

Rob & Sherry Harden
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February 28, 2021

Dear Chairman, Vice-Chair, Committee members and staff,

We appreciate the opportunity to participate in your review of **HB 2645, specifically Section 1**. We respectfully ask that HB 2645 be amended and **Section 1 only be set aside** until further data can be reviewed by interested agencies with respect to the impact of 10 people at a time in an Ag building for dog training exemption to the State Structural Specialty code in rural agriculture buildings.

We have lived in unincorporated Washington County for over 35 years. As a horse owner, please stop making unnecessary special interest changes to Oregon's land use laws that put horses and livestock in danger.

We see two important areas to consider prior to making changes to the Ag Building Code:

1. **Exemption from the Farm Impact test:** First, the legislature exempted dog training in rural areas for up to 60 dogs per day from the Farm Impact Test. That means the crops, orchards, livestock and several elderly residents with houses very close on our single lane gravel road would be subjected to significant road dust. Farmers would be forced to subsidize a non-Ag business by paying for road oiling and increasing the security protections for their crops and livestock.

Further, agility dog training is conducted off leash with continuous barking. Without the farm impact test, nearby livestock and wildlife are put at risk. For example, in a facility with only 3-4' walls and no perimeter containment or noise mitigation, agility dogs (typically athletic border collies and Australian shepherds) are easily able to clear a wall of that height. There are several dog attacks on livestock each year across Oregon.

We believe, given the Oregon Supreme Court's affirmation of Goal 3 and other farm protection land use laws in the 2019 ruling of Stop the Dump v Yamhill county, that this farm impact test exemption for dog training stands a good chance to be overturned in court. If HB 2645 passes without the application of the Farm Impact Test, a legal remedy will likely be pursued.

2. **Perhaps it's time for the legislature to 'PAUSE' additional farm exemptions:** The legislature has made a substantial number of cuts to farm exemptions, continuing to back farmers into corners where pursuing costly policy through judicial means is becoming more frequent. Perhaps it's time for the legislature to set aside rural exemptions for this legislative year and kick off a multi-party task force to suggest updates to farming land use laws. Maybe we need some sort of rural commercial zone along a paved, well-maintained road that can minimize farming impacts while allowing things like non-Ag related dog training and goat yoga businesses.

Additionally, not all Ag buildings are created equal. Perhaps there is a safer rural building code that could be developed for a limited number of people at time, with appropriate emergency service access, for use in a rural commercial zone. Speaking with Richard Rogers from the policy

group at the Oregon Building Codes Division, Eric McMullen at the Oregon Office of the State Fire Marshal, and Jim Johnson at the Oregon Department of Agriculture would be a great start. They can provide input to Oregon State Representatives on HB 2645.

This is an opportunity for the legislature to show leadership for Oregon's rural land use. Continuing to protect farms under Goal 3 while carving out some sort of rural commercial zone in sensible areas would help mature Oregon's land use laws significantly.

Given the current risks to our farm and rural community involved in HB 2645, allowing 10 people into an Ag building for dog training in rural areas, as well as the need for the legislature to create updated, sensible rural land use policy, **we respectfully ask that the Committee set aside Section 1 of HB 2645.**

Sincerely,
Rob & Sherry Harden