

February 8<sup>th</sup>, 2021

Dear Chairman Witt and Agriculture Committee members,

Thank you very much for taking the time to read our concerns and requests for HB 2645. Here are our requests:

1. To ensure that farm buildings are used primarily for farming and secondarily for non-Ag uses such as commercial dog training. Dogs are not livestock under Oregon law.
2. All non-Ag activities in farm buildings should be subject to the Farm Impact test, ORS 215.296

In early 2020 on HB4014 testimony, Mr. Dave Hunnicutt, the lobbyist pushing HB2645, testified that dog training should be allowed in Ag buildings because one of his clients in Clackamas County wanted to use their equine facility for dog training and a neighbor complained. Our position is that farm buildings can be used for dog training BUT should be used primarily for farming. This should solve Mr. Hunnicutt's clients' issue.

I submitted changes to HB4014 to support that position, so can easily copy those changes into HB2645.

Our concern is with the impact of the type 'Ag building' built in our neighborhood in Laurel, Washington County, which has never even been intended to be used for farming and is currently advertised as a purpose-built astro-turf dog training facility, just waiting for the law to change in their favor. We argue that this building should not be allowed as a farm building – which gives it reduced property taxes and eliminates any state structural code requirements – and would reward those who are taking advantage of Oregon's farming land use laws for non-farming purposes.

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Our second point is that non-farming activities should be subject to the farm impact test. The farm impact test was clarified by the Oregon Supreme Court in 2019 in 'Stop the Dump Coalition v. Yamhill County.' Summarizing, the Court ruled that individual farm impacts must be considered when non-Ag activities occur in rural areas. We request that "Any non-Ag activity conducted in a farm building be subject to the farm impact test" be added to ORS 455.315.

We ask this because Washington County has chosen to eliminate the farm impact test for several activities, including dog training. Given the 2019 Oregon Supreme Court ruling, it only makes sense to add this protection for neighboring farms.

Dog barking is a known livestock stressor and the dogs from the Laurel facility have been found loose on other farms numerous times. Oregon's Goal 3 and ORS 215.296 (the farm impact test), which the Supreme Court relied on in its' 2019 ruling, should protect local farms from non-farm activities that have significant impact.

Please consider our perspective and thank you again for your time.

Sincerely,

Jennifer and Allen Flanagan

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Who we are: Allen Flanagan is a graduate of the United States Naval Academy and a veteran of the first gulf war. Jennifer Flanagan grew up spending summers working on horse farms in the US and Europe and also worked full-time with abused and homeless youth in St. Louis and Chicago after college. We moved to Oregon in 1995 and onto our farm 17 years ago. We raise goats and horses and grow oats and wheat.