

D R A F T

SUMMARY

Exempts dog training facilities from state structural specialty codes.

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

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to use of land; creating new provisions; amending ORS 92.017 and 455.315; and declaring an emergency.

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 facility**.

(2) As used in this section:

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

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

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

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

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

[(E)] (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and stor-

age 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 otherwise, of farm produce or forest products.

[(b)] (B) “Agricultural building” does not mean:

[(A)] (i) A dwelling;

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

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

[(D)] (iv) A structure used by the public; or

[(E)] (v) 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)] (b) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.

(c) “Dog training facility” means a farm building used for dog training classes or testing trials permitted under ORS 215.213 (1)(z) or 215.283 (1)(x) in which no more than 10 persons are present at any one time.

(d)(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

1 regulations promulgated thereunder.

2 (3) Notwithstanding the provisions of subsection (1) of this section, in-
3 corporated cities may regulate agricultural buildings, *[and]* equine facilities
4 **and dog training facilities** within their boundaries pursuant to this chap-
5 ter.

6 **SECTION 2.** ORS 92.017 is amended to read:

7 92.017. (1) A **lawfully created** lot or parcel *[lawfully created shall*
8 *remain]* **remains** a discrete lot or parcel[,], unless the lot or parcel lines are
9 vacated or the lot or parcel is further divided[,], as provided by law.

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

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

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

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

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

21 (e) **Is recorded in the office of the county clerk; and**

22 (f) **Does not create an additional lot or parcel.**

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

24 (a) **The relocated property line could have been lawfully established**
25 **without the existence of the judgment through a property line adjust-**
26 **ment, the subdividing or partitioning of property or under other pro-**
27 **cedures authorized by a city or county.**

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

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

3 (4) Applications for permits, including those defined under ORS
4 215.402 or 227.160 or ORS chapter 455, must be decided based upon the
5 property lines as relocated under subsection (2) of this section and
6 may not be denied based solely upon the judgment.

7 SECTION 3. The amendments to ORS 92.017 by section 2 of this 2021
8 Act apply to relocations of property lines by judgments of a circuit
9 court that were entered before, on or after the effective date of this
10 2021 Act.

11 SECTION 4. This 2021 Act being necessary for the immediate pres-
12 ervation of the public peace, health and safety, an emergency is de-
13 clared to exist, and this 2021 Act takes effect on its passage.