

# House Bill 3318

Sponsored by Representative CLEM

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1  
2 Relating to use of land; creating new provisions; amending ORS 92.017 and 455.315; and declaring  
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 455.315 is amended to read:

6 455.315. (1) The provisions of this chapter do not authorize the application of a state structural  
7 specialty code to any agricultural building, agricultural grading [*or*], equine facility **or dog training**  
8 **facility**.

9 (2) As used in this section:

10 (a)(A) "Agricultural building" means a structure located on a farm or forest operation and used  
11 for:

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

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

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

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

17 [(E)] (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any com-  
18 bination thereof, including the preparation and storage of the produce raised on the farm for human  
19 use and animal use, the preparation and storage of forest products and the disposal, by marketing  
20 or otherwise, of farm produce or forest products.

21 [(b)] (B) "Agricultural building" does not mean:

22 [(A)] (i) A dwelling;

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

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

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

27 [(E)] (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National  
28 Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

29 [(c)] (b) "Agricultural grading" means grading related to a farming practice as defined in ORS  
30 30.930.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

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

4 (d)(A) “Equine facility” means a building located on a farm and used by the farm owner or the  
 5 public for:

6 [(A)] (i) Stabling or training equines; or

7 [(B)] (ii) Riding lessons and training clinics.

8 [(e)] (B) “Equine facility” does not mean:

9 [(A)] (i) A dwelling;

10 [(B)] (ii) A structure in which more than 10 persons are present at any one time;

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

12 [(D)] (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National  
 13 Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

14 (3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may  
 15 regulate agricultural buildings, [and] equine facilities **and dog training facilities** within their  
 16 boundaries pursuant to this chapter.

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

18 92.017. (1) A **lawfully created** lot or parcel [*lawfully created shall remain*] **remains** a discrete  
 19 lot or parcel[,], unless the lot or parcel lines are vacated or the lot or parcel is further divided[,], as  
 20 provided by law.

21 (2) **A lawfully created unit of land remains a lawfully established unit of land following**  
 22 **a judgment of a circuit court that relocates a property line of the unit of land if the judg-**  
 23 **ment:**

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

26 (b) **Adjudicates the parties’ respective rights to title and possession of the property to**  
 27 **the relocated property line;**

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

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

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

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

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

34 (a) **The relocated property line could have been lawfully established without the existence**  
 35 **of the judgment through a property line adjustment, the subdividing or partitioning of prop-**  
 36 **erty or under other procedures authorized by a city or county.**

37 (b) **Either party to the judgment subsequently has the property line relocation validated**  
 38 **by a process under ORS 92.010 to 92.192 that would cause a property line adjustment or an**  
 39 **adjustment to a plat of a subdivision or partition.**

40 (c) **Any unit of land would comply with minimum lot or parcel sizes, including under ORS**  
 41 **92.192.**

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

45 **SECTION 3.** The amendments to ORS 92.017 by section 2 of this 2021 Act apply to relo-

1 cations of property lines by judgments of a circuit court that were entered before, on or after  
2 the effective date of this 2021 Act.

3 SECTION 4. This 2021 Act being necessary for the immediate preservation of the public  
4 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
5 on its passage.  
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