



from parking lots  
to *paradise*

March 4, 2025

**RE: Support for HB 3496, HB 3560, SB 436, and SB 439 in the 2025 Oregon Legislature**

Dear Oregon House and Senate legislators:

My name is Ted Labbe, and I serve as Executive Director with Depave in Portland, Oregon. Depave reclaims pavement from to create pocket greenspaces at churches, schools and other community hubs to combat the climate crisis and create nature-filled places for people. Depave has completed numerous outdoor play spaces for early child learning and care facilities. Through these various projects we have become very familiar with local government-imposed regulations that block access to affordable, accessible childcare.

In March 2023, the Oregon Values and Belief Center released a study that found:

- Half of Oregon employers say the challenges around access to childcare impacts their ability to hire and retain employees.
- Six in ten with children under 6 years of age who spend on childcare commit an average of 20% of their income.
- Six in ten Oregonians say governments should step up efforts to address the childcare crisis.

It is growing increasingly difficult for young families to find affordable, accessible quality childcare in Oregon and across the nation. One part of the problem is cumbersome and outdated zoning restrictions that have made it difficult for childcare providers to find and retain safe and accessible spaces to serve Oregon's children and families.

I would like to share a few real examples of how this over-regulation of early childcare has resulted in the loss, displacement, or added to the costs of creating affordable and accessible child play spaces from my experiences in Portland, Oregon.

In 2021, Portland's largest preschool was evicted from their St Stephens Church home over parking issues. One neighbor's complaint led the Bureau of Development Services to demand a conditional use review over parking and the result was that 250 families lost their neighborhood childcare. The details of the Childsworld case are recounted in Tony Jordan's June 2021 blog [Parking Over Preschool](#), as well as Willamette Week stories from [May](#) and [August 2021](#). Depave helped build out a portion of the Childsworld outdoor playspace in 2017 that was removed after they were forced out of St Stephens Church. This was a tragedy.

More recently, Depave has been working with Morning Star Missionary Baptist Church – Portland's oldest African-American congregation – to reclaim 20,000 underutilized pavement and redevelop it as a mixed-use greenspace to serve the two African-American congregations and the Spanish-immersion Pequenitos Childcare (based in the Church). The Church was surrounded by pavement on all sides, there was surplus unused parking, and the site lacked a safe and inviting outdoor play area for the Pequenitos kids. Owing to the loss of pavement that was no longer being used as parking, the City of Portland imposed a lengthy and expensive conditional use review on Depave that cost us well over \$10,000. There was no neighborhood controversy over loss of parking nor any other matter associated with this high benefit project. Please refer to [the Street Roots article](#) from

October 18, 2023 for more background. We appealed to the City and there was some minor relief of permit fees but the City has not taken steps to remedy what it knows to be a broken system.

I think it is important that you hear about these real-world experiences from a small nonprofit working to remedy the lack of access to safe, inviting outdoor nature-filled play spaces for young children. And that you incorporate learning from case studies. The December 2024 Reducing Barriers to Developing Child Care Facilities Across Oregon (HB 2727 study report) highlights numerous case studies and potential remedies.

A number of the bills before the Oregon 2025 legislature would address these challenges, help remedy the deficit of access to childcare, and push back on the over-regulation of these essential facilities:

1. **HB 3496** will direct the Department of Land Conservation and Development to create a model code and a best practices guide to make it easy for cities and counties to do the right thing for childcare.
2. **HB 3560** will allow childcare centers by-right in residential zones when co-located with community institutions like churches, community centers, and apartment buildings.
3. **SB 436** and **SB 439** will clarify and limit the prevailing wage requirements for non-profit housing developers seeking to incorporate on-site childcare facilities into new developments.

On behalf of Depave, I support all these bills and encourage you to take swift action to pass them during this legislative session. I would also point out that many additional remedies are recommended in the HB 2727 study report. In particular, the report acknowledges the difficulty presented by conditional uses around the conversion of underutilized parking areas into outdoor soft-surface play areas. The legislature can and should direct local governments to reduce or eliminate costly conditional use triggers related to repurposing parking for demonstrated social benefits like child access to outdoor play spaces.

Thank you for your attention and action on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Labbe".

Ted Labbe, Executive Director