

**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: Drabkin, Garvin, Geary, Menke, Peralta, Chenoweth

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

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

Approved this 8th day of June 2021.



\_\_\_\_\_  
MAYOR

Attest:

Approved as to form:



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

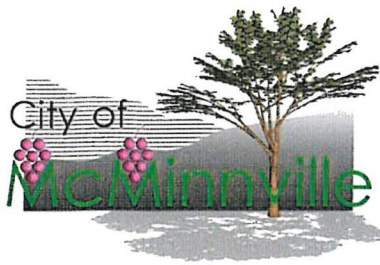


\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT:

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

**EXHIBIT A**



**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).

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**DECISION: APPROVAL**  
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City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: 6/9/2021

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

Date: June 14, 2021

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

Date: June 14, 2021

## **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.



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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 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 17.12.020 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.~~