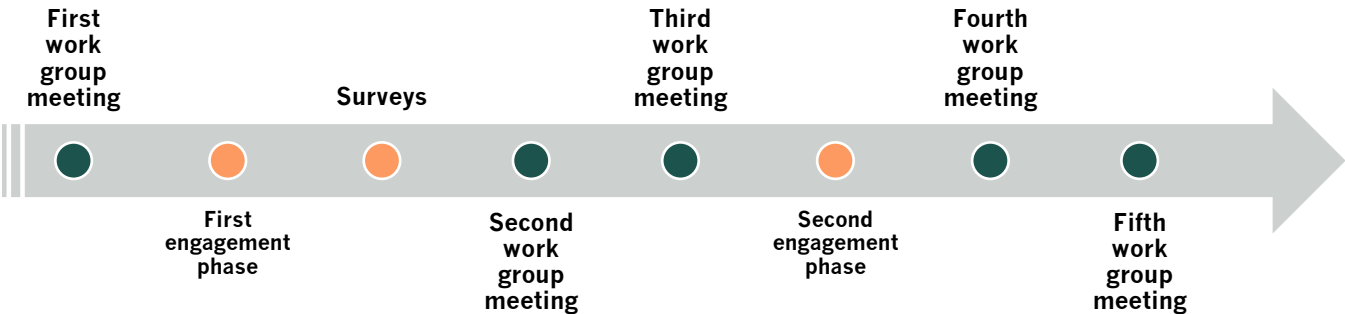


Appendix G: Summary of Community Engagement

The project team used various qualitative research methods to address the complex landscape of child care facility development, including varied geographic contexts, facility types, local regulatory frameworks, and the wide-ranging experiences of regulators and providers in navigating the development process. To achieve this, the project team used three main avenues for engagement: the project work group, online surveys, and interviews and focus groups. A rough schedule for this engagement is shown below:



This memo summarizes the work group meetings, survey findings, and the community engagement scope and themes throughout this project, organized by the engagement type.

Work Group Meetings

During the project, work group members contributed their knowledge, offered technical assistance, and helped develop and prioritize the proposed recommendations. Throughout the project, the team convened with the work group five times to gather feedback and set the project direction. Below is a summary of the structure and topics discussed in these meetings.

First Meeting (February 2024)

The first work group meeting intended to connect the group members, set the foundation for the project, and establish a shared understanding of Oregon's child care regulatory framework. To provide context, the project team provided two background memos prior to the meeting on the development regulatory framework and promising local, state, and national standards for reducing barriers to child care facility development. During the meeting, the group members introduced themselves, established group agreements for engaging and navigating disagreements, and shared project goals, priorities, and direction. Major discussion questions included:

- ◆ Any initial reactions to the background memos or meeting?
- ◆ What does the final report need to include in order for you to call it a success?
- ◆ During engagement, what should we be asking providers? What should we be asking local government staff?

Second Meeting (May 2024)

During the second meeting, members reviewed the findings from the first round of community engagement and provided feedback on the Barriers report. Before this meeting, the project team provided the High-Impact Barriers to Early Care and Education Facility Development report, summarizing high-impact barriers uncovered from research and community engagement efforts that child care providers may face during the development process, including land use and zoning, building codes, and permitting procedures. During the meeting, the project team shared key findings from the provider and local jurisdiction survey and summarized major themes from the Barriers report. Following this discussion, work group members discussed disparate impacts for different communities, including BIPOC and Latine providers, non-English speaking providers, religious or other culturally specific providers, rural and urban areas, and tribal nations. The discussion questions for this conversation were:

- ◆ What specific development barriers might these communities face? How can we make the development process more accessible?
- ◆ Are there considerations in the report that are missed or incorrect?
- ◆ Have we left out any communities? Are there other considerations we should include?

Based on the feedback received in this meeting, the project team revised the Barriers report and provided the updated draft prior to the third meeting.

Third Meeting (July 2024)

For the third meeting, members primarily provided feedback to the list of preliminary recommendations. Prior to this meeting, members received a matrix of proposed recommendations containing a brief description and possible actions for implementation, an explanation of which barriers the recommendation addresses, and a list of intended outcomes. Each recommendation also outlines potential agencies needed for implementation and indicates whether the recommendation addresses barriers for urban/rural communities or equity considerations and if the recommendation would reduce barriers to co-locating child care with affordable housing, as required by the bill. Following a review of these recommendations by the project team, work group members gathered in small groups to share reactions, workshop recommendations, and discuss how to prioritize the recommendations for the final report. Discussion questions included:

- ◆ What are your initial thoughts on the recommendations list? Do the recommendations adequately address the barriers we have been discussing? Is there anything missing? Any that need to be refined or removed?
- ◆ How should we prioritize the recommendations? Which recommendations stand out as top priorities for the state, cities, and other agencies?
- ◆ Which recommendations address the goal of reducing racial and regional disparities? How could the recommendations be refined to support equitable access better?

Fourth Meeting (September 2024)

Prior to this meeting, the project team shared a revised recommendations list with any changes tracked. During the fourth meeting, the project team asked work group members to prioritize the proposed recommendations using a live polling platform (Vevox) to gather and share real-time feedback. Members shared responses through the polling website, which were aggregated and displayed following each question:

- ◆ Which topic area do you think will have the biggest impact on addressing equity concerns?
- ◆ Which of the following do you believe would be most effective in reducing racial disparities in access to early learning and care facilities?
- ◆ Which of the following do you believe would be most effective in reducing barriers to providers in rural areas?
- ◆ Enter the numbers (first matrix column) of 2 to 3 draft recommendations you believe would be most effective in reduce disproportionate racial and regional disparities in accessing early learning and care facilities.
- ◆ Enter the numbers of 2-3 other recommendations you think should be considered highest priority.
- ◆ Which recommendations could be the most feasible to implement? Enter the numbers of the recommendations.
- ◆ Which recommendations do you think would be most impactful? Enter the numbers of the recommendations.
- ◆ Which recommendations do you think would be the most cost-effective to implement? Enter the numbers of the recommendations.

Fifth Meeting (November 2024)

During the fifth and final work group meeting, members shared feedback on the draft of the final report, which was provided for review ahead of the meeting. The project team asked work group members to provide expertise on several final questions to clarify the final report content, review and discuss the draft priority recommendation list, and discuss any additional research or recommendations needed to meet the requirements of House Bill 2727. Finally, the project team and two work group members (Dana Hepper of the

Children’s Institute and Lindsey Cochran of Business Oregon) gave closing remarks reflecting on the project process and work group experience. Following this meeting, work group members were invited to send any final feedback to the project team via email.

Surveys

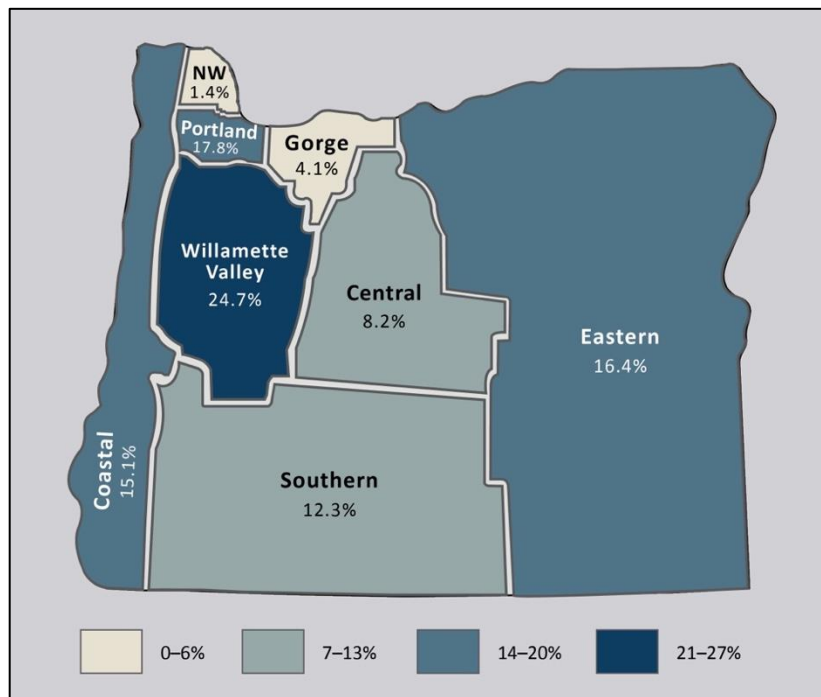
The project team conducted two surveys: one for providers and one for local jurisdiction regulators. These surveys were administered during the first round of engagement, between the first and second work group meetings.

Provider Survey

To ensure a broad group of providers were engaged, the team surveyed to understand trends related to providers' experience with land use regulations, building codes, and permitting procedures. Ultimately, the project team received 217 responses from providers across Oregon.

Regulator Survey

For regulators, the Department of Land Conservation and Development crafted a set of development scenarios to allow local government staff to indicate how they would approach land use review and permitting for various child care facilities under different circumstances. The survey received 73 responses from local staff across Oregon, shown by region in the map to the right.



Key takeaways for each scenario included:

Family Child Care

- ◆ For a certified family child care (up to 16 kids) in a residential zone, 57% of respondents indicated their jurisdiction treats this use as a permitted use. Other jurisdictions responded that a conditional use permit would be required, even though

state statute dictates that such uses should be treated as residential and only be governed by regulations that also apply to typical residences.

- ◆ Several jurisdictions indicated that their code definitions are outdated, allowing only up to 12 children in a family child care home.
- ◆ Almost half of jurisdictions said they require a business license for a family child care.
- ◆ 44% of jurisdictions said they would require a building permit for a new certified family child care, while 26% indicated they would only require a building inspection.

Church-Based Child Care Centers in Residential Zones

- ◆ 35% of jurisdictions said their review process would require a traffic study review if an existing church wanted to host a preschool serving up to 40 kids.
- ◆ 54% of jurisdictions' processes include a public hearing for the addition of the preschool or child care center
- ◆ One jurisdiction indicated that the preschool is outright permitted in residential zones and no land use review would be required, another indicated a Type I review process would apply, and two indicated they consider child care as accessory to places of worship, and are thus permitted provided place of worship has received appropriate land use. Most others indicated some type of conditional use or nonconforming use review would be required, depending on the circumstances.
- ◆ Just over half of jurisdictions said their building official would require a change in occupancy for the child care portion of the building to achieve an E or I-4 occupancy.
- ◆ At least 20% of jurisdictions would require a Type III review for conversion of parking lot spaces to outdoor play area; another 23% have at least Type II review.

Child Care Centers in Existing Commercial Buildings

- ◆ 83% of jurisdictions offer a pre-application conference or early assistance meeting for this type of project
- ◆ 71% would conduct a land use review (site plan review in most cases) for the conversion of a loading area behind the building to an outdoor play area. Three cities indicated their land use review would be for a conditional use permit, even in a commercial zone.
- ◆ 30% of jurisdictions would charge a transportation SDC because trip estimates from a child care use are higher than trips from a retail or business use
- ◆ Seismic upgrades would be required in 12% of jurisdictions; and might be required for an additional 23% of jurisdictions, depending on the scope of renovations being done

- ◆ 61% of jurisdictions would review vehicular parking spaces and may require additional parking if the jurisdictions' minimum parking standards are not already met.
- ◆ 41% of jurisdictions review the street frontage and might require improvements to sidewalks, curb, street trees, etc.

Interviews and Focus Groups

The project team conducted two phases of community engagement: the first phase informed the High-Impact Barriers report, and the second informed the proposed recommendations. The scope and themes of this engagement are summarized below.

First Engagement Phase

The first engagement phase was held between the first and second work group meetings to inform the Barriers report. This phase included eight interviews and two focus groups.

Interviews

In the first phase, the project team conducted eight interviews with providers, architects, and regulators to understand barriers to child care facility development and potential solutions. Major themes from these interviews include:

Development Barriers: Providers face significant challenges due to zoning regulations, strict building codes, and landlord reluctance. Conditional use permits and seismic upgrade requirements add delays and costs, while inconsistent regulations across jurisdictions complicate the process. Building codes, such as requirements for sprinkler systems and restrooms, create high financial barriers, particularly for small providers. Landlords are often unwilling to rent to child care businesses due to liability concerns and the extensive modifications required for compliance. Additionally, navigating local bureaucracy and securing funding adds further complications, with long timelines hindering project progress.

Challenges for Rural Areas: Rural providers struggle with limited land availability, inconsistent support from local governments, and community pushback against child care facilities. Zoning issues are often more challenging in rural areas, and the approval processes can be unpredictable. Rural providers also face difficulties in accessing the necessary information and resources to navigate building requirements, and the community's resistance can further delay or block facility expansion efforts.

Architectural and Design Barriers: Architects face difficulties balancing child care design needs with strict building codes, often needing to make trade-offs due to occupancy and other restrictions. Retrofitting existing buildings is particularly challenging, as compliance with both child care-specific and general building codes adds complexity and cost. Larger facilities are easier to design economically, while small centers face disproportionately high

development hurdles. Municipal processes are siloed across departments, making approvals cumbersome and fragmented.

Potential Solutions: Stakeholders suggest statewide consistency in building codes and zoning to simplify the development process. Streamlined permitting and proactive city support, even before leases are signed, would help providers avoid costly delays. Additional financial support through grants and subsidies, particularly for expensive requirements like seismic upgrades, would help smaller and rural providers. Allowing child care centers by right in more areas and reducing conditional use permit requirements could also improve access to suitable spaces, encouraging the expansion of child care facilities across Oregon.

Focus Groups

The project team held two focus groups in the first engagement phase: one with providers and one with local regulators, including building officials, licensing specialists, and economic development managers. The themes from these focus groups, summarized below, were similar to the findings raised during interviews.

Key themes from the provider focus group included:

Zoning and Land Use Challenges: Providers face costly and complex zoning issues, particularly when a change of occupancy is required, which can trigger expensive upgrades like seismic retrofits and frontage improvements. Right-of-way improvements, which include parking, sidewalks, and accessibility features, add significant financial burdens. Historical building documentation can be challenging to find, leading to delays and increased costs. Providers also noted that navigating these issues without pre-application support often jeopardizes their ability to secure funding or begin operations on time.

Building Code Challenges: Building codes, especially fire and sanitation requirements, create significant financial and logistical hurdles. Installing sprinklers, adding toilets and sinks, and ensuring proper fire exits for infants and toddlers can cost hundreds of thousands of dollars. Providers reported inconsistent application and interpretation of fire codes by different inspectors, further complicating compliance. These issues, coupled with the high cost of necessary improvements like exhaust systems and hazardous waste removal, make development and expansion difficult for many child care providers.

Permitting and Bureaucracy: Navigating various agencies and obtaining permits is a slow, unclear process, with costs and requirements often being difficult to predict. Providers expressed frustration with overlapping and inconsistent requirements between city departments, especially in Portland, where costs for renovations and improvements often exceed thresholds that trigger further compliance obligations. Delays in obtaining certificates of occupancy or resolving zoning issues frequently stall projects and can result in financial losses due to missed revenue or forfeited grants.

Potential Solutions: Providers suggest better coordination between city departments and more uniform building code and zoning requirements across jurisdictions. Having a

dedicated point person to guide smaller providers through the development process, as well as financial assistance or exemptions for right-of-way and system development charges (SDCs), would alleviate many of the financial and logistical barriers. There is also a call for reinstating programs like Portland's Small Business Empowerment Program, which helped minority businesses navigate permitting processes, and creating funds to help cover expensive renovations and upgrades required for child care facilities.

Key themes from the regulator focus group included:

Zoning and Building Code Challenges: Key challenges in siting child care facilities include delays in obtaining state approval, lack of experience among home-based providers, and difficulties related to occupancy changes. Providers often secure spaces only to later discover they need a change of occupancy, which triggers costly upgrades. In some cases, providers are often unaware of the zoning requirements until after securing a lease, leading to financial and operational setbacks.

State-Level Regulations and Building Permits: In 2019, Oregon's building code was adjusted to require home-based child care facilities to comply with commercial building codes, including expensive upgrades like sprinklers. This created barriers for providers, especially in cases where compliance with fire safety or accessibility rules is needed. While the rules were partially reversed in 2021, confusion remains about how regulations apply to different facilities, especially those in multifamily or upper-floor locations. The need for occupancy permits and inconsistent application of state regulations across jurisdictions adds further complexity.

Potential Solutions: Simple permit programs, such as streamlined bathroom permits and grants for tenant improvements, have been successfully implemented in some areas. Other suggestions to improve the process include more uniform regulations across jurisdictions, reducing system development charges (SDCs), and exempting smaller child care providers from overly stringent requirements. Regulators also noted a need for better communication between state and local regulators and suggested creating model codes at the state level and providing educational handouts to clarify requirements. Regulators also raised equity concerns particularly regarding outreach to non-English-speaking providers and the high permitting costs, which disproportionately impact lower-income providers.

Second Engagement Phase

The second engagement phase occurred between the third and fourth work group meetings to discuss proposed recommendations. This phase included twelve interviews and one focus group.

Interviews

In the second engagement phase, the project team held twelve interviews: seven with providers, non-profits, advocacy groups, and regulators, and five with the jurisdictions represented in the work group. The goal of these interviews was to discuss potential

recommendations. In general, the recommendations received aligned with the barriers identified in the previous phase:

Zoning and Permitting Recommendations: Providers and regulators recommended creating clearer, standardized definitions for terms like “home-based” child care across jurisdictions to reduce confusion. There’s a strong push for a state-level collaboration to align zoning and building regulations, which could provide clearer guidance to local governments and streamline processes for providers. Establishing a simplified building permit process for home-based providers, where architectural drawings are not always required, would reduce costs and make it easier for smaller providers to navigate the system. Additionally, implementing universal zoning rules, such as allowing providers to operate without living onsite, would provide more consistency across cities.

Building Code and Licensing Recommendations: Regulators recommended developing a model code for child care facilities, which local jurisdictions could adapt to their specific needs. This model could include clear guidelines for when a change of occupancy is necessary and what modifications are required for compliance, reducing the uncertainty providers face. Simplifying the licensing process by offering prescriptive guidance for things like bathroom layouts and minimizing the need for building permits for minor changes, would also help streamline the development of child care facilities.

Equity and Access Recommendations: To address equity, providers recommend removing the 16-child cap for certified family homes, allowing them to maximize space like small centers. Additionally, revising the rule requiring a provider to live onsite in some cities would help expand opportunities. Increasing support for BIPOC providers by hiring more licensors of color, removing biases in the licensing process, and improving access to training and resources in multiple languages would also promote more equitable child care facility development. Offering child care providers tax credits or system development charge (SDC) reductions would lower financial barriers, especially for smaller, home-based businesses.

Policy and Funding Recommendations: Providers and regulators recommended that policymakers should consider child care facilities a public benefit, making it easier to reduce costs through exemptions and financial incentives. Other recommendations included providing transparent fee schedules and predictable cost estimates for building permits and inspections, tax credits for building upgrades and SDC reductions, especially for low-income and BIPOC communities, integrating workforce development programs that accommodate non-traditional hours, and providing legal and technical support for small providers.

Building Regulator Focus Group

In the second engagement phase, the project team also held a focus group with building officials to clarify any outstanding questions on building and fire codes and discuss potential recommendations. Overall, the focus group emphasized the need for clearer definitions, better cross-agency communication, and standardized processes to ensure that child care providers can navigate building codes, fire safety requirements, and zoning regulations more easily:

Zoning and Building Code Recommendations: There is a need for clearer guidelines on the interaction between local and state building codes, particularly in defining when local jurisdictions can adopt more rigid standards. Many participants suggested developing a technical guide for building officials to standardize interpretations of building codes across jurisdictions, especially in cases involving child care facilities. This would help eliminate inconsistencies around issues like change of occupancy requirements for home-based child care and the interaction between residential (R-3) and commercial (E) building codes. A model code that outlines acceptable alternatives for compliance, especially for smaller home-based providers, could reduce the confusion that exists around permitting processes.

Fire Safety and Occupancy Recommendations: Clarification is needed on fire safety regulations and the handoff between building officials and fire marshals. Fire departments are often involved only after the certificate of occupancy (COO) is issued, which can lead to conflicting requirements between the two agencies. A recommendation is to improve coordination between building and fire departments early in the process, including having fire safety officials attend pre-application meetings. This would ensure alignment between the building code and fire safety requirements, streamlining the process and avoiding costly retrofits for providers after they've already invested in renovations.

Home-Based Child Care Recommendations: For home-based child care, stakeholders recommend revising the rules around residential (R-3) occupancy to simplify the process. There is confusion about when a change of occupancy is required and whether home-based providers need to live on-site. Clearer guidelines on when and how providers can use their homes for child care without triggering commercial code requirements (e.g., sprinklers) would make it easier for smaller providers to comply. Additionally, defining the conditions under which child care can operate in multi-family units or non-residential zones would help expand access to suitable locations.

Cross-Agency Coordination Recommendations: A recurring recommendation is establishing a formal process for cross-agency collaboration, particularly between zoning, building departments, and licensing agencies like DELC. This would streamline the process for child care providers by ensuring they receive consistent information from all departments involved in the development process. For example, agencies could develop a shared portal or documentation process that tracks compliance across departments, helping to reduce the administrative burden on providers and ensuring nothing is overlooked.

Equity and Accessibility Recommendations: There is a need to address barriers for smaller providers and those in underrepresented communities. Standardizing processes and offering technical assistance to providers, especially those without access to legal or architectural resources, would promote equity. Simplifying the application process and reducing the requirement for costly architectural drawings could also lower financial barriers for home-based providers.