

VIA EMAIL ONLY

July 21, 2026

Marion County Board of Commissioners
c/o Austin Barnes
Marion County Planning
PO Box 14500
Salem, OR 97309
ABarnes@co.marion.or.us

Re: Board of Commissioners Hearing on Administrative Review 25-026

Dear Commissioners:

Austin Barnes directed us to the most recent comments submitted for this application. Again, we represent Scott and Judy Chambers and submit this letter for the record in order to respond to comments which challenge the Hearings Officer decision. Those comments fail to show the decision is incorrect, because they do not challenge the essential facts which support the decision.

Argument is Not Evidence

The applicant's letter of July 17, 2026 is a good example of this problem. The aerial photo exhibit on page 2 clearly illustrates that the "Upland Fill Area" is significantly smaller than the dewatering pond and the truck parking and circulation areas. In other words, the vector truck dump facility displaces a larger area of previously planted filbert trees than will be available after the purported fill. This demonstrates the project is a net loss of arable orchard area. There is no evidence the Upland Fill Area was unsuitable for filberts, only the applicant's argument.

Second, the July 17, 2026 letter again repeats the contention that the pond "was carefully prepared *** to prevent runoff from entering or leaving the property." But the letter fails to address the photos and video of untreated water leaving the pond and despoiling the headwaters of Ryan Creek. Third, the letter cites the Marion County Farm Bureau for the proposition that "in all cases, the fill is used for farming". This factual record shows this project displaced planted filbert trees and the fill is used to collect tipping or dumping fees. The testimony of the Hazelnut Growers contends that similar infrastructure is common, yet it fails to identify a single farm with six bays for vector truck dumping. In other words, the testimony is only argument, not evidence. The Deboodt Land and Livestock testimony emphasizes that it uses vector truck waste soils excavated from their own farm. That is precisely the Hearings Officer's point. Moving native soil around a farm is a farm use, but importing vector truck waste for a handsome fee without regard to the quality of the so-called soil being dumped on high-value Willamette Valley topsoil is not.

The same is true for cited the OPOA letter: it argues that farms receive "inputs from off-site sources" but fails to identify a single farm with six bays for vector truck dumping and a dewatering pond similar to the Burnham property. OPOA also argues the primary purpose of the farm is to profit from filberts,

Austin Barnes
July 21, 2026
Page 2

but it fails to address the actual evidence of income from the vector truck dumping fees in comparison to income from filberts. The documented dump fees exceed potential increased filbert income which proves the primary commercial purpose of this facility is to earn a profit from dump fees.

These factual omissions show that the facility is not “a mode of operation that is common to farms of a similar nature” and therefore is not an accepted farm practice as defined in ORS 215.203(2)(c). The July 17, 2026 letter insists that this statutory definition does not apply, but it clearly does.

LUBA Cases Cited by Applicant are Irrelevant

The applicant’s letter cites LUBA cases which regard different facts. *Swenson v. Oregon DEQ* regards wastewater that was recycled for irrigation use. Here, the wastewater is not used for irrigation or any other farm use, so *Swenson* is irrelevant. *Friends of the Creek v. Jackson County* involves the application of wastewater effluent and dried biosolids, which is expressly allowed by statutes. ORS 215.246-249; ORS 215.283(1)(v). Here, there is no statute which authorizes a vector truck waste dump, so *Friends of the Creek* is irrelevant. There are no LUBA cases holding that dumping vector truck waste is a farm use.

And the July 17, 2026 letter argues the vector truck waste is not solid waste. But the definition of solid waste includes “demolition and construction wastes” and the record shows that marble and granite countertop waste has been dumped already. Obviously most vector truck waste is created by construction projects. The letter maintains the waste is unwanted or discarded. If not, then why do companies pay to dump it?

Conclusion

Marion County should not repeat the egregious mistake made in Brooks. This vector truck waste dump spills untested and untreated wastewater into the headwaters of Ryan Creek. The dump operator is well known to the county as a repeat violator for similar unlawful actions on other properties. The applicant asks you to be kind to farmers. The Chambers family asks you to uphold the law and not convert the best farmland in the state to a convenient dumping ground for Portland.

Thank you for your consideration of our comments.

Sincerely,

JORDAN RAMIS PC



Jamie D. Howsley
Admitted in Oregon and Washington

cc: Scott and Judy Chambers