

G 1-21, CHILD CARE



PLANNING COMMISSION, 05.20.21



LEGISLATIVE CODE AMENDMENTS

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), 17.60 (Off-Street Parking), to remove regulatory barriers for childcare opportunities, and become compliant with Oregon Revised Statutes and Oregon Administrative Rules.

PLANNING COMMISSION, 05.20.21



TONIGHT'S ACTION

Legislative action being initiated by the City.

Held a public hearing on April 15, 2021 and elected to close the public hearing but keep the record open for written comment to April 30, 2021 per the request of the Department of Land Conservation and Development.

Planning Commissioners had follow-up questions.

PLANNING COMMISSION, 05.20.21



NOTICE / COMMENTS RECEIVED

NOTICES:

News Register
Chamber of Commerce
MEDP
Partner Agencies

COMMENTS RECEIVED

DLCD - Request to keep the record open until April 30,
for further review.

PLANNING COMMISSION, 05.20.21



COMPLIANCE WITH STATE REGULATIONS

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.

PLANNING COMMISSION, 05.20.21



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.

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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 conditional uses.

Employment Zones (C1, C2, C3, ML, M1)

- Child Care Centers are allowed as outright permitted uses.
- Child Care Centers are conditional uses in the M2 zone.

Off Street Parking and Loading:

- Add need for a designated pick-up and drop-off zone for two vehicles for child care centers.

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ADDITIONAL AMENDMENTS

Residential Zones (R1, R2, R3, R4, R5 and OR)

- Registered and Certified Child Care Homes are allowed as outright permitted uses.

Additional Amendment – Amended language to be less specific per recommendation of the DLCDC.

- Child Care Centers are allowed as conditional uses.

Additional Amendment - Amended to allow child care centers in a City-owned park or recreation facility, a public school or a conforming private school).

Off Street Parking and Loading:

- Add need for a designated pick-up and drop-off zone for two vehicles for child care centers.

Additional Amendment – Added “on-site” to language.

PLANNING COMMISSION, 05.20.21



PLANNING COMMISSIONER QUESTIONS

- 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.

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QUESTIONS



PLANNING COMMISSION, 04.14.21

