

**David S. Wall**  
**P.O. Box 756 Newberg, Oregon 97132; [408-287-6838]**

May 11, 2021

To: Senate Committee on Education; [others]

**Re: I OPPOSE [HB 3109A]...Development of priceless and irreplaceable farm land using childcare is dastardly sneaky.**

**Excerpt from [HB 3109 A] states,** "SECTION 1. ORS 329A.440 is amended to read: 329A.440. (1) As used in this section: (a) "Child care center" means a child care facility, other than a family child care home, that is certified under ORS 329A.280 (3). (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. [(1)] (2)(a) [A registered or certified] A family child care home [shall be] is considered a residential use of property for zoning purposes. [The registered or certified family child care home shall be] 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 city or county] A local government may not enact or enforce [zoning ordinances] a land use regulation prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a [registered or certified] family child care home. [(2)] (c) [A city or county may impose zoning] A local government may not impose land use regulations, special fees or conditions on the establishment [and] or maintenance of a [registered or certified] family child care home [in an area zoned for residential or commercial use if the conditions are no] more restrictive than [conditions] those imposed on other residential dwellings in the same zone."

**[HB 3109 A] is a Trojan Horse using children as a ruse and whose innards are land developers.**

**[HB 3109 A] with Amendments [-2] and [-4]** are nothing more than a 'pry-bar' to be used for all sorts of development activities on Exclusive Farm Use zoned lands. Priceless and irreplaceable farm lands will disappear.

**[HB 3109 A] with Amendments [-2] and [-4]** places the health and safety of the children so housed at these locales to the rigors of farm operations using; fertilizers, pesticides, herbicides, noises and odors the children maybe allergic and or other unforeseen physical and mental health maladies.

There are additional health concerns for children concerning farm operations. The roads in the rural areas were not designed for an influx of heavy traffic. The creation and support of "Agritourism" by the legislature has already opened up the rural areas for seasonal vehicular traffic with corresponding vehicular accidents which has injured and or killed many unfortunate people. Agritourism continues to be a really bad idea since among other issues; Agritourism creates DUII drivers from wine, beer, cider and hard alcohol consumption with far too few sobriety check points operated by Police agencies. Marijuana and psilocybin use presents "new problems."

Farm operations using the rural roads with all sorts of heavy machinery exacerbates the overburdened rural road infrastructure thereby further endangering the safety of children.

The childcare industrial complex requires routine inspections and infrastructure changes to support the business entity. There will be sanitary issues (septic tanks size, capacity and age) and the use of well-water will be of great concern to all rural residents. Childcare facilities, which are commercial businesses" have no place in Exclusive Farm Use zoned land. There will be contentious and avoidable litigation.

The growing autocratic nature of the Legislature; interfering, dictating and or commandeering of Local government control on the permitting and zoning has become a festering abscess and fertile soil for rebellion.

There is "No" polite way to say, "Take **[HB 3109 A]** and shove-it." But, do so with unwavering dispatch.

***Respectfully submitted***  
/s/ David S. Wall