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

We appreciate the opportunity to participate in your review of **HB 2645, specifically Section 1**. This poorly targeted bill would apply structural codes meant for livestock to commercial and public athletic buildings involving as many as 10 people at a time, 60 dogs per day, 7 days a week, 365 days per year. This type of use is not related to farming and does not warrant waiving necessary codes that protect occupants, neighbors, and surrounding communities. We respectfully **ask that the Committee set aside HB 2645** on this bill and do not pass it out of committee.

My wife and I have lived in rural Washington County for 17 years on a small farm that we have continuously farmed since 2004. We raise horses and goats, and grow wheat and oats. We have first hand experience on the impact that unregulated, unpermitted, dog training facilities have when they don't follow state building codes. We have had loose agility dogs on our property. We have had 'trained' dogs bark and chase our livestock. We have had to listen to continuously barking of 'competition' dogs in open so called farm buildings at all hours of the day – as early as 8am and as late as 10pm. These are the kind of impacts that local communities can use state building codes to mitigate.

You may have been told that this is not a land use bill and the it only involves minor updates to state structural code but if you consider the issues here you will see that building code is very relevant to Oregon land use and preserving the integrity of Oregon's farming heritage, communities, and farm land. This bill will also contribute to farms being converted to non-farm uses by applying more relaxed agricultural building codes to commercial non-farm uses.

Important Points about indoor dog training in buildings:

- Oregon land use law recognizes that **dog training is a high impact activity** to neighboring communities and provides special considerations. State building code is one tool to manage those impacts.
- **Structural codes apply for the health and safety of occupants and surrounding communities.** State and local building codes apply to dog kennels. They apply to arenas and stadiums that house dog shows and athletic events. They apply to buildings occupied by people for commercial or public use – even if the occupancy is only 10 people or occurs in rural areas. If a non-Ag dog operation is going operate 7 days a week all year long similar code for human occupancy should apply (and currently does).
- **The nature of Indoor Dog Training.** The main proponents of this bill are from the dog agility community. Agility dog training is conducted off leash with continuous barking and loud yelling of commands and encouragement. This is a sport that involves highly athletic dogs that have been bred and trained to scale large fences, barriers, and walls. These factors make containment and noise mitigation in buildings critical for nearby farm and livestock operations and residences.
- **Agility dog training is a Human 'Sporting' activity** where people run a timed obstacle course and yell commands at the dogs (look it up on you-tube). The ratio of human participants to dog participants is close to 1:1 and may be higher if you factor in spectators, judges, trainers.

There are several issues with this bill that you should consider:

Exemption from the Farm Impact test: This bill does not call for the application of farm impact tests when permitted operations and buildings impact neighboring farms. This makes it much harder for impacted

farms to assure that building code risks are mitigated (such as the fire, noise, structural integrity provisions of building code) when they affect a neighboring farm. To make things more difficult the bill also does not require that local jurisdictions actually verify primary farm use of the buildings.

Promotes non-farm use and development of farms contrary to Oregon's land use Goal 3. Ag building code is more lenient and lower cost than industrial or commercial building codes that would normally apply to dog training facilities, dog kennels, or sporting facilities. This is because Ag buildings are generally intended to house livestock and are not occupied by people in athletic endeavors. This bill provides an incentive for indoor agility dog operators to convert existing farms, farmland, and farm buildings because it's a cheaper and faster path that bypasses neighborhood, community, and occupancy protection in the building code.

Noise: Agility dog training is conducted off leash often with continuous barking. Without protection of building code, nearby livestock and wildlife are put at risk if nearby facilities without sound proofing stress livestock, farm residents, and farm workers. In the case of our neighbor's Dog training operation, we can clearly hear the continuous dog barking during training sessions in our living spaces, barns, and pastures. This is because the 'building' in question was not built to the appropriate building code such as would be applied to a Dog kennel or loud sporting facility adjacent to occupied areas.

Containment. Agility dogs are often athletic border collies and Australian shepherds easily able to clear tall farm fences and barn type barriers. Not all dogs at a training facility will be well trained. Participants may have young, untrained, or unsocialized dogs that may not be safe around livestock. In our experience it is usually the young untrained dogs that escape and pose the most risk. The herding breeds popular in agility also have the instinct to approach and chase livestock. It should be noted that loose dogs are a known threat to farms as there are several dog attacks on livestock each year across Oregon.

Fire and Safety: Under HB 2645 A dog training facility would NOT have to comply with fire and safety building code even while operating commercially 7 days a week with 60 paying customers a day. HB 2645 would make it cheaper to run an agility dog training facility but it would not ensure that it is safe.

One of our neighbors, a proponent of this bill, built a dedicated dog training facility under the guise of a 'farm building' and will no doubt use the law from this bill to enable its full time commercial use. Without the protection of Oregon Building Structural code – there will be one less way for us to ask for mitigation of the noise, safety, and building integrity issues involved.

We have nothing against dogs or the dog training community. We have owned and trained our own dogs for over 30 years. We are just asking that Oregon leave the current building code protections in place that protect farm communities, neighboring farms, and public occupants.

We have no objection to Section 2 of this Bill that applies to property line adjustment. That section is already introduced as HB2312 and is a better bill for that issue.

Sincerely,

Allen and Jennifer Flanagan