



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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April 30, 2020

Gall Henrikson, AICP, CFM, Community Development Director
Clatsop County Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

RE: Oregon Child Care Development Code Barriers Project

Dear Gall,

Thank you for your interest in participating in the Oregon Child Care Development Code Barriers Project. The purpose of this letter and attached memorandum of understanding (MOU) is to familiarize you and decision makers with the project, as well as establish the project expectations. We look forward to partnering with you on this important work.

Background

The Department of Land Conservation and Development (DLCD) was contacted by Governor Kate Brown's office to undertake a study of development code barriers to child care in Oregon. In January 2019, Oregon State University, through the Oregon Child Care Research Partnership, released a report on child care supply¹ which found that:

"[M]any families with young children live in what experts have defined as a child care desert, a community with more than three children for every regulated child care slot. Using this standard, families with infants and toddlers in every Oregon county live in a child care desert. The picture is only slightly better for families with preschool-age children; families in 25 of 36 counties live in a child care desert."

In response to this situation, the State of Oregon's Regional Solutions Teams and the Oregon Department of Education's Early Learning Division co-convened a state agency workgroup to find ways to increase the supply of high quality providers and child care slots. The Work Group released a report² in January 2020 summarizing the regulations impacting child care facility permitting, construction, and licensing, as well as state programs that may support the creation of additional child care.

As an implementing strategy, members of the Governor's Regional Solutions team requested DLCD assistance with development code audits to inform code updates with the goal of reducing barriers to child care facilities. Seven local governments around Oregon are planning to participate in this audit and associated recommendations.

¹ *Oregon Child Care Deserts: Mapping Supply by Age Group, Metropolitan State and Percentage of Publicly Funded Slots*, January 2019, Oregon State University Oregon Child Care Research Partnership.

² *State of Oregon, Office of Governor Kate Brown, Regional Solutions and Early Learning Division Child Care Workgroup Report*, January 2020.

Background on State Law Requirements

Oregon law (ORS 329A.440) requires cities and counties to treat family child care homes as residential uses for zoning purposes, and they must be permitted in all areas zoned for residential or commercial uses. Any zoning condition imposed on a family child care home may not be any more restrictive than those imposed on other residential dwellings in that zone.

Our initial research shows that many jurisdictions are not aware of this provision in state law. We hope this project will bring awareness to local governments and increase the number of permitted child care facilities in our state.

Child Care Code Barriers Project Overview

DLCD's assignment is to work with a selection of local jurisdictions around the state to assess their development codes and identify barriers to in-home residential and commercial child care facilities. We have asked you to be a partner with us in this important work. The outcome of this work will be the following:

- An analysis that identifies land use code barriers faced by child care facilities in your community;
- Recommended development code changes specific to your community; and
- A DLCD guidance document on land use requirements and best practices for permitting child care facilities in Oregon.

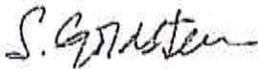
To initiate project work, we are asking each local jurisdiction to sign the attached MOU with DLCD. The MOU establishes the tasks to be completed and expectations of each party, including that the recommended development code changes be considered for adoption by the local decision-making body within four months of project completion. We want to be sure this important work is implemented and therefore ask you return the signed MOU by May 21, 2020. The work that results from your community's code assessment will be a model that is expected to help other communities in the State of Oregon.

If you have questions, please contact:

- Stacey Goldstein: 503-934-0048, stacey.goldstein@state.or.us; or
- Laura Buhl: 503-934-0073, laura.buhl@state.or.us

Thank you for partnering with us as we work towards helping support all Oregon's children and families learn and thrive.

Sincerely,



Stacey Goldstein, AICP
Land Use & Transportation Planner



Laura Buhl, AICP
Land Use & Transportation Planner

Attachment: MOU

Memorandum of Understanding for Child Care Code Barriers Project

This Memorandum of Understanding (MOU) is entered into by and between the Department of Land Conservation and Development (DLCD) and Clatsop County (County).

A. Purpose

This MOU establishes the responsibilities of DLCD and County in relation to DLCD's Child Care Code Barriers Project (Project). The purpose of the Project is to identify barriers to residential and commercial child care facilities in the development codes of selected local jurisdictions in Oregon.

B. Roles and Responsibilities

DLCD agrees to:

- Review County's development code and produce an edited, annotated development code that identifies barriers to the establishment of residential and commercial child care facilities.
- Produce a guidance document with code and policy recommendations for local governments to reduce barriers to residential and commercial child care facilities.

County agrees to:

- Produce an adoption ready ordinance and findings for consideration by County's decision-making body.
- Consider recommended code changes for adoption within four months of Project completion.

C. Reporting Requirements

County shall notify DLCD staff (Stacey Goldstein and Laura Buhl) of hearing dates and results of the code adoption process.

D. Timeframe

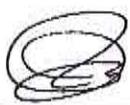
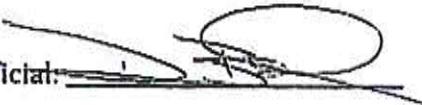
This MOU will commence upon being signed by both parties and will dissolve when all roles and responsibilities specified under Section B are complete.

The specific tasks and planned completion dates are as follows:

Task	DLCD and County Tasks	Completion Date
Task 1: Project Kick-off		
1.1	County returns signed MOU to DLCD (County)	May 2020
1.2	Meeting with planning staff to review project expectations (DLCD and County)	May 2020
Task 2: Evaluation of Development Code		
2.1	Research, code evaluation: Send draft code with annotations, underline/strikethrough in-text edits to County. (DLCD)	June 2020
2.2	Meet to review initial findings (DLCD and County)	July 2020

Task	DLCD and County Tasks	Completion Date
2.3	Send final code evaluation and guidance document to County (DLCD)	August 2020
Task 3: Adoption Draft and Public Hearings		
3.1	Prepare adoption draft and findings (County)	December 2020
3.2	Planning commission public hearing (County)	December 2020
3.3	County Board of Commissioners public hearing (County)	January 2020

This MOU is the complete agreement between DLCD and County and may be amended only by written agreement signed by each of the parties involved.

<u>DLCD</u>	
<p>Authorized Official: <u></u></p> <p style="text-align: center;">Signature</p>	<p><u>Jim Rue, Director</u></p> <p style="text-align: center;">Printed Name and Title</p>
<p>Address: <u>635 Capitol Street NE, Suite 150, Salem, OR 97301</u></p> <p>Phone: <u>503-934-0002</u></p> <p>E-Mail: <u>jrue@dlcd.state.or.us</u></p>	
<u>County</u>	
<p>Authorized Official: <u></u></p> <p style="text-align: center;">Signature</p>	<p><u>Don Bohn, County Manager</u></p> <p style="text-align: center;">Printed Name and Title</p>
<p>Address: <u>800 Exchange St, Suite 410 Astoria, OR 97103</u></p> <p>Phone: <u>503-325-1000</u></p> <p>E-Mail: _____</p>	