



July 16, 2026

Marion County Board of Commissioners
555 Court St NE
Salem, OR 97301

RE: Appeal of Land Use Case No. 25-026

Dear Members of the Commission,

I am writing to express my strong support for Denise Burnham and to convey my deep concerns regarding the dangerous precedent Land Use Case No. 25-026 threatens to set for the entire state. As a state legislator and a member of a long-standing, well-known Oregon ranching family, I know firsthand what it takes to manage working lands. My family has been steward to this land for generations, and I understand the practical, everyday realities of running an agricultural small business. I hear constantly from producers in my district and across the state about the ever-increasing regulatory burdens threatening their survival.

Since the news of the case broke, I have heard from numerous farmers and irrigation districts in my own district who utilize vac-trucks and hydro-excavation. It is a common, modern practice. The suggestion accepting and using vac-truck material for fill turns a working farm into a commercial “dump site” is not only a gross mischaracterization, but it also threatens a core tenet of our land-use system: that maintaining and improving farm facilities is a protected farm use, allowed outright.

Filling is a vital agricultural tool. The maintenance of farm facilities – whether leveling orchard floors, repairing erosion, or building up pastures and farm roads – requires fill. Farmers use all types of material for these purposes, from clean soil and gravel to woodchips and biochar. How a farmer acquires this fill, whether they purchase it, trade for it, or work out an arrangement to receive clean material from an off-site project, is completely immaterial. The focus of the law must remain on the use of the material, which in this case is the direct physical improvement of agricultural land.

If we allow local jurisdictions to start policing the commercial origin of clean agricultural inputs, we open a dangerous floodgate. Under that flawed logic, a farmer accepting organic waste from a food processor, woodchips from a local arbor company, or clean soil from a municipal project could suddenly be classified as running a commercial disposal site. This is exactly the kind of bureaucratic nonsense Oregon's landmark land-use laws were designed to prevent.

EFU zoning was established to shield working lands from restrictive, urban-centric regulations so farmers could make practical, cost-effective decisions. When the interpretation of the law fails to keep pace with the modern needs of working farms, it puts family operations in an impossible position.

Marion County is a leader in Oregon agriculture, and the precedent set here will have ripple effects across the state. I strongly urge the Board to overturn the Hearings Officer's decision, recognize the use of clean fill as a protected, outright farm use, and protect the freedom of Oregon's agricultural innovators to maintain their lands.

Thank you for your time, consideration and leadership,

A handwritten signature in black ink, reading "Vikki Breese Iverson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Vikki Breese-Iverson
State Representative
Oregon House District 59