

SHELLY BOSHART DAVIS
STATE REPRESENTATIVE
DISTRICT 15



HOUSE OF REPRESENTATIVES

July 10, 2026

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

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

Dear Chair and Commissioners,

I am writing today to voice my strong support for Denise Burnham and express profound concern over the dangerous precedent set by the Hearings Officer's decision.

This case involves a local farm family using clean material from hydro-excavation or vac-truck work to maintain and level a hazelnut orchard. All material stays on-site to improve the land. Yet, the County Planning Staff and Hearings Officer have labeled this a "commercial landfill" simply because they claim vac-truck material is not a "customary" farm practice.

As a state legislator and a working farmer, I see this decision as a textbook example of the red tape the Legislature intended to protect farmers from when it created our landmark planning system. Family-run farms simply cannot survive if they have to pause operations and hire lawyers every time they adopt new methods to maintain their property. For this reason, and those explained below, the Board should overturn the Hearings Officer's decision.

First, the use of vac-trucks is not uncommon on farms today. In my own experience, I know they are often used to safely expose buried irrigation lines and clear clogged culverts to prevent flooding. Farmers use the leftover material as a cost-effective source of clean fill to level ground. Treating this accepted technology as a pariah and then twisting it to declare a working farm a landfill is completely disconnected from modern agriculture.

Second, this issue goes to the heart of why Oregon's landmark land-use laws were created. The foundational purpose of Exclusive Farm Use (EFU) zoning was to carve out a protected space where farmers could operate efficiently, free from bureaucratic delays and nonsense.

When counties pick apart legitimate farm practices simply because they don't match an arbitrary opinion of what is "customary," the original intent of the law is completely subverted.

We have already seen the economic damage of this approach in the property-tax arena. When regulators' understanding of the law does not keep up with the modern needs of working farms, it puts family farms in an impossible position. Farmers should not be penalized for utilizing modern machinery or innovative practices to keep their businesses viable.

Agriculture is not a monolith. A hay operation, a hazelnut orchard, a nursery, and a cattle ranch all face different overhead, different terrain, and different operational hurdles. They must be allowed to solve those problems using the new tools available today, not the tools of fifty years ago.

Marion County should be leading the state in protecting the right to farm, not pioneering new ways to tangle family farms in red tape. If utilizing modern technology can be twisted into a land-use violation, then the regulatory certainty promised by EFU zoning is long gone.

The farming community across Oregon is watching this case closely. I strongly urge the Board to stand up for the practical realities of working agriculture, honor the true intent of our land use laws, and reject a precedent that invites unnecessary, costly bureaucracy onto our family farms.

Thank you for your time, consideration, and leadership.

Sincerely,

A handwritten signature in blue ink that reads "Shelly Boshart Davis". The signature is written in a cursive, flowing style.

Shelly Boshart Davis