

Testimony in Support of HB 3560

Chair Hartman, Vice-Chairs Nguyen and Scharf, and Members of the Committee,

My name is Daniel Hauser. While you often see me representing the Oregon Center for Public Policy, today I come before you as a father of two young children—McKay, age two, and Ogden, age five. Like all parents, I want them to have a safe and supportive place to learn and play. That vision moves closer to reality if HB 3560 becomes law.

My family is part of Ashcreek Playschool, a nonprofit parent cooperative preschool serving families in the Beaverton area. Our school operates within an existing church building, utilizing spaces that would otherwise be vacant. However, a few years ago—just before my oldest enrolled—we were blindsided by a land use issue. The City of Beaverton informed us that we were out of compliance, unbeknownst to us or anyone at the church, with a decades-old Conditional Use Permit, which capped the number of children at 20. We were caring for 30 children.

As it turns out, three neighbors had really strong feelings about the sounds of children playing outside in the existing playground during the day. We're a co-op, which fits in to DELC's definitions as a recorded program, so we can only operate for 4 hours per day. In our case, that's from 9 a.m. to 1 p.m. These neighbors contacted the city and informed them we were out of compliance, sparking a long and winding process for us to get a new Conditional Use Permit.

Now, I've actively avoided land use and zoning law in my career because it seems like a convoluted mess. Turns out, I was right, but I didn't have a way to avoid it without asking a dozen children and their families to find a new place to learn and play. I jumped in, and with the help of some other parents, we went through the process of applying for a new Conditional Use Permit. Since we had a wait list in two of our three classes, we wanted to ensure there was some buffer for future growth. The church could handle up to 60 kids in our cooperative model, so that's what we requested the City approve.

The process of applying for a new Conditional Use Permit has taken hundreds of hours, tens of thousands of dollars in fees to the city and other related expenses,

and more to get to the point where we had a hearing before the City Planning Commission. We were ecstatic to have the full and unconditional support of the city staff recommending our application be approved. And yet, the amazingly stereotypical NIMBY arguments from neighbors that “we love kids, but I don’t want to hear them playing from my backyard” won out and the Planning Commission rejected our application.

The joy of a parent cooperative is that you are required to spend time in the classroom, so you really get to know the other kids and their parents. They become part of your community, your village. I’ve helped these kids work through disagreements over train track designs, lured them off of tables, and helped them open their string cheese. I’ve seen them learn new words, become potty trained, and gain new confidence on the play structure. There is no way we would tell a bunch of these kids and their parents to find a new home, a new school, because of a Planning Commission decision. So, we proceeded to appeal it to the Beaverton City Council. In this circumstance, we turned out lots more families and supporters of our preschool and were grateful to see the Planning Commission decision overturned unanimously.

Unfortunately, that’s not the end. We’ve now received a Notice of Intent to Appeal to the statewide Land Use Board of Appeals from those neighbors and have started working with an attorney to defend us before LUBA. She has estimated it typically costs around \$30,000 more than we’ve already sunk into the process. That’s an awful lot for a small nonprofit preschool to swallow.

Long story long, our little preschool, attempting to operate within an existing building, has incurred significant cost, time, and frustration because our state law has failed to accommodate the growing need for child care facilities within our communities all around Oregon. HB 3560, if amended to include recorded programs, would solve this problem not just for my children, my school, and my community, but for every little preschool and child care facility in Oregon existing within a church or community center. Let’s break down this inane barrier: let the children learn, let the children play.

Please pass HB 3560 once it has been amended to include all child care and preschool programs.