

HOUSE AMENDMENTS TO HOUSE BILL 3560

By COMMITTEE ON EARLY CHILDHOOD AND HUMAN SERVICES

April 7

On page 1 of the printed bill, delete lines 6 through 30.

On page 2, delete lines 1 through 11 and insert:

“SECTION 2. ORS 329A.440 is amended to read:

“329A.440. (1) As used in this section:

“(a) ‘Child care center’ means a:

“(A) Child care facility, other than a family child care home, that is certified under ORS 329A.280 (3)[.];

“(B) Preschool recorded program or school-age recorded program recorded under ORS 329A.255; or

“(C) Parent cooperative, as defined in ORS 329A.250.

“(b) ‘Family child care home’ means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330.

“[(c) ‘Land use regulation’ and ‘local government’ have the meanings given those terms in ORS 197.015.]

“(2)(a) A family child care home is considered a residential use of property for zoning purposes. A family child care home is a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

“(b) A local government may not enact or enforce a land use regulation prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family child care home.

“(c) A local government may not impose land use regulations, special fees or conditions on the establishment or maintenance of a family child care home more restrictive than those imposed on other residential dwellings in the same zone.

“(3) Notwithstanding subsection (2)(c) of this section, a county may impose reasonable conditions on the establishment of a family child care home in an area zoned for [farm use] **exclusive farm use, forest use or mixed farm and forest use.**

“(4)[(a)] A child care center is a permitted use [in all areas zoned for] **on land:**

“(a) Zoned primarily for multiunit residential uses and to allow for development at the following densities:

“(A) Seventeen dwelling units per net residential acre within the Metro urban growth boundary; or

“(B) Twelve dwelling units per net residential acre within an urban growth boundary outside of Metro;

“(b) In areas within an urban growth boundary that are primarily zoned to allow for residential use, provided that the center is colocated with a legally established institutional

1 use, including a civic center, public recreational center, public park, place of worship, school,
2 college or library; or

3 “(c) Zoned primarily for commercial or industrial use, except in areas specifically designated
4 by the local government for heavy industrial use.

5 “(5) For an institutional use conditionally allowed under subsection (4)(b) of this section,
6 a local government may not add additional conditions of approval before allowing a child care
7 center to be colocated with the institutional use.

8 “[b)] (6) A local government may not impose land use regulations, special fees or conditions on
9 the establishment or maintenance of a child care center in an area zoned for commercial or indus-
10 trial use under subsection (4)(c) of this section that are more restrictive than those imposed for
11 other uses in the same zone[.]

12 “[5) Notwithstanding subsection (4) of this section, a], but the local government may impose
13 [reasonable conditions] upon the establishment or maintenance of a child care center in an area
14 zoned for industrial uses[.]

15 “[6) As used in this section, ‘reasonable conditions’ includes, but is not limited to,] reasonable
16 conditions, including siting restrictions for properties designated on the Department of Environ-
17 mental Quality’s statewide list of contaminated properties as having known or suspected releases
18 of hazardous substances.”.

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