

June 12, 2021

Dear Chair Warner, Vice-chair Drazan, Vice-chair Holvey and House Rules Committee members,

My name is Jennifer Flanagan and my husband, Allen, and I have lived in rural Washington County for 17+ years. We raise goats and horses and farm oats and wheat.

While we're hopeful that the -5 Amendment will be accepted for HB 3318, we feel we should provide a response to the current form of HB 3318, Section 1 in case it comes up for discussion.

We would like to provide you with some context for HB 3318 (previously HB 2645):

1. **Section 2** of HB 3318/ 2645 is also HB 2312 and has been signed by the House Speaker and Senate President
2. **HB 2645 initially failed the House** and then very narrowly passed on a vote the next day. It then died in the Senate Committee On Natural Resources and Wildfire Recovery.
3. **There are several dog attacks on livestock each year in Oregon.** Farms in rural areas are normally protected from non-farming activities by the Farm Impact Test, ORS 215.296. The Oregon Supreme Court recently validated and set the bar for this test in the 'Stop the Dump' 2019 ruling, in the Analysis section, starting page 10 here: <https://cases.justia.com/oregon/supreme-court/2019-s064894.pdf?ts=1551370523> However, rural dog training is currently exempt from the Farm Impact Test for up to 60 dogs per day – this exemption would apply to the mitigation of dog barking, containment against dog chasing harassment and attacks, and crop damage from rural road dust caused by 120 car trips per day.
4. **We have first-hand experience of the impacts of rural dog training.** The facility near us operated for over a year under a falsified permit. Because rural dog training is currently exempt from the Farm Impact Test, the only lever Washington County had to manage the situation was using the Ag building statute which says that the public is not allowed in Ag buildings.
Additionally, this same property recently started farming livestock and several of the owner's personal agility dogs have gone through their pasture gate, barking at and chasing their livestock. It's quite likely that this will happen to nearby livestock without the ability to apply the Farm Impact Test to rural dog training.

Both the Oregon Farm Bureau and 1000 Friends of Oregon testified in SB 559 that “a non-farm use in the farm zone with no compelling ties to productive agriculture (...) has the potential for conflicts with existing farm uses.”

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/PublicTestimonyDocument/5025>

Representative McLain mentioned in the House Agriculture and Natural Resources committee work session on HB 2645 (now HB 3318) that the State Building Code folks have serious concerns about expanding the number of people allowed in Ag buildings for non-Ag purposes. Farm buildings are not subject to the state structural building code for fire and safety requirements.

I’ve also submitted the Amendment under testimony that legislative counsel drafted, sponsored by my Senator, Senator Boquist, providing the Farm Impact Test as protection for farms if they are subject to nearby dog training facilities. Representative Anna Williams has supported this amendment as protection for her constituents.

Thank you for your hard work this session and your consideration of this testimony. I’m happy to answer any questions.

Sincerely,

Jennifer Flanagan

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