

HB 3560 A STAFF MEASURE SUMMARY

Carrier: Rep. Marsh

House Committee On Early Childhood and Human Services

Action Date: 04/01/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-0-1-0

Yeas: 8 - Elmer, Hartman, McIntire, Nguyen H, Nosse, Ruiz, Scharf, Walters

Exc: 1 - Javadi

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Taylor Bickel, LPRO Analyst

Meeting Dates: 2/27, 4/1

WHAT THE MEASURE DOES:

The measure expands allowable sites for child care centers, including in certain residential zones. The measure requires local governments to update local plans and land use regulations with the new zoning requirements within one year of the measure's effective date and moves statutes governing the siting of child care facilities to the chapter of Oregon Revised Statutes relating to comprehensive land use planning.

Detailed Summary:

- Modifies the definition of "child care center" for purposes of the section to include
 - a preschool recorded program, school-age recorded program or
 - a parent cooperative.
- Permits child care centers on land
 - zoned primarily for multiunit residential uses of 17 dwelling units per net residential acre within the Metro urban growth boundary, or 12 dwelling units per net residential acre within an urban growth boundary outside of Metro;
 - in areas within an urban growth boundary zoned for residential use, if the center is co-located with an allowed institutional use, such as a school or place of worship; or
 - zoned primarily for commercial or industrial use, except in areas designated for heavy industrial use.
- Prohibits local governments from imposing additional conditions of approval before allowing a child care center co-located with an institutional use.
- Allows a county to impose reasonable conditions on establishing a family child care home in areas zoned for exclusive farm use, forest use, or mixed farm and forest use.
- Requires local governments to comply with the new requirements within one year of the effective date.
- Moves statutes governing the siting of child care facilities to the chapter of Oregon Revised Statutes relating to comprehensive land use planning.

ISSUES DISCUSSED:

- Areas zoned for heavy industrial use
- Siting of child care centers in existing spaces, such as schools or places of worship

EFFECT OF AMENDMENT:

The amendment permits child care centers in areas zoned primarily for multiunit residential use of specified densities. The amendment prohibits local governments from adding additional conditions of approval for child care centers co-located with an institutional use that is allowed under the measure. It changes the definition of child care center within the section, and changes references to farm use to exclusive farm use, forest use, or mixed farm and forest use.

Detailed Summary:

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- Adds preschool recorded programs, school-age recorded programs, and parent cooperatives to the definition of child care center.
- Allows a county to impose reasonable conditions on establishing a family child care home in areas zoned for exclusive farm use, forest use, or mixed farm and forest use.
- Permits a child care center on land
 - zoned primarily for multiunit residential uses of 17 dwelling units per net residential acre within the Metro urban growth boundary, or 12 dwelling units per net residential acre within an urban growth boundary outside of Metro;
 - in an area within an urban growth boundary primarily zoned to allow for residential use, if the center is co-located with an allowed institutional use; or
 - zoned primarily for commercial or industrial use, except in areas designated for heavy industrial use.
- Prohibits local governments from adding additional conditions of approval before allowing a child care center co-located with an institutional use.

BACKGROUND:

Child care homes and centers are regulated by the Department of Early Learning and Care (DELIC) and licensed by the [Child Care Licensing Division \(CCLD\)](#), a division of DELIC. Child care providers are also subject to local land use regulations enacted by local governments, such as zoning ordinances. In 2021, the Legislative Assembly passed [House Bill 3109](#), which prohibited local governments from enacting certain restrictions on family child care homes and child care centers and guaranteed the allowable siting of child care facilities on land zoned for certain uses.

Family child care homes are child care facilities located in residential dwellings and include both [registered family](#) and [certified family](#) child care homes. Registered family child care homes may care for up to 10 children, and certified family child care homes may care for up to 16 children. Currently, family child care homes are permitted in all areas zoned for residential or commercial use, including areas zoned for single-family dwellings. [ORS 329A.440](#) prohibits local governments from enacting land use regulations that prohibit the use of a residential dwelling in a residential or commercial zone as a family child care home or from imposing land use regulations, special fees, or conditions on the family child care homes that are more restrictive than those applied to other residential dwellings in the same zone. Oregon law also allows counties to impose reasonable conditions on family child care homes in areas zoned for farm use.

[Child care centers](#) are child care facilities that are generally located in a commercial or nonresidential setting. These facilities are permitted in all areas zoned for commercial or industrial use, other than areas specifically designated for heavy industrial use. [ORS 329A.440](#) prohibits local governments from imposing land use regulations, or special fees or conditions, on child care centers in commercial or industrial zones that are more restrictive than those imposed for other uses in the zone, except for reasonable conditions for child care centers in industrial zones.

In 2023, the Legislative Assembly passed [House Bill 2727](#), which directed the Department of Land Conservation and Development (DLCD), in consultation with DELIC, to convene a work group to examine strategies to expand early learning and care facilities. DLCD released a [report](#) in 2024 that examined regulatory barriers to developing and expanding child care facilities in Oregon and made recommendations based on its findings.