

Dear House Interim Committee Members on Agriculture and Land Use, and the Governor's Office,

We would like to kindly inform you of several issues related to the Dog Training Section regarding LC 1469 – Relating to the Use of Land, which includes under emergency clause, allowing 10 people in an Ag building (with no safety, environmental or nearby Ag protection requirements) for the purpose of dog training. We have no issue with the rest of LC 1469.

First, we would like to point out how incredibly ludicrous it is to see tax payer dollars being used for dog training in rural areas when those areas in Oregon have recently suffered from wildfires, demonstrating the limited availability of emergency services, we have record unemployment, and are still suffering from a pandemic. We personally had to evacuate our livestock during the Chehalem fire.

Second some basics and then detailed sections below:

a. Dogs are not livestock under Oregon state law. Dog training in rural areas is considered a non-conforming, non-ag use.

b. Under state law, the public is not allowed in Ag or farm buildings, except for up to 10 people in equestrian facilities which are built to house and move 1200 pound animals and large equipment.

c. Agricultural/ Farm buildings in Oregon are NOT subject to the Oregon state structural safety code, which is largely why the public is not allowed in them.

d. You can find our previous testimony as well as that of several rural residents and livestock owners here:

<https://olis.oregonlegislature.gov/liz/2020R1/Measures/Exhibits/HB4014>

If you care about Public Safety Impacts – see Section 1

If you care about Environmental Impacts - see Section 2

If you care about impacts to the Oregon State Goal 3 and nearby farmers – see Section 3

Section 1 – Safety:

LC 1469 provides no requirements for building structural safety nor accessibility requirements for emergency services. Farm buildings in general are not subject to the state structural code and the public is not allowed in them per ORS 455.315. The people accessing dog training in rural areas are coming from urban areas as there is currently no restriction on farm owners from training their own dogs on their property. Urban dog training businesses are subject the Oregon structural safety code for their businesses, why would the same non-farm business in a rural area be afforded a special status to eliminate safety provisions for visitors?

This slippery slope could easily be applied to all of the non-conforming uses allowed in rural areas under ORS 215 – churches, child-care, etc

Section 2 – Environmental Impact:

Dog kennels, even in rural areas, are subject to DEQ requirements as the EPA classifies dog waste as an environmental hazard. Yet there is no provision in LC 1469 for the management of dog waste for dog training in rural areas, no requirement to abide by the state and county Significant Natural Resource plans, and no provision for regular DEQ oversight.

As noted on page 2 of the attachment here:

<https://olis.oregonlegislature.gov/liz/2020R1/Downloads/CommitteeMeetingDocument/217727> the dogs involved in training will have an environmental impact outside of any buildings, where run off into creeks and streams can be an issue.

Metro has done studies demonstrating the negative impact of dogs and dog waste on wildlife and waterways. <https://olis.oregonlegislature.gov/liz/2020R1/Downloads/CommitteeMeetingDocument/217728>

Again, this slippery slope bypassing environmental regulations could be applied to the other non-conforming uses in rural areas in ORS 215

Section 3 – Impacts to Oregon’s Goal 3 and nearby farmers:

Barking is a known stressor to livestock and loose dogs are a well-known livestock hazard. There is no provision in LC 1469 to protect livestock from barking during dog training nor any containment provision. While it is legal for a farmer to protect their livestock from loose dogs (ORS 609.150), why would the legislature choose to put farmers’ livestock in increased danger to satisfy a non-conforming special interest use in a rural area?

Oregon’s Goal 3 says the state is for the protection of Agricultural Lands: <https://www.oregon.gov/lcd/OP/Pages/Goal-3.aspx>

Yet this LC would add support to non-ag businesses in rural areas, reducing protections for farmland and increasing the loss of farmland in Oregon while rural landowners conducting dog training would continue to take advantage of Oregon’s farm tax incentives without farming – there is no requirement in LC 1469 that dog training must take place on an active farm, growing crops or livestock. The American Farmland Trust has documented the loss of

farmland in Oregon. <http://farmlandinfo.org/publications/farms-under-threat-the-state-of-the-states/>

Thank you for taking the time to read our input. We hope you will consider these impacts when reviewing LC 1469. We recommend that dog training be moved into its own bill so impacted parties can weigh in accordingly.

Sincerely,
Jennifer and Allen Flanagan
29697 SW McNay Rd
Hillsboro, OR 97123
503-709-7408