

D R A F T

SUMMARY

Exempts dog training facilities from state structural specialty codes.

Provides that lots or parcels whose property lines are relocated by certain judgments remain lawful parcels. Prohibits requiring additional validating procedures or denying permits because of judicial boundary changes.

A BILL FOR AN ACT

Relating to use of land; amending ORS 92.017 and 455.315.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 455.315 is amended to read:

455.315. (1) The provisions of this chapter do not authorize the application of a state structural specialty code to any agricultural building, agricultural grading or equine *[facility]* **or dog training facilities.**

(2) As used in this section:

(a) "Agricultural building" means a structure located on a farm or forest operation and used for:

(A) Storage, maintenance or repair of farm or forestry machinery and equipment;

(B) The raising, harvesting and selling of crops or forest products;

(C) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(D) Dairying and the sale of dairy products; or

(E) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

otherwise, of farm produce or forest products.

(b) “Agricultural building” does not mean:

(A) A dwelling;

(B) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

(C) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;

(D) A structure used by the public; or

(E) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

(c) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.

(d) “Dog training facility” includes facilities which may conduct activities under ORS 215.213 (1)(z) or 215.283 (1)(x) but does not include dog boarding kennels.

~~[(d)]~~ **(e)(A)** “Equine facility” means a building located on a farm and used by the farm owner or the public for:

~~[(A)]~~ **(i)** Stabling or training equines; or

~~[(B)]~~ **(ii)** Riding lessons and training clinics.

~~[(e)]~~ **(B)** “Equine facility” does not mean:

~~[(A)]~~ **(i)** A dwelling;

~~[(B)]~~ **(ii)** A structure in which more than 10 persons are present at any one time;

~~[(C)]~~ **(iii)** A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or

~~[(D)]~~ **(iv)** A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

(3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may regulate agricultural buildings, ~~[and]~~ equine facilities

and dog training facilities within their boundaries pursuant to this chapter.

SECTION 2. ORS 92.017 is amended to read:

92.017. (1) A **lawfully created** lot or parcel [*lawfully created shall remain*] **remains** a discrete lot or parcel[,], unless the lot or parcel lines are vacated or the lot or parcel is further divided[,], as provided by law.

(2) A **lawfully created lot or parcel remains a lawfully established unit of land following a judgment of a circuit court that relocates a property line of the lot or parcel if the judgment:**

(a) **Resolves a boundary line dispute between two adverse parties, including claims brought under ORS 105.005, 105.605, 105.620 or 105.705;**

(b) **Adjudicates the parties' respective rights to title and possession of the property to the relocated property line;**

(c) **Includes a legal description of the relocated property line;**

(d) **Is a final judgment for which the time to appeal has expired without any party filing an appeal and that is not subject to further appeal or review; and**

(e) **Is recorded in the office of the county clerk under ORS 205.246.**

(3) **Subsection (2) of this section applies without regard to whether:**

(a) **The relocated property line could have been lawfully established without the existence of the judgment through a property line adjustment, the subdividing or partitioning of property or under other procedures authorized by a city or county.**

(b) **Either party to the judgment subsequently has the property line relocation validated by a process under ORS 92.010 to 92.192 that would cause a property line adjustment or an adjustment to a plat of a subdivision or partition.**

(c) **Any unit of land would comply with minimum lot or parcel sizes, including under ORS 92.192.**

(4) **Applications for permits, including those defined under ORS 215.402 or 227.160 or ORS chapter 455, must be decided based upon the**

1 **property lines as relocated under subsection (2) of this section and**
2 **may not be denied based solely upon the judgment.**

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