facility defined in Section 17.15.010(G)(1).**
  - 2. Operator must have the appropriate licenses required by state regulations.**
- C. Church;**
- D. Community building, including library;**
- E. Day Care Facility (Adult), under the following provisions**
  - 1. The structure is not a residence.**
  - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 3. Operator must have the appropriate licenses required by state regulations.**
- ~~D. Day care facility, when the following situations exist;~~
  - ~~1. The structure is not used as a residence by the operators, and/or~~
  - ~~2. Thirteen or more people present at any one time,~~
  - ~~3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Chapter 17.18

R-3 TWO-FAMILY RESIDENTIAL ZONE

Section 17.18.010 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. The structure is a residential dwelling unit.**
  - 2. The provider resides at the dwelling.**
  - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
  - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 5. Operator must have the appropriate licenses required by state regulations.**
- F. Day Care Facility (Adult), under the following provisions:**
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
  - 2. Twelve or fewer people are present at any one time at the center.**

- 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
- 4. Operator must have the appropriate licenses required by state regulations.
- G. Child Care Center, under the following provisions:
  - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.
  - 2. Operator must have the appropriate licenses required by state regulations, if applicable.
- H. Residential Home as defined in Chapter 17.06 (Definitions)
- ~~E. Day care facility, under the following provisions:
 
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
  - 2. Twelve or fewer people are present at any one time at the center.
  - 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
  - 4. That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.~~
- ~~F. Residential Home as defined in Chapter 17.06 (Definitions).~~
- ~~G. Residential Facility as defined in Chapter 17.06 (Definitions). [Deleted per Ordinance 4988.]~~

Section 17.18.020 Conditional Uses.

- B. Child Care Center, under the following provisions:
  - 1. The facility is not a facility defined in Section 17.18.010(G)(1).
  - 2. Operator must have the appropriate licenses required by state regulations.
- C. Church;
- D. Community building, including library;
- E. Day Care Facility (Adult), under the following provisions
  - 1. The structure is not a residence.
  - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
  - 3. Operator must have the appropriate licenses required by state regulations.
- ~~D. Day care facility, when the following situations exist:
 
  - 1. The structure is not used as a residence by the operators, and/or
  - 2. Thirteen or more people present at any one time,
  - 3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Chapter 17.21

R-4 MULTIPLE-FAMILY RESIDENTIAL ZONE

Section 17.21.010 Permitted Uses.



- E. Residential Home as defined in Chapter 17.06 (Definitions)**
- F. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:
  - 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
  - 2. The dwelling shall have a common wall at the “zero” lot line.
  - 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
  - 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
  - 5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
  - 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
  - 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
  - 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- G. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. **The structure is a residential dwelling unit.**
  - 2. **The provider resides at the dwelling.**
  - 3. **Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
  - 4. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 5. **Operator must have the appropriate licenses required by state regulations.**
- H. Day Care Facility (Adult), under the following provisions:**
  - 1. **The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
  - 2. **Twelve or fewer people are present at any one time at the center.**
  - 3. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 4. **Operator must have the appropriate licenses required by state regulations.**
- I. Child Care Center, under the following provisions:**
  - 1. **The facility is a City-owned park or recreation facility, a public school, or a conforming private school.**
  - 2. **Operator must have the appropriate licenses required by state regulations, if applicable.**

- ~~F. Boardinghouse, lodginghouse, or roominghouse; [Deleted per Ordinance 5047.]~~
- ~~G. A single-family dwelling having a common wall with one or more other single-family dwelling, provided:~~
  - ~~1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.~~

- ~~2. The dwelling shall have a common wall at the "zero" lot line.~~
  - ~~3. Each lot shall comprise not less than twenty-five hundred square feet in area.~~
  - ~~4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.~~
  - ~~5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.~~
  - ~~6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.~~
  - ~~7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.~~
  - ~~8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.~~
- ~~H. Day care facility, under the following provisions:~~
- ~~1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - ~~2. Twelve or fewer people are present at any one time at the center.~~
  - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
  - ~~4. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

Section 17.21.020 Conditional Uses.

- C. Child Care Center, under the following provisions:**
    - 1. The facility is not a facility defined in Section 17.21.010(I)(1).**
    - 2. Operator must have the appropriate licenses required by state regulations.**
  - D. Church;**
  - E. Community building, including library;**
  - F. Day Care Facility (Adult), under the following provisions**
    - 1. The structure is not a residence.**
    - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
    - 3. Operator must have the appropriate licenses required by state regulations.**
- ~~E. Day care facility, when the following situations exist;~~
- ~~4. The structure is not used as a residence by the operators, and/or~~
  - ~~5. Thirteen or more people present at any one time,~~
  - ~~6. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Chapter 17.22  
R-5 MULTIPLE-FAMILY RESIDENTIAL ZONE

Section 17.22.010 Permitted uses. In an R-5 zone, the following uses and their accessory uses are permitted:

- A. Multiple-family dwelling;
- B. Condominium;
- C. Boardinghouse, lodging house, or rooming house;
- D. **Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. **The structure is a residential dwelling unit.**
  - 2. **The provider resides at the dwelling.**
  - 3. **Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
  - 4. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 5. **Operator must have the appropriate licenses required by state regulations.**
- E. **Child Care Center, under the following provisions:**
  - 1. **The facility is a City-owned park or recreation facility, a public school, or a conforming private school.**
  - 2. **Operator must have the appropriate licenses required by state regulations, if applicable.**

~~Day care facility, under the following provisions:~~

- ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
- ~~2. Twelve or fewer children are present at any one time at the center.~~
- ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code, as amended, are met.~~
- ~~4. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810.~~
- ~~E. Residential child care facility, under the following provisions:~~
  - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - ~~2. Five or less children under care reside in the home at any one time.~~
  - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code, as amended, are met.~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Section 17.22.020 Conditional uses. In an R-5 zone, the following uses and their accessory uses may be permitted, subject to the provisions of Chapter 17.66:

- A. Campus living organization (fraternity, sorority, or dormitory);
- B. Cemetery;
- C. Church;
- D. Community building, including library;
- E. **Child Care Center, under the following provisions:**
  - 1. **The facility is not a facility defined in Section 17.22.010(E)(1).**
  - 2. **Operator must have the appropriate licenses required by state regulations.**

- ~~E. Day care facility, when the following situations exist:
 
  - ~~1. The structure is not used as a residence by the operators; and/or~~
  - ~~2. Thirteen or more children are present at any one time; (as amended by Ordinance 4534 April 27, 1993)~~
  - ~~3. That a certificate of approval be obtained for facilities with 7 or more children as required by ORS 418.810 (as amended by Ordinance 4534 April 27, 1993).~~~~
- ~~F. Residential care facility, when the following situations exist:
 
  - ~~1. The structure is not used as a residence by the operators; and/or~~
  - ~~2. Six or more children are present at any one time.~~~~

## Chapter 17.24

### O-R OFFICE RESIDENTIAL ZONE

#### Section 17.24.020 Permitted Uses.

- E. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
  - 1. The structure is a residential dwelling unit.**
  - 2. The provider resides at the dwelling.**
  - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
  - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 5. Operator must have the appropriate licenses required by state regulations.**
- F. Clinic**
- G. Day Care Facility (Adult), under the following provisions:**
  - 1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.**
  - 2. Twelve or fewer people are present at any one time at the center.**
  - 3. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 4. Operator must have the appropriate licenses required by state regulations.**
- H. Child Care Center, under the following provisions:**
  - 1. The facility is a City-owned park or recreation facility, a public school, or a conforming private school.**
  - 2. Operator must have the appropriate licenses required by state regulations, if applicable.**
- ~~F. Day care facility, under the following provisions:
 
  - ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - ~~2. Twelve or fewer children are present at any one time at the center.~~
  - ~~3. Requirements of the Oregon State Structure Specialty and Fire Life Safety Code (UBC), as amended, are met.~~
  - ~~4. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.~~~~
- ~~G. Dressmaking or tailor shop;~~

- ~~N. Residential child care facility, under the following provisions:~~
- ~~1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.~~
  - ~~2. Five or less children under care reside in the home at any one time.~~
  - ~~3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC) as amended, are met;~~
- N. Dressmaking or Tailor shop;**

Section 17.24.030 Conditional Uses.

- A. Child Care Center, under the following provisions:**
- 1. The facility is not a facility defined in Section 17.24.010(H)(1).**
  - 2. Operator must have the appropriate licenses required by state regulations.**
- B. Church;**
- C. Day Care Facility (Adult), under the following provisions**
- 1. The structure is not a residence.**
  - 2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 3. Operator must have the appropriate licenses required by state regulations.**
- ~~B. Day care facility, when the following situations exist:~~
- ~~1. The structure is not used as a residence by the operators, and/or~~
  - ~~2. Thirteen or more children are present at any one time;~~
  - ~~3. That a certificate of approval be obtained for facilities with seven or more children as required by ORS 418.810.~~
- ~~C. Residential care facility, when the following situations exist:~~
- ~~1. The structure is not used as a residence by the operators, and/or~~
  - ~~2. Six or more children are present at any one time;~~

Chapter 17.27

C-1 NEIGHBORHOOD BUSINESS ZONE

Section 17.27.010 Permitted Uses.

- M. Child Care Center, under the following provisions:**
- 1. The operator must have the appropriate licenses required by state regulations, if applicable..**
- Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**
- 1. The structure is a residential dwelling unit.**
  - 2. The provider resides at the dwelling.**
  - 3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
  - 4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 5. Operator must have the appropriate licenses required by state regulations**

Chapter 17.30  
C-2 TRAVEL COMMERCIAL ZONE

Section 17.30.010 Permitted Uses.

~~B. Boardinghouse, lodginghouse or roominghouse; [Deleted per Ordinance 5047.]~~

**B. Child Care Center, under the following provisions:**

1. **The operator must have the appropriate licenses required by state regulations, if applicable..**

[.....]

**L. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**

1. **The structure is a residential dwelling unit.**
2. **The provider resides at the dwelling.**
3. **Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.**
4. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
5. **Operator must have the appropriate licenses required by state regulations**

Chapter 17.33  
C-3 GENERAL COMMERCIAL ZONE

Section 17.33.010 Permitted Uses.

**74. Day Care Facility (Adult), under the following provisions**

1. **The structure is not a residence.**
2. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
3. **Operator must have the appropriate licenses required by state regulations.**

Section 17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- ~~A. Day care facility;~~
- B. Social relief facility, when the following situations exist:
  1. The structure is not used as a residence by the operators, and/or
  2. Six or more people unrelated to the operator reside at the home at any one time.
- ~~C. Residential care facility;~~
- D. Public or private school;
- E. Public transportation passenger terminal;

## Chapter 17.36

### M-L LIMITED LIGHT INDUSTRIAL ZONE

#### Section 17.36.020 Permitted Uses.

**BB. Child Care Center, under the following provisions:**

1. The operator must have the appropriate licenses required by state regulations, if applicable.

**CC. Child Care Home (Registered or Certified Family Child Care Home), under the following provisions:**

1. The structure is a residential dwelling unit.
2. The provider resides at the dwelling.
3. Child care is offered to not more than 16 children, including children of the provider, regardless of full-time or part-time status.
4. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
5. Operator must have the appropriate licenses required by state regulations

**DD. Day Care Facility (Adult), under the following provisions**

1. The structure is not a residence.
2. Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.
3. Operator must have the appropriate licenses required by state regulations.

Section 17.36.030 Conditional uses. In the M-L zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Cable television ground receiving station;
- B. Cemetery;
- ~~C. Day care facility;~~

## Chapter 17.39

### M-1 LIGHT INDUSTRIAL ZONE

#### Section 17.39.020 Permitted Uses.

**AA. Child Care Center, under the following provisions:**

1. Operator must have the appropriate licenses required by state regulations, if applicable.

Section 17.39.030 Conditional uses. The following uses and their accessory uses may be permitted, subject to the provisions of Chapters 17.72 and 17.74:

- A. Agricultural supply store, wholesale or retail;
- B. Recycling collection center;
- C. Service stations;
- D. Cemetery;
- ~~E. Day care facility;~~
- F. Public uses, limited to sewage treatment plants, schools and churches;
- G. Other similar conditional uses, approved subject to the provisions of Section 17.54.010(C). (Ord. 4522 §1(part), 1992)

Chapter 17.42  
M-2 GENERAL INDUSTRIAL ZONE

Section 17.42.010 Permitted uses. In an M-2 zone, the following uses and their accessory uses are permitted:

- A. A use permitted in the M-1 zone **(except for Child Care Center and Day Care Facility (Adult))**;
- B. Manufacturing, repairing, fabricating, processing, packing, or storage uses not listed in Chapter 17.39 (Light Industrial Zone) and which have not been declared a nuisance by statute, ordinance or any court of competent jurisdiction;
- C. Manufacture, processing, and storage of grains or fertilizer;
- D. Airport. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Section 17.42.020 Conditional uses. In an M-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

- A. Automobile wrecking yard;
- B. **Child Care Center, under the following provisions:**
  - 1. **Operator must have the appropriate licenses required by state regulations, if applicable.**
- C. **Day Care Facility (Adult), under the following provisions**
  - 1. **The structure is not a residence.**
  - 2. **Requirements of the Oregon Building Codes (including any Fire Life Safety Code) as amended, are met.**
  - 3. **Operator must have the appropriate licenses required by state regulations.**
- ~~B. Day Care Facility;~~

*(Re-calibrate lettering for the remainder of this section as appropriate)*

Chapter 17.60  
OFF-STREET PARKING AND LOADING

Section 17.60.060 Spaces—Number required

B. Institutional land use category:

- 5. Day care, **child care center**, preschool, nursery, or kindergarten      One space **per on-site employee, and a designated pick-up and drop off zone for two vehicles which can be on-street parking if it is not immediately adjacent to another use.** ~~for each teacher or supervisor.~~



# STATE OF OREGON

OFFICE OF GOVERNOR KATE BROWN



Regional Solutions & Early Learning Division

Child Care Workgroup

## EXECUTIVE SUMMARY

January 2020

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# Introduction

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In January 2019 Oregon State University through the Oregon Child Care Research Partnership released the report “Oregon’s Child Care Deserts: Mapping Supply by Age Group, Metropolitan State and Percentage of Publicly Funded Slots” prepared for the Oregon Early Learning Division.

***This report found that:***

*“[M]any families with young children live in what experts have defined as a child care desert, a community with more than three children for every regulated child care slot. Using this standard, families with infants and toddlers in every Oregon county live in a child care desert. The picture is only slightly better for families with preschool-age children; families in 25 of 36 counties live in a child care desert.”*

Building a strong economy for all of Oregon requires a level of collaboration and integration that goes beyond current practices. The Regional Solutions Program approaches community and economic development by recognizing the unique needs of each region in the state and working at the local level to identify priorities, solve problems, and seize opportunities to get specific projects completed. The goal of the Regional Solutions Program is to align state resources (staff capacity, information, grant funding programs) with other public, private and philanthropic funds to address regional economic and community development priorities. To implement this vision Governor Brown has appointed advisory committees for each of the eleven regions. The committees have two purposes: help coordinators and state agency teams identify high level priorities for community and economic development; and help connect resources from the community to expand the collective capacity to solve problems and seize opportunities. In April 2019 the Central Oregon Regional Solutions Committee identified availability/affordability of child care as a regional priority. Coordinators in other regions also indicated that this issue was a priority in their regions.

As a result, the Regional Solutions Program and Early Learning Division co-convened a state agency workgroup to better understand the state touchpoints and opportunities to support increasing the supply of high quality providers and child care slots. This report summarizes what we learned about the regulatory context related to child care facility construction and licensing, state programs that may support the creation of additional child care slots, child care tax incentives and pilot projects from around Oregon.

The contributors to this report would like to recognize the policy components related to the provision of child care that are included within this analysis. We would like to emphasize that further research into the child care policy arena is necessary and occurring. For example, the need for child care outside of traditional hours is a consideration outside the scope of this report, but vital to successful policy creation.

## Workgroup Membership

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# Definitions

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ADA	Americans with Disabilities Act
BCD	Building Codes Division
BOLI	Bureau of Labor & Industries
CACFP	Child and Adult Care Food Program
CAP	Capital Access Program
CBR	Central Background Registry
CC	Child Care Center
CCDF	Child Care Development Fund
CCR&R	Child Care Resource and Referral
CEF	Credit Enhancement Fund, Oregon
CF	Certified Family Child Care Home
CPR	Cardiopulmonary Resuscitation
DHS	Department of Human Services, Oregon
DLCD	Department of Land Conservation and Development
DPU	Direct Pay Unit
EDLF	Entrepreneurial Development Loan Fund
ELD	Early Learning Department
EOA	Economic Opportunity Analysis
ERDC	Employment Related Day Care
FBI	Federal Bureau of Investigation
FPL	Federal Poverty Limit
JOBS	Job Opportunities & Basic Skills Training
NFPA	National Fire Protection Association
OAR	Oregon Administrative Rule
OCC	Office of Child Care
ODE	Department of Education, Oregon
OED	Employment Department, Oregon
OIB	Oregon Investment Board
ORS	Oregon Revised Statutes
OSFM	Office of State Fire Marshal
OSSC	Oregon Structural Specialty Code
RF	Registered Family Child Care Home
RS	Regional Solutions
SBDC	Small Business Development Center Network
SEA	Self-Employment Assistance Program
SMI	State Median Income
SQTL	Staff Qualifications and Training Logs
STC	Short Time Compensation
SUD	Supplemental Unemployment for Dislocated Workers
TA	Technical Assistance
TANF	Temporary Assistance for Needy Families
TGM	Transportation and Growth Management
TRA	Trade Readjustment Allowances
TUI	Training Unemployment Insurance
UI	Unemployment Insurance
USDA	U.S. Department of Agriculture
WOTC	Work Opportunity Tax Credit
WSDOT	Washington State Department of Transportation

# Regulatory Context

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## Early Learning Division

### *Oregon Department of Education*

The Early Learning Division's (ELD) mission is to support all of Oregon's young children and families to learn and thrive. <sup>1</sup> ELD is an independent division of the Oregon Department of Education; its policy board is the Early Learning Council, a nine member Governor-appointed public board charged with coordinating a cross-sector system at the state level to improve kindergarten readiness.

The ELD is responsible for oversight of a statewide early care and education system. This work includes administration of state and federal early care and education programs such as Preschool Promise, prenatal to age five Oregon Prekindergarten, home visitation programs, Baby Promise, Relief Nurseries, Early Learning Hubs, and professional learning for early childhood educators and caregivers.

As Oregon's child care agency, the ELD is also responsible for the design and implementation of the state's child care work and serves as the lead agency for the federal Child Care Development Fund (CCDF). The child care licensing program ensures the health and safety of children in regulated child care settings across the state, technical assistance to providers to meet child care regulations, and is responsible for providing information to families about the availability of safe and quality child care. Staff members are located in a central office in Salem and in field offices in various parts of the state.

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<sup>1</sup> Oregon Department of Education, Early Learning Division. (2019)

# Types of Child Care Facilities

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## Child Care Center (CC)

A facility, usually located in a commercial building, in which children receive care. The number of children allowed depends on the physical size of the facility and the number of qualified staff members.<sup>2</sup> A CC has the ability to staff, and employees are required to meet job related requirements. A CC can provide full day care, seven days a week. At CC licensure is for one year. The rules that apply to child care centers are OAR 414-300-0000 to OAR 414-200-0415.

## Registered Family Child Care Home (RF)

A facility in the provider's own home in which up to 10 children receive child care. Of those 10 children, six children may be preschool age or younger, two of the six preschool children may be under 24 months of age. **The provider's own children are included in the number of children in care.** RF licensure is for two years. The rules that apply to registered family child care homes are OAR 414-205-0000 to OAR 414-350-0170.

## Certified Family Child Care Home (CF)

A facility in a building constructed as a single family dwelling in which up to 16 children receive child care. The number of children depends on the physical size of the home, provider qualifications, and the number of qualified caregivers. CF licensure is for one year. **The provider's own children are included in the number of children in care.** The rules that apply to certified family child care homes are OAR 414-350-0000 to OAR 414-350-0405.

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<sup>2</sup> The following ratios apply to CC facilities meeting qualified staff requirements; Newborn to 23 months 1:4 ; 24 - 35 months 1:5; and, 36 months to kindergarten 1:10.



# Programs Exempt from Licensing

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There are several types of programs that provide care to children that are exempt from licensing by the ELD. **These include:**

- Providing care in the home of the child when all of the children being cared for reside in that home;
- Caring for children that are related within fourth degree (fourth degree relative);
- All of the children are from the same family;
- Care is conducted occasionally care and not more than 70 days a year;
- Caring for fewer than three children at any one time, *not including their own children*;
- A school age program focused on single enrichment for no more than 8 hours a week (e.g. karate class);
- Program that are mostly a group athletic or social activity sponsored by organized club or hobby group (e.g. boy scouts);
- **Parent Cooperatives** – Parents of the children must provide care on a rotating basis and the program cannot operate for more than four hours per day;
- Programs operated by school district, political subdivision of the state or a governmental agency;
- Program where parents of children remain on site (e.g. child care at a health club);
- **Preschool Recorded Program** – Children are between the age of three years old and kindergarten, it is primarily educational, and children not present for more than four hours a day;
- **School Age Recorded** – Youth development activities that do not take the place of a parent’s care during the hours that school is not in session.

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# Provider Requirement by Facility Type

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## Central Background Registry

Enrollment in the Central Background Registry (CBR) is required as part of the licensing process. All child care staff, support staff and administrative staff who may have unsupervised access to children must have a background check completed by OCC and be enrolled in the CBR. Other individuals who are not employed or living in the facility may also be required to be enrolled in the CBR if their presence or role permits unsupervised access to children. Federal and state law requires OCC perform FBI fingerprint based background checks and obtain criminal history on all applicants including a child protective service check in all states where the individual has resided in the past five years. OCC currently subsidizes the CBR enrollment cost.

Certified Child Care Centers
<p><b>Teacher qualifications:</b></p> <ul style="list-style-type: none"><li>○ 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in specific areas depending on the age group in care; or</li><li>○ A one year state or nationally recognized credential in the age group in care; or</li><li>○ One year of teaching experience in a group care setting such as a child care center or preschool; or</li><li>○ Six months teaching experience in a group care setting AND completion of 10 credits (semester system) or 15 credits (quarter system) as a college or university; or</li><li>○ Step eight in the Oregon Registry.</li><li>○ First aid</li><li>○ Infant/child CPR</li><li>○ Food Handler's</li><li>○ Training on recognizing and reporting child abuse and neglect</li><li>○ OCC health and safety training</li><li>○ OCC Safe Sleep training</li></ul>
<p><b>Ongoing training:</b></p> <ul style="list-style-type: none"><li>○ 15 hours annually with at least 8 hours in child development</li></ul>

## Registered Family Child Care

### Provider must complete prior to licensing:

- Introduction to Registered Family (two part)
- First aid
- Infant/child CPR
- Food Handler's
- Training on recognizing and reporting child abuse and neglect
- OCC health and safety training
- OCC Safe Sleep training

### Ongoing training:

- 10 hours every two years with at least 6 hours in child development

## Certified Family Child Care

### Provider qualifications:

- One year of teaching experience in a setting such as child care center or preschool; or
- One year as a registered family child care; or
- Completion of 20 credits (semester system) or 30 credits (quarter system) of training at a college or university in early childhood education or child development; or
- Step eight in the Oregon Registry.

### Provider must complete prior to licensing:

- First aid
- Infant/child CPR
- Food Handler's
- Training on recognizing and reporting child abuse and neglect
- OCC health and safety training
- OCC Safe Sleep training

### Ongoing training:

- 15 hours annually with at least 8 hours in child development

## Child Care Facilities – Licensing Procedure

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There are three types of licensing applications. Initial applications are when a facility is opening for the first time. Renewal applications are when a facility is renewing their facility license. Reopen applications are when a facility is either reopening a facility that has been closed, or they are “reopening” at a new address.

### CC and CF Initial Applications

Office of Child Care (OCC) provides information materials to prospective applicants for Child Care Center (CC) and Certified Family Child Care Home (CF). When that person has reviewed the material and is ready, they send OCC required permits and proposed floor plan, which OCC staff review. OCC consults with them to determine whether they will likely qualify to provide care, how many children they would be able to care for, any changes they will need to make, etc. If the prospective provider wants to proceed, OCC sends an application packet. During the application process the prospective provider secures sanitation inspection, fire inspection, and has water tested for lead. They submit the application materials, and OCC reviews for prior licensure, any prior concerns, inspection reports, and floor plan. OCC then visits the site to review for licensing. OCC and the applicant discuss health and safety issues and any other issues including non-compliance. OCC checks the facility’s staff for qualifications and ensures all background checks are completed (see below for the Central Background Registry).

If the facility has met all health and safety standards, and is only lacking in areas that will not affect children’s health and safety, OCC issues a temporary license. This allows the provider to begin operating. OCC also gives the provider information about federal reimbursements for nutritious food, and refers to the Health Department for requirements on communicable disease reporting, immunization, etc. A follow-up visit may occur if children were not present at the licensing visit. When the program review is complete and all deficiencies have been corrected, OCC issues an annual license.

OCC is typically able to respond to requests for precertification visits within two weeks of the receiving the request. The timeframe for receiving a license depends on many factors. OCC cannot issue a license until all city and zoning approval approvals are in place, and fire marshal and environmental health inspections have occurred. This process can take anywhere from four weeks to several months depending on the local jurisdiction and their requirements. More information on infrastructure requirements is discussed later within this report.

## RF Initial Applications

Initial inquiries about registered family (RF) child care registration are directed to the local Child Care Resource and Referral (CCR&R). The CCR&R, a state subsidized organization that provides resources to recruit, train, and support child care facilities and work force, gives the prospective provider information about attending a two-part overview session. Part one is available online and done independently. Part two is in-person at the local CCR&R. During this training, prospective providers receive an application packet including information on required trainings and fees, and central background registry (CBR) forms.

Upon receipt of a completed application, OCC reviews for prior licensure and any concerns, verifies enrollment in the CBR, and that training (health and safety, overview classes) have been completed. OCC then visits the site and determines whether the facility meets required health and safety standards. If standards are met, a license is issued. If there are deficiencies, OCC advises the potential provider of the needed corrections and later conducts an additional visit to confirm corrections have been made. OCC also gives them information about federal reimbursements for nutritious food, and refers to the Health Department for requirements on communicable disease reporting, immunization, etc.

A visit can typically be conducted within two weeks of the application submission, if the applicant has completed all required trainings and background checks. From start to finish, a registered family license can be obtained within eight weeks depending on the schedule of required classes, and the responsiveness of the applicant to the background check process.

## Renewal Applications

When a provider applies to renew their license, OCC schedules a visit. If OCC receives the application at least 30 days prior to expiration date, the license remains active until the agency makes a decision. If the application is received less than 30 days before expiration, the license will not extend beyond the expiration date if not yet approved. However, OCC can process such an application as a high priority.

During the visit, OCC goes through the appropriate health and safety checklist for the corresponding type of facility and notes any noncomplying items. OCC reviews sanitation and fire inspections (if required), and records of staff training, qualifications, and CBR enrollment. OCC also reviews children's enrollment records. The visit can occur when the facility is closed, in which case a follow-up program review visit will be scheduled when children are on site.

Consequence for findings of noncompliance depend on severity. Minor violations are noted in writing and result in an informal discussion and

agreement to correct the item. Moderate violations, those that present potential risk, or a significant accumulation of minor issues, are noted in writing, and result in an agreement to correct the items in specific timeframes. Unless corrected during the visit, a follow-up visit (or in some cases photos or other documentation) is used to confirm the correction. If the item is a repeat of a prior violation or significant accumulation of minor violations it will be noted in the OCC database. Moderate violations can delay renewal of a license. Major violations – substantial, clear, serious risk (but not imminent danger) – is noted in writing, entered in the OCC database, and results in a noncompliance letter to provider. A stop-gap correction must be done immediately or, depending on the situation, within 24 hours. OCC and the provider agree to a timeframe to implement a permanent correction, which must be verified with a follow-up visit. The license will not be renewed until the permanent solution is in place.

For CC (child care center) and CF (certified family), majority compliance results in a temporary license, along with a list of needed corrections and timeline. OCC conducts a follow-up visit to verify full compliance. When a facility is in full compliance OCC issues the annual (CC and CF) or two-year (RF) license, and updates the database.

There are nuances depending on the type of facility and violation. Missing training is an example. For a CC or CF that has not completed yearly training, a temporary license will be issued, and the facility will be given 60 days to complete and submit their training. Continued noncompliance can result in additional time to complete, and civil penalties. In contrast, an RF with incomplete training will not be given a temporary license and not renewed until training is complete.

## Temporary License

Temporary licenses are only available for CF and CC facilities. RF facility licenses are only renewed once the facility passes the health and safety review visit. The maximum period for temporary license is 180 days.

For CF and CC facilities, the decision to allow a temporary license pending correction of violations depends on several factors, and is largely at the discretion of OCC. Temporary license may be granted if the facility is in majority compliance and has been inspected and approved for temporary operation by the environmental health specialist. A CC may be given temporary license pending the fire safety inspection.

OCC informs the applicant of the specific deficiencies which resulted in a temporary (rather than full) license, and provides technical assistance on how to meet the requirements.

OCC must determine that requirements have been met before issuing an annual license.

## Full License

When the facility is in compliance with the rules, it will be issued an annual (CC or CF) or two-year (RF) license. The CF or CC license expires one year from the beginning of the temporary license, if a temporary has been given. The RF license expires two years from the licensing date.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), the written request is evaluated by OCC based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

## Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the rule. Using an OCC form, the provider request must include a justification for the requested exception and explanation of how the facility will meet the intent of the rule. OCC will not grant an exception if the requirement is established by statute; OCC will only grant an exception if the health, safety and well-being of children are ensured. OCC may grant the exception as made or with conditions. Exceptions can only be granted with approval from a senior licensing specialist. If granted, OCC prints and sends a new license document showing the exception, and enters the exception in the database.

During license renewal process, OCC reviews any ongoing exception for the facility. In cooperation with the provider OCC determines if the exception is still relevant, and can renew the license with the continued exception.

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# Building & Fire Codes

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## Building Codes Division

The Building Codes Division (BCD) administers Oregon's Statewide Building Code, which provides uniform standards that ensure newly constructed residential and commercial buildings are safe for citizens to occupy. <sup>3</sup> The state legislature established a "uniform" building code in 1973; the division celebrated the 40<sup>th</sup> Anniversary of that statewide code in 2013. The division also administers and regulates building laws and rules, and licenses qualified businesses and individuals who work in these trades: electrical, plumbing, boiler and pressure vessel, and elevator.

### *Mission*

*To work with Oregonians to ensure safe building construction while promoting a positive business climate within the state.*

The BCD provides a range of services to support the people of Oregon, including: adopting a set of construction codes which are applicable throughout the state; licensing construction trades workers, inspectors and businesses; training and certifying building inspectors and building officials; enforcing laws and rules to ensure safe building practices; providing permitting and inspection services; and, collaborating with cities and counties to promote efficient building practices and positive economic development.

Continue to next page.

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<sup>3</sup> Information provided by the Dept. of Consumer and Business Services, Building Codes Division (2019)



# The Oregon Structural Specialty Code

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The Oregon Structural Specialty Code (OSSC) regulates child care facilities in other than dwellings. The Oregon Residential Specialty Code covers one- and two-family dwellings and townhouses. The following sections provide a brief overview of OSSC child care facility requirements as they relate to the following areas:

- Occupancy Classification
- Sprinkler Systems
- Fire/Smoke Alarms
- Accessibility (ADA)

**Nomenclature:** *The OSSC uses the term “daycare” in place of “child care.”*

## Considerations for Existing Structures

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Additional items for consideration when converting existing commercial space to a child care facility include but are not limited to:

### Change of Occupancy

When converting a commercial building or space from say an office (B occupancy classification) to a child care facility (E OR I-4 occupancy classification) a change of occupancy analysis is required which will trigger a review by the local building department. Plans stamped by a design professional (Oregon Architect or Engineer) must be submitted for review and approval by the building department having jurisdiction.

### Conformance *(Per OSSC 3408.1)*

“No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

**For example,** if the new occupancy classification requires a sprinkler system and the existing building had none, one would have to retrofit.

## Accessibility

As to “accessibility,” OSSC Section 3408.1 states: “Unless additions or alterations are made to the building or facility, change in use or occupancy alone shall not require compliance with the provisions of Chapter 11, Accessibility.” Any additions would have to fully comply with new accessibility provisions. All renovations, alterations and modifications are subject to the requirements of ORS 447.241 “Standards for renovation, alteration or modification of certain buildings.”

This section of statute, AKA “The 25% Rule,” requires the removal of architectural barriers for persons with mobility impairments commensurate with the amount of renovation, alteration or modification being undertaken to the “area of primary function.” In this application, if renovating the areas of an existing commercial building which were to be used for day care (or the area of primary function), one is required to remove architectural barriers up to the point that the cost exceeds 25 percent of the alteration to the primary function area. In simple terms, if the cost of the alteration to the “area of primary function” was \$20,000, one would need to spend an additional \$5,000 to remove architectural barriers.

**ORS 447.241 provides a priority punch list as follows:**

- (a) Parking;
- (b) An accessible entrance;
- (c) An accessible route to the altered area;
- (d) At least one accessible rest room for each sex or a single unisex rest room;
- (e) Accessible telephones;
- (f) Accessible drinking fountains; and,
- (g) When possible, additional accessible elements such as storage and alarms.

*In choosing which accessible elements to provide under this section, priority shall be given to those elements that will provide the greatest access.*

In short, one would remove existing barriers per the priority in statute up to the point that the \$5,000.00 was exhausted. For example, if the \$5,000.00 was exhausted after providing an accessible Parking Space (item “a”), an accessible entrance (item “b”) and an accessible route to the altered area (item “c”), the statute would be satisfied. One would continue down the list of priorities until the 25% pool of money is used up.

## Use of Existing Single-Family Dwellings for Child Care Facility

While the base requirement from the State Building Code is that a sprinkler system be installed, local building officials have discretion to approve alternate methods of compliance. For example, depending upon the condition of the existing dwelling, a building official may be willing to accept additional exits, additional smoke alarms and perhaps heat detectors/alarms in lieu of a sprinkler system. Each home under consideration will require individual, site-specific evaluation.

# Child Care Facility Classification Overview

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## 1. Group E Educational, Oregon Structural Specialty Code

305.2.0	<b>Descriptions</b>
More than five children older than 2 ½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.	
305.2.1	<b>Within places of religious worship</b>
Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.	
305.2.2	<b>Five or fewer children</b>
A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.	
305.2.3	<b>Five or fewer children in a dwelling unit</b>
A facility such as the above within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the Oregon Residential Specialty Code.	
903.2.3	<b>Sprinkler System - Group E</b>
<ol style="list-style-type: none"><li>1. Throughout all Group E fire areas <sup>4</sup> greater than 12,000 square feet (1115 m<sup>2</sup>) in area.</li><li>2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.</li></ol> <p><b>Exception:</b> In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.</p>	

<sup>4</sup> **Fire Area:** The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.

3. The Group E fire area has an occupant load of 300 or more.

**907.2.3 Fire Alarms or Smoke Alarms - Group E**

A manual fire alarm system is not required for Group E occupancies with an occupant load of 50 or less.

**ORS 447.220 Accessibility (ADA) - General Purpose Statement**

“It is the purpose of ORS 447.210 to 447.280 to make affected buildings in the state accessible to and usable by persons with disabilities, as provided in the Americans with Disabilities Act.”

- Group E daycare is included in the definition of “affected building.”

**Features required to be “Accessible” include:**

1. Parking
2. A route to entrances
3. A route throughout the building
4. Hardware, controls
5. Restrooms, grab bars, etc.
6. All common use areas including kitchens

Continue to next page.

## 2. Group I-4 Institutional, Oregon Structural Specialty Code

<b>308.5 -308.5.5</b>	<b>Descriptions - Institutional Group I-4, day care facilities</b>
This group shall include buildings and structures occupied by more than five persons of any age who receive custodial care <sup>5</sup> for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for.	
<b>308.6.1</b>	<b>Classification as Group E</b>
A child day care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge <sup>6</sup> serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.	
<b>308.6.2</b>	<b>Within places of religious worship</b>
Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy.	
<b>308.6.3</b>	<b>Five or fewer persons receiving care</b>
A facility having five or fewer persons receiving custodial care shall be classified as part of the primary occupancy.	
<b>308.6.4</b>	<b>Five or fewer persons receiving care in a dwelling unit</b>
A facility such as the above within a dwelling unit and having five or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the Oregon Residential Specialty Code.	

<sup>5</sup> **Custodial Care:** Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care includes persons receiving care who evacuate at a slower rate and/or who have mental and psychiatric complications.

<sup>6</sup> **Level of exit discharge:** Typically the ground floor.

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903.2.6	<b>Sprinkler System - Group I</b>
<p>An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.</p> <p><b>Exception 2:</b> An automatic sprinkler system is not required where Group I-4 day care facilities are at the level of exit discharge and where every room where care is provided has at least one exterior exit door.</p>	

907.2.6	<b>Fire Alarms or Smoke Alarms - Group I</b>
<p>A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I occupancies.</p>	

<b>Accessibility (ADA)</b>	
<p>Group I-4 day care is included in the definition of “affected building”. See statement for Group E above.</p>	

Continue to next page.

### 3. Oregon Residential Specialty Code

<b>R101.2</b>	<b>Descriptions - Scope, Item 2</b>
Allows detached single-family residences to be used for family child care home or foster care in accordance with ORS chapters 418, 443 and 657A.	

<b>Sprinkler System</b>	
A residential sprinkler system (NFPA Standard 13D) is required in any single-family dwelling being used for any purpose other than residential. Local building officials may approve an alternate design to the sprinkler system where equivalent protection is provided. <i>Other purposes invoking the sprinkler system requirements include:</i> <ul style="list-style-type: none"><li>• Daycare</li><li>• Adult and child foster care</li><li>• Live-work units</li></ul>	

<b>R314.1</b>	<b>Fire Alarms or Smoke Alarms - General</b>
Smoke alarms shall comply with NFPA 72 and Section R314 of the Oregon Residential Specialty Code.	

<b>Accessibility (ADA)</b>	
Generally not required.	

# Oregon State Fire Marshal

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The Office of State Fire Marshal (OSFM) delivers community safety services that are comprehensive, effective, and of high value through partnering and collaboration with various agencies and the community. OSFM services are planned, developed, and delivered through collaboration with stakeholders. Each program has performance measures for key mission areas, and each manager works with their staff to develop a biennial work plan to accomplish its goals. Process and outcome improvement is emphasized at all levels in all programs. Employee contributions. All program managers strive for timely response and development of competent, empowered, problem-solving employees. Competent employees are a key component to premier customer service. The success of our agency relies on our employees.

## *Mission*

Protecting citizens, their property, and the environment from fire and hazardous materials.

Continue to next page.



## Fire Code Matrix

The following is a matrix overview of applicable Oregon fire codes for child care facilities in non-residential buildings. The building construction features found in Chapters 7, 9 and 10 are maintained by the fire official as approved by the building official at the time of construction.

**Note:** this list should not be viewed as comprehensive, reflecting all requirements, nor does it attempt to suggest an oversimplification of complex codes or standards.

Category	Requirement	OR Fire Code
<b>General Fire Requirements</b>	Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard.	304.2
	Open flames such as from candles and heaters shall not be located on or near decorative material or similar combustible materials.	305.1 308.1.5
<b>Emergency Planning &amp; Preparedness</b>	Provide documentation of compliance based on occupancy specific requirements related to: employee training; emergency evacuation drills; fire safety, evacuation and lockdown plans; and hazard communication.	Chapter 4
<b>Fire Service Features</b>	Fire apparatus access roads shall be provided and maintained.	503.1
	NO PARKING—FIRE LANE signs shall be provided for fire apparatus access roads.	503.3
	Buildings shall be provided with approved address identification	505.1
	A key box to be installed in an approved location if required by the fire department.	506.1
	A water supply capable of supplying the required fire flow for fire protection shall be provided to premises.	507.1
	Identify and maintain access to rooms containing fire protection equipment.	509
<b>Building Services &amp; Systems</b>	Gas appliances to be installed per Oregon Mechanical Specialty Code	603
	Electrical hazards shall be abated.	604.1
	Multiplug adapters are not allowed but “power strips” are acceptable when used per code.	604.4
	Extension cords shall not be a substitute for permanent wiring.	604.5
	Electrical equipment and fixtures (such as appliances) shall be tested and listed by an approved agency (such as “UL”) and installed and maintained in accordance with all instructions (owner’s manual).	604.7
	Portable, electric space heaters shall be permitted to be used in certain occupancies in accordance with this code section.	604.10

Category	Requirement	OR Fire Code
	Type I hood shall be installed above all cooking appliances used for commercial purposes that produce grease vapors. The required automatic fire extinguishing systems protecting commercial cooking systems shall be serviced. All records shall be maintained.	607
<b>Fire &amp; Smoke Construction</b>	The fire-resistance rating of rated construction shall be maintained. Examples: ceiling and wall penetrations repaired. Fire doors not blocked open.	Chapter 7
<b>Decorative Materials &amp; Furnishings</b>	Natural Christmas trees are only allowed in buildings with full fire sprinkler systems.	806
	Educational occupancies shall not use corridors for storage, and must limit artwork in corridors to 20% of the wall area and 50% in classrooms.	807.5.2
<b>Fire Protection Systems</b>	Fire alarm systems, portable fire extinguishers, fire-extinguishing systems, and fire sprinkler systems shall be inspected, tested maintained in an operative condition at all times. Records shall kept as required for the fire official.	Chapter 9
<b>Egress</b>	The means of egress (exiting) shall be maintained.	Chapter 10

Continue to next page.

## Section 2

# State Support Programs

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## Oregon Department of Education Early Learning Division

### Baby Promise

A targeted, contract-based program, will reimburse providers for the cost of delivering high quality infant/toddler slots. The program makes care available to families at or below 185 percent of federal poverty, which is about \$46,000 annually for a family of four. The ELD is currently piloting Baby Promise with three CCR&Rs in Multnomah County, Coos and Curry Counties, and Central Oregon for a total of 250 slots. This legislative session, HB 2024 passed into law creating a statutory framework to support Baby Promise expansion in future biennia.

### Preschool Promise

A publicly funded, high quality, full-day preschool program for families whose incomes are at or below 200 percent of the Federal Poverty Level about \$48,000 annually for a family of four. The program currently reaches 1,300 three- and four-year old children and families, allowing for families to choose options in a range of settings, including elementary schools, Head Start programs, licensed center- and home-based child care programs and community-based organizations. During the 2019 legislative session, Preschool Promise received funding through the Student Success Act Early Learning Account, allowing for approximately 2,500 new slots statewide.

### Oregon Prekindergarten

Oregon's largest early learning investment. OPK expands the federal Head Start program to reach additional families with incomes at or below 100 percent of the Federal Poverty Level about \$24,000 annually for a family of four. Program services include health, early childhood education, parent involvement, mental health, social services, nutrition, and home visitation. Oregon Prekindergarten services are delivered by 28 community-based organizations or public schools across the state, the majority of whom also receive federal Head Start grant funds. During the 2019 legislative session, the legislature made changes to the program to expand investments in OPK for children prenatally through age three, reaching an estimated 1200 additional families. New investments will also enhance existing OPK slots by providing funds for Head Start programs to convert from half day to full day services, and for OPK teachers to receive raises bringing them closer to commensurate pay with public school teachers.

## Workforce Development & Professional Learning

The ELD administers child care quality federal investments through the Child Care Development Fund. These resources are primarily utilized to support a regional network of 13 Child Care Resource and Referral (CCR&Rs) agencies across the state. CCR&Rs are responsible for providing a wide variety of program services which include recruiting, training and promoting retention of a high quality, diverse early learning and child care providers. As part of the Student Success Act, ELD received \$12.5 million annually to improve its professional learning supports for the early care and education workforce. This includes expanding access to high-quality education and training. ELD will return to the Legislature in the 2020 Session to present a plan to utilize these funds to ensure more early childhood educators and caregivers have access to competency-based training, technical assistance, and access to post-secondary education through scholarships.

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# Department of Human Services

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The Department of Human Services (DHS) is Oregon’s principal agency for helping Oregonians achieve wellbeing and independence through opportunities that protect, empower, respect choice and preserve dignity, especially for those who are least able to help themselves. <sup>7</sup>

DHS provides direct services to more than 1 million Oregonians each year. These services provide a key safety net for those in our society who are most vulnerable or who are at a difficult place in their life.

## Support Programs

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### Overview Matrix

There are three ways for families to access child care subsidy assistance through DHS.

<b>Program</b>	<b>Acronym</b>	<b>Criteria</b>	<b>Copay</b>	<b>Payment Method</b>
Employment Related Day Care	ERDC	Working Parents not receiving TANF	Copay	Billing issued by Direct Pay Unit (DPU)
<b>Additional Programs</b>				
Job Opportunities & Basic Skills Training	JOBS	May be receiving cash assistance and participating in training or work search programs	No Copay	Billing issued by Direct Pay Unit (DPU)
Temporary Assistance To Needy Families	TANF	Receive cash assistance while working or unemployed-very low income	No Copay	Billing issued by Direct Pay Unit (DPU)

Continue to next page.

<sup>7</sup> <https://www.oregon.gov/DHS/ABOUTDHS/Pages/index.aspx>

## Employment Related Day Care (ERDC) Program

Assists families in accessing quality child care while they are working. ERDC is a subsidy program. This means the family pays a portion of the child care. This amount depends on the family size and income.

### Basic Eligibility for ERDC

- Parent or caretaker is employed
- Income is below 185% of the Federal Poverty Limit (FPL)
- Has a child care need for a qualifying child (0-12 or 13-17 with special needs)
- Oregon resident
- Meet citizen/noncitizen requirements (child needing care only)
- Use a DHS approved child care provider

**Note:** Two parent families need to have work hours that overlap or one of the parents must verify they are unable to provide care due to mental or physical health reasons.

### Changes Effective October 1, 2015 – 12 Month Eligibility

All ERDC cases are opened for no less than 12 months. Temporary changes to employment will not result in immediate closure. Child care may continue for work search, medical leave, or military transition.

Persons in Filing Group (Eligibility)	ERDC Eligibility Standard (185% FPL)
2	\$2,538
3	\$3,204
4	\$3,870
5	\$4,536
6	\$5,202
7	\$5,868
8 or more	\$6,534

**All families receiving ERDC have a copay.** The lowest copay is \$27. The current average copay per family is \$275 a month. Copays are calculated using the number of people in the family who must apply together and their combined income. The copay increases as the family income increases.

**Note:** The copay is calculated by a mathematical formula. Families whose income is at or below 50 percent of the 2007 FPL are assigned the minimum copay or 1.5% of the monthly countable income plus 10% (whichever is higher). For filing groups whose countable income is over 50% of the 2007 FPL, the copay is determined as a percentage of monthly income.

The Spark copay incentives are tiered
\$27 is waived to \$0
\$28 - \$200 is lowered by \$20 a month
\$201 and up is reduced by 10%

**Lower copays when using a Spark provider**

When a family chooses to connect a Spark rated provider they qualify for a lower copay. The copay is lowered the month after the provider is connected to their case. Families with the minimum copay will have their copay waived.

**Priority Child Care Processing**

Homeless families or families applying for child care for a foster child can have child care opened immediately, for a period, while the worker waits for income verification.

**Student Child Care**

Working parents can apply for additional hours to cover class time if attending a school that is eligible to receive Federal student aid.

**Self-employment Coverage**

Self-employed hours are eligible for child care.

**Higher Exit Income Limit**

Once approved for benefits families have a higher income limit for ERDC (250% FPL or 85% SMI whichever is higher)

**Exit limit**

Once a family is approved for ERDC they qualify to stay on the program until they reach the higher exit limit. This allows families to maintain child care while their income increases and reduces the cliff effect.

**ERDC Income Limit after initial Certification & at Recertification**

Persons in Filing Group (Eligibility)	Monthly gross income
2	\$3,566
3	\$4,405
4	\$5,244
5	\$6,130
6	\$7,030
7	\$7,930
8 or more	\$8,830

## Wait List

A wait list is used to maintain the ERDC caseload within the legislatively approved cap (around 8,000 families). When the wait list is in effect, there are exemptions for some families. A family is exempt when they: received ERDC in one of the prior 2 calendar months, have a member who received TANF or Temporary Assistance to Domestic Violence Survivors (TADVS) in one of the prior 3 calendar months, receive a Child Welfare Waiver, or have a child eligible for a current contracted child care slot.

## DHS Listed Child Care Providers

The ERDC program provides subsidy payments to a variety of child care providers. This ranges from licensed centers to license-exempt family providers. License-exempt family providers, known as family, friends and neighbor, are instrumental in providing care for children whose parents work irregular shifts and hours. Family, friend and neighbor providers are also the primary source of child care in many of Oregon's child care deserts. Providers are broken down by the following rate categories:

<b>Licensed Care</b>	
<b>Certified Center</b>	Care provided in a facility that is certified.
<b>Certified Family</b>	Care provided in a residential dwelling that is certified.
<b>Registered Family</b>	Child care provided in a residential dwelling that is registered as a Registered Family provider.

<b>License-Exempt Care</b>	
<b>Standard Family</b>	Care provided in the providers own home or in the home of the child when the provider does not qualify for the enhanced or licensed rate.
<b>Enhanced Family</b>	Child care is provided in the provider's own home or in the home of the child, and the provider meets the enhanced rate training requirements.
<b>Standard Center</b>	Care provided in a facility that is not located in a residential dwelling, is exempt from certification rules and staff do not meet requirements for enhanced rate.
<b>Enhanced Center</b>	Child care provided in an exempt center whose staff meets the enhanced rate training requirements.



To become a listed and approved provider with DHS a provider listing form must be completed and submitted to DHS Direct Pay Unit. The provider, any family members age 16 and above and visitors who are in the home during child care hours and have unsupervised access to the children are required to have a criminal and child protective services background check completed as part of the listing process. A person who lived outside the state of Oregon in the past 18 months must have an FBI background check completed (others may be required as well). Background checks for licensed providers are conducted through the OCC and follow OCC rules.

### **Orientation for License-Exempt Providers**

Child care providers exempt from licensing are required to attend an orientation on the DHS processes. This includes listing, billing, payment, provider rights and responsibilities and food program resources available through U.S. Department of Agriculture (USDA).

Enhanced rate trainings are available after the orientation for providers who are interested in pursuing additional training and career advancement. The enhanced rate trainings include CPR/First Aid, Recognizing and Reporting Child Abuse and Neglect “What you can do about child abuse” and food handler certifications. Once the enhanced trainings are completed the provider receives a higher rate of pay.

### **Provider Requirements**

License-exempt child care providers must complete the "Introduction to Child Care Health and Safety" two-hour, web-based training prior to being approved by DHS.

License-exempt providers who are not related to the children in care are also required to be CPR/First Aid certified, take Recognizing and Reporting Child Abuse and Neglect and pass an onsite monitoring visit prior to being approved by DHS. These providers are referred to as Regulated Subsidy providers.

### **Provider Payments**

Payments made to child care providers are made for child care provided on or after the date the provider is in approved listing status or licensed by the OCC. This means the Department does not backdate the child care payment to the family’s date of eligibility unless the provider was in approved status or licensed on that date.

### **Payment Rates**

DHS child care providers are paid either an hourly or monthly rate. Licensed providers and enhanced rate providers receive a facility type that allows them to bill a part-time monthly rate as well. Facility types are determined by the

Direct Pay Unit who reviews the provider listing form and verifies licensing status with OCC.

Providers who are licensed with the OCC receive a higher rate of pay than license-exempt or enhances rate providers. License-exempt family providers are at the lower end of the pay rate. License-exempt family providers can take additional classes to become enhanced or licensed. Providers are receive the higher rate the month after all classes are completed. To reach the DHS enhanced rate, classes are offered at no cost to the provider and an hourly stipend is paid for classroom time.

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# Oregon Employment Department

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The Oregon Employment Department (OED) has many programs under our mission to support business and promote employment.<sup>8</sup> These programs treat child care businesses with employees as they do other businesses with employees. OED does not have any programs at this time that are focused specifically on child care businesses and providers, early childhood education providers, or child care availability.

**The following are programs that could benefit child care businesses in Oregon and the child care workforce:**

## Self-Employment Assistance Program

The SEA program is an option for Unemployment Insurance claimants who have been identified as likely to run out of benefits before they return to work. Claimants are identified using a computerized mathematical formula called worker profiling. SEA program participants may attend SEA counseling/training and can engage in self-employment activities on a full-time basis. Participants must complete both a written business plan and a market feasibility study. The program operates as a collaborative effort between the Oregon Employment Department, and the Small Business Development Center Network (SBDC).

## Trade Adjustment Assistance Program

The Trade Adjustment Assistance program helps workers who have lost their jobs as a result of foreign competition. Certified individuals may be eligible to receive one or more program benefits and services depending on what is needed to return them to employment. The following services may be available based on the availability of federal funds and individual eligibility: reemployment services; job search allowance; relocation allowance; additional unemployment insurance in the form of Trade Readjustment Allowances (TRA); a wage subsidy for re-employed workers aged 50 or older; training (in the classroom, on the job, and through apprenticeships); and a Health Coverage Tax Credit.

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<sup>8</sup> Oregon Department of Employment. "OED Summary for Child Care Workgroup." Salem: Jessica Nelson, June 28, 2019. Document.

## **Training Unemployment Insurance Program**

The Training Unemployment Insurance (TUI) program lets eligible dislocated workers attend school and receive Unemployment Insurance benefits at the same time so they can continue to care for their families and obtain employment. The program does not pay for the training itself, but instead removes the work search requirements from your weekly claims while you attend school full time. Extended benefits are available for TUI participants. Supplemental Unemployment for Dislocated Workers (SUD) can provide up to an additional 26 weeks of benefits while you are participating in approved training through the TUI program.

## **Work Share Oregon Program**

When times are tough, Work Share provides Oregon businesses an alternative to layoffs. This newly streamlined program allows employers to leverage unemployment insurance (UI) to subsidize a portion of lost wages for employers whose work time is reduced due to market downturns or other business stressors. Work Share (STC-Short Time Compensation) allows you to keep skilled employees during slow times by reducing work hours. Eligible staff whose hours and wages are reduced, receive a portion of their regular unemployment insurance benefits to compensate for the lost wages.

## **Work Opportunity Tax Credit**

The Work Opportunity Tax Credit (WOTC) is a Federal tax credit designed as an incentive for businesses to hire individuals that consistently face significant barriers to employment. The main objective of this program is to enable the targeted employees to gradually move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers. Participating employers are compensated through a reduced federal income tax liability. WOTC joins other workforce programs that help incentivize workplace diversity and facilitate access to good jobs for American workers.

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# Oregon Department of Land Conservation & Development

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The Oregon Department of Land Conservation and Development (DLCD) is a small state agency. We work in partnership with local governments, and state and federal agencies, to address the land use needs of the public, communities, regions, and the state. The Land Conservation and Development Commission (LCDC) provides policy direction for the land use planning program and oversees DLCD operations.<sup>9</sup>

Under the statewide land use planning program, each city and county is called upon to adopt and maintain a comprehensive plan and an implementing zoning code consistent with 19 statewide planning goals. Recognizing that each city and county has unique values and aspirations, our job is to provide planning guidance and technical assistance to help communities plan for their future while considering the needs of the region and the state.

Helping cities and counties address these functions in the context of a wide range of state and local interests requires that we be problem solvers. The department's mission reflects this active role

## DLCD Child Care Resources

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The DLCD has several resources available to support Oregon cities in planning and providing opportunities for child care opportunities.<sup>10</sup>

### Technical Assistance Grants

Each biennium, DLCD has funding available for planning projects throughout the state. The current grant cycle is July 2019 – June 2021 and priority projects include those which provide for planning for economic development. This funding source is often used by jurisdictions to update their Economic Opportunities Analyses (EOA), which can and often do include strategies related to child care to support the workforce. While the program has not previously funded a planning effort related solely to the provision of child care, it is possible that a jurisdiction or region could submit such a proposal for funding consideration.

<sup>9</sup> Oregon Department of Land Conservation and Development Webpage, State of Oregon. July 2019

<sup>10</sup> Oregon Department of Land Conservation and Development. "DLCD Child Care Resources." Salem: Scott Edelman, July 2019. Document.

## Direct Technical Assistance

Per Oregon law (ORS 329A.440), registered and certified family child care homes are required to be allowed in all areas zoned for residential or commercial purposes. This means that these are considered residential uses and cannot be prohibited in zones that allow other residential uses. That said, cities are allowed to apply review criteria which could potentially serve as a financial or logistical impediment to establishing such uses. Through the Transportation and Growth Management (TGM) Code Assistance Program, operated in coordination with the Oregon Department of Transportation, cities can receive assistance with a code audit. Reducing barriers to and providing incentives for development of child care facilities within a jurisdiction's zoning ordinance can be part of such an audit. In addition, DLCD staff can provide direct assistance to jurisdictions related to how other cities deal with child care in their land use codes.

DLCD is interested in helping ensure cities are aware that in-home care must be allowed as a permitted use in all areas zoned for residential or commercial purposes, including single-family neighborhoods per ORS 329 A. 440 (). DLCD is updating its model code accordingly and will continue to help make sure this information is readily available to cities and counties.

### **ORS 329A.440**

Application of zoning ordinances to registered or certified family child care homes

- (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.
- (2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.
- (3) A county may:
  - (a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;
  - (b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

- (c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).
- (4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

**Note:** prior to 2013, this ORS was numbered 657A.440, so it may be referred to by that number in other publications (including the [TGM Model Code for Small Cities](#)).

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# Oregon Department of Transportation

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The Oregon Department of Transportation (ODOT) began in 1913 when the Oregon Legislature created the Oregon Highway Commission to "get Oregon out of the mud."<sup>11</sup>

Today, we develop programs related to Oregon's system of:

- Highways, roads, and bridges;
- Railways;
- Public transportation services;
- Transportation safety programs;
- Driver and vehicle licensing; and,
- Motor carrier regulation.

In support of the Regional Solutions Child Care Workgroup, the ODOT has several resources to share regarding child care and support for local child care facilities. These resources are listed below and include external grants and an internal program to support child care benefits.

## Transportation Growth Management (TGM) Program

The TGM program, in partnership with the DLCD, has a Code Assistance program which helps local governments identify and update regulations to promote efficient land use and transportation. This resource could assist communities looking to update local codes to support development of child care facilities.

The TGM program also offers annual TGM Planning Grants to help local jurisdictions plan for streets and land to lead to more livable, sustainable, and economically vital communities. This grant opportunity can help address the development or retention of child care facilities at a higher level, as an integrated piece of the planning area, whether it be a county, city, or specific corridor.

## ODOT Rail & Public Transit Division

The ODOT Rail and Public Transit Division has biennial grant programs supporting local public transportation. Local partners seeking to mitigate

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<sup>11</sup> <https://www.oregon.gov/ODOT/About/Pages/Mission.aspx>



transportation barriers related to accessing child care may coordinate with local public transportation providers in how these grants are implemented. Public transportation providers regularly review and refine their service design in response to community needs and particularly the needs of transportation disadvantaged populations.

### **Highway Construction Workforce Development Program**

The ODOT Office of Civil Rights, in partnership with the Bureau of Labor & Industries (BOLI), offers child care benefits through the ODOT/BOLI Highway Construction Workforce Development Program. The goals of this program are to increase diversity in hiring, increase apprenticeship numbers, and provide resources for training. ORS 184.866 describes the type of services and focus areas in this program. It includes: pre-apprenticeship programs, pre-employment counseling, orientations on the highway construction industry, basic skills improvement classes, career counseling, remedial training, entry requirements for training programs, supportive services and assistance with transportation, child care and other special needs, and job site mentoring and retention services.

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# Business Oregon

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**Business Oregon is the state's economic development agency.**

**The Business Oregon Commission** oversees the agency's activities to ensure a coherent, integrated approach to economic development and a continuous policy direction that can transcend changes in executive and legislative leadership.

## *Mission*

Business Oregon invests in Oregon businesses, communities, and people to promote a globally competitive, diverse, and inclusive economy.

## *Vision*

Prosperity for all Oregonians.

## Business Oregon Support Programs

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### **Credit Enhancement Fund**

The Oregon Credit Enhancement Fund (CEF) is a loan insurance program available to lenders to assist businesses in obtaining access to capital.

The fund insures the repayment of loans made by lenders that provide working capital or fixed-asset financing to businesses.

#### **The program:**

- Is available to almost any business;
- Can include loans used for fixed assets or working capital;
- Can insure term loans and lines of credit; and,
- Has an enrollment fee typically between 1.25% and 3.5% of the insured amount based on the term and type of the credit facility.

#### **Loan insurance is:**

- Typically up to 80% of the loan amount for term loans with a maximum insurance exposure of up to \$2,000,000;
- A maximum term that does not exceed the useful life of assets securing the loan or a maximum term of 15 years;
- Typically, up to 75% of the loan for operating lines of credit with a maximum insurance exposure of \$1,500,000;
- A maximum initial term of one year for operating lines of credit;

- Available on business term loans and operating lines made by participating financial institutions (banks and credit unions);
- Available for secured loans (usually needing full collateral coverage except for First Loss Collateral Support Insurance);
- And, is subject to other criteria outlined in the CEF Application and Oregon Administrative Rule.

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## Capital Access Program

The Oregon Capital Access (CAP) Program helps lenders (banks and credit unions) make more commercial loans to small businesses and provides capital for start-up or expansion. The program is designed for non-profit and for-profit businesses seeking funds for most business purposes.

All types of loans and lines of credit are eligible. Lenders build a loan-loss reserve each time they enroll a loan. Contributions to the loan-loss reserve account are matched by Oregon Capital Access Program.

### **CAP loans:**

- Have enrollment fees between 3% and 7% as determined by the financial institution;
- Will receive a match on the enrollment fee of up to \$35,000 per borrower; and,
- Have rates and terms for repayment determined by the lender.

### **CAP loans may not be used to:**

- Purchase or improve residential housing;
- Purchase or improve real property not used for business operations;
- Or refinance an existing balance of a non-enrolled loan.

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## Entrepreneurial Development Loan Fund

The Entrepreneurial Development Loan Fund (EDLF) provides direct loans to help start-ups, micro-enterprises and small businesses expand or become established in Oregon. This fund fills a niche not provided through traditional lending markets.

### **Participants must meet one, or both, of the following criteria:**

- Have revenues of less than \$500,000 in the previous 12 months; or
- Be a business owned by a severely disabled person.

**Loans are:**

- A maximum amount of \$75,000 (\$100,000 total loans);
- Generally a maximum term and amortization of 5 years; and,
- Fixed interest rate of Prime plus 2%, minimum.

**Applications must show that the business:**

- Can provide good and sufficient collateral for the loan;
- Possesses a reasonable capacity to repay the loan;
- Meets program equity requirements;
- Is enrolled in small business counseling through Certified Entities; and,
- Meets other criteria outlined in the EDLF Application and Oregon Administrative Rule.

Continue to next page.

# Additional Resources for Financial Support

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## Oregon's Economic Development Districts

Oregon's Economic Development Districts work to provide effective, efficient delivery of economic development services benefiting healthy and sustainable communities and businesses. These districts operate regionally: forging strategies, solutions, and partnerships that achieve clear, quantifiable and tangible results, most of which would not have been feasible for a single local jurisdiction to implement. Like our counterparts nationwide, Oregon's Economic Development Districts manage and deliver an abundance of federal and state programs. Based on local needs and priorities, programs include:

- Entrepreneurial development
- Community and economic development
- Housing
- Small business development finance
- Workforce development

Oregon's Economic Development Districts take a long-term, holistic view of regional community and economic development opportunities and challenges. They recognize the interdependence and cross-cutting relationships between economic development, environmental stewardship, infrastructure upgrades, intermodal transportation systems, affordable and quality housing, a skilled and reliable workforce and many other factors essential to our state's economic competitiveness and strong quality of life.

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## Oregon Investment Board

The Oregon Investment Board (OIB) provides economic development loans and grants to projects benefiting Oregon counties lying in the Columbia River Gorge National Scenic Area. OIB has made multiple loans to a child care provider to establish, expand and maintain operations, which were ultimately unsuccessful.

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## Eastern Oregon Border Board - Workforce Mobilization Grant

Grant available to businesses, non-profits, local governments, and educational service providers located in the Border Region. You have to be in the "Border region" which is defined in the statute but basically includes Ontario, Vale, Nyssa, Adrian and Willowcreek.

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Used for programs, equipment, facility upgrades, start-up costs, expansion, training, or other products and services identified as necessary to mobilize a workforce.

- Industry letters of support required to support need for the project.
- Preference given to programs targeting current or potential employees living and working or attending school full time in Border Region.
- Applicant will be assessed on capability to account for funds and will be required to report as to the financial status of the grant throughout project.
- Maximum grant for one project is \$100,000.
- Grant can only be used for what applicant specified on application, no indirect rate.
- One to one match is required.
- Applications will be accepted annually.

Continue to next page.

# Child Care Tax Exemptions & Credits

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## Department of Revenue

The Oregon Department of Revenue started as the Oregon Tax Commission in 1909.<sup>12</sup> The agency has approximately 1,000 employees who help achieve its mission of making revenue systems work to fund the public services that preserve and enhance the quality of life for all citizens. In support of its mission, the agency:

- Administers nearly 40 tax programs, including Oregon's personal income, corporate excise, recreational marijuana, and cigarette and other tobacco tax programs.
- Supervises the state's property tax system and supports county property tax administration.
- Appraises large industrial and centrally assessed properties.
- Administers tax programs for other state agencies and local governments, including the state lodging tax, vehicle privilege and use taxes, local marijuana taxes, and transit district taxes.
- Serves as the primary collection agency for executive branch agencies and state boards and commissions.

## Property Tax

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### **ORS 307.145 - Certain Child Care Facilities** (Tax Expenditure 2.001)

Allows for an exemption from property tax for the entire, or a portion of property owned by an eleemosynary or religious organization that is used for educational child care. To qualify the child care facility must be certified and regulated by the Office of Child Care at the Department of Education, and the property used in the immediate connection with an educational purpose.

### **ORS 307.130 - Charitable Organizations** (Tax Expenditure 2.083)

Property of nonprofit corporation may be exempted if the corporation is charitable (its primary purpose is charity; its operations further its charitable purpose; and its performance includes gift or giving) and if the corporation occupies and uses the property in a manner that furthers the organization's charitable purpose. Does not require certification by the Office of Child Care as the exemption under ORS 307.145 does, but does require a higher level of charitable activity to qualify.

<sup>12</sup> <https://www.oregon.gov/DOR/about/Documents/800-559.pdf>

**ORS 307.140 - Religious Organizations** (Tax Expenditure 2.085)

Property of a religious organization used solely for administration, education, literary, benevolent, charitable, entertainment and recreational purposes by a religious organization may be exempt. This exemption is not likely to be used for a child care facility alone as ORS 307.145 would provide the exemption, but ORS 307.140 may be used in the case of a religious organization that filed for exemption on their entire facility that included an educational child care center. Does not require certification by the Office of Child care.

## **Income Tax** <sup>13</sup>

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**ORS 315.213 - Contributions to the Office of Child Care** (Tax Expenditure 1.425)

Allows an income tax credit to individual or corporation for contributions to this office in the Department of Education. The credit is the lesser of 50% of contribution or the tax liability of the taxpayer. The contributions are used to “improve the quality of child care programs through education awards...” (2019-21 Tax Expenditure Report). Without these funds, Education reports there would be less state funding to help stabilize child care provider wages and improving the quality of child care.

**ORS 315.264 - Working Family Household and Dependent Care Credit** (Tax Expenditure 1.424)

Individual income tax credit that reimburses low / middle income families with employment related dependent care expenses. The credit is a percentage of the expenses (which are limited to \$24k for joint filers and \$12k for single filer). The percentage of the credit is limited by adjusted gross income, household size and age of youngest dependent. The credit is also refundable.

**Resource:** Oregon Tax Expenditure Report

<sup>13</sup> Oregon Department of Revenue. “Child Care Work Group.” Salem: Danette Benjamin (Property Tax); Ken Ross (Personal Income Tax), May 17, 2019. Document.



# Oregon Collaborations & Pilot Projects

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## Early Learning Hubs

In 2013, the Oregon Legislature passed House Bill 2013 creating 16 regional and community-based Early Learning Hubs. Hubs are charged with generating partnerships and local conditions that make quality early childhood services more available, accessible and effective for children and families, particularly those who are historically underserved.

### The Early Learning Hubs have three specific goals:

- Create an early childhood system that is aligned, coordinated, and family-centered;
- Ensure that children arrive at school ready to succeed; and,
- Ensure that Oregon's young children live in families that are healthy, stable, and attached

## Early Learning Hub Regional Information

*Below is a map and list of all 16 Early Learning Hubs, with contact information.*



Hub Name	Coverage Area	Hub Contact
Blue Mountain Early Learning Hub	Umatilla, Morrow and Union counties	<a href="#">Amy Hoffert</a> 541-966-3165
Clackamas Early Learning Hub	Clackamas County	<a href="#">Annette Dieker</a> 971-420-3528
Early Learning Hub of Central Oregon	Deschutes, Jefferson and Crook counties	<a href="#">Brenda Comini</a> 541-480-8993
Early Learning of Linn, Benton & Lincoln Counties	Linn, Benton and Lincoln counties	<a href="#">Kristi Collins</a> 541-917-4908
Early Learning Multnomah	Multnomah County	<a href="#">Molly Day</a> 503-226-9364 <a href="#">Frances Sallah</a> 503-226-9324
Early Learning Washington County	Washington County	<a href="#">Adam Freer</a> 503-846-4491
Eastern Oregon Community Based Services Hub	Malheur, Baker and Wallowa counties	<a href="#">Kelly Poe</a> 208-230-0648
Four Rivers Early Learning Hub	Hood River, Wasco, Sherman, Gilliam and Wheeler counties	<a href="#">Christa Rude</a> 541-340-0438
Frontier Early Learning Hub	Grant and Harney counties	<a href="#">Donna Schnitker</a> 541-573-6461
Lane Early Learning Alliance	Lane County	<a href="#">Bess Day</a> 541-741-6000 x162
Marion & Polk Early Learning Hub, Inc.	Marion and Polk counties	<a href="#">Lisa Harnisch</a> 503-967-1185
Northwest Early Learning Hub	Tillamook, Columbia and Clatsop counties	<a href="#">Dorothy Spence</a> 503-614-1682
South-Central Oregon Early Learning Hub	Douglas, Lake and Klamath counties	<a href="#">Gillian Wesenberg</a> 541-440-4771
South Coast Regional Early Learning Hub	Coos and Curry counties	<a href="#">Heather Baumer</a> 541 435-7751
Southern Oregon Early Learning Services	Jackson and Josephine counties	<a href="#">Rene Brandon</a> 541-858-6731
Yamhill Early Learning Hub	Yamhill County	<a href="#">Jenn Richter</a> 503-376-7421

Updated: 2/22/2019

## Regional Child Care Programs

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### Baker Early Learning Collaborative

Creating an Early Learning Child care and Nurturing Center in downtown Baker City for infant to preschool ages. Would provide care to employee children, overflow Head Start and other community members. The Baker Early Learning Collaborative has been meeting for over a year and there is a lot of community support for this type of project.

- Location:** Baker City, Oregon
- Program Contact:** Mark Witty, Baker School District Superintendent
- Additional Partners:** Baker School District 5J, Early Learning Collaborative, DHS

### Bandon Project

Establishing a day care within walls of a Bandon public school and working on a shared services model to reduce cost of management. The Bandon School Board has made available under-utilized space in an elementary school to a non-profit preschool that emerged from a multi-sector collaboration. South Coast Business Employment Corporation is acting as the host legal entity and funders include Wild Rivers Coast Alliance, Oregon Community Foundation and The Ford Family Foundation. The same collaborative of partners have also received foundation support to create a shared services model to try to reduce the administrative costs of providing child care.

- Location:** Bandon, Oregon
- Program Contact:** Melissa Metz, CEO, South Coast Business Employment Corporation, (541) 269-2013, ext. 272
- Additional Partners:** Wild Rivers Coast Alliance, Bandon School District, Ford Family Foundation, Oregon Community Foundation

### Cascade Locks Child Care Improvement

CL school offer limited child care with limited space. They are working to extend hours and quality. Four Rivers Early Learning Hub is also a partner in this work, providing both funding and facilitative leadership support.

- Location:** Cascade Locks Elementary School
- Program Contact:** [Amy Moreland](#), 541-374-8467
- Additional Partners:** Early Learning Hub, Port of Cascade Locks, City of Cascade Locks, Thunder Island Brewing

## Central Oregon Child Care Accelerator

A consortium of regional businesses and non-profits, early learning and health organizations, local and state government, and the Bend Chamber are working together to tackle Central Oregon's shortage of child care. In November 2019, the Bend Chamber hired a Child Care Accelerator position to begin work on creating more options for those looking for quality, affordable child care options. The Accelerator will spearhead efforts to pilot new collaborative child care programming and operations between Oregon State University-Cascades and Central Oregon Community College that can be built and replicated throughout the region. To address the funding challenges of developing and expanding child care facilities, the Child Care Accelerator will work with employers, public sector organizations and private investors willing to help offset costs and will lead an effort to help broker collaborative projects that create additional quality and affordable child care and will assist child care providers in understanding and navigating the permitting process to expand or build their own facilities (along with regional partners).

**Location:** Central Oregon

**Program Contact:** [Katy Brooks](#), Bend Chamber of Commerce, 541-419-9344  
Employers, Better Together, TRACEs, Pacific Source,

**Additional Partners:** NeighborImpact Child Care Resources, Central Oregon Health Council

## NW Early Learning Hub: Preschool Expansion Grant (MMT)

The Preschool Expansion Grant (MMT) has led to community conversations and the development of individual county task forces to explore solutions around the lack of high quality child care. Task force partners include County Commissioners, Superintendents, Mayors, Chamber of Commerce, Economic and Small Business, teachers, child care providers, CCO, community colleges, Lower Columbia Hispanic Council, and local partners. Conversations focus on high quality, family needs, equitable work force and economic development, and creating a conversation around how the lack of high quality early childhood settings impacts whole communities.

**Location:** Clatsop, Columbia, and Tillamook

**Program Contact:** Amy Lovelace and Eva Manderson  
County Commissioners, Superintendents, Mayors, Chamber of Commerce,

**Additional Partners:** Economic and Small Business, teachers, child care providers, CCO, community colleges, Lower Columbia Hispanic Council, and local partners

## Bay Area Hospital/SW Oregon Community College

Bay Area Hospital has established, on the SW Oregon Community College campus in Coos Bay, a new child care center. The center will primarily serve hospital employees and their families and also be open to the public. The facility opens in January 2020.

**Location:** Coos Bay  
**Program Contact:** Clay England, Bay Area Hospital, CHRO, 541 269-8409  
**Additional Partners:** SWOCC, Bay Area Hospital, Ford Family Foundation

## Grass Valley/Evergreen Holdings

Hemp company is paying for startup costs for child care in Grass Valley to serve its employees and broader community. Home provider/not facility

**Location:** Grass Valley/Sherman County  
**Program Contact:** Private provider, Evergreen holdings  
**Additional Partners:** Early Learning Hub

## La Grande School District/Hospital Project

**Location:** La Grande

## Lane Early Learning Alliance

Works to meet the needs of the children and families furthest from opportunity in Lane County by ensuring early childhood system is aligned and coordinated, children are ready for kindergarten, and families are healthy and stable.

**Location:** Lane County  
**Program Contact:** [Bess Day](#), 541-741-6000  
**Additional Partners:** Eugene 4J, PacificSource, First Place Family Center, United Way of Lane County, Trillium, Lane County, Bethel SD, Creswell SD, CARES, LCC, Cornerstone Community Housing, DHS, Pearl Buck Center, Lane ESD, Springfield Public Schools, Head Start

Continue to next page.

## Early Learning Hub of Linn, Benton, and Lincoln Counties

Per the Linn-Benton-Lincoln EL Hub: It surfaced at a recent Willamette Workforce Partnership meeting that the business community is having difficulty finding quality employees due to lack of child care (OSU, hospital system are examples). In a separate process, OSU had just identified it as a barrier to hiring faculty. In response, two different community efforts have emerged. Numerous partners are convening an Early Learning Summit which will convene businesses to discuss community needs and identify strategies. They have also contracted with a local consultant, Heidi McGowan, who helped develop a business plan for a similar issue in Bandon. The US Chamber of Commerce has a toolkit they've recently shared with this group that they're considering using as well - per the Hub Director, the US Chamber of Commerce is developing an economic analysis of the issue in four different states. Apparently, Oregon is one of them. The United Way and Workforce Partnership are both playing leadership roles to address this issue as well.

**Location:** Linn, Benton, Lincoln Counties

**Program Contact:** [Kristi Collins](#), 541-917-4949

**Additional Partners:** Business, early childhood education, parents, K-12, Health, Human and Social Services

## Preschool for All Taskforce

Community taskforce headed by Multnomah County Commissioner Jessica Vega Pederson with multiple workgroups to explore feasibility of universal preschool in Multnomah County. Taskforce report released on July 18, 2019 and can be found at [here](#). Taskforce recommendations address program quality and necessary policies, workforce development, infrastructure investments, public funding options and administration needs. Preschool for All Phase 2 began in fall 2019 with strategy for political and public support and community planning for implementation.

**Location:** Multnomah County

**Program Contact:** Brooke Chilton Timmons

**Additional Partners:** Multnomah County Board of County Commissioners, Early Learning Multnomah hub, Social Venture Partners Portland, Parent Accountability Council (PAC), Preschool For All Taskforce members (see report for extensive list)

Continue to next page.

## Snake River Produce Project

Regional Solutions and the Eastern Oregon Early Learning Hub have helped to connect Snake River Produce who wants to create a child care facility in Nyssa with the state licensing folks and a local non-profit child care provider, Giggles and Grace, who would run the facility. The idea is that Snake River would rezone their old office building to commercial, renovate the space and then Giggles and Grace would rent the space and operate the facility for both employee children and community children. Would create approximately 60 slots for infant all the way to after school program

**Location:** Nyssa, Oregon

**Program Contact:** [Tiffany Cruickshank](#), 541-372-2600

**Additional Partners:** Early Learning Hub, Giggles and Grace, RS, OCDC

## Powers Preschool

The SCREL Hub provides funding to support the Preschool Program in Powers, Oregon. There are no other early learning programs located in this beautiful but extremely isolated community, and so this program is a vital resource for their families. The preschool program is focused on developing skills that promote kindergarten readiness and smooth transitions into the school system. Staff from the Preschool and Elementary school participate in shared professional development opportunities and work together to align program activities and curriculum to create a strong continuum of learning for the children. The Preschool program also hosts Family nights, provides home visiting, and promotes a read-at-home program to engage families as partners in their child's learning and development. Summer camps are also available where the kids have an opportunity to go on field trips and learn outside, and prepare to enter kindergarten ready to succeed.

**Location:** Powers, Oregon

**Program Contact:** [Heather Baumer](#), Director, South Coast Regional Early Learning (SCREL) Hub

**Additional Partners:** Early Learning Hub, Powers public schools

Continue to next page.

## Ford Childhood Enrichment Center at Umpqua Community College

The child care center at UCC was at risk of closing due to financial issues, so the UCC president reached out to numerous community partners - including businesses, local initiatives, and the Early Learning Hub - to come together around the issue. The child care center has been maintained and is still on UCC's campus; it is now being operated as Maple Corner Montessori.

**Location:** Umpqua Community College/Douglas County  
**Program Contact:** Leanne Jorgensen, Founder, Maple, Corner Montessori  
541-391-4777

## Employer Supported Network of Family Child Care Providers (ESN)

Child Care Resource & Referral of Washington County, a program of Community Action partners with two large corporations in Washington County to provide a Family Child Care Network. Programs are required to give priority to Employee from Corporations as well as be listed with DHS to serve families on ERDC. The partnership staffs two full time Quality Improvement Specialist as well as partial Supervisory and Admin FTE to support 30 programs. An emphasis is recruitment of infant toddler programs. Providers outside of the ESN benefit from the collaboration by financially supporting the CCR&R infrastructure.

**Location:** Washington County, Community Action  
**Program Contact:** Karen Henkemeyer

## Kid Time Children's Museum of Southern Oregon

The City of Medford has leased a former Carnegie library in downtown to Kid Time. Kid Time is the largest provider of Preschool Promise slots in Southern Oregon, and has a three year waiting list. The new facility will allow them to increase enrollment by a quarter—and provide a much-improved outdoor play area. Kid Time is still raising the funding needed to complete needed renovations.

**Location:** Medford, Oregon  
**Program Contact:** Sunny Spicer, Executive Director, Kid Time Children's Museum, 541-772-9922  
**Additional Partners:** City of Medford



# What's happening in other States

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## Washington Department of Transportation

### Infant at Work Program <sup>14</sup>

“As an effort to provide a modern and flexible work environment and maintain the Washington State Department of Transportation (WSDOT) as an employer of choice to recruit and retain employees, WSDOT offers a program allowing parents to bring their infants to work. This would assist with parents maintaining work life balance, promote parent-child bonding, and create more flexibility for a parent to work in lieu of taking leave.”

*Monday, April 9, 2018*

### **Infant at Work program helps improve work-life balance <sup>15</sup>**

By Celeste Dimichina

For many, the idea of becoming a parent in and of itself is daunting. The questions and stresses – everything from what diapers and car seats to get to what doctor to choose – seems never ending.

Before my first daughter was born, I spent a great deal of time weighing the pros and cons of being a stay-at-home mom or returning to work and trusting a stranger to care for our newest and most precious family member. The thought of leaving my new baby in the care of a stranger terrified me more than the thought of sleepless nights or endless diaper changes.

I made the most of the 12-week maternity leave my then-employer allowed, spending my time forming a bond with my child.

But sooner than I would've liked I returned to work, leaving our baby with her new daycare provider, who was great. But for many parents, it's a cruel game of "would you rather." Would you rather spend time with your new baby, at home, un-paid? Or would you rather spend the day at work because you have bills to pay and a baby to provide for?

<sup>14</sup> Washington State Department of Transportation Infants at Work Manual – [Chapter 31](#)

<sup>15</sup> Source: [Ryan Lanier - Monday, April 09, 2018](#)

That's why our agency's year-old "Infant at Work" program is such a fantastic perk.

**What is the "Infant at Work" program?**

The Infant at Work program allows some employees to bring their babies to work when they're six weeks old until the infant turns six months old, or they become mobile. The baby has to be in an office-type setting. Our Incident Response Team, for example, can't bring the baby along while they patrol the highways. The type of work, location and safety has to be taken into account when determining eligibility.

**What's the point?**

The program is designed to provide a modern, flexible work environment and allows employees the chance to continue working rather than taking an



extended leave, or leaving their baby with family or daycare. It promotes a positive work/life balance, allowing the parent to continue bonding with their child while also allowing them to get important work done.

Left: Southwest Region Communications Manager Kimberly Pincheira and son Zander support WSU and our communications team. Right: Planning specialist Chelsey Martin and son Hendric hard at work in our Vancouver office.

**So what's in it for WSDOT?**

This isn't a one-sided deal. The Infant at Work program allows the employee to return to work sooner, increases employee retention and lowers turnover costs while improving employee loyalty and morale. Giving the baby consistent access to breastfeeding has also shown to have health benefits, lowering health care costs.

### What happens if the baby cries, or if the baby is sick?

Babies get sick. Babies cry. There's no getting around that. Maintaining a healthy and productive work environment was a primary consideration in developing this program.

Having worked around some parents who brought their babies to work, I can vouch for the fact that the program works. My coworkers who have brought their child to work are clearly happier, and the babies are happy. I haven't found it to be distracting and it allows the employees to be productive while feeling valued and appreciated. It's a program I wish I could've taken advantage of when my children were that age and I'm happy for my colleagues and their babies who will have this opportunity to form those important bonds while also remaining producing employees.



Left: Emily Glad keeps working as our Toll Division Communications Manager while son Anders supervises. Right: Ferries worker Tim Wiess is able to get work done while daughter Grace naps.

If the infant becomes sick, is disruptive for a prolonged period of time, causes a distraction in the work place, or prevents the parent from accomplishing work, the parent must take the infant home or to a backup daycare provider. While having a baby at work can be great, it can't be at the detriment of co-workers.

We've reconfigured already existing areas of our offices into safe, quiet spaces for parents to take their baby for them to calm down. These offices are equipped with a computer to allow the parent to continue working without interrupting co-workers.

# Appendix

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## BASIS FOR CHILD CARE REGULATION STATUTORY AUTHORITY

### ORS 329A.260

Gives Office of Child Care authority to establish health and safety standards that a child care facility must meet in order to qualify for a license.

### ORS 329A.280

Gives OCC authority to regulate Certified Family Child Care and Certified Child Care Centers. To carry out the intent of statutes, OCC has developed minimum requirements set forth in administrative rules for three types of child care facilities.

### Administrative Rules

OCC has adopted administrative rules (OARs or regulations) establishing basic health and safety requirements to protect children. They are designed to reduce risks to children who spend a major part of their day away from their own homes. An applicant's readiness for licensing will be evaluated by OCC staff through the procedures that follow. This policy provides a statewide system with flexibility to respond to local needs.

### Child Care Regulation Statutes & Administrative Rules

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ORS 183.310-495, Administrative Procedures Act

ORS 192.410-500, Inspections of Public Records

ORS 418-740-775, Reporting of Child Abuse

ORS 329A.250 through 329A.460, Child Care Facilities

ORS 329A.0.0, Central Background Registry

OAR 414-205-0000 through 414-205-0170, Rules for Registration

OAR 414-300-0000 through 414-300-0415, Rules for Child Care Centers

OAR 414-350-0000 through 414-350-0405, Rules for Certified Family Child Care Homes

OAR 414-061-0000 through 414-061-0120, Rules for the Central Background Registry

Text of Oregon Revised Statute - [Chapter 329A.010 et. seq. 2011 Edition](#)

Text of Oregon Administrative Rules for [Certified Family Child Care Homes](#)

Text of Oregon Administrative Rules for [Certified Child Care Centers](#)

## LICENSING PROCESS

ORS 329A.440 Application of zoning ordinances to registered or certified family child care homes

(1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

(3) A county may:

(a) Allow a registered or certified family child care home in an existing dwelling in any area zoned for farm use, including an exclusive farm use zone established under ORS 215.203;

(b) Impose reasonable conditions on the establishment of a registered or certified family child care home in an area zoned for farm use; and

(c) Allow a division of land for a registered or certified family child care home in an exclusive farm use zone only as provided in ORS 215.263 (9).

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. [Formerly 657A.440]

Note that prior to 2013, this ORS was numbered 657A.440, so it may be referred to by that number in other publications (including the TGM Model Code for Small Cities).

Subsection 2 prevents cities or counties from imposing zoning conditions that are “more restrictive than conditions imposed on other residential dwellings in the same zone.” This means that local jurisdictions can require anything more for family child care homes, including extra parking spaces, a fence or buffer, open space, or other additional standard.

### Procedures for Licensing

There are three types of licensing applications. Initial applications are when a facility is opening for the first time. Renewal applications are when a facility is renewing their facility license. Reopen applications are when a facility is either reopening a facility that has been closed, or they are “reopening” at a new address.

### Initial Applications

Upon request, information and application materials shall be provided to prospective applicants as outlined below. These may be provided by CO, support staff in regional offices, or the LS.

Packet 1 is an informational packet sent to individuals inquiring for the first time about how to become a licensed child care facility. See Appendix C for packet content.

Packet 2 contains application materials for prospective licensees who have reviewed Packet 1 and wish to proceed. See Appendix C for packet content.

The LS will complete the pre-certification consultation form CRT 109 prior to a potential applicant receiving the Packet 2.

The LS will measure the potential capacity of the center or home including the outside play area. Final measurements will help in determining the capacity on the initial license.

The LS will provide technical assistance materials including but not limited to:

Child Care Enrollment and Authorization form TA 806

Infant and Toddler Enrollment form TA 805

School Age Transportation Agreement form TA 804

Upon receipt of an application CO staff will:

Determine if the applicant has been licensed previously and if there are previous concerns that need addressed;

Create a facility record in CCRIS, if one does not already exist from the precertification visit, and enter in the application data;

Forward the application to the appropriate LS.

Generally the LS will act upon the application within:

45 days for new or change of address

30 days for change of provider

Note: CF and CC rules state that applications are good for 12 months from the date received by OCC. Additionally, prior to OCC acting on an application, all outstanding final orders for civil penalties must be paid in full.

When the applicant has obtained the required permits, and has been inspected by the environmental health specialist and fire marshal (if required) the LS will:

Prior to the visit:

Review applicable inspection reports. Retain the original copy of the sanitation and fire inspection reports for the facility file.

Review the local zoning and occupancy permits (if required) and retain a copy for the file.

Review the submitted floor plan to determine consistency with measurements taken at the precertification visit.

Print up a previsit report in CCRIS to take on the visit.

At the licensing visit:

Complete the applicable checklist and discussion items with the applicant. Indicate any noncompliance on the checklist. Determine if the facility has majority compliance to issue a temporary license. Obtain applicant signature and leave a copy with the provider.

Review staff files to ensure that staff are qualified for their position and that proper verification of CBR enrollment is on file.

The applicant should also be provided information on the USDA Child & Adult Care Food Program.

Refer the applicant to the Health Department for information about the law governing child care and restrictable disease, immunizations, and communicable disease reporting requirements.

If an applicant does not have children present at the time of the initial visit, at the LS discretion, there may be a program review done at another visit before an annual license can be issued.

If the facility has been issued a temporary license, determine the timeframe for the temporary license and schedule a follow-up visit.

Note: At all licensing visits, initials and renewals, it is important to provide the facility a copy of the Findings Review Procedures, form LIC 315 and the Complaint Policy, form LIC 350.

A temporary license can be changed to an annual license when the deficiencies are corrected and/or the program review has been completed. If all conditions are met during the initial visit, the program may be approved for an annual license at that time.

## Renewal Applications

Central Office will process the application and assign the licensing visit in CCRIS. Any special instructions for the LS will be put in the "Assignment Notes to Staff" section in CCRIS. These notes can be viewed in CCRIS by clicking the radio button in front of the LS assigned to the visit or on the previsit report. The visit assignment will automatically appear on the LS's assignment page. The paper application is forwarded on to the LS by CO.

If a renewal application is received by OCC 30 days prior to the expiration date, the license will continue in active status until OCC takes action on the license. If the application is not received 30 days prior to the license expiration, active status will end on the expiration date unless OCC renews the license. The application may be processed as a high priority.

When the LS receives the application a licensing visit is scheduled.

For CF, when mutually agreed upon by the LS and the provider, the facility may be closed during the renewal inspection. If there are no children in care during the renewal inspection, the LS will conduct a separate visit to complete a program review.

Note: Remember to take a previsit report on all visits. This is vital when updating the employee tab in CCRIS.

At the licensing visit the LS:

Completes the applicable checklist and discussion items;

Notes any noncompliance on the checklist;

Reviews the sanitation and fire inspections as required;

Reviews the Staff Qualifications and Training Logs (SCTL) for required training;

Reviews new staff files to ensure that new staff are qualified for their position;

Checks that CBR enrollment is on file for all staff;

Reviews children's records.

Noncompliance during a renewal inspection

Minor noncompliance is a rule violation with potential for only minor negative impact:

It will not be entered into CCRIS as an observed noncompliance, but will be noted on the checklist.

The LS will use an informal process to reach agreement about corrections.

It is not necessary to provide documentation of compliance, and no follow-up is needed to ensure compliance.

The director/provider's signature on the checklist constitutes provider's agreement to correct.

Moderate noncompliance is a rule violation that presents a potential risk or represents a significant accumulation of minor noncompliance issues.

It may delay the renewal of a license

It will not be entered into CCRIS as an observed noncompliance unless it is a repeated noncompliance, or there is an accumulation of moderate and minor noncompliance. However, it will be noted on the checklist.

Specific timeframes should be determined for coming into compliance. The timeframe depends on the nature of the corrections. Timeframes are agreed upon by OCC and the facility.

To ensure compliance, a follow-up visit is usually needed unless corrections are made during the visit. Sometimes written documentation or pictures from the facility will suffice.

Major noncompliance is a rule violation that presents a substantial risk, i.e., clear and serious risk, but not imminent danger.

The violation will be specifically noted on the checklist and is entered in CCRIS as an observed noncompliance and a noncompliance letter is sent.

A stop-gap corrective measure must be done immediately (e.g. do not allow children to play on dangerously broken play structures) or within 24 hours, as appropriate to the situation.

The facility's license will not be renewed until a permanent solution to the noncompliance is in place. Specific time frames should be determined for coming into compliance depending on the nature of the corrections. The time frames should be agreed upon by OCC and the facility. A follow-up visit must be made to ensure that the provider has come into compliance.



Note: For examples of major, moderate and minor noncompliance see Appendix B.

The LS shall document the noncompliance, enter the noncompliance into CCRIS, and send a noncompliance letter.

The expected timeline for OCC to mail out a noncompliance letter for observed noncompliance after completing the visit is 10 business days. In consideration of this timeline:

The LS should complete the CCRIS data entry and send a draft of the noncompliance letter to their assigned reviewer within 10 business days of completing the visit.

The SLS will review the draft letter and return it to the LS with any recommended changes within two business days.

The LS will make any needed changes and mail out the letter to the facility within the 10 business day timeline.

If majority compliance is observed, the LS will note the remaining items, with a timeline to be completed. Both the LS and the applicant will sign the checklist, and the LS will issue a temporary license. A timeframe for the temporary license will be determined and a follow up visit scheduled.

If the facility is in full compliance, then the LS will complete the renewal checklist and issue an annual license.

Results from the visit will be entered into CCRIS to generate the appropriate license.

Note: All data input on licensing visits should occur as soon as possible, but no later than five business days after the date of inspection, if the license is in danger of expiring, or ten business days after the inspection, if the license is not in danger of expiring. Any noncompliance cited must follow the noncompliance letter timelines in Section IV, subsection B. 2. g. above.

### Renewals with Missing Training

The rules for CF and CC state that staff must “participate” yearly in training. The rules do not specify that training must be cleared through ORO. In light of this, the following guidelines apply for training:

At license renewal, if a facility states that they have NOT completed their yearly training during the licensing year and if it cannot be completed prior to their license expiration, a noncompliance will be given. A temporary license will be issued, and the facility will be given 60 days to complete and submit their training to ORO. If the facility still has not completed and submitted their training to ORO after 60 days, another noncompliance will be given. A civil penalty will be assessed. The facility may be given another 60 days to complete and submit their training to ORO. If the training is not complete after the additional 60 days (four months from license expiration), another noncompliance will be given and another civil penalty will be given.

At license renewal the facility states that they HAVE completed the training, but have not submitted it to ORO, or it has been submitted, but it is not yet posted in ORO. Because they state that they did the training during the license period, a noncompliance will not be given, however, the provider must provide verification that the training was taken, e.g., copies of training certificates. A

temporary license will be issued and the facility will be given 60 days to submit their training to ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

If the facility has taken the training and the training was submitted to ORO, but it was rejected by ORO, the licensing specialist shall staff this with the senior licensing specialist or their regional manager. The option may be to issue a temporary license without giving the facility a noncompliance depending on the circumstances. The facility will still have to submit valid training that is vetted by ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

Note: If you have a facility that is struggling to get off their temporary license, discuss this with your SLS and/or your RM at the three month point.

## Application Status

### Temporary license

#### Renewal applications only

At renewal, a temporary license may be issued if the facility is in majority compliance with the rules and has been inspected and approved for temporary operation by the LS and the environmental health specialist.

A temporary license may be given pending the fire safety inspection required for child care centers, at the discretion of the LS.

The temporary license will be effective the date of the expiration of the previous license if the application was received at least 30 days prior to the expiration for the current license and the required fee has been paid.

If deficiencies are noted, the LS will inform the applicant of the specific deficiencies which resulted in a temporary license rather than an annual license. Technical assistance will be given on how to meet the requirements.

The LS must determine that requirements have been met before issuing an annual license.

Note: A temporary license can only be issued for a maximum of 180 days. If a facility is reaching the 4 month point on a temporary license, the LS should begin consulting with their regional manager.

Note: The LS must keep track of the temporary license expiration date to ensure the license does not expire.

## Annual license

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When the facility is in compliance with the rules, it will be issued an annual license. The annual license shall expire one year from the beginning of the temporary license, if a temporary has been given.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), that request must be submitted in writing and the LS will evaluate the request based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

### Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the applicable rule.

The provider must request an exception to a rule on OCC form CRT 159. The request must include:

A justification for the requested exception, and

An explanation of how the facility will meet the intent of the rule.

No exception to a rule will be granted:

If the requirement is established by statute, or

Unless the health, safety and well-being of children are ensured.

The provider shall complete the exception request form and submit it to their LS.

The LS will review the exception, and recommend either approval or denial of the exception by completing form CRT 159A, Certified Exception Response.

If recommending approval, conditions recommended may be included on the exception response form. Comments may be added as necessary.

The exception response form will be signed and dated by the LS, entered into CCRIS and assigned to the senior licensing specialist (SLS). The hard copy of the exception request and response form is then forwarded to the SLS for review. This can be done either in person, by fax, or by scanning the documents. The SLS will approve or deny the exception request, assign it back to the LS in CCRIS and send back a hard copy.

Note: Exceptions requests and the response form completed by the LS must be submitted to the SLS within five business days of when the LS received the exception request from the facility.

A copy of the exception response form is mailed to the provider and the original is placed in the facility file.

The LS completes the CCRIS data entry.

A new license is printed and sent to the facility showing the exception and any relevant conditions. A copy of the new license is placed in the file.

#### Ongoing Exception Review for Certified Facilities

##### Procedure for Ongoing Exception Review:

While preparing for the renewal visit, the licensing specialist will verify if there are any ongoing exceptions in the facilities' file.

The licensing specialist will either start a new blue ongoing exception form or pull the existing blue ongoing exception form from the file, and bring it with them to the renewal visit.

During the renewal visit, the licensing specialist will review the exception and any associated conditions with the director or provider to ensure the exception is still relevant to the facility.

The licensing specialist will mark "approved" and mark the current licensing period.

The licensing specialist will note any comments.

Both the director or provider and the licensing specialist will sign.

The licensing specialist will enter the exception in CCRIS and follow the procedures listed in the CCRIS scenario

The licensing specialist will return the blue ongoing exception form to the correspondence section in the file.

The following licensing period, the licensing specialist will use the second box on the form.

#### Voluntary Withdrawal/License Closure

##### Voluntary Withdrawal

An application for certification must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If a facility chooses to not complete the licensing process, the facility can complete a Voluntary Withdrawal/Closure form, LIC 309 or communicate their decision by phone or email. The form is not required, but the LS should document the communication in CCRIS.

The LS should communicate the voluntary withdrawal either by phone or email to their regional background specialist in CO. CO will complete the voluntary withdrawal in CCRIS.

If an application is not withdrawn, it must go through the process of denial. Since a denial is a time consuming negative action, it is always preferred to have applicants withdraw their application.

##### Voluntary Closure

The provider may voluntarily close their license prior to its expiration. The provider may submit this request in writing, preferably using a Voluntary Withdraw/Closure form, LIC 309. If the LS receives a written request, the LS forwards this to CO. CO will process the voluntary closure and complete a closure action in CCRIS. CO will send a confirmation letter to the facility with notification that the license has been closed.

OCC may also accept a verbal request to voluntarily close. If the LS receives a verbal request, the LS should put a documentation in CCRIS and contact CO. CO will complete the closure action in CCRIS and send out a confirmation letter.

If a provider is closing because of pending legal action by OCC, the closure type would be “V/C in lieu of legal action”. If a provider voluntarily closes in lieu of legal action, the provider may not do exempt child care. The file is flagged in CCRIS by CO. The LS will forward the file to CO for storage.

Note: If a provider wishes to be licensed again following a voluntary closure, the provider must apply and meet all of the licensing requirements.

Note: Voluntary closure or voluntary withdrawal requests should be forwarded to CO within five business days of when the LS received the closure request.

### Initial Applications

Upon request, information and application materials shall be provided to prospective applicants as outlined below. These may be provided by CO, support staff in regional offices, or the LS.

Packet 1 is an informational packet sent to individuals inquiring for the first time about how to become a licensed child care facility. See Appendix C for packet content.

Packet 2 contains application materials for prospective licensees who have reviewed Packet 1 and wish to proceed. See Appendix C for packet content.

The LS will complete the pre-certification consultation form CRT 109 prior to a potential applicant receiving the Packet 2.

The LS will measure the potential capacity of the center or home including the outside play area. Final measurements will help in determining the capacity on the initial license.

The LS will provide technical assistance materials including but not limited to:

Child Care Enrollment and Authorization form TA 806

Infant and Toddler Enrollment form TA 805

School Age Transportation Agreement form TA 804

Note: Other technical assistance handouts are available on the OCC internal website.

Upon receipt of an application CO staff will:

Determine if the applicant has been licensed previously and if there are previous concerns that need addressed;

Create a facility record in CCRIS, if one does not already exist from the precertification visit, and enter in the application data;

Forward the application to the appropriate LS.

Generally the LS will act upon the application within:

45 days for new or change of address

30 days for change of provider

Note: CF and CC rules state that applications are good for 12 months from the date received by OCC. Additionally, prior to OCC acting on an application, all outstanding final orders for civil penalties must be paid in full.

When the applicant has obtained the required permits, and has been inspected by the environmental health specialist and fire marshal (if required) the LS will:

Prior to the visit:

Review applicable inspection reports. Retain the original copy of the sanitation and fire inspection reports for the facility file.

Review the local zoning and occupancy permits (if required) and retain a copy for the file.

Review the submitted floor plan to determine consistency with measurements taken at the precertification visit.

Print up a previsit report in CCRIS to take on the visit.

At the licensing visit:

Complete the applicable checklist and discussion items with the applicant. Indicate any noncompliance on the checklist. Determine if the facility has majority compliance to issue a temporary license. Obtain applicant signature and leave a copy with the provider.

Review staff files to ensure that staff are qualified for their position and that proper verification of CBR enrollment is on file.

The applicant should also be provided information on the USDA Child & Adult Care Food Program.

Refer the applicant to the Health Department for information about the law governing child care and restrictable disease, immunizations, and communicable disease reporting requirements.

If an applicant does not have children present at the time of the initial visit, at the LS discretion, there may be a program review done at another visit before an annual license can be issued.

If the facility has been issued a temporary license, determine the timeframe for the temporary license and schedule a follow-up visit.

Note: At all licensing visits, initials and renewals, it is important to provide the facility a copy of the Findings Review Procedures, form LIC 315 and the Complaint Policy, form LIC 350.

A temporary license can be changed to an annual license when the deficiencies are corrected and/or the program review has been completed. If all conditions are met during the initial visit, the program may be approved for an annual license at that time.

## Renewal Applications

Central Office will process the application and assign the licensing visit in CCRIS. Any special instructions for the LS will be put in the "Assignment Notes to Staff" section in CCRIS. These notes can be viewed in CCRIS by clicking the radio button in front of the LS assigned to the visit or on the previsit report. The visit assignment will automatically appear on the LS's assignment page. The paper application is forwarded on to the LS by CO.

If a renewal application is received by OCC 30 days prior to the expiration date, the license will continue in active status until OCC takes action on the license. If the application is not received 30 days prior to the license expiration, active status will end on the expiration date unless OCC renews the license. The application may be processed as a high priority.

When the LS receives the application a licensing visit is scheduled.

For CF, when mutually agreed upon by the LS and the provider, the facility may be closed during the renewal inspection. If there are no children in care during the renewal inspection, the LS will conduct a separate visit to complete a program review.

Note: Remember to take a previsit report on all visits. This is vital when updating the employee tab in CCRIS.

At the licensing visit the LS:

Completes the applicable checklist and discussion items;

Notes any noncompliance on the checklist;

Reviews the sanitation and fire inspections as required;

Reviews the Staff Qualifications and Training Logs (SQTL) for required training;

Reviews new staff files to ensure that new staff are qualified for their position;

Checks that CBR enrollment is on file for all staff;

Reviews children's records.

Noncompliance during a renewal inspection

Minor noncompliance is a rule violation with potential for only minor negative impact:

It will not be entered into CCRIS as an observed noncompliance, but will be noted on the checklist.

The LS will use an informal process to reach agreement about corrections.

It is not necessary to provide documentation of compliance, and no follow-up is needed to ensure compliance.

The director/provider's signature on the checklist constitutes provider's agreement to correct.

Moderate noncompliance is a rule violation that presents a potential risk or represents a significant accumulation of minor noncompliance issues.

It may delay the renewal of a license

It will not be entered into CCRIS as an observed noncompliance unless it is a repeated noncompliance, or there is an accumulation of moderate and minor noncompliance. However, it will be noted on the checklist.

Specific timeframes should be determined for coming into compliance. The timeframe depends on the nature of the corrections. Timeframes are agreed upon by OCC and the facility.

To ensure compliance, a follow-up visit is usually needed unless corrections are made during the visit. Sometimes written documentation or pictures from the facility will suffice.

Major noncompliance is a rule violation that presents a substantial risk, i.e., clear and serious risk, but not imminent danger.

The violation will be specifically noted on the checklist and is entered in CCRIS as an observed noncompliance and a noncompliance letter is sent.

A stop-gap corrective measure must be done immediately (e.g. do not allow children to play on dangerously broken play structures) or within 24 hours, as appropriate to the situation.

The facility's license will not be renewed until a permanent solution to the noncompliance is in place. Specific time frames should be determined for coming into compliance depending on the nature of the corrections. The time frames should be agreed upon by OCC and the facility. A follow-up visit must be made to ensure that the provider has come into compliance.

Note: For examples of major, moderate and minor noncompliance see Appendix B.

The LS shall document the noncompliance, enter the noncompliance into CCRIS, and send a noncompliance letter.

The expected timeline for OCC to mail out a noncompliance letter for observed noncompliance after completing the visit is 10 business days. In consideration of this timeline:

The LS should complete the CCRIS data entry and send a draft of the noncompliance letter to their assigned reviewer within 10 business days of completing the visit.

The SLS will review the draft letter and return it to the LS with any recommended changes within two business days.

The LS will make any needed changes and mail out the letter to the facility within the 10 business day timeline.

If majority compliance is observed, the LS will note the remaining items, with a timeline to be completed. Both the LS and the applicant will sign the checklist, and the LS will issue a temporary license. A timeframe for the temporary license will be determined and a follow up visit scheduled.

If the facility is in full compliance, then the LS will complete the renewal checklist and issue an annual license.

Results from the visit will be entered into CCRIS to generate the appropriate license.



Note: All data input on licensing visits should occur as soon as possible, but no later than five business days after the date of inspection, if the license is in danger of expiring, or ten business days after the inspection, if the license is not in danger of expiring. Any noncompliance cited must follow the noncompliance letter timelines in Section IV, subsection B. 2. g. above.

### Renewals with Missing Training

The rules for CF and CC state that staff must “participate” yearly in training. The rules do not specify that training must be cleared through ORO. In light of this, the following guidelines apply for training:

At license renewal, if a facility states that they have NOT completed their yearly training during the licensing year and if it cannot be completed prior to their license expiration, a noncompliance will be given. A temporary license will be issued, and the facility will be given 60 days to complete and submit their training to ORO. If the facility still has not completed and submitted their training to ORO after 60 days, another noncompliance will be given. A civil penalty will be assessed. The facility may be given another 60 days to complete and submit their training to ORO. If the training is not complete after the additional 60 days (four months from license expiration), another noncompliance will be given and another civil penalty will be given.

At license renewal the facility states that they HAVE completed the training, but have not submitted it to ORO, or it has been submitted, but it is not yet posted in ORO. Because they state that they did the training during the license period, a noncompliance will not be given, however, the provider must provide verification that the training was taken, e.g., copies of training certificates. A temporary license will be issued and the facility will be given 60 days to submit their training to ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

If the facility has taken the training and the training was submitted to ORO, but it was rejected by ORO, the licensing specialist shall staff this with the senior licensing specialist or their regional manager. The option may be to issue a temporary license without giving the facility a noncompliance depending on the circumstances. The facility will still have to submit valid training that is vetted by ORO. If a facility still has not submitted their training to ORO after 60 days, the facility will be given a noncompliance because OCC has not been able to verify the training was completed and vetted by ORO. The facility will be given another 60 days to submit their training. If the facility has not submitted their training to ORO after 60 days, another noncompliance will be given and a civil penalty will be given.

Note: If you have a facility that is struggling to get off their temporary license, discuss this with your SLS and/or your RM at the three month point.

### Application Status

#### Temporary license

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### Renewal applications only

At renewal, a temporary license may be issued if the facility is in majority compliance with the rules and has been inspected and approved for temporary operation by the LS and the environmental health specialist.

A temporary license may be given pending the fire safety inspection required for child care centers, at the discretion of the LS.

The temporary license will be effective the date of the expiration of the previous license if the application was received at least 30 days prior to the expiration for the current license and the required fee has been paid.

If deficiencies are noted, the LS will inform the applicant of the specific deficiencies which resulted in a temporary license rather than an annual license. Technical assistance will be given on how to meet the requirements.

The LS must determine that requirements have been met before issuing an annual license.

Note: A temporary license can only be issued for a maximum of 180 days. If a facility is reaching the 4 month point on a temporary license, the LS should begin consulting with their regional manager.

Note: The LS must keep track of the temporary license expiration date to ensure the license does not expire.

### Annual license

When the facility is in compliance with the rules, it will be issued an annual license. The annual license shall expire one year from the beginning of the temporary license, if a temporary has been given.

If a facility wants to change the conditions on their license (such as hours of operation or ages of children served), that request must be submitted in writing and the LS will evaluate the request based on the applicable rules. If the conditions of the license are modified, the expiration date on the current license remains the same.

### Exceptions

OCC may grant an exception to an individual rule for a specified period of time when a requirement does not apply to the facility, or the intent of the rule can be met by a method not specified in the applicable rule.

The provider must request an exception to a rule on OCC form CRT 159. The request must include:

A justification for the requested exception, and

An explanation of how the facility will meet the intent of the rule.

No exception to a rule will be granted:

If the requirement is established by statute, or

Unless the health, safety and well-being of children are ensured.

The provider shall complete the exception request form and submit it to their LS.

The LS will review the exception, and recommend either approval or denial of the exception by completing form CRT 159A, Certified Exception Response.

If recommending approval, conditions recommended may be included on the exception response form. Comments may be added as necessary.

The exception response form will be signed and dated by the LS, entered into CCRIS and assigned to the senior licensing specialist (SLS). The hard copy of the exception request and response form is then forwarded to the SLS for review. This can be done either in person, by fax, or by scanning the documents. The SLS will approve or deny the exception request, assign it back to the LS in CCRIS and send back a hard copy.

Note: Exceptions requests and the response form completed by the LS must be submitted to the SLS within five business days of when the LS received the exception request from the facility.

A copy of the exception response form is mailed to the provider and the original is placed in the facility file.

The LS completes the CCRIS data entry.

A new license is printed and sent to the facility showing the exception and any relevant conditions. A copy of the new license is placed in the file.

Ongoing Exception Review for Certified Facilities

Procedure for Ongoing Exception Review:

While preparing for the renewal visit, the licensing specialist will verify if there are any ongoing exceptions in the facilities' file.

The licensing specialist will either start a new blue ongoing exception form or pull the existing blue ongoing exception form from the file, and bring it with them to the renewal visit.

During the renewal visit, the licensing specialist will review the exception and any associated conditions with the director or provider to ensure the exception is still relevant to the facility.

The licensing specialist will mark "approved" and mark the current licensing period.

The licensing specialist will note any comments.

Both the director or provider and the licensing specialist will sign.

The licensing specialist will enter the exception in CCRIS and follow the procedures listed in the CCRIS scenario

The licensing specialist will return the blue ongoing exception form to the correspondence section in the file.

The following licensing period, the licensing specialist will use the second box on the form.

## Voluntary Withdrawal/License Closure

### Voluntary Withdrawal

An application for certification must be completed by the applicant and approved by OCC within 12 months of submission or the application will be denied. If a facility chooses to not complete the licensing process, the facility can complete a Voluntary Withdrawal/Closure form, LIC 309 or communicate their decision by phone or email. The form is not required, but the LS should document the communication in CCRIS.

The LS should communicate the voluntary withdrawal either by phone or email to their regional background specialist in CO. CO will complete the voluntary withdrawal in CCRIS.

If an application is not withdrawn, it must go through the process of denial. Since a denial is a time consuming negative action, it is always preferred to have applicants withdraw their application.

### Voluntary Closure

The provider may voluntarily close their license prior to its expiration. The provider may submit this request in writing, preferably using a Voluntary Withdraw/Closure form, LIC 309. If the LS receives a written request, the LS forwards this to CO. CO will process the voluntary closure and complete a closure action in CCRIS. CO will send a confirmation letter to the facility with notification that the license has been closed.

OCC may also accept a verbal request to voluntarily close. If the LS receives a verbal request, the LS should put a documentation in CCRIS and contact CO. CO will complete the closure action in CCRIS and send out a confirmation letter.

If a provider is closing because of pending legal action by OCC, the closure type would be "V/C in lieu of legal action". If a provider voluntarily closes in lieu of legal action, the provider may not do exempt child care. The file is flagged in CCRIS by CO. The LS will forward the file to CO for storage.

Note: If a provider wishes to be licensed again following a voluntary closure, the provider must apply and meet all of the licensing requirements.

Note: Voluntary closure or voluntary withdrawal requests should be forwarded to CO within five business days of when the LS received the closure request.

## Packets

Certified Family Packet #1	
Multilanguage insert	Guide to the Certification of Child Care Facilities
Cover letter for prospective Certified Family (Some regions use their own custom cover letter)	Rule book for the Certified Family Child Care Homes book

This packet is mailed to individuals calling in for the first time wanting information about how to become a certified family child care home.

Certified Family #2 Packet	
Multilanguage insert X	Fire safety self-checklist
Cover letter (Some regions use their own letter)	CBR applications- 3
Certified Family Child Care Home application	CBR Information for Child Care Facilities
Abuse reporting information	Sample copy of the CF checklist
Sanitation agency list	
Sanitation inspection form	
Sanitation self-checklist	

This packet is normally mailed or handed out by the LS to prospective certified family facilities at the precertification visit.

Certified Center #1 Packet	
Multilanguage insert	Guide to the Certification of Child Care Facilities
Cover letter for prospective Certified Center (Some regions use their own custom cover letter)	Rule book for Certification of Child Care Centers

This packet is normally mailed to individuals calling in for the first time wanting information about how to become a licensed child care center.

Certified Center #2 Packet	
Multilanguage insert	Sanitation agency list
Cover letter (Some regions use their own custom cover letter)	Sanitation inspection form
Certified Center application	Sanitation self-checklist
Facility Management list	Fire agency list
Director designation form	Fire safety inspection report form
Determining capacity form	Fire safety self-checklist
Abuse reporting information	Emergency drill record
CBR applications- 3	CBR Information for Child Care Facilities
Sample copy of CC initial checklist	

After a prospective center has read through the Certified Center #1 packet and decided they want to start the licensing process, the LS will either mail, or deliver the #2 packet.

**From:** [Rachel Norman](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** Lack of Childcare in McMinnville  
**Date:** Monday, June 7, 2021 12:20:12 PM

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**This message originated outside of the City of McMinnville.**

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Dear Claudia,

I'm writing to express my frustration with the limited childcare options available in McMinnville. Please put this email into the record for tomorrow's city council meeting. As the mother of two toddlers, I have repeatedly searched for and failed to find childcare that fits our family's needs. Providers have restricted hours, or frequently close with no substitute options, or have waiting lists that are months long. When my daughter was born last year, I had to be on waiting lists for over a year before a spot opened up for her. Now that she and my older daughter are both in childcare, we are having to juggle what to do when our provider gets sick. Our current childcare provider is not able to have a substitute replace her. We've searched for other options, including moving to a larger daycare, but again, confronted the ridiculously long waitlist conundrum.

As a family with two working parents, we have been deeply frustrated by the lack of options in town. It has gotten so bad that we have actually discussed moving to an area with more options and commuting. We love living here and don't want to move, we just wish that we could find quality care for our children. I urge the city council to consider making it easier for childcare providers to offer their services here in town.

Best,  
Rachel Norman  
Assistant Professor  
Linfield University

ENTERED INTO THE RECORD  
DATE RECEIVED: 6/7/2021  
SUBMITTED BY: Meg Pierce  
SUBJECT: 9a - Ordinance 5104

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**From:** [Meg Pierce](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** City Council Agenda Item  
**Date:** Monday, June 7, 2021 12:30:29 PM

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**This message originated outside of the City of McMinnville.**

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Dear Claudia,

It has come to my attention that tomorrow's city council agenda includes zoning changes that could potentially remove some of the current barriers to childcare.

Lack of childcare is a huge issue impacting many families in our community. In our family's experience, there are few options for affordable, quality care. Religious centers are not an acceptable option for non-traditional families such as ours, and their prices can be unattainable for families of even moderate means. In-home daycares with qualified caregivers are few and far between, and we found that with three children the same age, restrictions were too limiting to allow them to attend the same daycare. As infants and toddlers, we were forced to send our boys to two separate daycares.

Now that our children are school-aged, we have found that after-school care presents additional complications, as well. Places that do have openings prefer full-time attenders, and transportation becomes an issue if the establishment is located outside of our children's school neighborhood. The Kids-on-the-Block program offered by the McMinnville Parks and Recreation department can be a great option; however, they have difficulty adequately staffing the program, and spots can be so difficult to come by that families must line up hours before the program opens for registration in order to reserve a slot.

We appreciate your time and continued work around this imperative issue. Please include our concerns in the record for the coming city council meeting. Thank you.

Sincerely,

Meg Pierce



**From:** [stacymartin@willamettewest.com](mailto:stacymartin@willamettewest.com)  
**To:** [Claudia Cisneros](#)  
**Subject:** Child Care options  
**Date:** Monday, June 7, 2021 1:58:45 PM

---

This message originated outside of the City of McMinnville.

I am sending an email in support of the city working to expand opportunities to have more child care options.

Thank you very much!

Stacy Martin



ENTERED INTO THE RECORD  
DATE RECEIVED: 06/07/2021  
SUBMITTED BY: Brian Turner  
SUBJECT: 9a - Ordinance 5104

**From:** [Brian Turner](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** ZONING REGULATIONS WITH CHILD CARE  
**Date:** Monday, June 7, 2021 3:02:26 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**This message originated outside of the City of McMinnville.**

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Good Afternoon,

We are sending this email in response to concerns with potential zoning changes that could negatively effect the availability of day care. My family can attest that it is currently very difficult to find child care in McMinnville. Having adequate child care options in a community is a vital part of it's economy and ability to grow. This is an especially important topic as we are coming off a pandemic and getting people back to work is more important than ever. Reduced child care options also increase the cost of these services reducing the motivation for parents to work, opting to care for children at home as the cost to pay for these services is more than the income provided.

As a business owner I can attest there is workforce shortage in our community. We recently adopted our daughter from Thailand and were extremely fortunate to find childcare in McMinnville, but we were basically lucky. There is a chance these regulations could affect our current situation. Luck should not be part of any sound making policy or zoning considerations.

Thank you for reviewing our thoughts on this matter.



Brian Turner  
General Manager  
J&W CARSTAR  
(503) 472-0328 Phone  
1100 N.E. Lafayette Ave.  
McMinnville, OR 97128

**FOLLOW US**





**From:** [Peter Hofstetter](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** Daycare -comments for the City Council  
**Date:** Monday, June 7, 2021 3:18:10 PM

---

This message originated outside of the City of McMinnville.

Afternoon,

I wanted to take a moment and offer some comments as the City Council prepares to discuss daycare issues and zoning challenges that I understand will be part of this conversation. While I don't know the details of the zoning issues I did a fairly detailed dive into daycare a couple of years ago while I was the CEO at Willamette Valley Medical Center. It was a huge issue and I convened a number of meetings with local business, day care providers and other leaders to try and see if we could get our arms the need.

My conversations included folks from Chemeketa College, Linfield, County Economic Development, The Chamber, private entrepreneurs, businesses and daycare providers. I also did a survey of the hospital's employees and at the time the hospital alone needed at least 400 slots! Long story short everyone I spoke with agreed there was a huge community need for child care. The biggest barriers were finding the appropriate space to meet the children's needs, the regulatory environment...and the cost. I spoke with a number of companies that run daycare businesses as well as businesses that participate in off-site day care. In every case the daycare required some kind of subsidy. That could be through donations (like a non-profit group), grants, State/Federal funds or direct business subsidy. We thought we were close with some solutions but each time something fell through and t the best of my knowledge nothing much has happened since.

In summary there is a huge need for daycare in the community. It is a barrier for employees at all levels and thus creates issues for recruiting and keeping talent in our community. I would encourage the Council to do everything they can to reduce barriers and road blocks to establishing child care in the community. Frankly, the biggest efforts should be put towards getting groups together and seeing how you can cobble together the financing to make this work. While my info is a few years old I would be more than happy to share it with you and be involved in the conversations as you go forward.

Thanks for listening,

Peter A. Hofstetter

**From:** [Marcus Straw](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** Child care in McMinnville  
**Date:** Monday, June 7, 2021 4:30:22 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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**This message originated outside of the City of McMinnville.**

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Dear Claudia.

It has recently come to my attention that at tomorrow night's meeting, City Council will be reviewing zoning regulations that may create barriers to adding childcare services within McMinnville. As you may know, access to childcare is a very important issue to families, especially working class and poor ones, nationwide. Yamhill county, and more specifically, McMinnville is no exception to this trend. As a local employer, poor access to childcare directly impacts my employees, my business, and subsequently the local economy. I am writing this email to implore City Council to carefully consider how new zoning regulations might prevent or otherwise impede the creation of additional childcare services and to vote against those that do.

Thank you for your time,  
Marcus Straw

**Marcus Straw, PhD**

President & CEO

Applied Physics Technologies, Inc.

[www.a-p-tech.com](http://www.a-p-tech.com)

[mstraw@a-p-tech.com](mailto:mstraw@a-p-tech.com)

Mobile: 503.750.7438

Office: 503.434.5550

Fax: 503.434.1312



ENTERED INTO THE RECORD  
DATE RECEIVED: 6/08/2021  
SUBMITTED BY: Emily Linnertz  
SUBJECT: 9a - Ordinance 5104

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**From:** [Emily Linnertz](#)  
**To:** [Claudia Cisneros](#)  
**Subject:** Childcare - City Council Meeting 06/08/21  
**Date:** Tuesday, June 8, 2021 1:45:44 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[To Whom It May Concern.docx](#)

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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**This message originated outside of the City of McMinnville.**

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Hi Claudia -

I would like to submit the attached letter for tonight's City Council meeting for the topics regarding childcare and zoning changes.

Please let me know if there are any questions or anything further I can do.

Thank you,

To Whom It May Concern

Please accept this note as both a thank you for current efforts and an urgent appeal to address the lack of childcare in our community.

While my understanding of the complexities surrounding this issue may be somewhat limited, I do know that recent data aligns with my own personal experience, as well as the experiences of many others. Simply put, there is not enough childcare to provide for the youngest members of our community. Not only is there not enough childcare, many of the options that do exist may not be options for many working families.

When my family intentionally chose McMinnville to be our home 3 years ago, my wife and I visited and called many childcare establishments. Some, in home, options were not what I would deem as safe or reliable. There were many religious options, but as an LGBTQ family, after multiple phone calls it was clear that this was also not an option for our children either. There were programs with extensive waitlists, which seemed to only demonstrate need that could not be met. There were programs that offered limited schedule or half day programs. Again, with both parents working full time jobs, this option was also crossed off the list. Ultimately, after 1.5 years of unstable, sporadic care, we were finally able to network and navigate, talk to someone who knew someone, to land enriching, safe, and supportive childcare. That program currently has one teacher and 6 children. While we are thrilled for the care and education our two children are receiving, even this option comes with drawbacks. When and if that one teacher is sick, has a family emergency, or even takes a vacation, we have no childcare. The cost of this childcare, while worth every cent, is around \$2,000 a month. This is not affordable for many families. Our experience is one I have heard echoed time and again, by families in our community. As my oldest child approaches school age, I feel a sense of dread, knowing that before and after school care will again mean we are faced with a similar predicament.

We love McMinnville. We want to make this our forever home. My plea is not just as a parent looking for care for my children. I am a concerned community member. I worked in HR for the hospital in town and directly saw the impact the lack of childcare had on recruitment and retention efforts. I see plans for development on Three Mile Lane with concepts of Great Neighborhood Principles, yet not one mention of intentional planning for childcare. I see houses built every day and wonder, how will we attract working class families, if we can't provide care for the children these homes are clearly designed for? What about equity and inclusion? Our privilege allowed us to have the means and social capital to eventually navigate this challenge, but that should not be a requirement for accessing childcare. I continue to look and listen for indications that work is being done to remove barriers and increase childcare options that reflect the needs of McMinnville's vibrant and diverse community. I want to see more. I want to do more. Writing this plea is my commitment to action. I am looking for the same commitment from our Council members.

These issues are not unique to our community, the pandemic exacerbated this existing problem, nationwide. That being said, I truly believe the time is now. As Commissioner Kulla has recently urged, we have \$10.4 million in American Rescue Plan dollars in the county and recent data from the Early Learning Hub to quantify the current childcare drought. Reviewing the zoning conditions is a great start, however, I am imploring each council member to see this as a platform to do more. We can look to other communities like Bend, for examples like amending our SDC fee schedule with a carve out for childcare, partnering with businesses and existing entities who have a vested interest, directing funds to

education and projects currently in the works. We have an obligation to provide for our children. We can do more. I can think of no greater human or economic investment in our community.

Thank you for your consideration.

Kind regards,

Emily Linnertz



# ORDINANCE 5104, G 1-21, CHILD CARE



CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021



Amended Packet on 06.09.2021

# LEGISLATIVE CODE AMENDMENTS

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**Proposal to amend Chapters 17.06 (Definitions), 17.12 (R1), 17.15 (R2), 17.18 (R3), 17.21 (R4), 17.22 (R5), 17.24 (OR), 17.27 (C1), 17.30 (C2), 17.33 (C3), 17.36 (ML), 17.39 (M1), 17.42 (M2) and 17.60 (Off-Street Parking), to remove regulatory barriers for childcare opportunities, and become compliant with Oregon Revised Statutes and Oregon Administrative Rules.**

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



# TONIGHT'S ACTION

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**Considering adoption of Ordinance that would enact proposed code amendments.**

**Legislative action being initiated by the City.**

**Proposed code amendments are a recommendation of the Planning Commission after holding a work session in November 19, 2020, hosting a public hearing on April 15, 2021 and voting unanimously on May 20, 2021.**

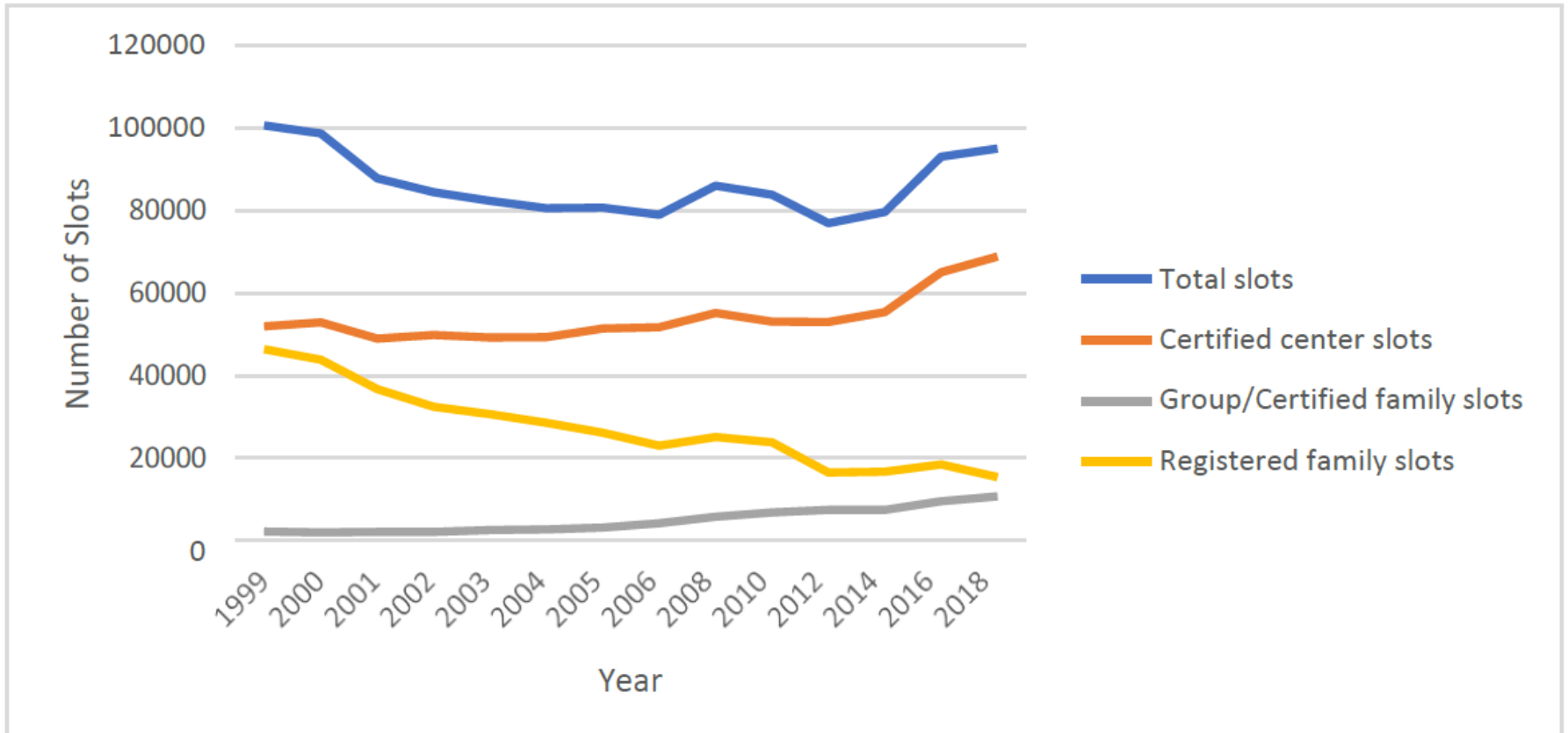
**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



# CHILD CARE IN OREGON

**Figure 1: Regulated Oregon child care supply for children under age 13: 1999-2018**



## Percentage of Children with Access to Child Care in Metropolitan and Nonmetropolitan Counties

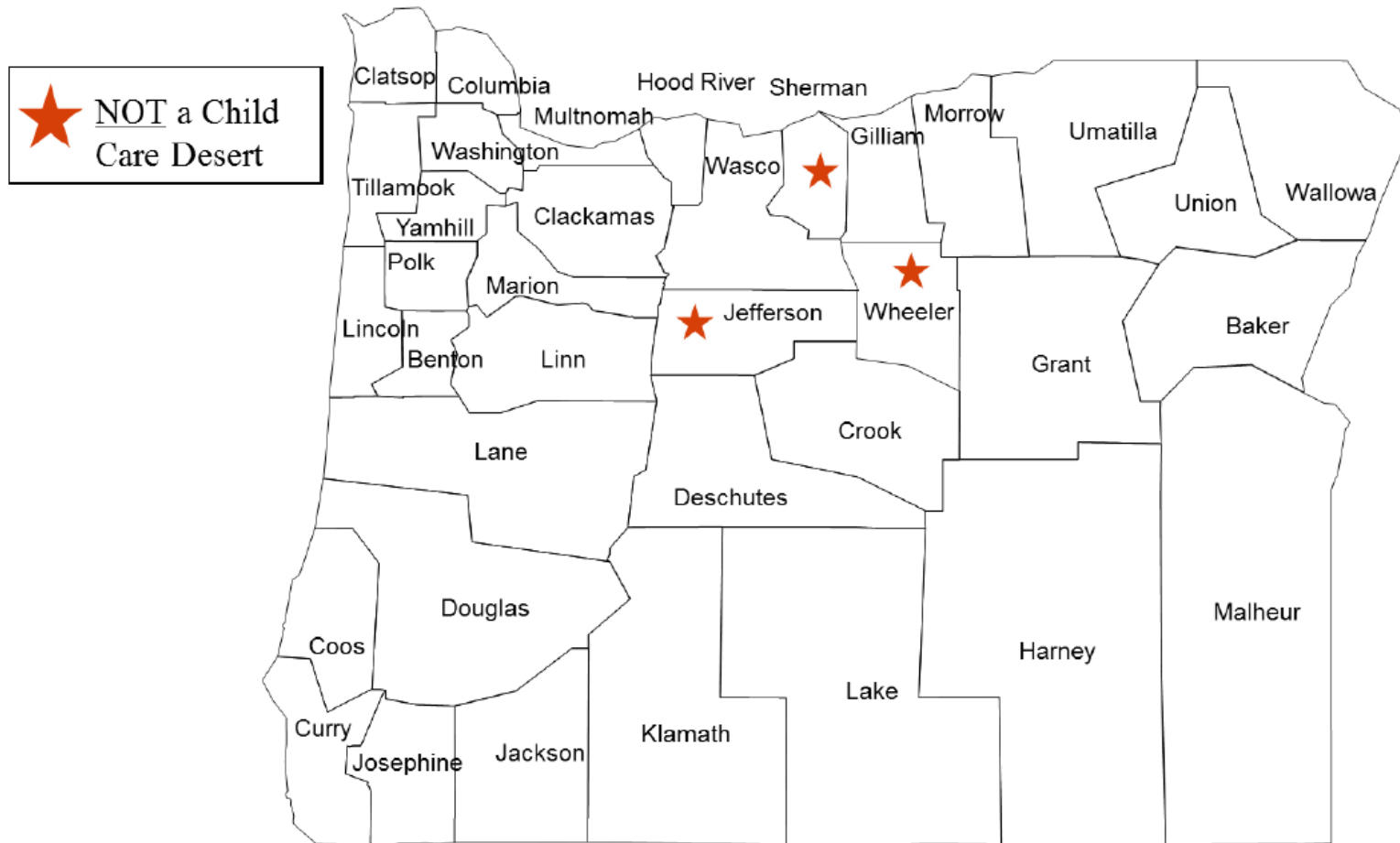
	0-2 year olds with access to a slot	3-5 year olds with access to a slot	0-5 year olds with access to a slot
Metro Counties	13%	30%	21%
Nonmetro Counties	9%	28%	18%



Added on 06.09.2021

Amended Packet on 06.09.2021

**Map 2. For children age five and under, only 3 out of 36 counties are *not* child care deserts in Oregon.**



A child care desert is defined as a county with more than three young children for every child care slot.

Slots are defined as regulated child care slots, including Certified Centers, Certified Family, and Registered Family Providers.

**Data sources:** Access to child care is calculated by taking the Estimated Supply of Child Care in Oregon as of January 2018 (Analysis by Oregon Child Care Research Partnership, Oregon State University using data collected by 211 and the CCR&R system) and dividing it by the population of children in the county who fall in the age group (2017 Annual Population Report Tables, Portland State University Population Research Center).

Added on 06.09.2021

Amended Packet on 06.09.2021

# Across Oregon, there is inadequate regulated child care supply - especially for infants & toddlers

Public funding plays a major role in creating Oregon's child care supply - especially for preschoolers

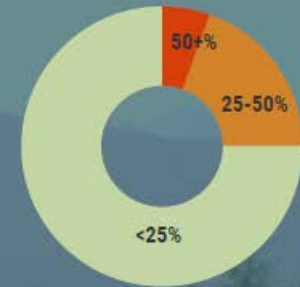


There are 8 infants & toddlers for a single child care slot in Oregon

A child care desert is a community with 3 or more children for a single child care slot



All 36 Oregon counties are child care deserts for infants & toddlers



3/4 of Oregon counties have fewer than 25% publicly funded regulated infant/toddler slots

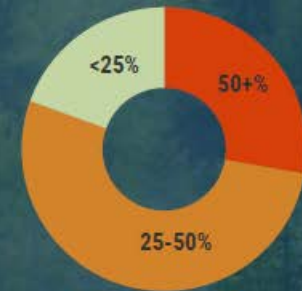


There are 3 preschool-age children for a single child care slot in Oregon



All but 9 Oregon counties are child care deserts for preschool-age children

Without publicly funded slots, 7 additional counties would be child care deserts.



All but 9 Oregon counties have at least 25% publicly funded regulated preschool-age slots

Definitions: **Infants & toddlers** are 0-2 year olds. **Preschool-age children** are 3-5 year olds. **Regulated child care** includes certified centers, and registered or certified family child care homes. **Publicly funded slots** include Oregon Head Start Prekindergarten, Early Head Start, Preschool Promise, Federal and Tribal Head Start, and Federal Migrant and Seasonal Head Start managed by OCDC.

Reference: Oregon's Child Care Deserts: Mapping Supply by Age Group, Metropolitan Status, and Percentage of Publicly Funded Slot, 2018 Oregon Child Care Research Partnership, Oregon State University. Full report can be found at <https://health.oregonstate.edu/early-learners/early-care-education>

For more information contact Megan Pratt at [megan.pratt@oregonstate.edu](mailto:megan.pratt@oregonstate.edu)

Added on 06.09.2021

Amended Packet on 06.09.2021

# CHILDCARE – Zoning Ordinance

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## Residential (R1, R2, R3, R4 and OR) Permitted Use

Day care facility, under the following provisions:

1. The structure is maintained in its residential character; operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
2. Twelve or fewer people are present at any one time at the center.
3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
4. That a certificate of approval be obtained for facilities with seven 7 or more people as required by ORS 418.810.

CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021





# CHILDCARE – Zoning Ordinance

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## Residential (R1, R2, R3, R4, R5 and OR) Conditional Use

Day care facility, when the following situations exist;

1. The structure is not used as a residence by the operators, and/or
2. Thirteen or more people present at any one time,
3. That a certificate of approval be obtained for facilities with seven or more people as required by ORS 418.810.

CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021



Amended Packet on 06.09.2021

# CHILDCARE – Zoning Ordinance

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Commercial and Industrial Zones  
(C3, ML, M1 and M2)

Conditional Use permit

Off-Street Parking: One space per teacher or supervisor



CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021



Amended Packet on 06.09.2021

# COMPLIANCE WITH STATE REGULATIONS

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## Definitions of Child Care:

(OAR 414-200-0415 to OAR 414-350-0415)

Registered Family Child Care Home: A facility, in the provider's own home, up to 10 children, including their own children.

Certified Family Child Care Home: A facility, in the provider's own home for up to 16 children including their own children.

Child Care Center: A facility, usually located in a commercial building. # of children is dependent upon size.

CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021



Amended Packet on 06.09.2021

# COMPLIANCE WITH STATE REGULATIONS

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## ORS 329A.440

Cities and counties can only apply zoning restrictions on registered or certified family child care in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential buildings in the same zone.

Registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including the children of the provider.

CITY COUNCIL, JUNE 8, 2021

Added on 06.09.2021



# COMPLIANCE WITH STATE REGULATIONS

---

## ORS 329A.440

Cities and counties can only apply zoning restrictions on registered or certified family child care in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential buildings in the same zone.

Registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including the children of the provider.

**Thus, cannot be a conditional use.**

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



# PROPOSED AMENDMENTS

## Update Definitions

- Registered/Certified Child Care Homes
- Child Care Centers

## Residential Zones (R1, R2, R3, R4, R5 and OR)

- Registered and Certified Child Care Homes are allowed as outright permitted uses.
- Child Care Centers are allowed as permitted uses in City-owned park or recreation facility, a public school or a conforming private school.
- Child Care Centers are conditional uses if not provide for in the above.

## Employment Zones (C1, C2, C3, ML, M1, M2)

- Child Care Centers are allowed as outright permitted uses.
- Child Care Centers are conditional uses in the M2 zone.

## Off Street Parking and Loading:

- Amend off-street parking for on-site employees and add need for a designated pick-up and drop-off zone for two vehicles for child care centers.

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



Amended Packet on 06.09.2021

# PLANNING COMMISSIONER QUESTIONS

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- 1) Can cities regulate how many child care homes are allowed in attached residential dwelling units?

Response: No

- 1) Can developers or Home Owner's Associations prevent the location of child care facilities in a neighborhood through the use of Covenants, Conditions and Restrictions (CC&Rs)?

Response: Yes, it is not expressly prohibited in the legislation regulating this industry.

- 3) What is the number of children allowed per square foot of space for registered and certified child care homes and child care centers?

Response: It is nuanced. Regulations were attached to the staff report.

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



Amended Packet on 06.09.2021

# NOTICE / COMMENTS RECEIVED

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## NOTICES:

- News Register
- Chamber of Commerce
- MEDP
- Partner Agencies

## COMMENTS RECEIVED – Planning Commission

- DLCD - Request to keep the record open until April 30, for further review.
- Susan Muir, McMinnville Park and Rec Director

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



Amended Packet on 06.09.2021



# NOTICE / COMMENTS RECEIVED

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## COMMENTS RECEIVED – City Council

- Emily Linnertz
- Stacy Martin
- Marcus Straw
- Brian Turner
- Peter Hofstetter
- Meg Pierce
- Rachel Norman

**Concerned about current availability of child care opportunities, affordability, and inclusiveness.**

**Some letters concerned that proposed amendments would make it more difficult to open child care opportunities (but no specifics).**

**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



Amended Packet on 06.09.2021

# PROPPING UP CHILDCARE

Residential versus Commercial. Residential child care providers are much less expensive to prop up than commercial facilities. There are trade offs but does not commercial building code improvements, tenant overhead or SDCs.

	RESIDENTIAL (R-3) "Family Child Care Home"		COMMERCIAL "Day Care Facility"		
Location	Single-Family Dwelling		Place other than a Child Care Home		
	<u>Registered</u> Family Child Care Home	<u>Certified</u> Family Child Care Home	<u>Educational (E)</u>	<u>Institutiona</u> I (I-4)	<u>Accessory</u> *Subject to Building Official Approval*
Other Requirements	Fire Sprinklers not required. In-home child care falls under 1 of the above 2 categories; registered or certified. Check with the State of Oregon Office of Child Care regarding licensing.		Fire sprinklers dependent on size of facility, number of occupants, and/or floor level the space is located on  Manual fire alarm system required if occupant load exceeds 50  Emergency Voice/alarm system required if occupant load exceeds 100	Manual Fire Alarm system is required  Fire Sprinklers dependent on exit location and/or floor level the space is located on	Other requirements based on the primary occupancy the space is located

Added on 06.09.2021

Amended Packet on 06.09.2021

# QUESTIONS



**CITY COUNCIL, JUNE 8, 2021**

Added on 06.09.2021



Amended Packet on 06.09.2021