

# Childcare



## Quick Reference Guide to Bend's Childcare Requirements



COMMUNITY  
DEVELOPMENT

### Planning Division

Contact us at: [planning@bendoregon.gov](mailto:planning@bendoregon.gov) or (541)-388-5580 Ext 3.

The Bend Development Code (BDC) establishes the rules and regulations for development in Bend. The Planning Division provides guidance on the BDC and permits development such as commercial site plans, changes of use, signs, and more: including the establishment, relocating, and modification of childcare facilities. This reference guide is intended to help providers navigate City of Bend requirements.

*For reference, MDS = Minimum Development Standards, and CUP = Conditional Use Permit.*

**What kind of childcare operation are you proposing?** See definitions below of childcare types as defined by the BDC and use the chart to determine the required review type.

- **Child Care Facility\*** means any facilities that provide care to 17 or more children, including a day nursery, nursery school, and child care center or similar unit operating under any name. **\*Note that State Licensing refers to this as a Child Care Center\***
- **Registered or Certified Family Child Care Home** means a location 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. Registered or certified family child care homes shall be considered a permitted residential use of the property for zoning purposes.

	<a href="#">Commercial Zoning Districts</a>	<a href="#">Mixed-Use Zoning Districts</a>	<a href="#">Industrial Zoning Districts</a>	<a href="#">Residential Zoning Districts</a>
<b>Child Care Facility</b>	<i>Permitted Use.</i> MDS or Site Plan review may apply.		<i>Conditional Use.</i> CUP required. Must be located on a collector or arterial street <i>and</i> abut a zoning district other than industrial, unless approved as an accessory use.  MDS or Site Plan review may also apply.	<i>Conditional Use.</i> CUP required. MDS or Site Plan review may also apply.  If property is designated <i>Neighborhood Commercial</i> , or applicant has interest in designating the property <i>Neighborhood Commercial</i> , facility may have <u>13</u> children or more. Subject to siting limitations, and special standards in BDC 3.6.300.J. Check with staff. MDS or Site Plan review may apply.
	If your Childcare Facility is in a Place of Worship, consult staff at: <a href="mailto:planning@bendoregon.gov">planning@bendoregon.gov</a> .			
<b>Registered or Certified Family Child Care Home</b>	<i>Permitted Use</i> in home of the provider. Must be permitted as a legal dwelling unit. MDS review may apply.  If proposal is not in home of provider, it is a considered a <i>childcare facility</i> and delineated in above row.		<i>Permitted Use</i> in home of the provider. Must be permitted as a legal dwelling unit.  <b><i>If proposal is not in home of provider, it is considered a childcare facility and a CUP is required.</i></b>	

Don't know your property's zoning district? Check our [interactive map](#).

**What are MDS, CUP, and Site Plan review?** *See below, contact planning division with questions.*

	<b>What is it?</b>	<b>This could apply to your project if... (including but not limited to)</b>	<b>Fees / Review time</b>
<p><b>Minimum Development Standards Review (MDS)</b></p> <p>See <a href="#">BDC 4.2.400(B)</a> for additional applicability standards, approval criteria, and exemption criteria.</p> <p>Standards of Zoning District also apply.</p> <p><a href="#">Apply via the Online Permit Center Portal</a></p>	<p>MDS streamlines development review for minor additions, expansions, and/or changes in use; and ensures compliance with specific appearance, transportation safety and utility standards specified of the BDC.</p> <p>Projects may be exempted from full MDS review when properties are in compliance and will remain in compliance with all approval criteria met as listed in 4.2.400(B)(3).</p>	<ul style="list-style-type: none"> <li>• The proposed facility is in a building that was previously used by a different type of business</li> <li>• There is a proposed new outdoor use</li> <li>• The proposed facility includes a building expansion up to 5,000 square feet, or up to 50% of the existing building size</li> <li>• The proposal is a Neighborhood Commercial use</li> <li>• The proposed facility is in an existing Place of Worship</li> </ul>	<p>Full MDS Review: \$1,856.26*</p> <p>If project determined to be <i>exempt</i> from MDS review: \$445.20*</p> <p><b>Type I</b> Application (Decision issued within 30 days of complete application submittal as determined by staff)</p>
<p><b>Site Plan Review</b></p> <p>See <a href="#">BDC 4.2.500</a> for additional design standards and approval criteria.</p> <p>Standards of Zoning District also apply.</p> <p><a href="#">Apply via the Online Permit Center Portal</a></p>	<p>Site plan review applies to development proposals that exceed the applicability thresholds in MDS review.</p>	<ul style="list-style-type: none"> <li>• Proposed new construction is &gt;5,000 square feet, or increases an existing building by more than 50%</li> <li>• Proposed expansion of existing outdoor use by more than 50%, or more than 5,000 square feet of new outdoor use</li> <li>• Proposed expansion of existing parking area by more than 50%, or proposal for more than 5,000 square feet of new parking area</li> </ul>	<p>Site Plan Review fee: Varies- check with Planning Division staff.</p> <p><b>Type II</b> Application (Decision issued within 60 days of complete application submittal as determined by staff).</p>
<p><b>Conditional Use Permit (CUP)</b></p> <p>See <a href="#">BDC 4.4</a> for additional review criteria, standards, conditions of approval, and submission requirements.</p> <p>Standards of Zoning District also apply.</p> <p><a href="#">Apply via the Online Permit Center Portal</a></p>	<p>There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These uses require a CUP.</p>	<p><b>Conditions of approval could include, but are not limited to...</b></p> <ul style="list-style-type: none"> <li>• Limiting the hours, days, place, and/or manner of operation</li> <li>• Requiring site or design features that minimize environmental impacts (noise, light, glare, etc.)</li> <li>• Designating the size, number, location, design of vehicle access points or parking areas</li> <li>• Requiring dedication of street right-of-way; and streets, sidewalks, planter strips and curbs to be improved or installed</li> </ul>	<p>CUP Review: \$4,000.80*</p> <p><b>Type II</b> Application (Decision issued within 60 days of complete application submittal as determined by staff)</p> <p><i>* Application fees current as of Nov. 2023. Any project paid by credit card will be assessed a 2.95% service fee.</i></p>

\*This information is not a complete and full list of requirements, but intended as a quick reference guide. Always check with staff.

## Other City of Bend Community and Economic Development Department (CEDD) Divisions with requirements that could impact a childcare facility:

**Building and Safety Division.** Building code compliance often means additional life and safety requirements. Even if no work is proposed, changes in occupancy (for example: residential to commercial) can require review. Updates to residences and commercial buildings are common. **See attached [quick reference guide specific to Building Code requirements](#).** Call or email the building division ([building@bendoregon.gov](mailto:building@bendoregon.gov), 541-388-5580 Ext 2), or visit the permit center.

**Private Development Engineering Division (PDE).** A Transportation Facilities Report (TFR) and a [Sewer Water Analysis](#) (SWA) are separate applications that require submission by a professional engineer. These reviews are generally required for most Site Plan applications, and for some CUP or MDS applications where changes in use may increase demand on public facilities. Call or email PDE to see if a TFR or SWA are required: [engineering@bendoregon.gov](mailto:engineering@bendoregon.gov) or 541-388-5580 (Ext 4).

**System Development Charges.** System Development Charges (SDCs) are assessed at the time of building permit review and are based on the type and scope of new development. SDC fees are used to fund a portion of new street, sanitary sewer, parks, and water. Email Development Services staff at ([development@bendoregon.gov](mailto:development@bendoregon.gov)) with questions on what your business may be assessed. [SDC estimates](#) are *highly* encouraged. Childcare facilities are exempt from Transportation SDCs.

**Business Registration.** If you are starting a new business, a [Business Registration](#) will be required. Renewals and changes in information must also be completed in a timely fashion for existing businesses. Contact [businessregistration@bendoregon.gov](mailto:businessregistration@bendoregon.gov) for additional information.

**Signage.** If your proposal includes a new sign or new sign face, a separate sign permit is likely required. Check with sign code planner Kim Voos at [kvoos@bendoregon.gov](mailto:kvoos@bendoregon.gov), or at 541-388-5530, and refer to the [Sign Regulations, Processes and Permits](#) webpage.

### Not sure where to start?

**Talk with staff at the City of Bend Permit Center.** All CDD Divisions are available to discuss requirements in person from 9 am to 4 pm (710 NW Wall Street, Bend OR 97701). Can't make it down? **Call or email the permit center** at [permitcenter@bendoregon.gov](mailto:permitcenter@bendoregon.gov) and 541-388-5580.

**Apply for a Pre-application Meeting.** Pre-apps are free of charge and are a way to get all divisions into the room for a comprehensive look at projects. Apply via the Online Permit Center under "Planning". A concept plan and a list of questions must be uploaded before staff will schedule the meeting. All materials must be submitted at least one week in advance of the meeting date.

**Contact City of Bend Business Advocate, Ben Hemson.** The City of Bend Business Advocate works under the Economic Development Department in assisting businesses within City limits. Ben can be reached at 541-388-5529 or [bhemson@bendoregon.gov](mailto:bhemson@bendoregon.gov).

### Oregon Department of Education's Office of Childcare: Early Learning Division Licensing

A license is required for most childcare providers. Please note childcare definitions vary between the City of Bend and the State of Oregon (most notably, the state refers to facilities with 17 or more children as "Child Care Centers"). Check with state licensing staff for specific requirements and provisions at 541-633-2250 **OR** 1-800-947-1400 ([www.oregonearlylearning.com](http://www.oregonearlylearning.com))

# Childcare



## Quick Reference Guide to Building Code Requirements

### Building Division

Contact us at [building@bendoregon.gov](mailto:building@bendoregon.gov) or (541)-388-5580 Ext 2.



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	<b>RESIDENTIAL (R-3)</b> "Family Child Care Home"		<b>COMMERCIAL</b> "Day Care Facility"		
<b>Location</b>	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>Institutional</u> (I-4)	<u>Accessory</u> <small>*Subject to Building Official Approval*</small>
<b>Number of Children</b>	10 Maximum	16 Maximum	More than 5, no maximum	More than 5, no maximum	No more than 5, <u>OR</u> occupy less than 10% of the floor area the day care is located in
<b>Minimum Age of Children</b>	Of the maximum 10, 2 children can be under 2 years old	Dependent on number of qualified caregivers	2 ½ years	No age limit	No age limit
<b>Other Requirements</b>	New in-home Child Care Facilities require fire sprinklers or when infeasible, conformance with an Alternate Compliance Path to Fire Sprinklers as set forth by Oregon Building Codes Division and approved by the Building Official.		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	Fire sprinklers and fire alarms system required unless occ. load less than 50 and rooms with children have exit directly from room at grade	Other requirements based on the primary occupancy the space is located

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