

I'm writing in to support the passing of house bill 3318.

I'm a rural property owner and own 4 dogs. We also have cattle on our land, which lives harmoniously with our sport dogs and my involvement in training them. I participate in the sport of dog agility and have done so for the last 12 years. The participants in this sport travel to a wide range of locations, and often have to travel out of state to attend training because the options in Oregon are severely limited by our land use laws. We bring a significant amount of revenue to Washington State instead of spending it in our own backyards because of the restrictions present.

While it's true that the bill passed in 2013 allows dog training to take place in existing agricultural buildings within the state of Oregon with certain limits (10 dogs per class, no more than 6 dogs each and 4 testing trials per year), this bill does not exempt an owner from individual county restrictions, nor does it currently make them exempt from commercial building code.

The law currently being run through the legislature would make the SAME exemption that horse arenas have in ag buildings apply to dog training, too.

This current statutes contain an exemption from the state commercial building code for buildings used as "equine training facilities." The exemption only applies if the farm building is:

- A. Located on a farm;
- B. Occupied by 10 or fewer people at all times;
- C. Not a building regulated by the State Fire Marshal; and
- D. Not within a floodplain.

If all of these criteria are met, then a farm building used to train horses is not subject to the commercial building code. If the farm is within an incorporated city, which is unlikely, the city can disregard the statute and apply building code regulations.

Unfortunately, the statutory exemption applies specifically to "equines", not dogs. Consequently, a farm building used by a farmer to train horses is exempt, but the same building used in the exact same manner by the exact same people at the exact same time to train dogs is not exempt.

As long as all of the other sideboards remain the same for horses and dogs, so that one type of training is not favored over the other, *there is no reason to hold dog trainers to a different standard than horse trainers for purposes of the commercial building code*. This bill fixes that, so that dog training facilities are treated the same as horse training facilities for building code purposes. It does nothing more.

In addition to this main argument and reasoning for passing this bill, here are some other things to consider:

HOW THE BUILDINGS ARE USED:

- 1) The use of these agricultural buildings for training is not the same as a dog boarding kennel. The dogs that visit these properties are often onsite for only 1 – 2 hours at a time and are leashed while onsite unless actively training in a controlled space. No dogs stay overnight.
- 2) Dog training takes place during normal daytime hours. There are no overnight training classes and most trainers operate between 9am and 8pm.

- 3) While 'up to 10 dogs' is allowed by law, training classes never include that many dogs at one time. Most often there are 3 – 5 dogs in any single class, and sometimes one individual may be training more than 1 dog.
- 4) While up to 6 classes per day is allowed by law, most trainers do not teach 6 full classes in one day, and they do not train 7 days per week.
- 5) Most training classes are only 1 hour long. If a facility were to hold the maximum of 6 classes per day, this means the facility is only occupied for 6 - 8 hours out of the day.
- 6) Dog training facilities all have a set of relatively standard rules, including:
 - a. Dogs must be leashed at all times when not running a course.
 - b. Dog waste must be picked up and deposited into a waste bin or taken with you for disposal offsite.
 - c. Dog aggression is not tolerated.
 - d. Dogs must be up to date on all vaccinations, with proof from a licensed veterinarian provided.
 - e. In consideration of the neighbors, dog barking must be kept to a minimum.
- 7) In the 12 years I have been involved in sport dog training, I have seen zero incidents of dogs being aggressive towards neighboring farm animals that are either on property or neighboring properties.
- 8) The dogs that attend training classes are under the control of their owners at all times.
- 9) As compared to horse sports, which is not regulated in terms of horses per class or classes per day, dog training classes are severely limited. Additionally, there are no heavy trailers and trucks being driven to dog training classes like horse properties have. The impact on rural roads is far less than a full-scale horse boarding facility.
- 10) Most county regulations consider barking to be 'nuisance' barking if it's more than 5 minutes of barking in a 15 minute period. Dogs that are training are not continuously barking for any length of time. So while there may be some barking, it does not fall into the 'nuisance barking' category.
- 11) Counties still have the ability to include individual regulations above what the state requires. Washington County, for instance, requires a Type 3 land use review to approve dog training in agricultural buildings, which allows public comment in addition to requiring noise studies and a variety of other factors. These measures protect the interests of neighboring properties and are sufficiently rigorous. The state should not also have increased regulation on dog training facilities in agricultural buildings.
- 12) There's a wealth of research that proves that most pet dogs do not receive adequate mental enrichment or exercise. Cities and parks largely require leashes and dog parks are not generally great places for dogs to achieve exercise that provides them stress relief. The only locations to get added enrichment and exercise is in a large area. This cannot be achieved in an urban environment. Dogs that are actively being trained by their handlers are better behaved and enriched than non-active pet dogs, and therefore are better canine citizens.
- 13) Many of the dogs that are involved in canine sports are utilized for herding livestock or as therapy animals. Some of them even star in commercials, which requires an extreme amount of training and comfort level with strangers and chaotic environments. Highly trained dogs are not at risk of harming farm animals that may be in the vicinity of a training facility.
- 14) The dog training that takes place in rural settings is not the training geared towards aggression or behavior modifications. The dogs that participate in sports must be capable of returning to

their handlers and listening to directions. As such, they pose little danger to surrounding properties.

- 15) Counties are not being inundated with complaints about sport dog training that is happening in rural areas. Within the last ten years and across Clackamas, Washington and Deschutes counties (at minimum), there have been 1 -2 complaints in total. This is not PER YEAR. That is in the last TEN years. The issue of dog training facilities causing problems for neighbors simply IS NOT an issue.

WHAT THE BUILDING CODE WOULD DO IF NOT EXEMPTED:

The building code is designed to help structures preserve life, but this code is not required for agriculturally exempt buildings used for livestock, equine sports or farm equipment storage. The limit of 10 people in an agricultural building is not lifted if the building is used for dog training, so upgrading the building to meet structural building code when this is not required of other uses is illogical and discriminatory.

If these agricultural buildings were required to upgrade to commercial building code in order to be used for dog training, some of the requirements for upgrades would include:

- 1) Engineering studies to determine the extent of the upgrades. Many agricultural buildings are not designed by an engineer before installation.
- 2) Continuous footings underneath the entire perimeter of the building. These would be concrete and extremely expensive, especially to install in an existing structure.
- 3) Additional bracing on the perimeter walls of the structure.
- 4) Additional structural upgrades to the roof for snow and wind loads.
- 5) A fire lane around the entire perimeter of the building.

These requirements would no longer be required if the building was returned to an agricultural use and these upgrades would therefore be wasted.

The use of these buildings for dog training vs. sport horse training are the same. The 10-person limit applies to both uses. The only real difference is that equestrian sports can utilize the buildings for as many classes and animals as they would like, without the same restrictions as dog trainers must follow.

Thank you for your consideration and passing of this bill. It's a minor change that makes a huge impact to the dog training community, and there is no reason to provide additional building code restrictions on an ag building that is being utilized in the exact same, if not more limited, way.

Sincerely,

Elissa Looney & Brody Ferguson

Washington County Residents