



**UNION COUNTY  
Planning Department**

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Planning Director

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FILE No. 2026-0002

**STAFF REPORT  
CONDITIONAL USE APPLICATION  
AGGREGATE MINING, STOCKPILING, CRUSHING & PROCESSING**

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| <b>Purpose of the Application</b>       | Conditional Use Permit to continue stockpiling, to allow rock crushing, to allow processing into asphalt, and to allow mining of aggregate materials for ODOT highway maintenance and construction.   |
| <b>Relevant Ordinance Criteria</b>      | Oregon Statute (ORS) 215.298 Mining in EFU Zones; Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) Article 5.00 A-4 Timber-Grazing Zone; Article 2.00 Exclusive Farm Use Zone (A-1); Section 2.04 Item 32 and 33; Section 2.05 Item 11(B); Article 21.00 Conditional Uses; OAR 660-033-0130 (5) |
| <b>Property Owners &amp; Applicants</b> | Oregon Department of Transportation (ODOT) – Represented by Scott Billings, Sr. Engineering Geologist   |
| <b>Property Location</b>                | Township 01N, Range 39E, Section 34, Tax Lot 700. The property is adjacent to OR-82 at mile point 16.82. There is no assigned street address.   |
| <b>Zone Designation</b>                 | UC-A4 (Timber-Grazing Zone);<br>Soils comply with UC-A1 (Exclusive Farm Use)  |
| <b>Comprehensive Plan Designation</b>   | Timber-Grazing  |
| <b>Parcel Size</b>                      | 10.36 acres   |

**I. QUASI-JUDICIAL LAND USE DECISION**

A motion to approve or deny includes findings that justify the approval or denial of the application as presented during the public hearing, which may include the application, exhibits, staff report, and testimony. Only findings which support the Planning Commission's motion should be read into the record.

**Motion to Approve**

"I move that the Planning Commission approve this Conditional Use application. The approval will allow mining, stockpiling, and processing of aggregate, including batching asphalt, for a period of at least 25 years on the subject property. This motion is based on the analysis and findings in the staff report, information provided in the application, and verbal testimony at the public hearing. This motion includes the requirement for the applicant to comply with all conditions of approval, as listed in Section II of the staff report."

## Motion to Deny

"I move that the Planning Commission deny this Conditional Use application to allow mining, stockpiling, and processing of aggregate on the subject property based on the following reasons..."

## **II. CONDITIONS OF APPROVAL**

### **Preliminary Conditions of Approval**

1. Mining shall not commence on the subject property until the applicant has received final approval of an application to place the subject property on the Basalt Aggregate Inventory list of the Union County Comprehensive Plan.

### **Operating Conditions of Approval**

1. Processing of material, which includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt may commence upon final approval of this application, and may continue for 25 years. This is contingent on the property continuing to be owned by the Oregon Department of Transportation.
2. The mining use, should it be validated by the subject property being placed on the Basalt Aggregate Inventory list, has no expiration date. This is contingent on the property continuing to be owned by the Oregon Department of Transportation.
3. The stockpiling use has no expiration date. This is contingent on the property continuing to be owned by the Oregon Department of Transportation.
4. Operations throughout the year on the subject property may be conducted as needed for ODOT highway maintenance and construction so long as the conditional use permit remains valid, with the following limitations.
  - (a) Due to the proximity of the dwelling on the adjacent parcel, mining and processing shall not occur between the hours of 9 PM and 7 AM. Emergency operations necessary for public safety may proceed without regard to this limitation.
  - (b) Due to the site being located within big game winter range and near critical winter habitat, processing operations shall not occur between December 1 and March 31 without prior consultation with the Oregon Department of Fish and Wildlife (ODFW). Emergency operations necessary for public safety may proceed without consulting ODFW. ODOT will document each consultation or need for emergency operations. A copy of these documents shall be provided to the Planning Department upon request.
5. ODOT shall maintain an active DOGAMI operating permit (#31-0032 or successor permit) for all mining and processing activities at this site.
6. All lights shall be shielded and directed downward so that the light does not extend beyond the boundary of the subject property.

## **III. BACKGROUND AND PROPERTY INFORMATION**

The subject property is a 10.36-acre parcel owned by ODOT. ODOT acquired the property in 1957 as described in deed book 139 page 163 and 164. The site is located adjacent to Oregon Highway 82 (Wallowa Lake Highway) at milepoint 16.82 between Imbler and Elgin. The property is zoned

UC-A4 (Timber-Grazing) but it has agricultural soils and therefore the allowed uses are those in the UC-A1 (Exclusive Farm Use) zone. The Comprehensive Plan designation is Timber/Grazing.

The site currently contains an estimated 330,000 cubic yards of in-place asphalt concrete (AC) quality rock. The Aggregate Site is listed in the ODOT TransGIS database as "Hamburger Hill" and has a source number of OR-31-006-5. ODOT holds an active DOGAMI Operating Permit (#31-0032) for the site. Access is via a locked gated entrance from a highway pullout on OR-82. Mining has not yet occurred on the subject property.

In 2010, the county granted ODOT a Conditional Use permit. The approval was limited to two years and allowed ODOT to use the site for mining, stockpiling, crushing, and processing material into asphalt. ODOT has continued to use the site to stockpile aggregate. The 2010 staff report stated that the site was listed on the county's Basalt Aggregate inventory, adopted as part of the comprehensive plan. However, this statement was inaccurate as there is no evidence that this site, Tax Lot 700, was the subject of a comprehensive plan application to include it on the Basalt Aggregate inventory. The adjacent property, formerly known as Tax Lot 500 and now identified as Tax Lot 6406, had undergone an amendment to be placed on the Basalt Aggregate inventory. That mine no longer exists and a single-family residence<sup>1</sup> was built on that parcel in 2018, approximately 550 feet east of the subject property.

### **Proposed Operations**

The applicant proposes to continue to stockpile material onsite. Mining has not taken place yet but the applicant states they still plan to mine the site. The applicant would also like to be able to process materials, which includes crushing, sorting, and batching material into asphalt. All of these operations would be for ODOT highway maintenance and construction projects.

Operations are intermittent, typically lasting 1-2 months per project. The site serves as a strategic stockpile location available for scheduled and emergency highway needs. Portable processing equipment will be brought to the site as needed.

### **IV. WRITTEN TESTIMONY**

As of February 11, 2026, no written comments have been received from the public or reviewing agencies.

### **V. FINDINGS APPLYING CODE CRITERIA**

All applications are subject to the requirements of the Union County Zoning, Partition and Subdivision Ordinance (UCZPSO). Sections in boldface type below denote relevant Ordinance sections. Sections in regular type denote staff analysis of the application.

#### **ORS 215.298 MINING IN EFU ZONES**

**ORS 215.298 governs permits for mining aggregate and other minerals in exclusive farm use zones. The statute requires that a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The land use permit for mining aggregate can only be issued only for a site included on an inventory of significant mineral and aggregate sites in an acknowledged comprehensive plan.**

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<sup>1</sup> A Farm/Forest Covenant, Conditions & Restrictions was recorded as document 20181342.

*Findings:* This subject property is not included on the County's Basalt Aggregate Inventory list even though it was approved in 2010 for a conditional use permit to allow mining. A condition of approval of this conditional use application requires the applicant to finalize an application placing the subject property on the inventory list prior to commencing mining operations. The other uses requested, stockpiling and processing do not require the subject property to be placed on the inventory list prior to operating.

All other requirements of ORS 215.298 regarding the conduct of mining operations in EFU zones are addressed through the DOGAMI permitting process.

#### **UCZPSO Article 5.00 A-4 Timber-Grazing Zone**

##### **Section 5.04 Conditional Uses with General Review Criteria**

**In the A-4 Zone predominantly farmland lots and parcels shall comply with Section [2.04 Conditional Uses] and predominantly forest land parcels may authorize the following uses and activities and their accessory buildings and uses subject to county review and the specific standards set forth in Article 21.00, as well as the general provision set forth by this ordinance.**

*Findings:* The subject property is zoned A-4 (Timber-Grazing Zone) but the soils on the property according to the NRCS soil survey are crop and range soils. The regulations for this property then default to Article 2, UC-A1, Exclusive Farm Use.

#### **UCZPSO Article 2.00 A-1 Exclusive Farm Use Zone**

##### **Section 2.04 Conditional Uses with General Review Criteria**

**In the A-1 Zone, the following uses and their accessory buildings and uses are permitted subject to county review under Article 24.03 Quasi-Judicial land use decision and the specific standards for the use set forth in Section 2.05, as well as the general standards for the zone and the applicable standards in Article 21.00 (Conditional Uses).**

- 32. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.**
- 33. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement subject to 2.05.10.**

*Findings:* The applicant requests authorization for mining, stockpiling and processing aggregate into asphalt. Per UCZPSO Section 2.04, Item 32 and 33, these uses are permitted as conditional uses; mining is also subject to ORS 215.298.

##### **Section 2.05 Use Standards**

- 10. Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.**

*Findings:* The subject property is not within 2 miles of a planted vineyard.

##### **11. Mining, Crushing or Stockpiling Standards**

- A. A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre.**

*Findings:* The applicant proposes to mine in excess of 1,000 cubic yards on the subject property and is requesting approval for this use through this conditional use application.

**B. A land use permit for mining of aggregate shall be issued only for a site included on a mineral or aggregate inventory in the land use plan.**

*Findings:* The site is listed as an existing ODOT material source that may have been mined prior to the adoption of county land use regulations. ODOT received approval to mine through the 2010 conditional use application but did not commence operations. Research conducted for this application shows that there was no application approved to place the property on the county's aggregate inventory and so the mining approval granted by the 2010 conditional use application is not legal. A condition of approval for this application requires the property to be placed on the aggregate inventory list prior to ODOT utilizing the site for mining.

**Section 2.06 Conditional Use Review Criteria**

- 1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03.**

*Findings:* Article 21 outlines the Conditional Use processes, procedures, and standards, which are being followed by this review. Section 24.03 establishes the quasi-judicial application review procedures, which are also being followed. Compliance with Article 21.00 and Section 24.03 is demonstrated in this staff report.

- 2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**
- 3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

**OAR 660-033-0130 (5), revised and effective January 1, 2025**

**(c) For purposes of subsections [2.06.]2 and [2.06.]3, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:**

- (A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;**
- (B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and**
- (C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.**
- (D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.**

**(E) For purposes of subsection 2 and 3, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsection 2 and 3.**

**(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection 2 and 3.**

*Findings:* The subject property has been used for stockpiling of aggregate materials since 2010. It may have been mined prior to land use regulations being adopted but was then abandoned. A fence surrounds the property and access to the site is directly from OR-82 via a locked gated entrance. The proposed uses of mining and processing represent an intensification of the uses allowed on the property.

Surrounding properties are zoned A-1, A-3 and A-4 and land is being used for crops, ranching, forestry, or is fallow. The land immediately adjacent to and surrounding the subject property does not appear to be actively used for cattle or crops. It contains a dwelling approved as a forest dwelling in 2018. The nearest ranching activity appears to be on property across OR-82. The nearest boundary of that property is within 1,000 feet of the subject property. That property also contains a farm dwelling that is approximately 3,000 feet from the subject property. The nearest actively worked crop fields are approximately 1,600 feet distant. The fields are east and southeast of the subject property.

Potential impacts to surrounding farm and forest uses include dust, noise, smells, water contamination, and traffic.

- Stockpiling is mainly a passive use. Noise associated with this use would be from machinery filling trucks with material and moving material around onsite, or when material is dropped by the truck on the property. Noise from these activities would most likely be of short duration and not very frequent. There may also be some dust created by this use.
- Processing operations would be intermittent in nature, typically lasting 1-2 months per project. This use could cause noise from the crushing and sorting, dust, and smells from the asphalt batching. These types of activity would not affect distantly located crop agriculture or forestry but could affect ranching.
- Mining operations would also most likely be intermittent in nature. This use could cause noise from digging and dust. This type of activity would not affect distantly located crop agriculture or forestry but could affect ranching.

ODOT is required to comply with all laws, rules, and regulations regarding noise, dust, and odors as regulated by the Department of Environmental Quality. A site-specific Erosion and Sediment Control Plan is required prior to commencing operations, which includes construction of a berm. Dust impacts from any of the uses are mitigated by: (1) DEQ-required air quality permits for all crushing equipment; (2) dust control measures including water application. All processing requires an air containment discharge permit.

Operations will not require new roads through adjacent agricultural lands. The site is self-contained with no physical encroachment onto neighboring properties. No irrigation infrastructure or water rights are affected.

No written testimony has been presented that the proposed mining or processing operations would force a significant change in accepted farm or forest practices or significantly increase costs for surrounding farm or forest operations.

#### **UCZPSO Article 21.00 Conditional Uses**

##### **Section 21.07 Specific Standards Governing Conditional Uses**

The following conditional uses shall be regulated by their individual specific requirement:

##### **3. MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXTRACTION AND/OR PROCESSING.** **Standards for extraction and processing of minerals, aggregate or geothermal resources.**

###### **A. Submitted plans and specifications shall contain sufficient information to allow the County Staff or Planning Commission to set standards pertaining to:**

- (1) Location, quality, and quantity of resource available.**
- (2) Setback from property lines.**
- (3) Location of vehicular access points.**
- (4) Protection of pedestrians and vehicles through the use of fencing.**
- (5) Prevention of the collection and stagnation of water at all stages of the operation.**
- (6) Location and type of processing facilities.**
- (7) Rehabilitation of the land upon termination of the operation.**

*Findings:* The applicant currently has a DOGAMI permit to mine the site, acquired by the applicant after the 2010 conditional use approval. This means that the use has been reviewed and approved through a much more rigorous process than can be accomplished through land use review.

###### **B. Asphalt plants, concrete products manufacture, cement plants, and similar uses often associated with extraction of earth products shall be permitted in conjunction with extraction operations on a temporary basis and subject to an annual review, except in industrial zones where they are allowed on a permanent basis.**

*Findings:* The applicant is requesting processing to create asphalt but this is being requested as a conditional use separate from the mining, crushing, or stockpiling use. Therefore, the requested processing use and creation of asphalt is not required to be in conjunction with the extraction operations, nor does it need to be limited to a temporary time frame.

###### **C. Environmental Limitations:**

- (1) Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, dust which are injurious or substantially annoying to persons living in the vicinity or to crops or livestock being in the vicinity.**
- (2) Contamination of the groundwater table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction and/or processing activity beyond that allowed by the rules and regulations administered by the Oregon Department of Environmental Quality. All operations which include some form of washing process**

must make application with the Oregon Department of Environmental Quality and comply with the applicable laws, rules and regulations.

- (3) All extraction and/or processing activities which will produce noise, air, dust, odors, and other pollutants shall acquire an air contaminant discharge permit from the Oregon Department of Environmental Quality and/or comply with the applicable laws, rules and regulations.
- (4) Potential impairment of ground water tables will require the applicant to have a professional hydrologist prepare a water balance which determines off premise ground water quality impacts.

*Findings:* The applicant currently has a DOGAMI permit to mine the site, acquired by the applicant after the 2010 conditional use approval. This means that the use has been reviewed and approved through a much more rigorous process than can be accomplished through land use review. If this were a new mining request, the applicant would need to provide evidence in support of these criteria and the use would need to be reviewed much more thoroughly.

## **VI. PLANNING COMMISSION AUTHORITY AND ACTION**

### **Section 21.01 Authorization to Grant or Deny Conditional Uses**

**Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article.**

*Findings:* Mining, stockpiling, and processing are designated as conditional uses in the A-1 zone per Section 2.04, Item 32 and 33. This application is before the Planning Commission for review in accordance with the procedures specified in Article 21.00.

### **Section 21.03 Commission Action**

**In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance.**

*Findings:* Staff has proposed conditions of approval in Section II of this report that are necessary to carry out the purposes of the Ordinance, including conditions addressing permit validity, DOGAMI permit compliance and ODFW consultation for wildlife protection.

### **Section 21.05 Time Limit on a Conditional Use**

**Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place. However, one-year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.**

*Findings:* None of these uses require a one-year authorization time. All uses except mining may commence upon final approval, which is the expiration of the appeal period. The application to place the site on the Aggregate Inventory list may occur at any time in the future.

### **Section 21.06 General Standards Governing Conditional Uses**

- 1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.**

*Findings:* The proposed crushing and processing operation complies with the applicable standards of the A-1 zone and the proposed mining complies with the specific conditional use standards in Article 21. The site is an existing ODOT material source with an active DOGAMI permit. No modifications to A-1 zone standards are requested or required.

## **VII. NOTIFICATION**

The application was submitted to the Planning Department and considered complete on December 30, 2025. The department reviews this application type using the quasi-judicial process outlined in Article 24 of the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO). In compliance with the UCZPSO, the department sent a Notice of Planning Commission Hearing to property owners within 500 feet of the property subject to this application and a legal ad was published in the East Oregonian on February 4, 2026.

Once a decision is made, the department will send a Notice of Planning Commission Decision to the same property owners. The Notice of Planning Commission Decision will inform adjacent property owners that they have 30 calendar days from the date of the decision to appeal the Planning Commission's decision to the Board of County Commissioners.



# Oregon

Tina Kotek, Governor

**Oregon Department of  
Transportation**  
Region 5 Geology  
3012 Island Avenue  
La Grande, OR 97850

December 30, 2025

To: Inga Williams  
Planning Director  
Union County, OR

From: Scott Billings  
Region 4/5 Sr. Engineering Geologist

Subject: Narrative for Crushing CUP Application  
ODOT Source #OR-31-039-5  
Tax Lot 700 in 01N39E34

ODOT is submitting this narrative, along with other required documents, in order to acquire a CUP in order to crush and process (size) earthen material. This material will be from on-site excavation or imported from other ODOT sources. This site is being environmentally surveyed and has an existing DOGAMI permit #31-0032.

For an upcoming project in 2026, ODOT would like to be able to crush and produce 15,000 cubic yards of sanding aggregate at this site. If the Contractor elects to use this prospective staging area, the site will be cleared and leveled more, allowing more room for a crusher and belts and a new stockpile to fit within existing equipment, materials, and stockpiles. ODOT would just be crushing and processing imported material this time – there will be no excavation this operation. If the Contractor elects to not use this site for crushing and processing, they will still be required to transport the sanding aggregate and stockpile it here. This upcoming project would be typical of an operation at this site: rock excavated from on-site or imported material from construction and maintenance projects (e.g., excess excavated material or rockfall debris) will be crushed and processed (as needed) and reused for future ODOT needs.

**Items to address in a narrative and additional attachments:**

- Submitted plans and specifications shall contain sufficient information to allow the County Staff or Planning Commission to set standards pertaining to:  
(1) Location, quality, and quantity of resource available. **Site is located adjacent southeast of OR82 milepoint 16.82. There is a locked gated access off the highway in a pullout. Approximately 330,000 cubic yards of in-place AC quality rock is located under the parcel; no durable earthen material is stockpiled currently.**

(2) Setback from property lines. **Setback from the property line is approximately 25 feet for excavation, and stockpiling and processing rock.**

(3) Location of vehicular access points. **One existing and approved access point is as shown on Vicinity Map.**

(4) Location and type of processing facilities. **The location of the portable crusher and associated screens and belts are shown approximately on the Vicinity Map.**

(5) Protection of pedestrians and vehicles through the use of fencing. **This site is completely fenced and access is gated.**

(6) Prevention of the collection and stagnation of water at all stages of the operation. **Water used on this site will be used to keep dust down. There is no water source at this site. Because of low quantities of water used for dry processing of aggregate materials, there is no collection or stagnation of water. Also, site is leveled and on locally-derived fill or native (non-paved) ground. Natural infiltration into the ground and evaporation will take place.**

(7) Rehabilitation of the land upon termination of the operation. **There will be no significant short-term rehabilitation at this site since it will be continuously used by ODOT to aid in all highway operations. As required in the DOGAMI permit on this source, barren soil stockpiles must be seeded in a cover crop October 1 through February 1. If/when in several decades this site is rehabilitated, it will be ripped, covered with soil, then seeded with local grass and shrub vegetation.**

- Environmental Limitations:

(1) Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, dust which are injurious or substantially annoying to persons living in the vicinity or to crops or livestock being in the vicinity. **ODOT adheres to state and local noise, vibration, and dust requirements and wants to maintain a good relationship with its neighbors. Dust is abated using a water truck for the roads and a water bar on the crusher. Excerpt from ODOT operating Specifications: "To control dust, apply water to material source access, haul road(s), and crushing and processing operations." Noise meets DEQ requirements as with all permitted crushers.**

(2) Contamination of the groundwater table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction and/or processing activity beyond that allowed by the rules and regulations administered by the Oregon Department of Environmental Quality. **All operations which include some form of washing process must make application with the Oregon Department of Environmental Quality and comply with the applicable laws, rules and regulations. ODOT is required to comply with the laws and rules set by the DEQ for water use. This site uses dry processing, using very little water, and no**

washing is required for this activity. The water is supplied with a portable water truck or tank. The crusher is not set-up for permanent use, rather it is moved to each job by a Contractor. The required DEQ permits are assigned to each piece of equipment.

Anytime a crusher (or even batching plant) is set up for a job, ODOT specifications require ALL DEQ permits must accompany the plant. Further precautions to prevent stormwater leaving the site are covered by this excerpt from ODOT operating

**Specifications:** "Develop a site-specific Erosion and Sediment Control Plan for each material source according to 00280.04 and submit it to the Engineer at or before the pre-work meeting. Construct stormwater control berm(s) as shown (and as needed) to control runoff. Do not allow any materials, including sediments, Aggregate or crushing by-products to enter into waterways or Wetlands."

(3) All extraction and/or processing activities which will produce noise, air, dust, odors, and other pollutants shall acquire an air contaminant discharge permit from the Oregon Department of Environmental Quality and/or comply with the applicable laws, rules and regulations. **ODOT is required to comply with the laws, rules, and regulations for noise, air, dust, and odors set forth by the DEQ. All processing requires an air containment discharge permit from DEQ. The air containment permit is assigned to individual crusher.**

(4) Potential impairment of ground water tables will require the applicant to have a professional hydrologist prepare a water balance which determines off premise ground water quality impacts. **Because crushing just uses the dry processing method, little water is used for processing/sizing the aggregate. There will be no accumulation of water to impact ground water quality; and no groundwater at the site will be used, only temporary water storage tanks set up on site.**

#### **Farm impacts criteria –**

##### **Section 2.06 Conditional Use Review Criteria**

1. An applicant for a use permitted in Section 2.04 must demonstrate compliance with the following criteria in addition to the applicable standards in Article 21.00 and subject to the review process identified in Section 24.03. **This site is located in UC-A1 zone, and Use #32 is compliant with Section 2.04.**
2. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; **The use of this site will be used to continue to provide road maintenance in the area, supporting the use of farm and forest. The use of the aggregate has not changed the farming or forest practices on agriculture or forest lands.** and
3. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. **The quarry is existing, and has not increased the cost of accepted farm or forest practices in the past.**

(c) For purposes of subsection 2 and 3, a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

- A. Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation: **As shown on the zoomed-out vicinity map, the nearest worked fields are located approximately 1,450 feet to the SE.**
- B. An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices. This assessment applies practice by practice and farm by farm; and
- C. An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.
- D. For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.
- E. For purposes of subsection 2 and 3, potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsection 2 and 3. **No groundwater will be removed; state law requires that permits to restrict air contaminant, which will be enforced by ODOT Operating Specifications; stormwater will not leave the site; and typical crushing operations, especially at this site with no excavation, have a short duration of only 1-2 months.**
- F. In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection 2 and 3.

This site is located within big game winter range and near critical winter habitat. Crushing operations should not routinely take place between December 1st and March 31st without consulting with ODFW. To limit the duration of impacts to wildlife from December 1st to March 31<sup>st</sup>, crushing operations shall be modified to potential options such as operating 24 hours a day until completed or limited to only daylight hours depending on consultation with ODFW.

As these types of operations are an on-going part of both maintenance and construction of the highway system, ODOT is requesting a 25 year CUP for this specific action. Although used sporadically for routine and scheduled projects as needs and funds allow, emergency or unplanned needs for processed rock are always probable. For this reason, ODOT considers a site like this continuously active, a strategic site available at all times.

Thank you for your time considering this application.



# UNION COUNTY Planning Department

Inga Williams  
Planning Director

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## FARM/FOREST LAND USE APPLICATION

*Please complete & return this form with attachments*

Conditional Use, other than those listed below       Administrative Use  
 Home Occupation       Variance  
 Farm Dwelling (new)  
 Forest Dwelling (new)  
 Alteration/Restoration/Replacement of lawful dwelling  
 Other: ROCK CRUSHING/PROCESSING

### CONTACT INFORMATION

|                      |   |
|----------------------|---|
| Applicant(s) Name(s) | OREGON DEPT. OF TRANSPORTATION - SCOTT BILLINGS |
| Phone Number         | (541) 410-6693                                  |
| Email Address        | scott.d.billings@odot.oregon.gov                |
| Mailing Address      | 63055 N HWY 97, BLDG. M<br>BEND, OR 97703       |

The APPLICANT is a ...  Legal Owner  Legal Representative<sup>1</sup>  Contract Purchaser<sup>2</sup>  Agent<sup>3</sup>

<sup>1</sup> attach proof that this person has the legal right to sign for the trust/LLC/corporation/etc.

<sup>2</sup> attach a copy of the contract.

<sup>3</sup> attach the signed Agent Permission Certification, or your own version, allowing the agent to represent the owner.

### PROPERTY IDENTIFICATION

Include additional property information as an attachment if more than two properties.

| Township | Range | Section | Tax Lot | Zoning Designation | Acreage | Tax Assessor's Ref. No. |
|----------|-------|---------|---------|--------------------|---------|-------------------------|
| 01 N     | 39 E  | 34      | 700     | UC-A1              | 10.36   |                         |
|          |       |         |         |                    |         |                         |

Provide situs address (if available)

NONE

### PROPOSED USE INFORMATION

Identify the specific use that you are submitting this application for and cite the Union County Zoning, Partition and Subdivision Ordinance (UCZPSO) section for reference. <https://unioncountyor.gov/planning/>

OPERATIONS CONDUCTED FOR MINING, CRUSHING, OR STOCKPILING OF AGGREGATE AND OTHER MINERAL AND OTHER SUBSURFACE RESOURCES SUBJECT TO ORS 215.298 (ARTICLE 2.04.32)

**CURRENT USE OF PROPERTY** – also identify any structures  
**TEMPORARILY STOCKPILING EQUIPMENT AND UNPROCESSED EARTHEN MATERIAL FOR SCHEDULED AND EMERGENCY REPAIRS AND RECONSTRUCTION OF ODOT HIGHWAYS**

**REQUIRED ATTACHMENTS**

**1) Narrative & Supporting Evidence**

Applicants are responsible for submitting all necessary evidence to support their request. Each proposed use must comply with the requirements outlined in the Union County Zoning, Partition, and Subdivision Ordinance (UCZPSO) and must be clearly justified. Provide thorough, detailed responses for each relevant code section. Be sure to include documentation that supports any claims made. Staff will review the submitted materials and determine whether the request meets the applicable code requirements, does not meet them, or may meet them with specific conditions. Vague and unsupported statements may result in a denial based on insufficient evidence. Before submitting your application, consult with staff to ensure you are responding to all necessary code sections.

- 2) A vicinity map** showing the subject property and surrounding roads and adjacent properties.
- 3) A site plan**, see attached example.
- 4) A copy of the latest deed.**

**CERTIFICATION**

I/We, the undersigned, swear that this application, including the information and justifications submitted, is true and correct to the best of my/our knowledge and belief. I/We understand that this land use action may result in a change to the property valuation. I/We acknowledge that the property owners must abide by all conditions of approval and all applicable state statutes, federal regulations, and Union County regulations in order to get final approval and be able to begin the use.

*If the applicant is not an agent, then all owners, legal representatives, or contract purchasers must sign*

|   |            |              |      |
|---|------------|--------------|------|
|  | Signature  | Signature    |      |
| SCOTT D. BILLINGS   | 12/29/2025 |              |      |
| Printed Name  | Date       | Printed Name | Date |

|              |           |              |      |
|--------------|-----------|--------------|------|
| Signature    | Signature |              |      |
| Printed Name | Date      | Printed Name | Date |

**For Planning Department Purposes Only**

Date of Submittal \_\_\_\_\_

Date Considered Complete \_\_\_\_\_

Payment Receipt Number \_\_\_\_\_

Application Number \_\_\_\_\_

### Agent Permission Certification

The below identified persons are the  Legal Owners\*  Legal Representatives<sup>1</sup>  Contract Purchasers<sup>2</sup> of the property that is the subject of this application and I/we give the applicant permission to submit this application and represent me/us during the review and approval process.

SCOTT D. BILLINGS

Name

Name

Scott Billings

Signature

12/29/2025

Date

Signature

Date

Russell Frost

Name

Name

Russell Frost

Signature

12/30/2025

Date

Signature

Date

\* All property owners must sign

<sup>1</sup> attach proof that this person has the legal right to sign for the trust/LLC/corporation/etc.

<sup>2</sup> attach a copy of the contract.

## Inga Williams

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**From:** BILLINGS Scott D <Scott.D.BILLINGS@odot.oregon.gov>  
**Sent:** Tuesday, February 10, 2026 6:05 PM  
**To:** iwilliams@union-county.org  
**Subject:** FW: CUP for Crushing Application for ODOT Properties near Elgin  
**Attachments:** Notice of PC HearingODOT\_Lot700.docx; Notice of PC HearingODOT\_TL9100.docx

Inga:

After discussing on the phone and reviewing the definition of "Processing" in ORS 517.750 (12), I would like to add processing to both of the applications. My interpretation of processing was simply the sizing, sorting, and stockpiling of aggregate products, but the legal definition is clearly different. This new inclusion would be in addition to the mining, crushing, and stockpiling (from UCZPSO Articles 2 and 5) that are part of the original application.

Thanks for the help.

Scott

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Scott Billings  
Sr. Engineering Geologist  
Oregon Dept. of Transportation  
Geo – Mountain Unit  
c: (541) 410-6693

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**From:** Inga Williams <iwilliams@union-county.org>  
**Sent:** Wednesday, February 4, 2026 8:20 AM  
**To:** BILLINGS Scott D <Scott.D.BILLINGS@odot.oregon.gov>  
**Subject:** RE: CUP for Crushing Application for ODOT Property East of Elgin

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Scott,

Sorry, did you not get the notifications? I went ahead and attached them.  
We do need payment still though. If you can get that to us this week or next. \$600.

Thanks,

Inga

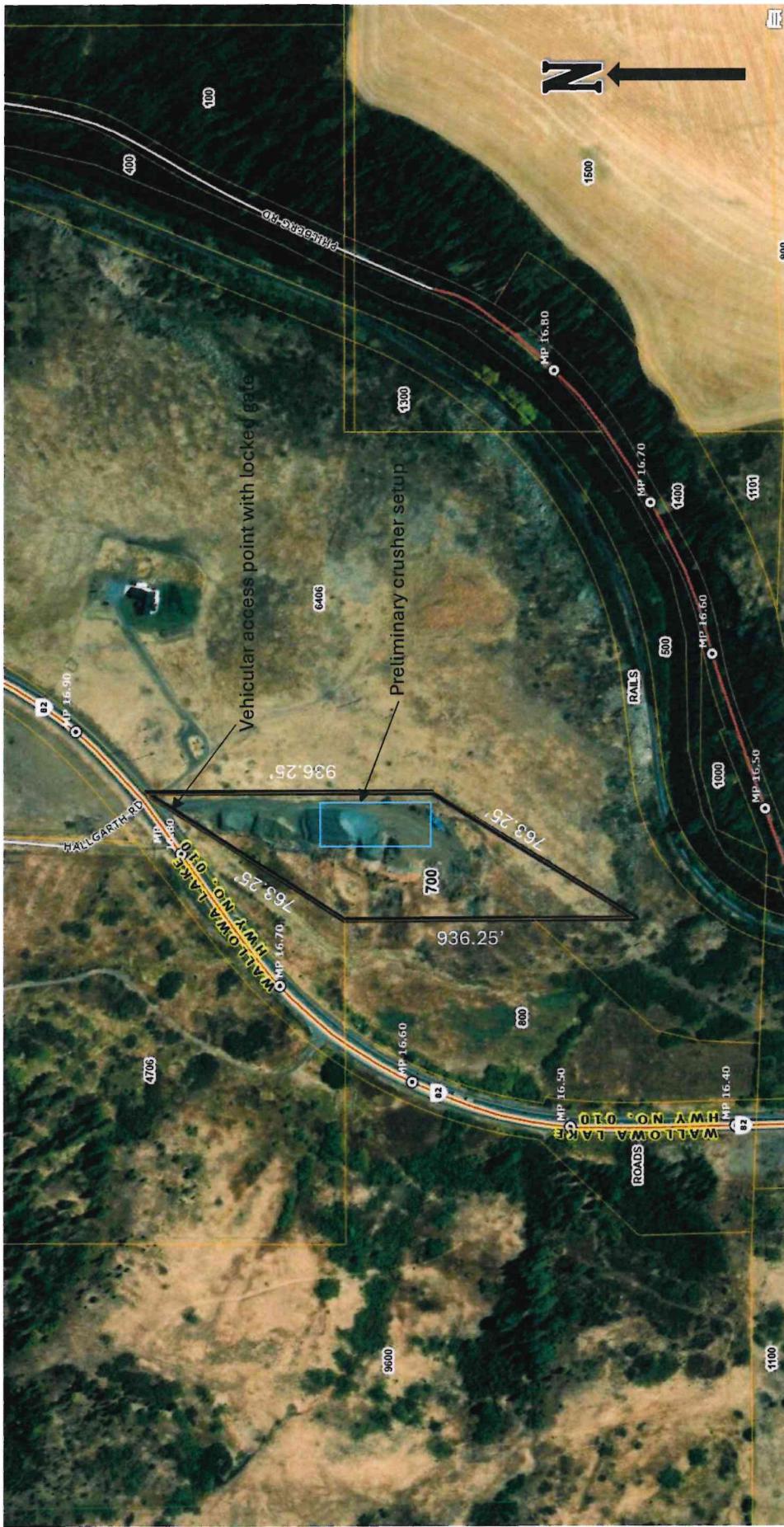
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**From:** BILLINGS Scott D <Scott.D.BILLINGS@odot.oregon.gov>  
**Sent:** Tuesday, February 3, 2026 12:22 PM  
**To:** Inga Williams <iwilliams@union-county.org>  
**Subject:** RE: CUP for Crushing Application for ODOT Property East of Elgin

Hi Inga:

Just wondering about the February meeting?

Thanks,



Vicinity and Site Map for Tax Lot 700 on Map# 01N39E34.

Owner: OR Department of Transportation, (541) 975-4573



Nearby land uses for Site Map for Tax Lot 700 on Map# 01N39E34.

ROBERT B. LEE  
BK. III PG. 411

53 54 TIN, R 39 E  
4 3 TIS, R 39 E.

HARRY SCHWEMBE

三

60

REID HIBBERD  
BK 102 PG 287

SWA Sec. 3A

③

Sold to Dick Hibbert

30 Houst Rd. E base 2  
N 36 W 936.25  
1 P. 4.48 AC.

26194  
4.592  
4  
Deed B 139

360 CO  
0

②

Deed Q 1581  
R 139  
1 P. 3.66  
360 CO

ROND

GRANDE

RIVER

D.E. 5-30  
STOCKPILE SITE  
D.S. 18-1-522  
N 68° 54 E

30849  
200  
SEG 24  
SEG 3

IR-5-1363  
30848

O.W. P.R. & N. CO.  
1029-1511 P.G.

ELEM  
1029-1489 RT  
400  
300  
200  
100

400  
300  
200  
100  
1/4 ACRE  
1/8 ACRE  
1/16 ACRE  
1/32 ACRE

OREGON STATE HIGHWAY DEPARTMENT

385

DIESEY, STURKIE

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WATLOW

County UNION

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MAY 1941