

# General Meeting/Pre-Application Conference Checklist

Date 1-17-01 <sup>00-948</sup>  
<sub>as 946 948</sub>

Applicant Phil Barrows Phone 242-2762 Tax Parcel # 2945-022-13-1008 <sup>00-944</sup>

Location 688 1/2 26 RD Proposal LEGALIZE EXISTING IRRIGATION OFFICES

Meeting Attendees BILL, KATHY, Phil Barrows, CHARLIE

While all factors in a development proposal require careful thought, preparation and design, the following circled items are brought to the petitioner's attention as needing special attention or consideration. Other items of special concern may be identified during the review process. General meetings and pre-application conference notes/standards are valid for only six months following the meeting/conference date shown above. Incomplete submittals will not be accepted. Submittals with insufficient information identified during the review process, which have not been addressed by the applicant will not be scheduled for a public hearing. Failure to meet any deadlines for the review process may result in the project not being scheduled for hearing or being pulled from the agenda. Any changes to the approved plan will require re-review and approval prior to those changes being accepted.

- NO DEVELOPMENT PROPOSED

## ZONING & LAND USE

- a. Zoning: RSF-1
- b. Future Land Use Designation: RES
- c. Growth Plan, Corridor & Area Plans Applicability:

## PLANNER'S NOTES

- CONDITIONAL USE PERMIT TO MAKE NONCONFORMING OPERATIONS CONFORMING ON 5 PARCELS
- UTILITY, BASIC - CUP IN RSF-1
- 5 PARCELS
- SHOW ALL EXISTING USES AND ANY PROPOSALS FOR EXPANSIONS
- LAST WEEK MONTH - SUBMITTAL DATE

## OFF-SITE IMPACTS

- a. access/right-of-way required
- b. traffic impact
- c. street improvements
- d. drainage/stormwater management
- e. availability of utilities

## SITE DEVELOPMENT

- a. bulk requirements
- b. traffic circulation
- c. parking (off-street: handicap, bicycle, lighting)
- d. landscaping (street frontages, parking areas)
- e. screening & buffering
- f. lighting & noise
- g. signage

## MISCELLANEOUS

- a. revocable permit
- b. State Highway Access Permit
- c. floodplain, wetlands, geologic hazard, soils
- d. proximity to airport (clear or critical zone)

## OTHER

- a. related files \_\_\_\_\_
- b. neighborhood meeting \_\_\_\_\_

## FEES

- a. application fee: 350 + 15/ACRE  
Due at submittal. Checks payable to City of GJ
- b. Transportation Capacity Payment (TCP):
- c. Drainage fee:
- d. Parks Impact Fee:
- e. Open Space Fee or Dedication:
- f. School Impact Fee:
- g. Recording Fee:
- h. Plant Investment Fee (PIF) (Sewer Impact):

## PROCESSING REQUIREMENTS

- a. Documents - ZDC, SSID, TEDS, SWMM
- b. Submittal Requirements/Review Process
- c. Annexation (Persigo Agreement)

RETURN A COPY OF THIS FORM IN THE CD REVIEW PACKET





# DEVELOPMENT APPLICATION

Community Development Dept  
250 North 5th Street  
Grand Junction CO 81501  
(970) 244-1430

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do hereby petition this:

**Petition for (check all appropriate boxes):**

<input type="checkbox"/> Subdivision Plat/Plan - Simple	<input type="checkbox"/> Site Plan Review - Major	<input type="checkbox"/> Concept Plan
<input type="checkbox"/> Subdivision Plat/Plan - Major Preliminary	<input type="checkbox"/> Site Plan Review - Minor	<input type="checkbox"/> Minor Change
<input type="checkbox"/> Subdivision Plat/Plan - Major Final	<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Change of Use
<input type="checkbox"/> Planned Development - ODP	<input type="checkbox"/> Vacation, Right-of-Way	<input type="checkbox"/> Revocable Permit
<input type="checkbox"/> Planned Development - Preliminary	<input type="checkbox"/> Vacation, Easement	<input type="checkbox"/> Variance
<input type="checkbox"/> Planned Development - Final	<input type="checkbox"/> Extension of Time	
<input type="checkbox"/> Annexation/Zone of Annexation	<input type="checkbox"/> Rezone	<input type="checkbox"/> Growth Plan Amendment

From: \_\_\_\_\_ From: \_\_\_\_\_ From: \_\_\_\_\_  
To: \_\_\_\_\_ To: \_\_\_\_\_ To: \_\_\_\_\_

Site Location:  
688 - 690 26 Road (see attached)

Site Tax No.(s): Attached      Site Acreage/Square footage: 7.50 Acres + - *RSF-1*

Project Description:  
Attached

Grand Valley Irrigation	n/a	Phil Bertrand
Property Owner Name	Developer Name	Representative Name
688 26 Road		
Address	Address	Address
Grand Junction CO 81506		
City/State/Zip	City/State/Zip	City/State/Zip
970-242-2762		
Business Phone No.	Business Phone No.	Business Phone No.
GVIC@Sprynet.com		
E-Mail	E-Mail	E-Mail
970-242-2770		
Fax Number	Fax Number	Fax Number
Phil Bertrand		
Contact Person	Contact Person	Contact Person
970-242-2762		
Contact Phone No.	Contact Phone No.	Contact Phone No.

Note Legal property owner is owner of record on date of submittal.  
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

*Phil Bertrand*      Phil Bertrand, Superintendent      2-26-01  
Signature of Person Completing Application      Date

*Robert Raymond*      Robert Raymond, President      2-26-01  
Required Signature of Legal Property Owner(s) - attach additional sheets if necessary      Date

# APPLICATION COMPLETENESS REVIEW

Use "N/A" for items which are not applicable

Date: 3/1/01

Project Name: Grand Valley Irrig. Co. (if applicable)

Project Location: 688 1/2 76 Rd (address or cross-streets)

Check-In Staff Community Development: PC initials of check-in  
Development Engineer: \_\_\_\_\_ staff members

APPLICATION TYPE(S): CUP  
(e.g. Site Plan Review)

FEE PAID: Application: 350.00 BALANCE DUE:  
Acreage: 120.00  yes, amount \$ \_\_\_\_\_  
Public Works: \_\_\_\_\_  no  
TOTAL: 470.00

## COMPLETENESS REVIEW:

Originals of all forms received w/signatures?  yes  no, list missing items below

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Missing drawings, reports, other materials?  no  yes, list missing items below  
Note: use SSID checklist

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Incomplete drawings, reports, other materials?  no  yes, list missing items below  
Note: Attach SSID checklist(s) w/incomplete information identified

- \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_

Professional stamp/seal missing from drawings/reports?

no     yes, list missing items below

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Other *Please list below*

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**PROJECT ASSIGNMENT AND PROCESSING**

Project Manager:

Tricia / Bill

Special Processing Instructions:

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**From:** Kathy Portner  
**To:** Nebeker, Bill; Shaver, John  
**Date:** 1/2/01 12:21PM  
**Subject:** Re: GVIC CUP

Ivy and I have discussed this. This is GVIC (obviously). We have categorized their operation as "All Other Utility, Basic", which is what we told Redlands Water and Power for their proposed facility in Connected Lakes. That category allows them to request a Conditional Use Permit for their facility. We've told them that we wouldn't support the use of the property on the other side of the canal, which has been the problem for the neighbors. With the CUP for the rest of the property we can require screening.

Ivy and I are meeting with their Board this Thursday to discuss the zoning violation and the potential CUP. Let me know if you don't agree with this approach.

>>> John Shaver 12/26/00 03:02PM >>>

Bill,

I see that you have a general meeting coming up for a "irrigation company" located at 688 26 ½ Road.

At your convenience please tell me more about this.

jps

**CC:** Arnold, Kelly; Rubinstein, Stephanie; Varley, Dave; Williams, Ivy

**From:** Bill Nebeker  
**To:** John Shaver  
**Date:** 1/2/01 8:37AM  
**Subject:** Re: GVIC CUP

It's with Phil Bertrand for the Grand Valley Water Users office at 688 ½ 26 Road. The pre-app form states that they're seeking a conditional use permit to make the nonconforming office a conforming use. The site is 7-9 acres in size. They actually own about 4 parcels at that location. I imagine they only need the CUP where the office is located. That's all I know at this time. The pre-app form states that the meeting is with Kathy and I.

>>> John Shaver 12/26/00 03:02PM >>>  
Bill,

I see that you have a general meeting coming up for a "irrigation company" located at 688 26 ½ Road.

At your convenience please tell me more about this.

jps

**CC:** Dave Varley; Kathy Portner; Rick Dorris; Stephanie Rubinstein

**From:** Ivy Williams  
**To:** Bill Nebeker; John Shaver; Kathy Portner  
**Date:** 1/3/01 11:26AM  
**Subject:** Re: GVIC CUP

John,

Phil and Charlie both understand that there is nothing to discuss about the east parcel which according to our investigation does not meet criteria for non-conforming status. They also understand that there is no negotiation available from the city regarding that side; abatement is the only alternative unless they wish to take it to a courtroom.

My invitation to the board meeting, according to Charlie, is to explain to the board why the city will allow the west side to continue operation, but not the east side. For some unknown reason, GVIC board is under the impression that Code Enforcement actions are intended to totally eliminate the company's existence on the entire property. I asked Kathy to accompany me because there were also general planning questions about CUP process and future use on the east side such as access requirements if a couple homes were built etc.

No policy compromise or discussion of policy compromise is needed. If GVIC board decides to argue that the property east of the canal is legal non-conforming, a summons will be issued, otherwise I have been told that they are working on the plan to abate the storage completely. By the way, if I issue, who gets the summons?

Ivy

>>> John Shaver 01/03/01 10:59AM >>>  
Confidential Attorney Client Communication

Kathy,

With all due respect to the GVIC Board, there nothing to discuss. Either GVIC cleans up and gets a CUP or it doesn't. If it doesn't then we enforce. Are you going to tell them that? Is there any other message? The outdoor storage enforcement letter required that GVIC prepare a plan. Is the meeting to discuss the plan? If so does that discussion need to be with the Board? I realize that if you are blunt, the meeting could readily turn into a canal trails/development review/City bashing session so some discretion is in order but not so much so that GVIC thinks they can make a deal.

If the clean-up and CUP are negotiable then the fine line between law and policy will get seriously blurred. To help prevent that from happening maybe the City Manager should avail himself of this opportunity to meet the GVIC Board and talk policy while you and Ivy talk about the Code and the attendant legal requirements.

I'd be pleased to accompany you but given Phil's disdain for attorneys and especially those that represent the City, I'm not sure that I'd be much help. If you want me just let me know when and where.

Please call or write so that we can discuss further.

jps

**CC:** Dave Varley; Kelly Arnold; Stephanie Rubinstein



Robert Raymond - President  
Judy Bridge - Secretary - Treasurer  
Philip B. Bertrand - Superintendent

Telephone (970) 242-2762  
FAX (970) 242-2770

Owms and Operates  
THE GRAND VALLEY CANAL

## THE GRAND VALLEY IRRIGATION COMPANY

688 - 26 Road  
Grand Junction, Colorado  
81506

Copy

Kathy P.

**RECEIVED**

JAN 09 2001

CITY OF GRAND JUNCTION  
CODE ENFORCEMENT

January 8, 2001

Ivy Williams  
Code Enforcement Supervisor  
City of Grand Junction  
2549 River Road  
Grand Junction, Colorado 81505

Dear Ivy:

The GVIC Board of Directors greatly appreciated the time you and Kathy Portner spent discussing the City position on the use of our east yard. After further discussion, the Board has elected to make application for a Conditional Use Permit. This will give everyone time to correctly address the needs of both the City of Grand Junction and the Grand Valley Irrigation Company.

Please advise me and the Board of the correct procedures to be taken for obtaining the Conditional Use Permit.

Sincerely,

The Grand Valley Irrigation Company



Phil Bertrand  
Superintendent

PB:jb



# REVIEW AGENCY COVER SHEET

Community Development Department  
250 North 5th Street, Grand Junction, CO 81501  
(970)244-1430

FILE NO. CUP-2001-0516

Petitioner Please Fill In:

Review Agency
<u>Comm Dev.</u>

Petitioner Please Fill In:

PROPOSAL <u>Conditional Use Permit</u>
LOCATION <u>688 - 690 26 Road</u>
ENGINEER/REPRESENTATIVE _____
<u>Phil Bertrand</u>
PETITIONER <u>Grand Valley Irrigation Co.</u>
ADDRESS <u>688 26 Rd, Gr Jct CO 81506</u>
PHONE NO <u>970-242-2762</u>

Return to Community Development Dept By 3/16/01

Staff Planner Tricia

COMMENTS - *For Review Agency Use Only*

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Use Additional Sheets If Necessary And Refer To File Number



# REVIEW AGENCY COVER SHEET

Community Development Department  
250 North 5th Street, Grand Junction, CO 81501  
(970)244-1430

FILE NO. CUP-2001-056

Petitioner Please Fill In:

Review Agency

Urban Trails

Return to Community Development Dept By 3/16/01

Staff Planner Tricia

COMMENTS - For Review Agency Use Only

No comments.

Petitioner Please Fill In:

PROPOSAL Conditional Use Permit

LOCATION 688 - 690 26 Road

ENGINEER/REPRESENTATIVE \_\_\_\_\_

Phil Bertrand

PETITIONER Grand Valley Irrigation Co.

ADDRESS 688 26 Rd, Gr Jct CO 81506

PHONE NO 970-242-2762

AP

Use Additional Sheets If Necessary And Refer To File Number

REVIEWED BY Ken Scissors

PHONE 970-243-8179

DATE 3/7/01

Grand Valley Irrigation Company

1. Please provide a supported estimate of the number of vehicle trips (trips in and trips out) per day into the utility yard via the gravel drive off of 26 Rd. If the number of trips exceeds the threshold in the Zoning and Development code, paving will be required from 26 Rd. to the "Shop Site Gate." If the threshold is not exceed, paving of the gravel drive will be required from the east edge of pavement on 26 Rd. to a point 30 feet east of 26 Rd.
2. Two accesses to and from the Block Office Bldg. Parking lot are currently located on 26 Rd. at a distance of 55 ft apart. TEDS requirements stipulate a minimum spacing of 150 feet. The northern access is also less than the minimum width of 28 feet specified in TEDS. As such, please eliminate the northern access by removal of pavement between ROW line and edge of pavement and re-grading to match adjacent grading.

April 4, 2001

Phil Bertrand, Supervisor  
Grand Valley Irrigation Company  
688 26 Road  
Grand Junction, CO 81506

Re: CUP-2001-056

Dear Mr. Bertrand,

On March 21, 2001, agency comments were given to you concerning the above referenced project. The deadline for response to those comments was listed on the sheet as March 30, 2001. You have neglected to get those into our office as of today and have missed the deadline for the April Planning Commission schedule.

Please have the response to comments into the Community Development Department by April 18, 2001, in order to be considered for the May 8, 2001 Planning Commission hearing. If you elect to not comply with this request, Code Enforcement will be notified to proceed with non-compliance action.

Please feel free to call me if you have any questions at 256-4038.

Sincerely,

Patricia Parish  
Associate Planner

CC: Pat Cecil, Development Services Supervisor  
Ivy Williams, Code Enforcement Supervisor

## MEMORANDUM

**Date:** April 9, 2001  
**To:** Charlie, Grand Valley Irrigation  
**From:** Patricia Parish, Associate Planner  
**Subject:** Conditional Use Permit, CUP-2001-056

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Attached are the two attachments that you needed from the Zoning and Development Code, Section 2.13 Conditional Use Permit criteria and Section 4.1.I.2. Non-Residential Outdoor Storage, for your response to comments.

Also, here is a written response to a phone call you made to Dave Donahue, City Development Engineer:

1. Please provide an estimate of the number of vehicle trips per day which use the gravel drive to access the interior area located east of the metal gate shown on their site plan.
2. Please show the location of the ingress/egress points for the main parking lot surrounding the "Block Office Building." This should include the location of parking stalls. The City will require the parking lot be configured to provide vehicle storage (20 feet) for one vehicle for each access point. This needs to include both entering and exiting vehicles. In short, this means there must be 20 feet measured from the edge of pavement on 26 road to the first parking stall for both entering and exiting vehicles, for both accesses.

Please call if you have any questions at 256-4038.

Sincerely,  
Patricia Parish



CITY OF GRAND JUNCTION  
515 28 Road  
Grand Junction, CO 81501  
Fax: (970) 256-4031

## FACSIMILE

Date: 5-3-01  
To: Charlie Guenther GVI  
Location: 688-690 26 Road

Telephone Number: \_\_\_\_\_  
Fax Number: 242-2770

From: Tricia Parish  
Telephone Number: (970) 256-4038

Number of Pages Including Cover Sheet: 6

Special Instructions:  
Staff Report  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the telecopy you have received is incomplete or illegible, please call (970) 244-1430.



CITY OF GRAND JUNCTION  
515 28 Road  
Grand Junction, CO 81501  
Fax: (970) 256-4031

## FACSIMILE

Date: 5-7-01  
To: Charlie Guenther GUI  
Location: 688 26 Rd.

Telephone Number: \_\_\_\_\_  
Fax Number: 242-2770

From: Patricia Parish  
Telephone Number: (970) 256-4038

Number of Pages Including Cover Sheet: 2

Special Instructions:  
Memo - addition to Staff Report  
\_\_\_\_\_  
\_\_\_\_\_

If the telecopy you have received is incomplete or illegible, please call (970) 244-1430.



## MEMORANDUM

DATE: May 7, 2001  
TO: Charlie Guenther, Assistant Superintendent  
FROM: Patricia Parish, Associate Planner  
SUBJECT: CUP-2001-056

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In addition to the 4 conditions of approval stated in the Staff Report faxed to you on May 3, 2001, these conditions will also be recommended to the Planning Commission:

5. A portion of the canal road from the southeast corner of the property to where the canal leaves the property will be dedicated to the City of Grand Junction as required by the Urban Trails Master Plan, dated April 8, 1987.
6. Deadlines for completion on Conditions #1, #2, and #3 will be 30 days from the date of approval of this Conditional Use Permit.

**From:** Stephanie Rubinstein  
**To:** Patricia Parish  
**Date:** 5/7/01 11:33AM  
**Subject:** Re: GVI

We should use the dedication language from the Sample/Model dedication language--#7. This is definitely going to come as a surprise to them, but from my understanding, the project has other, more serious problems. If you have any questions about that, or don't have that document, let me know.

Steph

>>> Patricia Parish 05/07/01 11:25AM >>>

But who makes up the dedication language for the trail easement?

>>> Stephanie Rubinstein 05/07/01 10:54AM >>>

Tricia,

Sorry I didn't get this to you Friday, but our meeting got started late and so I didn't get the chance. Below is the language I would use:

"A comment was inadvertently left off of the original comments by the City Attorney's office to dedicate a portion of the canal road from the southeast corner of the property to where the canal leaves the property, as required by the Urban Trails Master Plan, dated April 8, 1987."

Let me know if you have any questions, or I could be of other assistance.

Steph

>>> Patricia Parish 05/04/01 11:53AM >>>

Sounds good. Have a good lunch.

Tricia

>>> Stephanie Rubinstein 05/04/01 11:52AM >>>

I don't think I entered it late. That's really weird. The attorneys are having a staff meeting at 2:00. I want to discuss it with them before we go any further. I'll let you know this afternoon.

Steph

>>> Patricia Parish 05/04/01 11:50AM >>>

Stephanie,

After going back and checking what went out to the Petitioner, somehow the trail easement language (all of your item #3) that you entered was not put on the comments. I don't know how that happened. Was it entered after March 16?

Anyway, should I just word the language similar to what you have in impact?

Tricia

**From:** Patricia Parish  
**To:** Rubinstein, Stephanie  
**Date:** 5/8/01 3:48PM  
**Subject:** Re: GVI

Steph,

After looking at dedication #7, I think what Dan told us at our last Staff meeting conflicts. I thought the direction of the City was to obtain a trail easement rather than a tract of land dedicated to the City, as its mentioned in that dedication language. Maybe its different in this case. I'm going to wait for direction. F.Y.I. Fred Aldriges' office (GVI's lawyer) just called and wants to obtain a copy of the Master Tail Plan and adopting ordinance. I've got copies waiting for them here. I did fax them a memo indicating the additional comments that will be recommended at the P.C. meeting on the 15th of May.

Tricia

>>> Stephanie Rubinstein 05/07/01 11:33AM >>>

We should use the dedication language from the Sample/Model dedication language—#7. This is definitely going to come as a surprise to them, but from my understanding, the project has other, more serious problems. If you have any questions about that, or don't have that document, let me know.

Steph

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But who makes up the dedication language for the trail easement?

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Tricia,

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Anyway, should I just word the language similar to what you have in impact?

Tricia

**CC:** Portner, Kathy; Wilson, Dan

**From:** Stephanie Rubinstein  
**To:** Dan Wilson; John Shaver  
**Date:** Thursday, May 10, 2001 9:58AM  
**Subject:** GVIC

Tricia,

As you are aware, one of my comments on CUP-2001-056, a Conditional Use Permit for Grand Valley Irrigation Company did not make it from Impact AP to the written comments which were sent to the applicant. I know there has been some confusion as to what the content of that comment is. Below is the official comment as should be communicated to the applicant.

Per the Adopted Urban Trails Master Plan, dated April 8, 1987, the City is requiring minimally an easement for pedestrian recreation use (see the language on #7 of the Sample/Model Dedications) of the canal road from the southeast corner of the property to where the canal leaves the property. The applicant may wish to dedicate this portion of land to the City. If this is the case, the City would then need to review that request before we decide if we want to accept the property, which would also include accepting responsibility for maintenance, etc. No physical improvements to that easement are being requested at this time.

Dan and John, Let me know if you need me to add anything else to this.

Thanks!

Steph

**From:** Patricia Parish  
**To:** Wilson, Dan  
**Date:** Thursday, May 10, 2001 10:12AM  
**Subject:** Re: GVI

Dan,

Both the trail dedication (whether tract or easement) and the 30 day deadline for bringing the site up to Code were considerations for pulling the item, according to a phone call with Phil Bertrand. He said the GVIC board would have to look at the cost to bring the office's asphalt requirements, the maintenance facility's screening of rubbish (storage items), and the east side of the site up to Code (this will include extensive clearing and renovation to the site). Phil asked me to pull the item verbally but Kathy wanted me to wait until they got something in writing to us. I also asked Phil for a letter in the phone conversation yesterday.

Now, based on Steph's comments, she was thinking the City wanted a tract. But based on your comments at Staff, you thought that an easement is preferred. Either one wasn't going to cost him anything; it was the idea of, in his words, "the City blackmailing me again". The real cost was the other items mentioned above.

Any more questions, let me know.

Tricia

>>> Dan Wilson 05/09/01 05:18PM >>>

Patricia: if you would summarize where we are at?

From your email it sounds as though Phil thinks the trail issue is the worst part of our conditions? Is that true?

Are there other problems with GVICs application, other than trails?

And, did we ask for the fee simple, or did we ask for an easement? As we discussed last week, (Kathy, help me here) either will serve our purpose.

I mention these things because I think we need to forewarn Kelly and the Council in short order.

Kathy: would you like me to copy Kelly, or do you prefer?

thanks.

**CC:** Cecil, Pat; Portner, Kathy

Robert Raymond - President  
Judy Bridge - Secretary - Treasurer  
Philip B. Bertrand - Superintendent

Telephone (970) 242-2762  
FAX (970) 242-2770

Owns and Operates  
THE GRAND VALLEY CANAL

**THE GRAND VALLEY IRRIGATION COMPANY**

666 - 28 Road  
Grand Junction, Colorado  
81506

May 11, 2001

Via Facsimile 970-256-4031

Ms. Patricia Parish, Associate Planner  
City of Grand Junction  
515 28 Road  
Grand Junction, Colorado 81501

RE: CUP 2001-056

Dear Patricia:

Per your facsimile of May 7, 2001 and our phone conversation of May 9, 2001. Approval conditions 5 and 6 from the City Attorney's office are beyond reasonability and have not been reviewed by the GVIC Board of Directors.

Thus, this letter is our demand that our public hearing meeting scheduled for May 15, 2001 at 7:00 PM be tabled until our Board has a chance to review these new political and cost issues.

Sincerely,



Phil Bertrand  
Superintendent

CC: Kelly Arnold, City of Grand Junction Manager

**RECEIVED**

MAY 11 2001

COMMUNITY DEVELOPMENT  
DEPT.

**From:** Stephanie Rubinstein  
**To:** Patricia Parish  
**Date:** 5/11/01 4:49PM  
**Subject:** GVIC

Tricia,

Just to wrap up the discussions and the e-mails that we have had during the last week, I have summarized the final conclusions. As you are aware, one of my comments on CUP-2001-056, a Conditional Use Permit for Grand Valley Irrigation Company did not make it from Impact AP to the written comments which were sent to the applicant. I know there has been some confusion as to what the content of that comment is. Below is the official comment as should be communicated to the applicant.

Per the Adopted Urban Trails Master Plan, dated April 8, 1987, the City is requiring minimally an easement for pedestrian recreation use (see the language on #7 of the Sample/Model Dedications) of the canal road from the southeast corner of the property to where the canal leaves the property. The applicant may wish to dedicate this portion of land to the City. If this is the case, the City would then need to review that request before we decide if we want to accept the property, which would also include accepting responsibility for maintenance, etc. No physical improvements to that easement are being requested at this time.

Steph

**CC:** Dan Wilson



**MEMORANDUM**

DATE: May 14, 2001  
TO: File  
FROM: Patricia Parish, Associate Planner  
SUBJECT: CUP-2001-056

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The applicant for the above referenced Conditional Use Permit, Phil Bertrand, Superintendent of Grand Valley Irrigation, located at 688 ½ 26 Road, has withdrawn his application via a fax dated May 11, 2001. The matter has been referred to Code Enforcement.

CC: Ivy Williams, Code Enforcement

**From:** Patricia Parish  
**To:** McNally, Nina  
**Subject:** Grand Valley Irrigation, CUP-2001-056

Dear Nina,

Its now close to 4pm and they have still not met the deadline I gave them in the letter dated April 4th, the deadline to response to comments was April 18th for the May Planning Commission hearing. Charlie Gunther said this morning in a telephone call that he would have the written part of the response to comments into me today. If they do not comply by 5pm (I'm not here Friday) then please contact them to proceed with Code Enforcement action, as was signified in the letter. I'll talk with you on Monday about it before proceeding.

Thanks Nina,  
Tricia

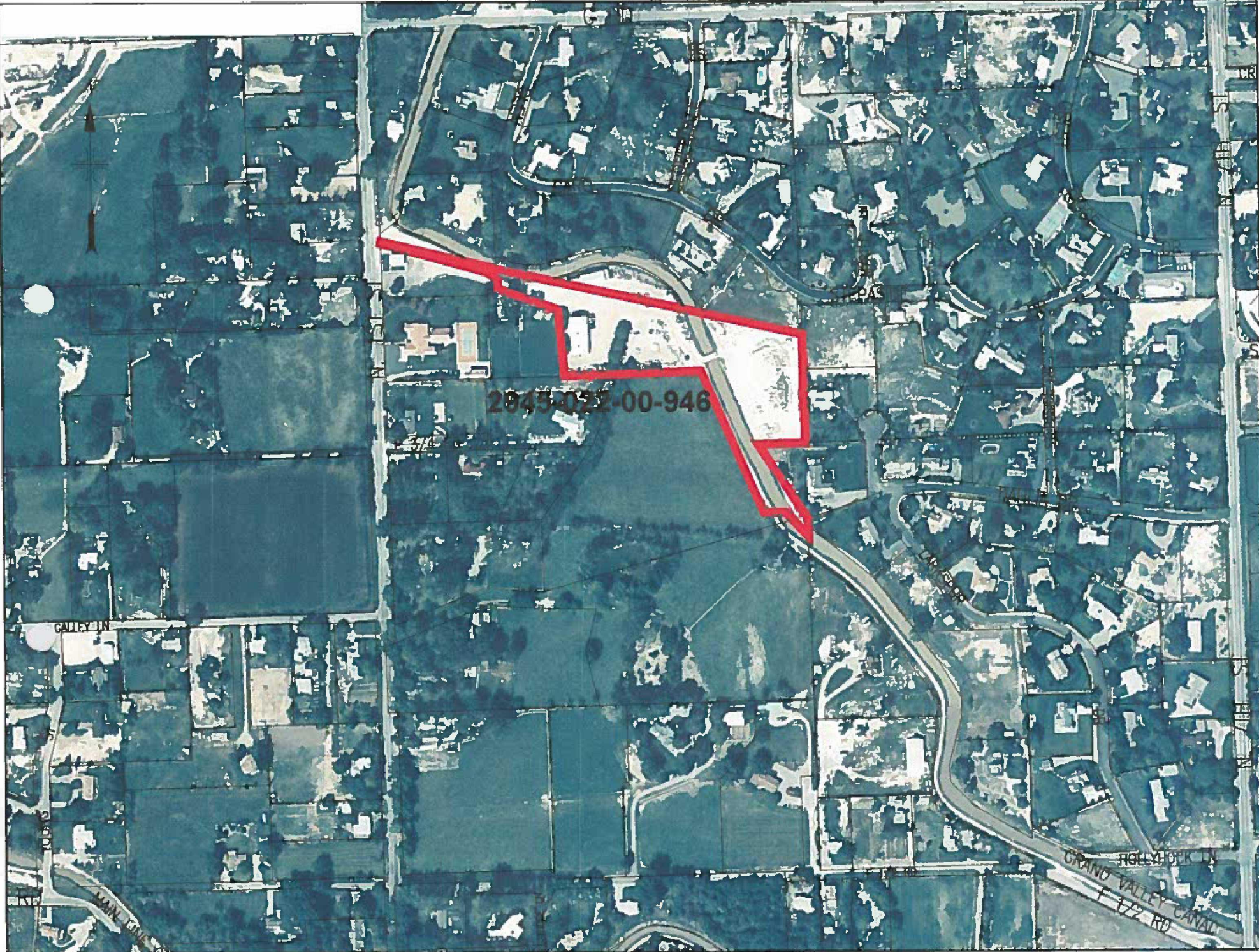
**From:** David Donohue  
**To:** Patricia Parish  
**Date:** 5/3/01 9:32AM  
**Subject:** GVIC

here are my 2nd round comments:

Grand Valley Irrigation Company

1. Please provide a supported estimate of the number of vehicle trips (trips in and trips out) per day into the utility yard via the gravel drive off of 26 Rd. If the number of trips exceeds the threshold in the Zoning and Development code, paving will be required from 26 Rd. to the "Shop Site Gate." If the threshold is not exceed, paving of the gravel drive will be required from the east edge of pavement on 26 Rd. to a point 30 feet east of 26 Rd.
2. Two accesses to and from the Block Office Bldg. Parking lot are currently located on 26 Rd. at a distance of 55 ft apart. TEDS requirements stipulate a minimum spacing of 150 feet. The northern access is also less than the minimum width of 28 feet specified in TEDS. As such, please eliminate the northern access by removal of landscaping between ROW line and edge of pavement and re-grading to match adjacent grading.

David R. Donohue  
Development Engineer  
Community Planning and Development  
City of Grand Junction



2945-021-00-946

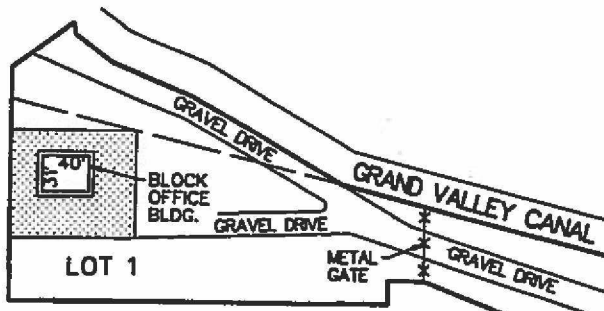
GALEY LN

HOLLYHOCK LN

GRAND VALLEY CANAL

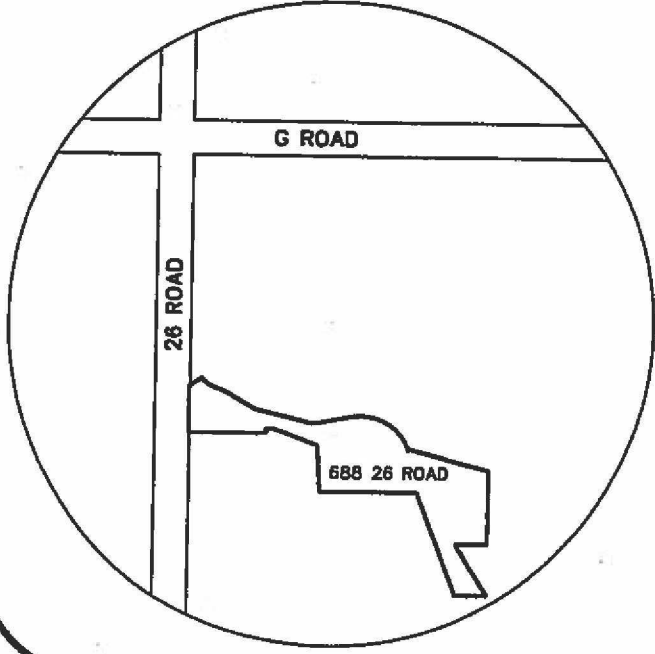
F 172 RD

26 ROAD



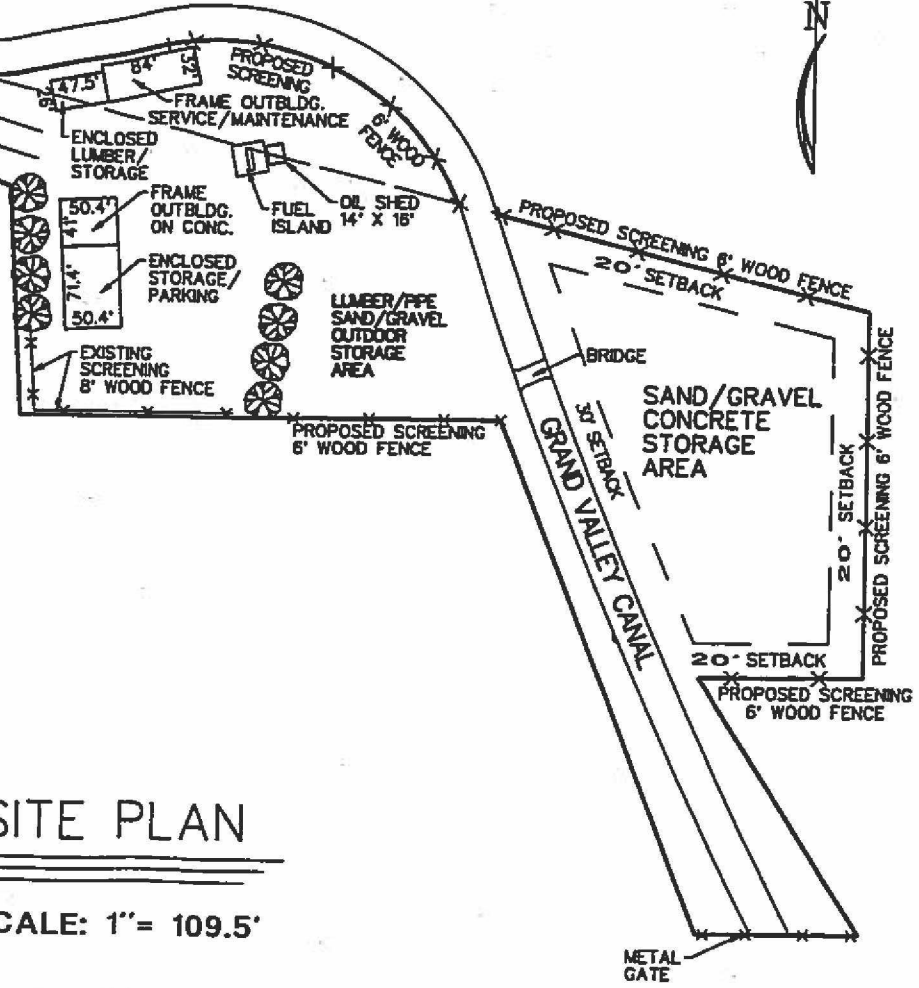
LOT 1

VICINITY MAP

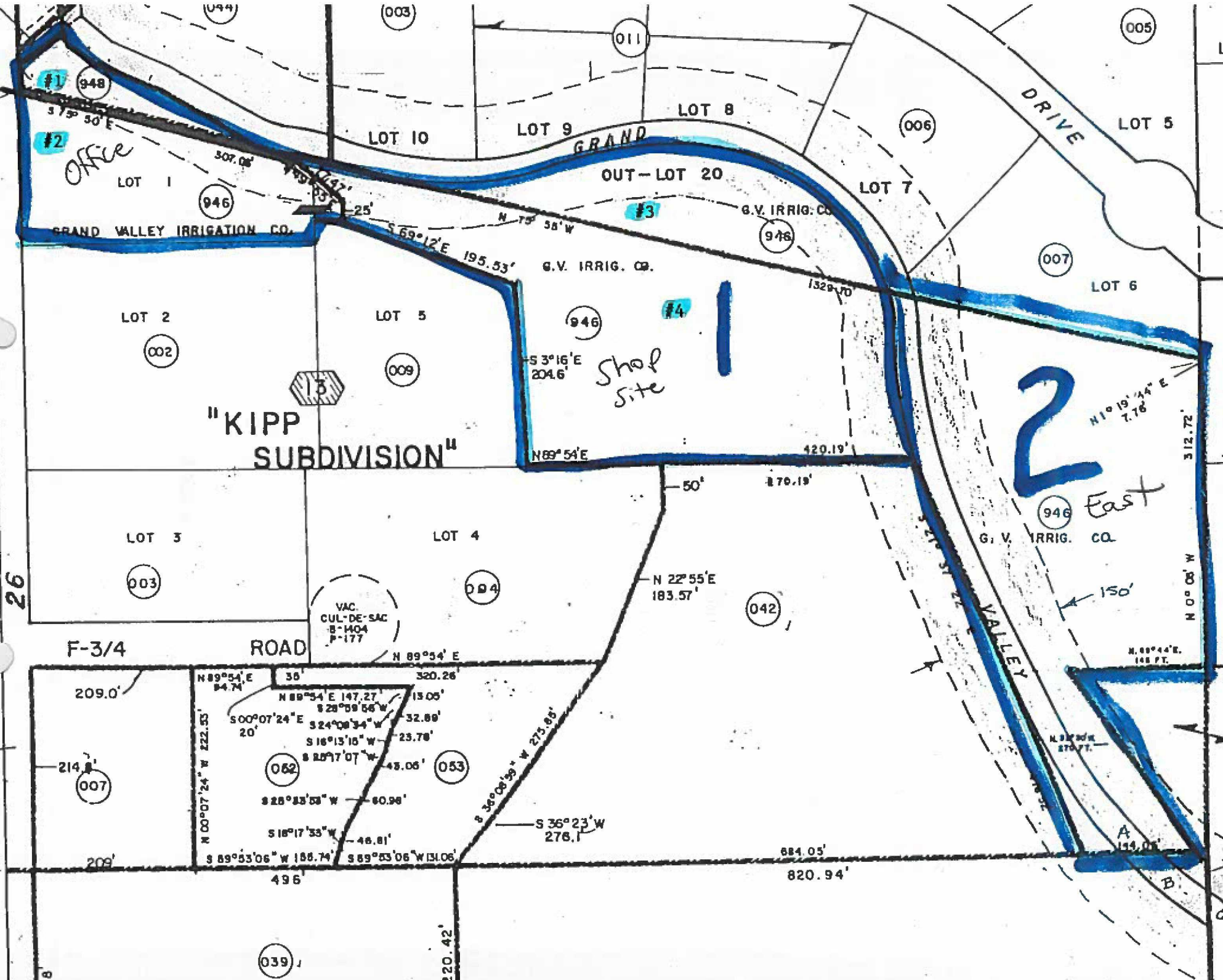


SITE PLAN

SCALE: 1" = 109.5'



Attachment C  
26



# REVIEW COMMENTS

Page 1 of 2

FILE # CUP-2001-056

TITLE HEADING: Grand Valley Irrigation Company

LOCATION: 688 - 690 26 Rd

PETITIONER: Grand Valley Irrigation – Phil Bertrand

PETITIONER'S ADDRESS/TELEPHONE: 688 26 Rd  
Grand Junction, CO 81506  
242-2762

STAFF REPRESENTATIVE: Tricia Parish

**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., MARCH 30, 2001.**

**CITY COMMUNITY DEVELOPMENT**

3/9/01

**Tricia Parish**

256-4038

1. After a site visit, Staff has determined that the sand/gravel/concrete storage area on the east side of the property, over the bridge, appears to be more than just a utility use. Crushing and processing, as well as truck movement of stored materials, are likely to kick up dust and be an impact of noise and nuisance for the neighbors. Please explain how the project is meeting the criteria for a Conditional Use Permit, Section 2.13 (see attached).
2. Also, please show any rubbish kept on site within a screened dumpster area as required in Section 4.1.I.2.
3. A fence permit must be obtained from the Community Development Department prior to constructing a fence.

**CITY DEVELOPMENT ENGINEER**

3/6/01

**Dave Donahue**

256-4155

Pave gravel drive back to the first enclosed storage/parking area.

**CITY UTILITY ENGINEER**

3/14/01

**Trent Prall**

244-1590

No comment.

**URBAN TRAILS COMMITTEE**

3/12/01

**Ken Scissors**

243-8179

No comments

**CITY CODE ENFORCEMENT**

3/15/01

**Nina McNally**

256-4103

1. This office has received complaints regarding noise and dust from the storage and movement of material at the subject property where the sand/gravel/concrete proposed storage area abuts residential uses. (Muni Code Sec. 16-106 and 16-126). Please provide information on what management plan there is for control of noise and dust in this area.

2. On investigating the complaints it was determined that the property on the west side of the canal was a non-conforming use at annexation. It has been determined that the expansion to the sand/gravel/concrete storage area on the east side of the irrigation canal was unlawful. Is a 20' or 30' setback with a 6' wood fence going to be sufficient to adequately buffer the use from the residential uses abutting it?
3. The following comments are based upon the most frequently addressed code violations for new/expanding/changes of use as they may apply to this project:
4. Screening/buffering/landscaping must be provided and maintained as required in ZD 6.5.
5. Required landscaping must be maintained as required at ZD 6.5.B.15
6. Any outdoor storage areas must be screened as required at ZD 4.1.I.1
7. Junk that has been removed from canals and is temporarily stored on site must be enclosed together with your dumpster by a solid, opaque enclosure constructed of brick, masonry, stucco or wood at least 6' tall. Stored material should not extend above the enclosure. ZD 4.1.I.1.K
8. Dust control measures must be taken for any parking areas. Muni Code Sec. 16-126
9. All outside light sources shall conform to the standards set forth at ZD 7.2.F., Nighttime Light Pollution.
10. Fences require a permit. ZD 4.1.J

**PARKS & RECREATION**

3/16/01

**Shawn Cooper**

244-3869

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No Comment

**CITY ATTORNEY**

3/16/01

**Stephanie Rubinstein**

244-1501

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1. Please provide evidence of title.
2. Please address the Conditional Use Permit Review Criteria, in the Zoning and Development Code.

**MESA COUNTY PLANNING**

3/14/01

**Linda Dannenberger**

244-1771

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No comments

Comments not received as of 3/19/01: City Property Agent



Robert Raymond - President  
Judy Bridge - Secretary - Treasurer  
Phillip B. Bertrand - Superintendent

Telephone (970) 242-2762  
FAX (970) 242-2770

Owns and Operates  
THE GRAND VALLEY CANAL

## THE GRAND VALLEY IRRIGATION COMPANY

688 - 26 Road  
Grand Junction, Colorado  
81506

April 26, 2001

Ms. Tricia Parish  
Community Development, Associate Planner  
City of Grand Junction  
250 North Fifth Street  
Grand Junction, Colorado 81502

RE: File # CUP - 2001-056

Dear Ms. Parish:

Attached are GVIC responses to comments pertaining to the application. I have divided the facility into three sites referred to East site, Shop site, and Office site for this application.

Some responses may not be clear without a drawing, which I will submit by May 1. It also is divided into three sites for clarity. I hope all comments are adequately responded to through out narrative portions, addressing dust, noise, lighting, storage, etc.

I apologize for the tardiness of these responses. If you have any questions please call me at 242-2762.

Sincerely,



Charles Guenther  
Assistant Superintendent

Enclosures

RESPONSE TO COMMENTS

File #CUP-2001-056

Name: GRAND VALLEY IRRIGATION COMPANY  
Location: 688 - 690 26 Road  
Grand Junction, CO 81506  
970-242-2762

AGENCY or INDIVIDUAL COMMENT:

Tricia Parish  
Dave Donahue

RE: OFFICE SITE: Shareholder Parking, Facility Entrance, Landscaping

The office is a 1290 sq. ft. building constructed in 1972. The walls are cement block with a flat metal roof. It is landscaped in front and south side, with moss rock from ground to roof. Adjoining flower beds on the south and west, with surrounding sidewalks and a 1900 sq. ft. lawn, with a sign embedded in moss rock in front to give the office a neat, attractive appearance.

The building is surrounded by asphalt area with two mature trees on the south of the pavement and two circular planters on the south and two on the north edge of asphalt. The south boundary portion of the office site consists of a maintained grass area stretching the 300 ft. length and 30-50 feet wide. A chain link fence on this south border separates the office site with one property consisting of landscaping, indoor pool and tennis courts, and large brick home.

A. The shop site access road and entrance is inaccessible to office asphalt area due to the elevation change. A four foot rise in elevation to the North separates the north office asphalt/gravel area from the access road to the shop facilities. The access road to shop site gate is 350 feet adjoining the canal to the North. This is ¾" gravel base road and has in place a sprinkler set up for dust control the entire 350' length and sprinklers the gravel area east of shop asphalt areas.

The Company maintains a twelve person crew based out of the shop site. Our pickup truck fleet consists of eight vehicles, larger trucks, utility flatbed and mobile air compressor. Depending on canal maintenance activity and time of work year, vehicles trips in and out of shop access road ranges from twenty to sixty trips per day.

Shareholder office visits to asphalt area ranges from 0-20 per day. Office asphalt area is off limits to trucks and signed stating so. The south asphalt area is for office visitor parking only, as show in drawing, this area is 144 feet by 50 feet. The office walk in door is fifty feet from edge of 26 Road. Most office visitors park directly south of office which would place first parking spot fifty feet from edge of asphalt and fifty feet from sidewalk to south edge of asphalt.

Asphalt area east of office is primarily for office personnel and the Board of Directors. Parking for meetings once a month. Parking stalls are defined on drawing and will be painted on asphalt per city engineering department specifications.

Lighting consists of two attached low sodium lights 12 feet from ground.

GVIC agrees to a yearly treatment of calcium chloride to gravel base areas of office site to deter dust movement of office site.

Our property adjoins the whole north border of the office site. Mature, large weeping willows along the north side of canal buffer the site from that property.

RESPONSE TO COMMENTS

File #CUP-2001-056

Name: GRAND VALLEY IRRIGATION COMPANY  
Location: 688 - 690 26 Road  
Grand Junction, CO 81506  
970-242-2762

AGENCY or INDIVIDUAL COMMENT:

Tricia Parish

RE: SHOP SITE: Enclosed Storage, Parking, Equipment Parking, Canal material Storage Area.

NOTE: For purposes of this response referring to the shop site, we will refer to Northeast, Northwest, Southeast, Southwest parts which consist of different uses of this site.

1. The Northeast part of this property has primarily been a ground storage area, for materials acquired through the normal activity associated with our canal operations. The materials acquired mostly during the winter canal off season months is temporarily stored, then is sorted, discarded or salvaged as necessary. We are proposing in this Northeast part to set back a 6' cedar fence 20' from water's edge, starting at the east end of the shop around the curve to the bridge crossing canal to the east site. Along this fence will be perpendicular fenced 20' lengths to isolate ground storage to accommodate different materials such as organic material, metal pipe to salvage, steel products to salvage in solid containers, and inorganic material in solid containers, with no ground or container storage to exceed six feet in height. All this area is  $\frac{3}{4}$  road base surface.
2. Southeast part of the shop site is a recessed in elevation area that has been used for lumber, pipe, sand, gravel storage related to canal activities and our irrigation facilities. We are proposing a 6' cedar wood fence on the south border of this Southeast part. No materials to be stock piled higher than the 6' fence. Currently the maximum height is four feet. South of this fence line is a 7 acre field with residence, recently built about 500' from property line. We are currently assisting landowner of this parcel in planting trees on the field side of existing wire fence to provide screening. All this Southeast area is a  $\frac{3}{4}$  inch road base surface.
3. The Southwest part of the shop site consists of a part wood, part painted metal enclosed storage for large, heavy equipment with concrete floor. This building is 35 to 50 feet from west and south property lines. This southeast part is bordered on the west by 4 mature trees reaching 40' in heights, then an 8' wood fence on the west side to property corner then east for approximately 120' to top of slope that separates the Southeast and Southwest parts. At the top of this slope are three mature willow trees

**AGENDA TOPIC:** Conditional Use Permit for irrigation facility. #CUP-2001-056

**SUMMARY:** The petitioner is requesting a Conditional Use Permit to allow an irrigation company to expand the utility operation in an RSF-1 zone. The site is located at 688-690 26 Road in an area of single family homes south of Glen Caro Subdivision (see attachment "A"). There is a fence proposed along the sides and rear of the property to screen the outdoor storage areas (see attachment "B").

**ACTION REQUESTED:** Approval

<i>BACKGROUND INFORMATION</i>		
<b>Location:</b>	688-690 26 Road	
<b>Applicants:</b>	Phil Bertrand, Superintendent of Grand Valley Irrigation	
<b>Existing Land Use:</b>	Irrigation Company	
<b>Proposed Land Use:</b>	Irrigation Company	
<b>Surrounding Land Use:</b>	<b>North</b>	Single family residential
	<b>South</b>	Single family residential
	<b>East</b>	Single family residential
	<b>West</b>	Single family residential
<b>Existing Zoning:</b>	RSF-1, Residential Single Family-1 unit/acre	
<b>Proposed Zoning:</b>	Same	
<b>Surrounding Zoning:</b>	<b>North</b>	RSF-1
	<b>South</b>	RSF-1
	<b>East</b>	RSF-1
	<b>West</b>	RSF-1
<b>Growth Plan Designation:</b>	Residential Low (1/2-2 acres per dwelling unit)	
<b>Zoning within density range?</b>	<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>

**Project Analysis:**

**Conditional Use Permit:** The petitioner is requesting a conditional use permit to bring the existing irrigation company facilities into compliance and expand the uses in an RSF-1 zone. The site is located at 688-690 26 Road in an area of single family homes, north of the Glen Caro Subdivision (see attachment "A", aerial photo of property). The irrigation facility is categorized in the matrix (Table 3.5 of the Zoning and Development Code) as "all other utility, basic", which requires a Conditional Use Permit in an RSF-1 zone. The outdoor storage areas will be screened with a 6' wood fence along the sides and rear of the property. Currently, there is no screening between the Irrigation Company's lot and the neighboring residential property.

In 1961, Mesa County assigned residential zoning to the property. Sometime around 1979, the irrigation company expanded to the east side (see portion #2 of attachment "C") of the property by adding a bridge across the canal to store waste and rip rap material for the stabilization of the banks of the canals. This was done without any permission or permitting from Mesa County. The office and maintenance facility was in place but the east storage area was considered an expansion of an already non-conforming use within a residential zone.

**Non-Residential Outdoor Storage Criteria:** Non-residential outdoor storage shall meet the standards of Section 4.1.I.2. (Only applicable standards are listed):

- a. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.
- b. All storage shall conform to the Specific Zone Performance Criteria in Section 3.4 and the use-specific requirements of that particular use.
- c. Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a residential or business zone;
- d. Except for integral units, stored items shall not project above the screening;
- e. Dumpsters and refuse containers for new uses in all zones except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of masonry, stucco or wood of at least six (6) feet tall.
- f. Non-conforming sites shall comply with Section 3.8.

**Non-Conforming Non-Residential Uses Criteria:** Section 3.8:

1. Continuation. A lawful use made non-conforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not expanded, increased or changed, as provided herein.

The portion of the site that houses the office and maintenance facility with historic non-conforming use may be able to continue to operate, along with appropriate screening and dumpster facilities/enclosures in place and the traffic area of the lot paved to keep down the dust (as noted by the City Development Engineer in Agency Comments, attachment "D", also, see portion #1 on attachment "C"). However, the applicant is requesting the Conditional Use Permit on the entire site to bring it into conformance with the Code.

The Petitioner has shown screening (6' wood fence) of the outdoor storage areas on the Site Plan. However, storage should not be placed within any residential setback which, in an RSF-1 zone, is 20' front setback, 15' side setback and 30' rear setback. Also, the outdoor storage area in portion #2 of the property (see attachment "C") is shown on the site plan is being used for such materials as concrete and metal refuse. This is categorized as salvage or industrial waste. Processing or breaking up of the concrete occurs within 20' from the property line. Adjacent neighbors are impacted with noise, dust and trucks dropping off and picking up refuse.

**Conditional Use Permit Criteria:**

A conditional use is not a use by right; rather it must be evaluated by the following criteria in order to determine if a conditional use permit can be granted. The conditional use criteria as set forth in Section 2.13 of the Zoning and Development Code is as follows:

1. *Site Plan Review Standards. All applicable site plan review criteria in Section 2.2.D.4. and conformance with SIDD, TEDS and SWIM Manuals;*
2. *District Standards. The underlying zoning districts' standards established in Chapter Three;*
3. *Specific Standards. The use-specific standards established in Chapter Three and Four;*
4. *Availability of Complementary Uses. Other uses complimentary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities;*
5. *Compatibility with Adjoining Property. Compatibility with and protection of neighboring properties through measures such as:*
  - a. *Protection of Privacy.*
  - b. *Protection of Use and Enjoyment.*
  - c. *Compatible Design and Integration.*
6. *Decision-Maker. The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.*
7. *Application and Review Procedures. Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B., with the following modification:*
  1. *Validity. Once established, a conditional use permit approval shall with the land and remain valid until the property changes use or the use is abandoned and non-operational for a period of twelve (12) consecutive months.*

Compatibility is a subjective term and especially so when applied to non-residential, non-conforming uses in a single-family residential area/zone. The physical characteristics of this site are essentially the same as numerous other properties in the City. The site slopes slightly upward towards the east side of the property. The Grand Valley Canal runs through the property and there is a bridge, which accesses the eastern portion of the property. Contrary to the Petitioner's General Project Report and according to aerials and Mesa County records, the east portion of the lot (portion #2 on attachment "C") was not utilized in the same manner prior to residential zoning being established in Mesa County for the property. Therefore, the storage area proposed was not in compliance before annexation. The maintenance facility for the fleet of vehicles and office (portion #1 on attachment "C") appear to have been established in compliance with Mesa County's Code and do not appear to impact the neighborhood to such an extent.

**Staff Findings:**

After review of the requirements for the Grand Valley Irrigation company to operate with expanded uses that adversely effect the neighborhood, staff has determined that the expanded operation does not meet the criteria of Sections 2.13, Conditional Use Permit. Nor does it meet the criteria of Section 3.8, non-conforming, non-residential uses since it expanded without approvals or the criteria of Section 4.1.I.2, outdoor non-residential storage, since the type of storage proposed is something more associated with a landfill or gravel processing plant. However, the office and maintenance facilities appear to be in compliance or can easily be brought into compliance with additional requirements such as paving the access and screening.

**Staff Recommendation:** Approval with conditions.

1. No outdoor storage shall be allowed on the east side of the property accessed by the bridge across Grand Valley Canal. Any other proposed use of the property must first gain the approval of the City through the Conditional Use Permit process. Until an approval is obtained from the City for a use on that portion of the property, the Petitioner shall remove all refuse and revegetate this area with natural grasses. Petitioner shall submit a landscape plan in compliance with the SSID's manual for review by the Community Development Department.
2. The Petitioner shall pave the access drive up to the maintenance area to limit dust and control erosion. A plan designating the paved area shall be submitted to the City Development Engineer of the Public Works Department of the City of Grand Junction for review.
3. Any rubbish kept on site shall be kept in a screened dumpster area as required in Section 4.1.I.2. No dumpster shall be allowed on the east side of the property accessed by the bridge across Grand Valley Canal. No storage shall be allowed within the residential setbacks for an RSF-1 zone.



and a mature poplar tree. These trees provide screening from the Southeast view of facility. The West border of Southwest part of shop site is abutted by a 2 ½ acre parcel horse pasture with home owned by GVIC. (See MC assessors map.) All open area in Southwest part is ¾ inch road base surface.

4. Northwest part of the shop site consists of a gravel drive to a move around site in front of the shop, car wash, enclosed storage of lumber and truck parking shop facility built in the 1960's. Along the gravel drive on the north is a pull behind equipment parking site. There are no visible properties due to mature trees along the north side of canal through this section. South of the gravel drive borders our 2 ½ acre residential site mentioned in SW section. All this open area of the NW part of the shop site is a ¾ inch road base surface.
5. GVIC will implement the annual treating of surface with calcium chloride to deter movement of dust from site. The 2 ½ acre parcel that GVIC owns adjoining the west parts of shop site hosts ten mature trees reaching 40 feet in height consisting of pine, willow, poplar and maple providing a pleasant wooded look and screening most of our facility from the west.

GVIC will comply with all noise and dust control codes associated with the shop site of our facility. Our shop site normal hours are from 7:30 to 4:00 pm. The shop site of our facility is not a public or shareholder service site, but strictly an employee and merchant delivery site. Only two mercury vapor 175 watt night lights exist on the shop site.

4. The Petitioner shall adhere to all applicable requirements of Section 2.13 (CUP) and 4.1.I.2. (Outdoor Storage) in the Zoning and Development Code.

**RECOMMENDED PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #CUP-2001-056, I move that we approve the Conditional Use Permit, subject to staff recommendations, for an irrigation company operation located at 688-690 26 Road due to compliance with the criteria and standards as set forth in Sections 2.13 and 4.1.I.2. of the Zoning and Development Code and the Growth Plan.

**Attachments:**

- A. Aerial of Property**
- B. Site Plan**
- C. #1 and #2 Section Plan**
- D. Agency Comments (2 p.)**
- E. Response to Comments**
- F. Development Application**
- G. Letter from J. Richard Livingston (8 p.)**

RESPONSE TO COMMENTS

File #CUP-2001-056

Name: GRAND VALLEY IRRIGATION COMPANY  
Location: 688 – 690 26 Road  
Grand Junction, CO 81506  
970-242-2762

AGENCY or INDIVIDUAL COMMENT:

Tricia Parish  
Nina McNally

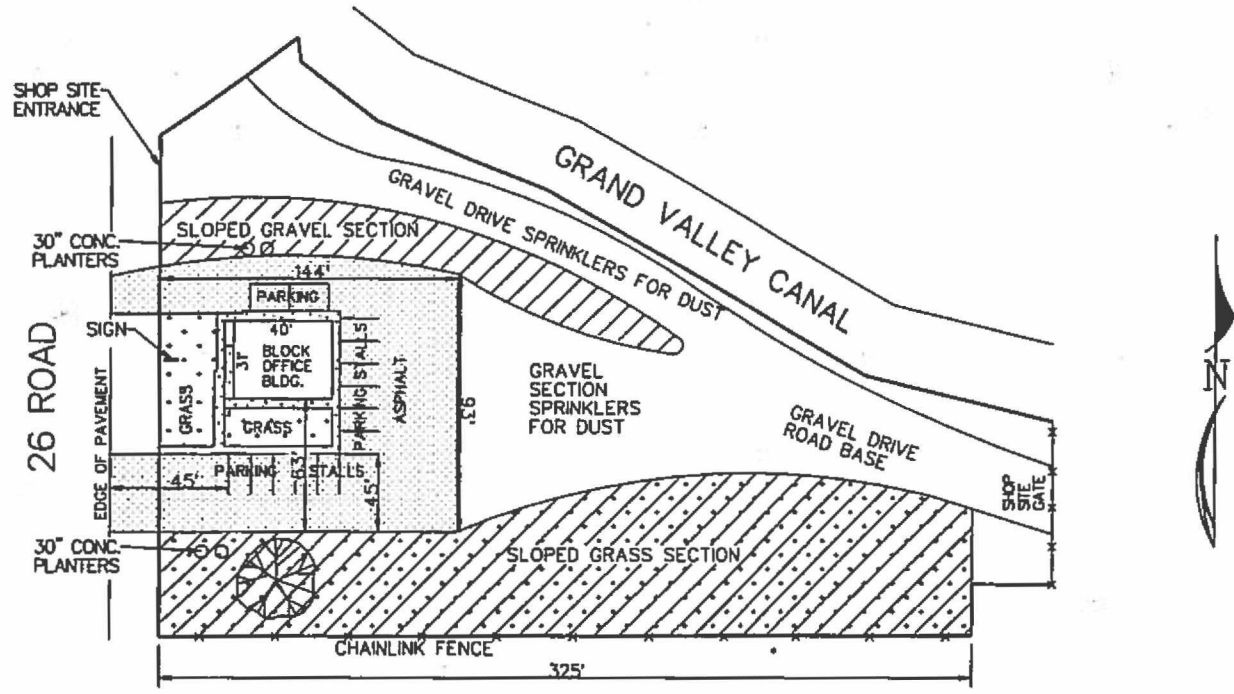
RE: Sand/Gravel Concrete Storage Area East of Canal

EAST SITE:

1. Hours of Operation. GVIC will generally limit operations on the east site to the hours of 8:00 am to 4:00 pm Monday through Friday. Material may be delivered to the property by GVIC or third parties designated by GVIC between 8:00 am and 4:00 pm Monday through Friday. It must be understood that emergencies occur requiring repairs to the canal system at nights or on weekends. In the event of such emergencies, GVIC shall have the right to remove material from the property at any time of the day or night.
2. Limitation of Use. GVIC will limit its use of the east site to storage of material used in the operation and maintenance of the canal system. GVIC will make reasonable efforts to utilize the east site of the property for storage whenever possible. Such material includes rip rap, broken concrete, asphalt, road base, dirt, gravel and pit run. The stored material will normally be placed in dump truck loads and the height of stored material shall not exceed seven (7) feet from existing grade. Only natural material will be stored on the southern one-third of the east site as shown on drawings. Natural material is defined to be and include dirt, gravel, pit-run and road base. Man made materials shall be stored on the northern two-thirds of the property. Man made material is defined to be and include asphalt and concrete material. GVIC may also use equipment, vehicles and personnel, including contractors and third-parties for the purpose of delivering, removing, relocating and otherwise managing material on the east site, including dust control and weed control, and otherwise maintaining the east site including ingress and egress, gbridges, signage and other features of the east site in a workmanlike manner following all City ordinances..

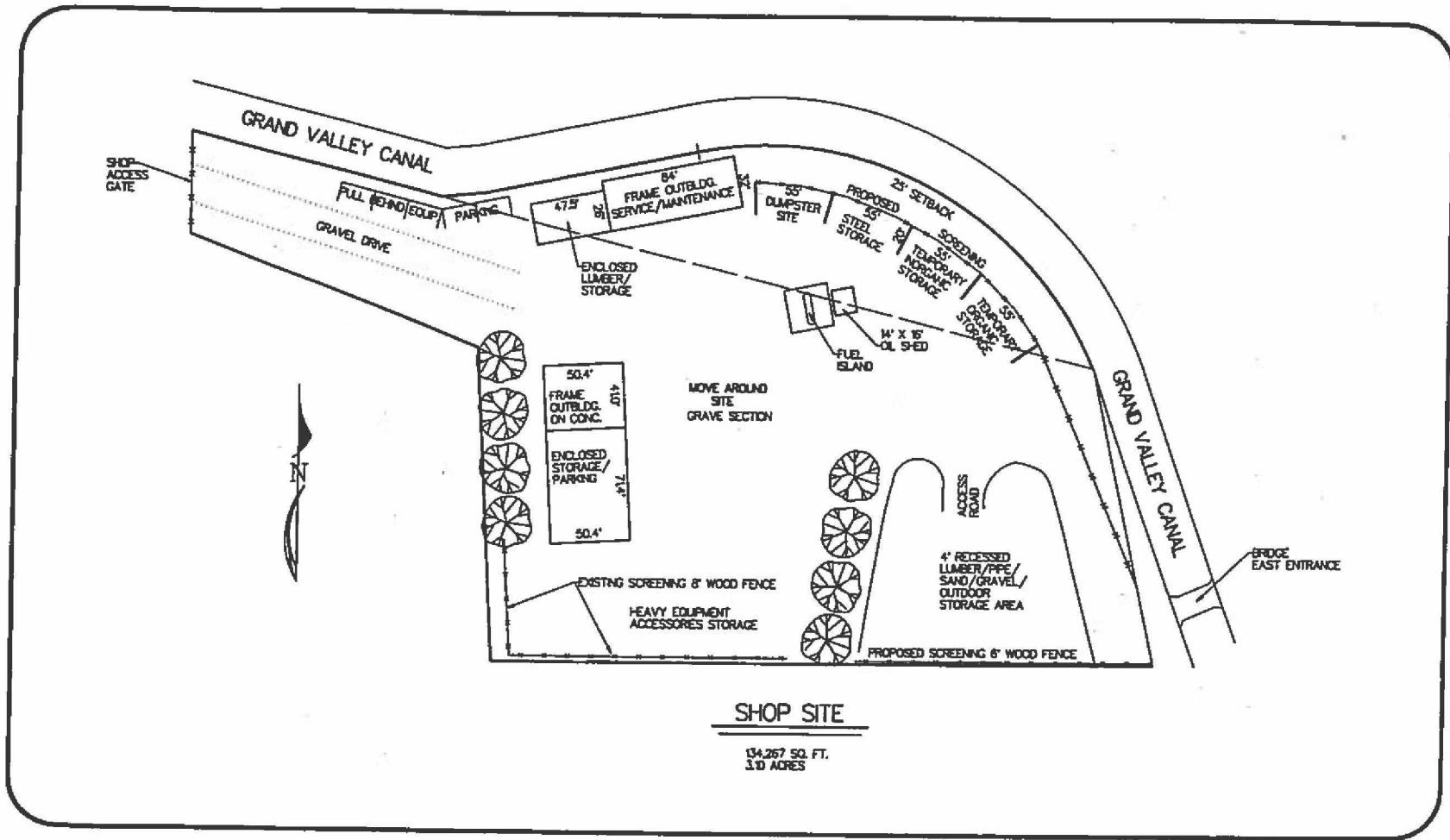
3. Crushing and Processing. There shall be no crushing or processing of natural or man made material on the east site.
4. Noise. GVIC will limit noise to levels generated and associated to the activity of use of the east site described in #2 of this response. The noise levels shall meet or exceed the requirements of all governmental agencies, i.e., City of Grand Junction and the State of Colorado and Mesa County including Muni Code Sec 16-106.
5. Dust. GVIC will implement dust control measures upon the continuous use exceeding 15 min of dust producing activity on the east site or act immediately to local resident's responses to the activity causing dust. GVIC will also implement dust control due to non-activity wind caused dust. GVIC will annually implement a calcium chloride treatment to inhibit loose ground surface material blowing or creating a dusty situation. GVIC will comply with Muni Code Sec 16-125, #1, #2, #3 & #5.
6. Buffer. GVIC will maintain thirty five feet buffer on the north, east and south boundary of the east site. No material shall be stored within this buffer, however, crews and equipment will be allowed to operate within this buffer.
7. Screening. GVIC, on the east site, will construct a 6' high cedar wood, tight gapped, fence with vertical metal posts anchored in concrete on the north and south property lines, and 150' down the east property line to adjoining property owners east west fence. Then a landscape buffer to be planted on the remaining 200'. Spartan Junipers are proposed which grow to 20 feet in height. They are a medium growth rate tree and require ten feet spacing through this 200' stretch and to be planted 15' from property line. Trees will be watered weekly during growing season by GVIC portable water truck.
8. Lighting. There are no plans for permanent lighting on this east site.

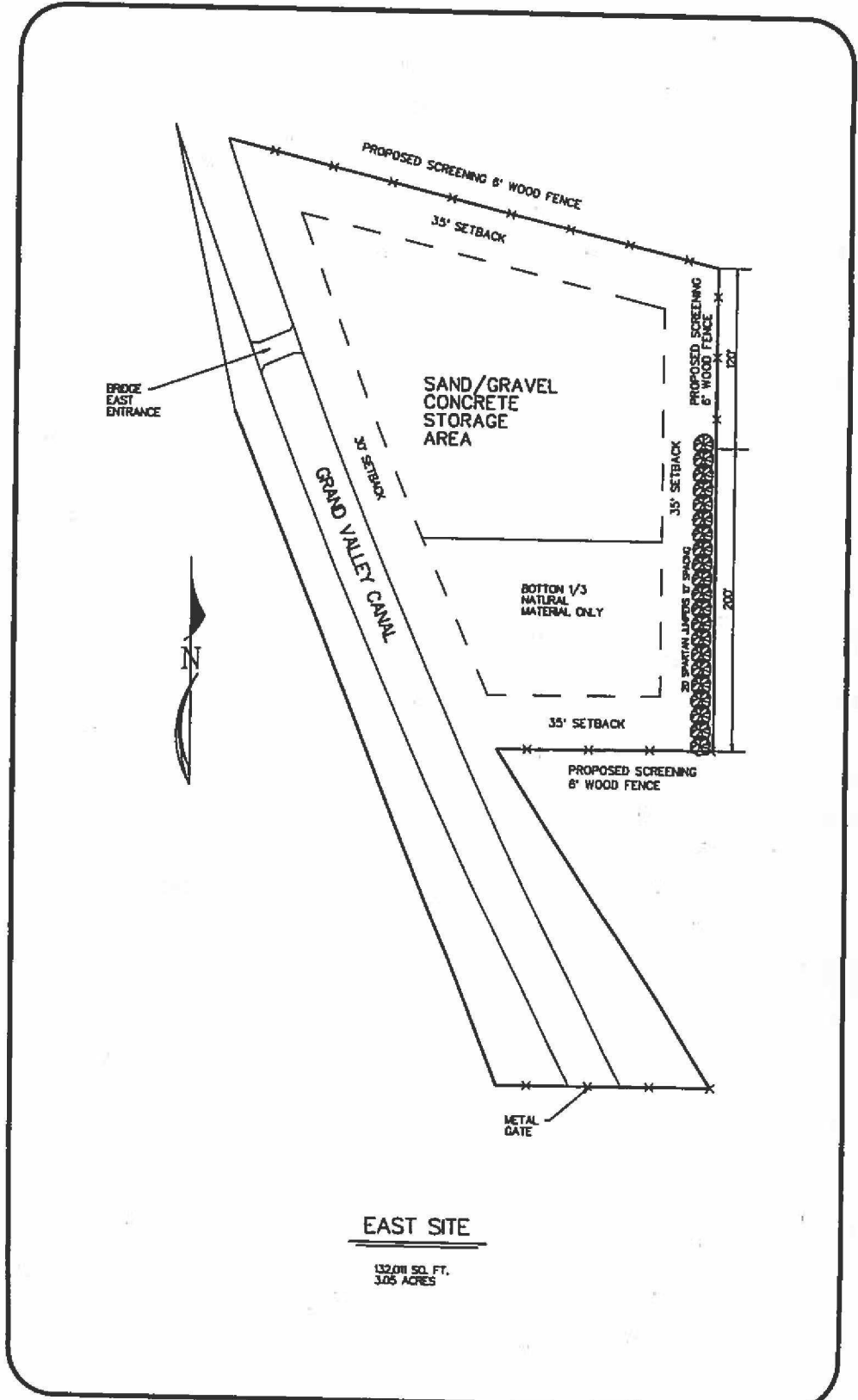




OFFICE SITE

56,369' SQ. FT.  
1.30 ACRES





EAST SITE

132,011 SQ. FT.  
3.05 ACRES



**GOLDEN, MUMBY, SUMMERS, LIVINGSTON & KANE, LLP**

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

2808 NORTH AVENUE, SUITE 400

P.O. BOX 398

GRAND JUNCTION, COLORADO 81502

TELEPHONE: (970) 242-7322

FACSIMILE: (970) 242-0698

JAMES GOLDEN  
K.K. SUMMERS  
J. RICHARD LIVINGSTON  
WILLIAM M. KANE

OF COUNSEL  
KEITH G. MUMBY

PATRICIA L. COOKSON

e-mail: JRLivingston@gmslk.com

April 2, 2001

**HAND DELIVERED**

Patricia Parish  
Community Development Department  
City of Grand Junction  
250 North 5th Street  
Grand Junction, CO 81501

**RECEIVED**

APR 02 2001

**COMMUNITY DEVELOPMENT  
DEPT.**

**RECEIVED**

APR 02 2001

**COMMUNITY DEVELOPMENT  
DEPT.**

Re: Grand Valley Irrigation Company  
CUP 2001-056

Dear Ms. Parish:

I represent property owners very interested and concerned about the conditional use permit requested by Grand Valley Irrigation Company.

It is my understanding that you will be receiving responses from the applicant to the Agency Review Comments, and that the Staff Presentation will be finalized prior to the Planning Commission hearing. My clients would like for you to have the following information for inclusion in the materials to be received and considered by the Planning Commission.

The subject property was zoned residential by Mesa County in 1961. A copy of the 1961 zoning ordinance is attached hereto as Exhibit "1." An aerial photograph of the property taken August 8, 1961 indicates the portion of the GVIC property east of the canal was not accessible from the west side of the canal and was not being used for outdoor storage or other commercial/industrial purposes in 1961. The aerial photograph is a large exhibit which is available for presentation to the Planning Commission.

By 1979, GVIC had constructed a bridge over the canal and was using the parcel east of the canal for storage of some rip-rap material. A small aerial photograph taken March 12, 1979 is attached as Exhibit "2," and depicts the bridge across the canal.

By 1982 the area east of the canal was being used by GVIC for storage/dumping of all types of material and debris. For example, bleachers from Stocker Stadium were removed from the stadium

at that time and remain on the site currently. A letter from Don Hobbs of Parks & Recreation is attached hereto as Exhibit "3" regarding the removal of the bleachers from the stadium.

During the 80's and 90's, my clients objected to the noise, dust, aesthetics and health hazards created by the ever expanding use of the area east of the canal. Mesa County notified GVIC of a zoning violation and the parties negotiated regarding conditions on the use of the parcel east of the canal, but agreement was never reached.

My clients have no objection to GVIC using its property west of the canal for its office and shop. They do, however, strenuously object to any use of the property east of the canal which violates the residential zoning of the property.

As noted in the City of Grand Junction Zoning and Development Code, a conditional use is not a use by right. Approval of a conditional use is determined by the particular circumstances of the property location and the ability of the applicant to show that such use is compatible with the neighboring properties.

Due to the topography of the area, the properties east of the GVIC parcel are substantially higher than the GVIC property. Even if the GVIC parcel east of the canal were fenced, it would not provide reasonable visual and auditory privacy for the dwelling units to the east. The dust and noise generated from the parcel east of the canal, as well as the view of the debris stored on the parcel, are not consistent with the surrounding residential uses and could not co-exist in a harmonious manner with the adjacent existing residential development.

As required by law, all vehicles and equipment dumping and removal material located on the property east of the canal are equipped with back-up warning beepers. Therefore, every time a truck, loader or other piece of equipment backs up, there is a continuous beeping sound emitted. Such a safety feature makes a lot of sense on a construction site or within an industrial area, but it is not a typical activity in an established residential area. Delivery, loading and movement of the debris stored east of the canal generates significant dust which is carried by the prevailing winds onto the properties to the east. GVIC has not proposed to retain the noise and dirt on its property and, as a practical matter, cannot do so. The impact of such noise and dirt has significant negative impact on the use and enjoyment of the adjoining property. I have attached as Exhibit "4" some recent photographs depicting the debris stored east of the canal and the dust generated on the parcel.

My clients respectfully request that the application for a conditional use on the GVIC parcel east of the canal be denied and that GVIC be obligated to meet all the site plan review standards and use standards set forth in the Code for a conditional use west of the canal.