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File CUP-1996-094

Name: United Companies – 2273 River Rd. – Conditional Use Permit

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DOCUMENT DESCRIPTION:

X	X	Planning Commission Minutes – 5/14/96, 6/11/96 - **	X	X	Grading, Drainage and Utility Plan – 10/93 – to be scanned
X	X	Planning Clearance – issued 5/22/96, 10/11/96, 1/22/97 - **			Floor Plan/Roof Plan/Elevations
X	X	Mesa County Development Permit – Bk 1871 / Pg 133 – 12/13/91- see scanned staff report			Reflected Ceiling Plan / Sections Schedules
X	X	Mesa County Resolution No. MCM 94-59 – Bk 2062 / Pg 187 – see scanned staff report			Batch Plant Office
X	X	Mesa County Staff Review – 8/6/91 – Bk 1871 / Pg 136 – see scanned staff report			Site Location Map
X		Mesa County Short Report – 4/12/96			Site Analysis Map
X	X	Resolution No MCM 96-32 – see scanned staff report			River Road Waterline Plan / Standard Details
X	X	Correspondence			
X	X	Certificate of Occupancy – 7/22/97			
X	X	State of Colorado – Division of Minerals and Geology – received 2/6/2001			

STAFF REVIEW

FILE: #ANX-96-94 Conditional Use Permit for a
Gravel Operation in a I-1 Zone
Hagie Gravel Pit

DATE: May 14, 1996

STAFF: David Thornton

ACTION REQUESTED: Staff requests that Planning Commission approve the Conditional Use permit to allow a Gravel Operation in a Light Industrial (I-1) zone district.

LOCATION: 2273 River Road

APPLICANTS: United Companies

EXISTING LAND USE: Gravel Operation including the following uses: gravel extraction, processing, crushing, stockpiling & storage, asphalt plant, concrete plant.

PROPOSED LAND USE: Same. United Companies will be submitting for site plan approval additional facilities that will include an office building, shop building and an area for Heavy Equipment Storage and fuel storage area. All such uses are either allowed under the existing code or will be allowed under the proposed text amendments.

USE ZONE MATRIX CLASSIFICATION: Sand and Gravel Extraction and Processing

TAX PARCEL #'s: 2945-061-15-001 and 2945-061-00-029

SURROUNDING LAND USE

NORTH: River Road and Railhead Industrial Park

SOUTH: Vacant and Colorado River

EAST: Agricultural

WEST: Colorado River and River Road Gravel Pit

EXISTING COUNTY ZONING: AFT with a Conditional Use Permit for a Gravel Operation including the following uses: gravel extraction, processing, crushing, stockpiling & storage, asphalt plant, concrete plant. The CUP was also amended to include processing, crushing, stockpiling & storage of gravel at this site for gravel mined from the River Road Gravel Pit adjacent to the west.

PROPOSED CITY ZONING: Light Industrial (I-1). A CUP is required for a gravel operation.

SURROUNDING ZONING

NORTH: Planned Industrial (Mesa County)
SOUTH: AFT (previous Mesa County zoning) / proposed as I-1
EAST: AFT (previous Mesa County zoning) / proposed as I-1
WEST: Planned Industrial (Mesa County)

STAFF ANALYSIS:

Background Information: The following is a list of past decisions on the Hagie Pit site by Mesa County:

1. 8/27/91, United Hagie Pit received approval of a conditional use permit (C59-91) to operate a gravel pit with associated accessory uses, including crushing and stockpiling and the production of hot mixed asphalt and redi-mix concrete.
2. 1/8/92, The subject parcel received approval of a vacation of the Smith and Bailey Riverside Subdivision and vacation of right-of-way (C59-91-2), with the condition that access would be provided with parcel 2945-063-00-011 (Pennington property).
3. 3/29/94. The United Hagie Pit received approval of an expansion (9.3 acres) to their previous CUP (C59-91-3), still with the access condition. Attachment B was recorded with an amended CUP (Resolution MCM 94-59) specifying conditions for entire gravel operation at the Hagie site.
4. 7/7/94, Mesa County issued a cease and desist order to United for failure to provide the required access through the Hagie site for 2945-063-00-011 (Pennington property).
5. 10/18/94, Mesa County Board of County Commissioners determined that United attempted through an offer of limited access to comply with the access condition and was therefore in substantial compliance. The cease and desist order was vacated.
6. 5/30/95, The Mesa County Board of Commissioners included a requirement to submit an application for an amendment to a CUP in order to process gravel from the United Railhead Pit at the Hagie Pit site. The application also resulted in the denial of a ROW application since the ROW is the only ROW to parcel 2945-063-00-011 (Pennington property).
7. 6/13/95, Judge Nicholas R. Massaro ruled in a Rule 106 appeal that the parcel 2945-063-00-011 is entitled to 40' of ROW. In addition, Judge Massaro ruled that the CUP for C59-91-3 is reversed (#3 above). The 9.3 acre expansion is removed from the CUP.
8. 2/13/96, Mesa County Board of Commissioner approved the

amendment to the Hagie Pit to process gravel from the Railhead Pit.

United Companies received from Mesa County in 1991 a Conditional Use Permit for a gravel operation for the Hagie Gravel Pit located at 2273 River Road. (Recorded in Book 1871, pages 133-143) The conditions for the original Hagie Gravel Pit CUP in 1991 are attached.

In 1994 United Companies received an amendment to their Hagie Pit that expanded the area 9.3 acres. The expanded area was later deleted from the CUP by Judge Massaro, but after all the gravel had already been extracted from the 9.3 acre site. The amended CUP was recorded with an attachment B that listed all conditions of the CUP for the entire Hagie Pit site. Attachment B was recorded with Resolution No. MCM 94-59, recorded in Book 2062, pages 187 - 189. Those conditions still apply to this Hagie Pit gravel operation. Attachment B is attached.

In 1996 United Companies received an amendment to their Hagie CUP to process gravel extracted from the Railhead Gravel Pit site. The amendment included the approved accessory uses on the site, including crushing and stockpiling, and production of hot mixed asphalt and redi-mix concrete. Use of the floor of the depleted pit (approximately 20 acres) 20-22 feet below the surface elevation was approved.

Hours of operation approved were Monday through Saturday 6:00 a.m. to 7:00 p.m. Maintenance and repairs are proposed to be allowed outside of these specified times.

The existing haul route to River Road was approved in the amendment. In addition, the gravel from the Railhead pit must be transported via haul truck or conveyor system to the Hagie site across the Appleton Drainage Ditch. Haulage roads within the premises shall be maintained in a reasonable dust free condition. This may include, depending on local conditions, watering, oiling, or paving.

The Reclamation of the site is delayed for 10-15 years (the anticipated life of the railhead pit). The areas unaffected by the gravel operation are to be reseeded and the re-vegetation plan shall meet the standards for the Tri-River Colorado State University Extension Agency.

Topography and Soils: The site is fairly level to the north, then drops off 20-22 feet to the site of the gravel pit. South of the gravel pit is a berm, then the Colorado River. The floodplain is broad at this location. Residential development on the Redlands across the river is more than 1/2 mile away. No geological hazards have been identified.

The Commissioners approved the amended CUP request in Resolution No. MCM 96-32 recorded in Book 2211, page 91. The conditions for the amended Hagie Gravel Pit CUP in 1996 were as follows:

1. There shall be no maximum number of truck trips per day subject to annual review. If complaints are made to County Code Enforcement and the complaints are not resolved, a public hearing will be scheduled with the BOCC for the purpose of reconsidering this condition.
2. Areas unaffected by the gravel operation will be reseeded to the standard of the Tri-river Colorado State University Extension Agency.
3. All conditions contained in Attachment B (Resolution 94-59) except #'s 2, 3, 4 & 5.
4. The 100' right-of-way on the Railhead site shall provide access to parcel #2945-063-00-011, in fulfillment of previous access conditions.
5. If parcel #2945-063-00-011 submits an application for a gravel pit to Mesa County and receives approval from the U.S. Army Corps of Engineers for work in the floodplain, United Companies shall reduce the size of the Colorado River embankment on the north side of the Colorado River on public right-of-way.

Future site plan review and building permits will be required of United Companies for their plans of building their main office and shop facility and all other proposed uses allowed under the I-1 zone at this location. Submittal through the City's Site Plan Review Process (administrative review and approval) will be required.

STAFF RECOMMENDATIONS:

Staff recommends that this Conditional Use Permit be approved with all Mesa County conditions, (Mesa County files C-59-91-1 thru 4; and Resolutions MCM 94-59 & MCM 96-32 and the CUP recorded in Book 1871, pages 133 - 143). The Conditional Use Permit is being transferred and adopted for all purposes of the County approval except that all references made for various review, approval and/or enforcement action by Mesa County Departments shall be reviewed, approved and/or enforced by corresponding City of Grand Junction Departments where applicable.

PLANNING COMMISSION MOTIONS:

Mr. Chairman, on item #CUP-96-94, the Conditional Use Permit to allow a Gravel Operation in an I-1 zone district at 2273 River Road, the Hagie Gravel Pit, I move that we approve this as per staff recommendations.

RIVER ROAD ANNEXATION

Current uses on parcel: United Companies of Mesa County (Gravel Pit)



This map was developed by the City of Grand Junction from aerial photography and other public records. The City does not guarantee the accuracy of this map.



Orthophoto flown on 3/21/94

MP
4/5/96

RESOLUTION NO. MCM 94-59
Planning Department No. C59-91-3

APPROVAL OF A CONDITIONAL USE PERMIT (CUP)
AND OFFICIAL DEVELOPMENT PLAN (ODP) FOR
THE HAGIE GRAVEL PIT EXTENSION

WHEREAS, United Companies of Mesa County, Inc., sought approval of a Conditional Use Permit (CUP) and Official Development Plan (ODP) in a Agricultural Forestry Transitional (AFT) zone in Mesa County, to wit:

(See Attachment A)

WHEREAS, the public hearing before the Board of County Commissioners was held on March 29, 1994.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the staff recommendation was contained in a staff report dated March 7, 1994;

That the Mesa County Planning Commission made a recommendation for approval on a vote of 7-0 at the public hearing held on March 24, 1994;

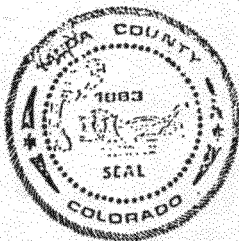
That the Conditional Use Permit met with relevant Mesa County Land Use Policies, specifically Policy #29, the Mineral Extraction Policies, Policy #33, Mid-Valley (Appleton) Area, and Section 10.2, Conditional Use Permit Requirements in the Mesa County Land Development Code.


That the approval is in accordance with the health, safety and welfare of the residents of Mesa County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO:

That the Conditional Use Permit and Official Development Plan to extract gravel in a Agricultural Forestry Transitional (AFT) zone is approved subject to the following stipulations and review agency comments (See Attachment B).

PASSED AND ADOPTED THIS THE 5th day of April, 1994.




John Crouch, Chair of the
Board of Mesa County Commissioners

ATTEST:

Monica Todd, County Clerk

Attachment A:

RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTIONC59-91-3 HAGIE GRAVEL PIT EXTENSION -- CONDITIONAL USE PERMIT FOR
A GRAVEL PIT IN AN AGRICULTURAL, FORESTRY TRANSITIONAL (AFT) ZONE

Petitioner: United Companies of Mesa County, Inc.
Representative: Paul McGehee
Location: 2273 River Road, adjacent to the Hagie Gravel
Pit

A request for approval of a Conditional Use Permit for 9.3 acre parcel to extract gravel in an Agricultural Forestry Transitional (AFT) zone. The Hagie Gravel Pit is also known as the River Road Gravel Pit. This request is for a 9.3 acre extension of the Hagie Gravel Pit. If you have any questions or concerns, please contact Mike Joyce at 244-1642.

BEG S 89DEG48'41SEC W 1296.4FT FR E4 COR SEC 6 1S 1W N ODEG22'01SEC E 326.9FT S
89DEG41'14SEC W 661.78FT S ODEG03'23SEC W 325.5FT S 02DEG40'01SEC W 120FT S
68DEG54'30SEC E 398.08FT S 30DEG E 300FT N 62DEG E 137.27FT N ODEG22'01SEC E
460.60FT N 89DEG48'41SEC E 20FT TO POB

AKA: E2 LOT 10 SMITH & BAILEY'S RIVERSIDE SUB & ALSO THAT PT OF LOT 7 ORCHARD
GROVE SUB WHICH LIES IN GLO 8

Located in: NW 1/4, SW 1/4 AND SW 1/4, NE 1/4 SECTION 6, TOWNSHIP 1S,
RANGE 1W OF THE UTE MERIDIAN

Attachment B:

1. All stipulations for approval as noted in Resolution MCM 91-151, (File C59-91) approved by the Mesa County Board of Commissioners on September 10, 1991, are still in effect for the original boundary of the Hagie Gravel Pit and for the area of this expansion request, which do not conflict with these stipulations;
2. The dedication of the right-of-way which was required during the vacation of the Smith and Bailey's Riverside Subdivision (C59-91-2) has not been accomplished. United Companies has agreed to provide an access easement to property that is located to the south and west of the Hagie Pit;
3. Due to the change in the ownership of property caused by this addition of land to the Hagie Pit any changes in the language providing a 100 foot wide public access easement along the Colorado River must be determined between the petitioner and the Mesa County Current Planning and Development staff;
4. Maximum number of truck loads of 300 per day leaving the site, and a monthly average of 250 truck loads leaving the site;
5. Operations of the project shall be allowed year around, seven days per week. Hours of operation allowed are:
Crushing and Hauling -- 6:00 am to 7:00 pm during daylight savings time and daylight hours the other months of the year.
Other Activities -- Permitted to occur between 5:00 am and 12:00 midnight provided notification is given to the adjacent property owners and the Mesa County Current Planning and Development Section at least 24 hours prior to the operations commencing outside the standard hours of 6:00 am to 7:00 pm. United is also requesting the option of having extended hours, on a limited basis, in the event of special needs. United shall contact the Mesa County Current Planning and Development Section twenty-four (24) hours in advance of the use of expanded hours. Mesa County shall monitor the number of requests for the use of expanded hours each year to determine if conditions warrant the limitation of the use of expanded hours;
6. A multiple component crusher and asphalt plant will be allowed to be used, which meets the criteria set forth in Section 10.7 of the Code, to process the raw material on site;
7. Submittal and approval of a Fugitive Dust Control Plan by the Mesa County Health Department;
8. All required State and Federal permits must be obtained and evidence of such permits submitted to the Mesa County Current Planning and Development Section;
9. The Colorado State Mined Land Reclamation Permit that has been issued for the Hagie Pit (M-91-136) and the Financial Responsibility Bond that currently covers the Hagie permit must be amended to include this extension of mining activity;
10. The Reclamation Plan for the site must be recorded with the Mesa County Clerk and Recorder per Section 10.6.10 of the Code;
11. A floodplain permit will be required for this project if determined to be needed by the Mesa County Floodplain Administrator;
12. The petitioner contacting the Corps of Engineers to determine if a Section 404 permit will be required due to any jurisdictional wetlands which may be disturbed by the proposed project and evidence provided to Mesa County to indicate compliance with this requirement;
13. The Drainage Plan submitted with this application must be approved by the County Development Engineer;
14. Annual administrative review by the Current Planning and Development staff, however if complaints are received regarding the operation, the review will be conducted before the Board of County Commissioners in a public hearing;
15. Review agency comments consistent with these recommendations, and;
16. As per the Colorado Geologic Survey review agency comment, that United Companies engage the services of a specialist, environmental firm or consultant to ensure that the existing buildings are disposed of properly, the site is cleaned up and that no contamination, if any is present, is shipped off site with the sand and gravel products.



Mesa County Development Permit

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description do hereby request a Development Permit for: Legal attached

C59-91 HAGIE GRAVEL PIT - CONDITIONAL USE PERMIT

Petitioner: United Companies of Mesa County, Inc.

Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction operation including crushing and stockpiling gravels as well as facilities for production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site 58.4 acres in size in an Agricultural/Forestry Transitional (AFT) zone.

BOOK 1871 PAGE 133

1588820 11:10 AM 12/18/91
MONIKA TODD CLK&REC MESA COUNTY CO

Property Owner	
United Companies of Mesa County, Inc.	
P.O. Box 3609	<small>Name</small>
Grand Junction, CO 81502	<small>Address</small>
<small>City/State/Zip</small>	
Dated this <u>(11)</u> <u>Eleventh</u> day of <u>December</u> 19 <u>91</u> .	
x <u>[Signature]</u>	<small>Signature</small>
<small>Signature</small>	

STIPULATIONS OF APPROVAL:

Stipulations of approval attached.

DATED THIS 13th DAY OF December 1991

by [Signature]
Chairman, Mesa County Board of Commissioners



ATTEST:

[Signature]
Recorder

C59-91 HAGIE GRAVEL PIT - CONDITIONAL USE PERMIT

Petitioner: United Companies of Mesa County, Inc.

Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction operation including crushing and stockpiling gravels as well as facilities for production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site 58.4 acres in size in an Agricultural/Forestry Transitional (AFT) zone.

PARCEL A

All that part of the N 1/2 of Section 6, T. 1 S., R 1 W. of the Ute Meridian belonging to Fred E. Hagie and Leslie Janie Hagie; being more particularly described as follows: Beginning at the Center of said Section 6; thence along the East-West centerline of said section 6 N. 89 degrees 48' 41" E. for 592.58 ft. to Witness Corner, thence continue N. 89 degrees 48' 41" E. for 67.42 ft. for a total of 660.00 ft. to true point which falls in lake; thence N. 0 degrees 03' 23" E. for 325.50 ft.; thence N. 89 degrees 41' 14" E. for 661.78 ft. to the NE Corner of the S 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of said Section 6; thence along the West Boundary of the SE 1/4 of the NE 1/4 as calculated from the Orchard Grove Subdivision Plat (1894); thence N. 0 degrees 22' 05" E. for 814.61 ft. to a point on the Southerly R.O.W. of River Road; thence N. 56 degrees 21' 15" W. for 935.80 ft. along said Southern R.O.W. to a point in the center of the Appleton Drain; thence S. 37 degrees 43' 24" W. for 2107.29 ft. along the centerline of the Appleton Drain to a point on the East-West centerline of said Section 6; thence N. 89 degrees 48' 41" E. for 741.06 ft. along said East-West center to the Point of Beginning.

Said Parcel contains 44.634 Acres (more or less), minus all easements and rights.

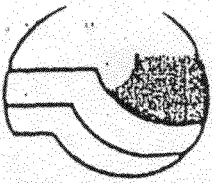
PARCEL B

All that part of Lot 8 of the Orchard Grove Subdivision including accretion as established by Judgement and Decree No. 12746 in the District Court in and for the County of Mesa and State of Colorado; being more particularly described as follows: (the following bearings have been oriented to match our bearing of the East-West centerline of said Section 6). Thence along the East-West centerline of said Section 6; N. 89 degrees 48' 41" E. for 20.00 ft. to the Point of Beginning, said P.O.B. falls in lake; thence S. 2 degrees 40' 41" W for 739.80 ft.; thence S. 58 degrees 53' 19" E. for 522.10 ft.; thence S. 66 degrees 40' 19" E. for 201.75 ft.; thence N. 2 degrees 40' 01" E. for 1091.97 ft. to a point on the said East-West centerline of said Section 6; thence along said East-West centerline S. 89 degrees 48' 41" W. for 648.51 ft. to the Point of Beginning.

Said Parcel contains 13.784 Acres (more or less) minus all easements and rights-of-way. All of said Parcel B lies below the 100 year flood line.

Hagie Gravel Pit Conditional Use Permit is approved subject to all provisions of the written material submitted as an application for the permit except where inconsistent with the following conditions:

1. Staff and review agencies' comments (see attached);
2. Planning Commission recommendations with the exception of items 2 and 3 (attached).
3. A daily maximum of 300 truck loads per day leaving the site.
4. A monthly average of 250 truck loads per day leaving the site.
5. Hours of operations as follows:
 - a. Crushing - 6 AM to 7 PM during daylight savings time, and daylight hours other months of the year.
 - b. Other activities are permitted to occur between 5 AM and midnight provided notification is given to the adjacent property owners and the Mesa County Planning Division at least 24 hours prior to operations commencing outside of the standard hours of 6 AM to 7PM.
6. Language providing a 100 feet wide public access easement along the Colorado River is to be worked out between the petitioner and the Planning staff.
7. Annual administrative review by the Planning staff; however, if complaints are received regarding the operation, the review will be conducted before the Board of County Commissioners in a public hearing.
8. The speed limit study on River Road referenced in the staff review conducted by the Mesa County Traffic Section.



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

BOOK 1871 PAGE 136

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

STAFF REVIEW
August 6 1991

PROJECT: C59-91 Hagie Gravel Pit, Conditional Use Permit
Petitioner: United Companies of Mesa County, Inc.
Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction, crushing and stockpiling and production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site of 58.4 acres in an Agricultural Forestry Transitional (AFT) zone.

SURROUNDING LAND USE AND ZONING: The Colorado River borders the property on the south and immediately across the river is Redlands Village Subdivision (R-2); the Division of Wildlife's Walker Wildlife Reserve is located to the west and southwest; Railhead Industrial Park (vacant lots) is immediately west of the site across the Appleton Drain (Planned Industrial). To the north the property fronts River Road and the DRG & W Railroad right-of-way, with Highway 50 parallel to the Railroad. Immediately to the east are a single family residence and alfalfa fields (AFT). Also to the east is an AFT site owned by Grand Junction Pipe and Supply Co.

The site is currently nonirrigated, vacant ground covered with desert scrub vegetation. An occupied residence with associated out buildings and various derelict vehicles are located on the north east corner of the subject property. A vacant, abandoned residential structure is located on the northwest corner of the property.

The River Road corridor from the Redlands Parkway to this site is an established commercial/industrial area with vehicular sales, heavy equipment storage and repair, a salvage yard, used auto sales lot, rental storage units and scattered residences and agricultural fields. Additionally, three gravel operations are within one mile of the site along River Road (Elam Construction, Mesa Rock, and Grand Junction Pipe and Supply). Zoning includes AFT, Planned Industrial, Industrial, and Planned Unit Development. Property north of the site across the railroad and Highway 50 is zoned Commercial.

STAFF COMMENTS:
PROPOSAL

This is a proposal to extract gravel and overburden from 36 acres of a 58.4 acre site on the south side of River Road approximately 1/4 mile west of 23 Road. An asphalt batch plant and or a ready mix cement plant are also proposed. The proposal includes mining portions of Smith and Bailey's Riverside Subdivision. If this application is approved a road right-of-way dedicated on the subdivision plat and the lot lines of the subdivision must be formally vacated by the County prior to commencement of gravel mining operations on the site.

The proposal anticipates extraction of gravel and overburden in three phases beginning in 1996 and continuing approximately 10 years. No indication of an average or maximum number of truck loads per day leaving the site are given in the application as required in Section 10.6.8 of the *Mesa County Land Development Code*, (the Code). Year around operation of the pit is proposed with no limitations on operating hours. Maximum hours of operation suggested in the Code are from 6:00 a.m. to 7:00 p.m. These hours should apply to this operation during daylight savings time. For the remainder of the year operations should be limited to daylight hours due to the proximity of the Walker Wildlife Refuge. (See DOW comments).

Haul Route

The proposed haul route is along the Grand Junction Drainage District's maintenance road for the Appleton Drain to River Road. Existing right-of-way for the drain includes 50 feet on each side of the centerline of the drain. The haul road should be constructed to be wide enough to avoid conflicts along this route. The gravel haul road will require periodic dust suppression applications. River road is a school bus route in this vicinity. Truck traffic from the site should be prohibited before 8:00 a.m. on school days to avoid morning conflicts with school children awaiting the bus.

Drainage

The mining plan indicates the site will be graded "in such a manner that all storm water runoff will be contained on site." Section 10.6.7 of the Code requires a drainage report and plan prepared by a registered professional engineer be submitted for review to demonstrate the project will have no adverse impact on natural conditions during and following the operation. No plan was submitted for review. Excavation of the site is anticipated to 26 feet below surface elevation and below the 100 year floodplain. A floodplain permit will be required for this project.

RECLAMATION

The project narrative includes a reclamation plan for filling and regrading phase 1 for commercial uses along River Road (15 acres). Phases 2 and 3 will result in a 16 acre lake and 5 acres of irregular shorelines and contoured banks to enhance the area for wildlife habitat (water fowl and fish). The seed mixes selected must meet the standards of the Tri-River Colorado State University Extension Service per section 10.7.17 of the Code. Section 10.7.18 of the Code requires all reclaimed areas to be maintained for 3 years or until vegetation is firmly established.

The reclamation plan is lacking in detail required by the Code. Sections 10.6.5 and 10.6.6 of the Code require submittal a description of the type, character, and density of proposed vegetation, and estimated costs for all phases of rehabilitation of the site respectively.

AREA RESIDENCES

The nearest residence to the site is approximately 300 feet south of the site. The on-site residence is immediately adjacent to phase 1 of the operation. Section 10.7.2 of the Code restricts excavation and stockpiling of overburden and resource within 30 feet of a

property line or easement. Section 10.7.3 of the Code prohibits excavation within 125 feet of existing residences without written consent, and asphalt plants, crushers, batch plants and similar equipment is prohibited within 250. The project narrative does not address the existing residences.

REVIEW CRITERIA

Criteria for review of Conditional Use Permit applications are found in Section 10.2 of the Land Development Code. The general criteria include:

1. *Compatibility with adjacent uses*

The area has existing gravel and commercial operations. The site has not been irrigated and is not considered prime farmland without irrigation. Provisions for buffering area residences via distance, berming, and landscaping are recommended.

2. *Adequacy of design*

See above.

3. *Public services*

Existing access and utilities.

4. *Provisions for maintenance*

Required in the reclamation plan and bond with the State of Colorado. All operations must obtain proper emissions permits and roads must be kept "dust free".

The specific criteria for review of gravel pits (Section 10.2 of the Code) are:

1. *Could there be adverse impacts on natural resource and wildlife habitat areas and can these impacts be mitigated?* YES impacts are possible and limiting hours and planting additional trees could mitigate the impact as discussed above.

2. *Do safety considerations require special fencing or signage?* YES, 6 feet high chain link is proposed along River Road and field fence along the perimeter. A stop sign on the haul road at River Road and "Trucks Entering Highway" signs are proposed.

3. *Will the proposed use cause unusual damage or congestion on streets and roads and how may this be mitigated?* It is unclear how many trucks will be entering and leaving the site. River Road is in poor condition and is an established truck route. The County should set a limit on the maximum truck traffic generated from the site based on recommendations from the Engineering Division.

4. *Are prevailing wind factors such as to cause adverse impacts from the proposed use?* Diurnal up and downstream winds could impact adjacent residences if adequate dust suppression is not practiced.

5. *Are soil and geologic suitability adequate?* See Geologic Survey comments.

6. *Is there feasibility of recycling waste products?* Uncertain, and not addressed in the application.

Page 4

7. *Is proposed reclamation of the location and the effects of the use adequate and what are the limitations of future uses on the reclaimed land?* The reclamation plan is inadequate in detail (see above). A 100 foot greenbelt along the river is required by the Code and should be dedicated to the public for access along the river as part of the Colorado River Greenbelt (Policy #26, Master Plan of Parks) prior to commencement of operations. It is unclear who will own the lake after operations cease.

8. *Are accumulations of unusable unrecyclable materials disposed of properly?* Uncertain, not addressed in the application.

9. *Have retention areas and mosquito/pest control been adequately addressed?* NO, a drainage plan and report have not been submitted?

POLICIES

The Mineral Resources Inventory of Mesa County identifies this area as a mineral resource area of floodplain deposits (classes 1 and 2). Policy #29, the Mineral Extraction Policies, of the Mesa County Land Use and Development Policies encourages the removal of commercially valuable mineral deposits and protection of those resources from incompatible developments.

The site does not include any prime agricultural soils without adequate irrigation water. The Mid-Valley Goals and Policies recognize the Highway 50 corridor within the Persigo sewer service area as a commercial area.

STAFF RECOMMENDATIONS:

A. Denial as submitted

B. Approval subject to the following conditions:

1. Submittal and approval of a drainage report and plan per section 10.6.7 of the Code.
2. Submittal and approval of an average and a maximum number of truck trips generated by the operation and any limits recommended by the Engineering staff.
3. Submittal and approval of a reclamation plan meeting the requirements of sections 10.6.5 (vegetation), 10.6.6 (cost estimates), and 10.7.17 (seed mix) of the Code.
4. All required State and Federal permits must be obtained and copies submitted to Mesa County.
5. Compliance with section 10.7 of the Land Development Code, Operation and Rehabilitation for all Mining Operations including any revisions to the plan to ensure proper distances from residences and property lines are adhered to.
6. Limited hours of operations and hauling as discussed above.
7. Annual administrative review of the permit by the Board of County Commissioners.
8. The mining and reclamation plan must be recorded with the Mesa County Clerk and Recorder per Section 10.6.10 of the Code.
9. Dedication of a 100 foot wide public access easement along the Colorado River and submittal of a petition to vacate existing right-of-way and subdivision lots in the Smith and Bailey's Riverside Subdivision prior to commencement of operations.

10. Removal of derelict vehicles from the site.
11. Review agency comments consistent with these recommendations.
12. Submittal and approval of a signage plan.

MCPD RECOMMENDATIONS: 8/15/91 Approval subject to:

1. Staff and review agency comments,
2. Hours for maintenance of vehicles and equipment on-site from 5:00 AM to 9:00 PM,
3. Maximum of 200 truck loads per day,
4. Posting a school loading zone on River Road,
5. A speed limit study of River Road should be conducted and the limit revised as necessary.

MESA COUNTY REVIEW SHEET SUMMARY

MCCP Hearing Date: 8/15/91 MCC Hearing Date: 8/20/91
 File Number: C59-91
 Project Name: Hagie Gravel Pit

Phase: Conditional Use
 Common Location: 2273 River Road (Mid-Valley)

Petitioner - Name: United Companies of Mesa County, Inc.
 Address: P.O. Box 3009
Grand Junction, Co 81502
 Phone: 243-4900

DATE REVIEW AGENCY REVIEW AGENCY COMMENTS

7/12/91
 COUNTY SHERIFF

Proposal is within service area; existing services are adequate.

7/15/91
 U.S. WEST
 No comments.

WESTERN GAS SUPPLY
 WestGas not involved.

GRAND VALLEY RURAL POWER
 If service (electrical) please contact Grand Valley Power when ready to "plan" project.

7/16/91
 GRAND JUNCTION RURAL FIRE
 We have no problems with this gravel pit conditional use. It is not indicated as to whether or not any permanent structures are to be built on site. If any are constructed or planned, we need to review plans to determine if adequate fire flow exists or is required.

7/17/91
 COUNTY ROAD DEPARTMENT
 O.K.

7/22/91
 MESA COUNTY ENGINEERING

Reviewed by: Patrick Nelms
Mesa County Engineering

Review date: August 6, 1991 Revised August 8, 1991

=====

ENGINEERING REVIEW COMMENTS:

1. As given in the Petitioner's Statement of Operations, haul roads must be treated with chemical agents or with road surfacing to provide dust control.

Review Sheet

(C26-90-2) Page 2

2. A drainage report and drainage plan must be submitted to the Division of Engineering and Design.
3. A Driveway Permit is required for construction of new accesses to the County road system. A Driveway Permit must be obtained from the Engineering Division prior to construction of new accesses to River Road.
4. A permit is required for oversize and/or overweight loads on County Roads. Permits may be obtained from the Mesa County Division of Engineering and Design.
5. The Division of Engineering and Design may require a traffic study be provided prior to operations of this facility as part of the annual review. Since proposed operations are nearly five years in the future, a study now would require projections of future traffic on River Road and also projections of traffic generated by the gravel pit operations, which are subject to future market conditions. Traffic may be more appropriately addressed at a later date.
6. Right-of-way crossing the site from a prior recorded subdivision needs to be vacated.

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FLOODPLAIN REVIEW COMMENTS:

1. A floodplain permit will be required because there will be excavation below the 100 year water surface elevation. This permit should be obtained up to one year before substantial commencement of the gravel pit operations.

GRAND JUNCTION DRAINAGE DISTRICT.

Proposal is within service area; existing services are adequate; easements are required.

There should be no negative impact on the Drainage District from the activity of extracting gravel. A truck in the open drain could cause a dam for the duration it was in the ditch. Use of the ditch road as a haul road will probably require widening to enable two way traffic. During times when the district is maintaining the Appleton Drain from the east side there will have to be cooperation to avoid work interruption to either the United Companies or the Drainage District. Easement for that portion of the drain and maintenance row on the property should be granted before the United Companies of Mesa County transfer the property to a subsequent owner.

UTE WATER

No water lines in this area on River Road.

7/24/91

Review Sheet

{C26-90-2} Page 3

PUBLIC SERVICE

Electric: No objections to conditional use. D.M. 7/15/91.
 Gas: No objections. JMR 7/15/91.

8/5/91

COLORADO DIVISION OF WILDLIFE

The Division of Wildlife has reviewed the Hagie Gravel Pit application. Wildlife species of special interest utilizing the project area include Gambel's Quail, Cottontail Rabbits, Great Blue Herons, waterfowl and raptors. Bald Eagles utilize the adjacent river corridor from December through March. The Walker State Wildlife Area is located immediately west of the site.

The operations plan indicates that up to 36 acres will be disturbed during phases 2 and 3. To reduce the negative impacts of this large disturbance area on wildlife we recommend that reclamation follow as closely behind mining as possible. This is especially important in the more sensitive phase 2 area. Incorporating the use of scattered brush piles and the planting of native cottonwoods into the reclamation plan will lessen the projects negative impacts on wildlife.

We note the petitioner seeks unlimited hours of operation. The adjacent wildlife area and the Colorado River bordering the site are heavily used by waterfowl as a resting area. The cottonwoods on the south side of the river are occasionally used for roosting by bald eagles in the winter. Limiting hours of operation to daylight only during the fall and winter months will help preserve the value of these resting area for wildlife.

The operations plan reserves a 100 foot buffer zone between the Colorado River and the disturbance area. We view this as a positive step for wildlife. The river bank immediately east of Appleton Drain is prone to cutting and erosion during high flows. Failure to maintain an adequate buffer between the river and the mined area may result in increased erosion and resultant shifts in river flow patterns. Such shifts could have negative impacts on adjacent property owners, including the Division of Wildlife. The petitioner should evaluate the size of buffer zone needed at the east end of the sit to maintain bank stability. (Paul Creeden)

COMMUNITY DEVELOPMENT DEPARTMENT

The 100 greenbelt along the River should be dedicated as a trail access easement upon initial approval of the Conditional Use.

RIVERFRONT COMMISSION

The gravel pit review committee of the Riverfront Commission has had an opportunity to review the application by United Companies concerning the Hagie Gravel Pit.

**COLORADO GEOLOGICAL SURVEY
 DEPARTMENT OF NATURAL RESOURCES**

715 STATE CENTENNIAL BUILDING — 1313 SHERMAN STREET
 DENVER, COLORADO 80203 PHONE (303) 866-2611

We have reviewed the materials for the proposed gravel pit operation. The soils report and statement of operations indicate no geologic conditions that would inhibit development of the program. If future reclamation of the site after closure is considered, then contact with the Colorado Mined Land Reclamation Division is desired. They can direct the operators toward the requirement policies. If you have any questions, please contact us.

RESOLUTION NO. MCM 96-32

Planning Division No. C59-91-4 1747908 1119AM 02/27/96
MONIKA TODD CLK® MESA COUNTY COAPPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT
FOR THE HAGIE GRAVEL PIT

WHEREAS, United Companies of Mesa County Inc. sought approval of an amendment to a conditional use permit in order to process gravel from the Railhead Pit for the following described land situated in the County of Mesa, State of Colorado, to wit:

(See attached)

WHEREAS, a hearing before the Board of County Commissioners was held 13 February, 1996.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the staff recommendation was contained in a staff review dated 19 January, 1996.

That the Mesa County Planning Commission made a recommendation at a public hearing held 18 January, 1996


That the application is in accordance with relevant Mesa County Land Use Policies and the health, safety and welfare of the residents of Mesa County.

That the application met with Section 10.1 (Conditional and Special Uses) and Section 10.2 (Criteria for Evaluating Conditional Uses) and Section 10.4 (Mineral Extraction, Washers, Crushing, Cement Batch Plants, and Asphalt Plants) of the Mesa County Land Development Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO, that: the application for an amendment to a conditional use permit for the Hagie Gravel Pit Permit is approved subject to the following conditions:

1. There shall be no maximum number of truck trips of per day subject to annual review. If complaints are made to County Code Enforcement and the complaints are not resolved, a public hearing will be scheduled with the BOCC for the purpose of reconsidering this condition.
2. Areas unaffected by the gravel operation will be reseeded to the standard of the Tri-River Colorado State University Extension Agency..
3. All conditions contained on Attachment B (Resolution 94-59) except #'s 2, 3, 4 & 5.
4. The 100' right-of-way on the Railhead site shall provide access to parcel # 2945-063-00-011, in fulfillment of previous access conditions.
5. If parcel # 2945-063-00-011 submits an application for a gravel pit to Mesa County and receives approval from the U.S. Army Corps of Engineers for work in the floodplain, United Companies shall reduce the size of the Colorado River embankment on the north side of the Colorado River on public right-of-way.

APPROVED this 27th day of February 1996.


Kathryn H. Hall, Chairman
Board of Mesa County Commissioners

ATTEST:


Monika Todd

STAFF REVIEW

FILE: #ANX-96-94 Conditional Use Permit for a
Gravel Operation in a I-1 Zone
Hagie Gravel Pit

DATE: June 11, 1996

STAFF: David Thornton

ACTION REQUESTED: Staff requests that Planning Commission approve the Conditional Use permit to allow a Gravel Operation in a Light Industrial (I-1) zone district.

LOCATION: 2273 River Road

APPLICANTS: United Companies

EXISTING LAND USE: Gravel Operation including the following uses: gravel extraction, processing, crushing, stockpiling & storage, asphalt plant, concrete plant.

PROPOSED LAND USE: Same. United Companies will be submitting for site plan approval additional facilities that will include an office building, shop building and an area for Heavy Equipment Storage and fuel storage area. All such uses are either allowed under the existing code or will be allowed under the proposed text amendments.

USE ZONE MATRIX CLASSIFICATION: Sand and Gravel Extraction and Processing

TAX PARCEL #'s: 2945-061-15-001 and 2945-061-00-029

SURROUNDING LAND USE

NORTH: River Road and Railhead Industrial Park

SOUTH: Vacant and Colorado River

EAST: Agricultural

WEST: Colorado River and River Road Gravel Pit

EXISTING COUNTY ZONING: AFT with a Conditional Use Permit for a Gravel Operation including the following uses: gravel extraction, processing, crushing, stockpiling & storage, asphalt plant, concrete plant. The CUP was also amended to include processing, crushing, stockpiling & storage of gravel at this site for gravel mined from the River Road Gravel Pit adjacent to the west.

PROPOSED CITY ZONING: Light Industrial (I-1). A CUP is required for a gravel operation.

SURROUNDING ZONING

NORTH: Planned Industrial (Mesa County)
SOUTH: AFT (previous Mesa County zoning) / proposed as I-1
EAST: AFT (previous Mesa County zoning) / proposed as I-1
WEST: Planned Industrial (Mesa County)

STAFF ANALYSIS:

This item is continued from the May 14th Planning Commission meeting.

Background Information: The following is a list of past decisions on the Hagie Pit site by Mesa County:

1. 8/27/91, United Hagie Pit received approval of a conditional use permit (C59-91) to operate a gravel pit with associated accessory uses, including crushing and stockpiling and the production of hot mixed asphalt and redi-mix concrete.
2. 1/8/92, The subject parcel received approval of a vacation of the Smith and Bailey Riverside Subdivision and vacation of right-of-way (C59-91-2), with the condition that access would be provided with parcel 2945-063-00-011 (Pennington property).
3. 3/29/94. The United Hagie Pit received approval of an expansion (9.3 acres) to their previous CUP (C59-91-3), still with the access condition. Attachment B was recorded with an amended CUP (Resolution MCM 94-59) specifying conditions for entire gravel operation at the Hagie site.
4. 7/7/94, Mesa County issued a cease and desist order to United for failure to provide the required access through the Hagie site for 2945-063-00-011 (Pennington property).
5. 10/18/94, Mesa County Board of County Commissioners determined that United attempted through an offer of limited access to comply with the access condition and was therefore in substantial compliance. The cease and desist order was vacated.
6. 5/30/95, The Mesa County Board of Commissioners included a requirement to submit an application for an amendment to a CUP in order to process gravel from the United Railhead Pit at the Hagie Pit site. The application also resulted in the denial of a ROW vacation application since the ROW is the only ROW to parcel 2945-063-00-011 (Pennington property).
7. 6/13/95, Judge Nicholas R. Massaro ruled in a Rule 106 appeal that the parcel 2945-063-00-011 is entitled to 40' of ROW. In addition, Judge Massaro ruled that the CUP

for C59-91-3 is reversed (#3 above). The 9.3 acre expansion is removed from the CUP.

8. 2/13/96, Mesa County Board of Commissioner approved the amendment to the Hagie Pit to process gravel from the Railhead Pit.

United Companies received from Mesa County in 1991 a Conditional Use Permit for a gravel operation for the Hagie Gravel Pit located at 2273 River Road. (Recorded in Book 1871, pages 133-143) The conditions for the original Hagie Gravel Pit CUP in 1991 are attached.

In 1994 United Companies received an amendment to their Hagie Pit that expanded the area 9.3 acres. The expanded area was later deleted from the CUP by Judge Massaro, but after all the gravel had already been extracted from the 9.3 acre site. The amended CUP was recorded with an attachment B that listed all conditions of the CUP for the entire Hagie Pit site. Attachment B was recorded with Resolution No. MCM 94-59, recorded in Book 2062, pages 187 - 189. Those conditions still apply to this Hagie Pit gravel operation. Attachment B is attached.

In 1996 United Companies received an amendment to their Hagie CUP to process gravel extracted from the Railhead Gravel Pit site. The amendment included the approved accessory uses on the site, including crushing and stockpiling, and production of hot mixed asphalt and redi-mix concrete. Use of the floor of the depleted pit (approximately 20 acres) 20-22 feet below the surface elevation was approved.

Hours of operation approved were Monday through Saturday 6:00 a.m. to 7:00 p.m. Maintenance and repairs are proposed to be allowed outside of these specified times.

The existing haul route to River Road was approved in the amendment. In addition, the gravel from the Railhead pit must be transported via haul truck or conveyor system to the Hagie site across the Appleton Drainage Ditch. Haulage roads within the premises shall be maintained in a reasonable dust free condition. This may include, depending on local conditions, watering, oiling, or paving.

The Reclamation of the site is delayed for 10-15 years (the anticipated life of the railhead pit). The areas unaffected by the gravel operation are to be reseeded and the re-vegetation plan shall meet the standards for the Tri-River Colorado State University Extension Agency.

Topography and Soils: The site is fairly level to the north, then drops off 20-22 feet to the site of the gravel pit. South of the gravel pit is a berm, then the Colorado River. The floodplain is broad at this location. Residential development on the Redlands across the river is more than 1/2 mile away. No geological hazards have been identified.

The Commissioners approved the amended CUP request in Resolution No. MCM 96-32 recorded in Book 2211, page 91. The conditions for the amended Hagie Gravel Pit CUP in 1996 were as follows:

1. There shall be no maximum number of truck trips per day subject to annual review. If complaints are made to County Code Enforcement and the complaints are not resolved, a public hearing will be scheduled with the BOCC for the purpose of reconsidering this condition.
2. Areas unaffected by the gravel operation will be reseeded to the standard of the Tri-river Colorado State University Extension Agency.
3. All conditions contained in Attachment B (Resolution 94-59) except #'s 2, 3, 4 & 5.
4. The 100' right-of-way on the Railhead site shall provide access to parcel #2945-063-00-011, in fulfillment of previous access conditions.
5. If parcel #2945-063-00-011 submits an application for a gravel pit to Mesa County and receives approval from the U.S. Army Corps of Engineers for work in the floodplain, United Companies shall reduce the size of the Colorado River embankment on the north side of the Colorado River on public right-of-way.

Future site plan review and building permits will be required of United Companies for their plans of building their main office and shop facility and all other proposed uses allowed under the I-1 zone at this location. Submittal through the City's Site Plan Review Process (administrative review and approval) will be required.

STAFF RECOMMENDATIONS:

Staff recommends that this Conditional Use Permit be approved with all Mesa County conditions, (Mesa County files C-59-91-1 thru 4; and Resolutions MCM 94-59 & MCM 96-32 and the CUP recorded in Book 1871, pages 133 - 143). The Conditional Use Permit is being transferred and adopted for all purposes of the County approval except that all references made for various review, approval and/or enforcement action by Mesa County Departments shall be reviewed, approved and/or enforced by corresponding City of Grand Junction Departments where applicable.

PLANNING COMMISSION MOTIONS:

Mr. Chairman, on item #CUP-96-94, the Conditional Use Permit to allow a Gravel Operation in an I-1 zone district at 2273 River Road, the Hagie Gravel Pit, I move that we approve this as per staff recommendations.

RIVER ROAD ANNEXATION

Current uses on parcel: United Companies of Mesa County (Gravel Pit)



This map was developed by the City of Grand Junction from aerial photography and other public records. The City does not guarantee the accuracy of this map.



Orthophoto flown on 3/21/94

MP
4/5/96

RESOLUTION NO. MCM 94-59
Planning Department No. C59-91-3APPROVAL OF A CONDITIONAL USE PERMIT (CUP)
AND OFFICIAL DEVELOPMENT PLAN (ODP) FOR
THE HAGIE GRAVEL PIT EXTENSION

WHEREAS, United Companies of Mesa County, Inc., sought approval of a Conditional Use Permit (CUP) and Official Development Plan (ODP) in a Agricultural Forestry Transitional (AFT) zone in Mesa County, to wit:

(See Attachment A)

WHEREAS, the public hearing before the Board of County Commissioners was held on March 29, 1994.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the staff recommendation was contained in a staff report dated March 7, 1994;

That the Mesa County Planning Commission made a recommendation for approval on a vote of 7-0 at the public hearing held on March 24, 1994;

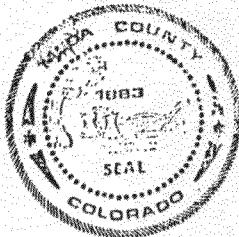
That the Conditional Use Permit met with relevant Mesa County Land Use Policies, specifically Policy #29, the Mineral Extraction Policies, Policy #33, Mid-Valley (Appleton) Area, and Section 10.2, Conditional Use Permit Requirements in the Mesa County Land Development Code.


That the approval is in accordance with the health, safety and welfare of the residents of Mesa County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO:

That the Conditional Use Permit and Official Development Plan to extract gravel in a Agricultural Forestry Transitional (AFT) zone is approved subject to the following stipulations and review agency comments (See Attachment B).

PASSED AND ADOPTED THIS THE 5th day of April, 1994.




John Crouch, Chair of the
Board of Mesa County Commissioners

ATTEST:


Monica Todd, County Clerk

Attachment A:

RECORDER NOTE: POOR QUALITY DOCUMENT
PROVIDED FOR REPRODUCTIONC59-91-3 HAGIE GRAVEL PIT EXTENSION -- CONDITIONAL USE PERMIT FOR
A GRAVEL PIT IN AN AGRICULTURAL, FORESTRY TRANSITIONAL (AFT) ZONE

Petitioner: United Companies of Mesa County, Inc.
Representative: Paul McGehee
Location: 2273 River Road, adjacent to the Hagie Gravel
Pit

A request for approval of a Conditional Use Permit for 9.3 acre parcel to extract gravel in an Agricultural Forestry Transitional (AFT) zone. The Hagie Gravel Pit is also known as the River Road Gravel Pit. This request is for a 9.3 acre extension of the Hagie Gravel Pit. If you have any questions or concerns, please contact Mike Joyce at 244-1642.

BEG S 89DEG48'41SEC W 1296.4FT FR E4 COR SEC 6 1S 1W N ODEG22'01SEC E 326.9FT S
89DEG41'14SEC W 661.78FT S ODEG03'23SEC W 325.5FT S O2DEG40'01SEC W 120FT S
68DEG54'30SEC E 398.08FT S 30DEG E 300FT N 62DEG E 137.27FT N ODEG22'01SEC E
460.60FT N 89DEG48'41SEC E 20FT TO POB

AKA: E2 LOT 10 SMITH & BAILEY'S RIVERSIDE SUB & ALSO THAT PT OF LOT 7 ORCHARD
GROVE SUB WHICH LIES IN GLO 8

Located in: NW 1/4, SW 1/4 AND SW 1/4, NE 1/4 SECTION 6, TOWNSHIP 1S,
RANGE 1W OF THE UTE MERIDIAN

Attachment B:

1. All stipulations for approval as noted in Resolution MCM 91-151, (File C59-91) approved by the Mesa County Board of Commissioners on September 10, 1991, are still in effect for the original boundary of the Hagie Gravel Pit and for the area of this expansion request, which do not conflict with these stipulations;
2. The dedication of the right-of-way which was required during the vacation of the Smith and Bailey's Riverside Subdivision (C59-91-2) has not been accomplished. United Companies has agreed to provide an access easement to property that is located to the south and west of the Hagie Pit;
3. Due to the change in the ownership of property caused by this addition of land to the Hagie Pit any changes in the language providing a 100 foot wide public access easement along the Colorado River must be determined between the petitioner and the Mesa County Current Planning and Development staff;
4. Maximum number of truck loads of 300 per day leaving the site, and a monthly average of 250 truck loads leaving the site;
5. Operations of the project shall be allowed year around, seven days per week. Hours of operation allowed are:
Crushing and Hauling -- 6:00 am to 7:00 pm during daylight savings time and daylight hours the other months of the year.
Other Activities -- Permitted to occur between 5:00 am and 12:00 midnight provided notification is given to the adjacent property owners and the Mesa County Current Planning and Development Section at least 24 hours prior to the operations commencing outside the standard hours of 6:00 am to 7:00 pm. United is also requesting the option of having extended hours, on a limited basis, in the event of special needs. United shall contact the Mesa County Current Planning and Development Section twenty-four (24) hours in advance of the use of expanded hours. Mesa County shall monitor the number of requests for the use of expanded hours each year to determine if conditions warrant the limitation of the use of expanded hours;
6. A multiple component crusher and asphalt plant will be allowed to be used, which meets the criteria set forth in Section 10.7 of the Code, to process the raw material on site;
7. Submittal and approval of a Fugitive Dust Control Plan by the Mesa County Health Department;
8. All required State and Federal permits must be obtained and evidence of such permits submitted to the Mesa County Current Planning and Development Section;
9. The Colorado State Mined Land Reclamation Permit that has been issued for the Hagie Pit (M-91-136) and the Financial Responsibility Bond that currently covers the Hagie permit must be amended to include this extension of mining activity;
10. The Reclamation Plan for the site must be recorded with the Mesa County Clerk and Recorder per Section 10.6.10 of the Code;
11. A floodplain permit will be required for this project if determined to be needed by the Mesa County Floodplain Administrator;
12. The petitioner contacting the Corps of Engineers to determine if a Section 404 permit will be required due to any jurisdictional wetlands which may be disturbed by the proposed project and evidence provided to Mesa County to indicate compliance with this requirement;
13. The Drainage Plan submitted with this application must be approved by the County Development Engineer;
14. Annual administrative review by the Current Planning and Development staff, however if complaints are received regarding the operation, the review will be conducted before the Board of County Commissioners in a public hearing;
15. Review agency comments consistent with these recommendations, and;
16. As per the Colorado Geologic Survey review agency comment, that United Companies engage the services of a specialist, environmental firm or consultant to ensure that the existing buildings are disposed of properly, the site is cleaned up and that no contamination, if any is present, is shipped off site with the sand and gravel products.



Mesa County Development Permit

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description do hereby request a Development Permit for: Legal attached

C59-91 HAGIE GRAVEL PIT - CONDITIONAL USE PERMIT

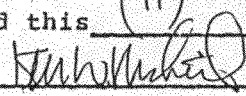
Petitioner: United Companies of Mesa County, Inc.

Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction operation including crushing and stockpiling gravels as well as facilities for production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site 58.4 acres in size in an Agricultural/Forestry Transitional (AFT) zone.

BOOK 1871 PAGE 133

1588820 11:10 AM 12/18/91
MONIKA TODD CLK&REC MESA COUNTY CO

Property Owner	
United Companies of Mesa County, Inc.	
P.O. Box 3609	<small>Name</small>
Grand Junction, CO 81502	
<small>Address</small>	
<small>City/State/Zip</small>	
Dated this <u>11</u> <u>Eleventh</u> day of <u>December</u> 19 <u>91</u> .	
x 	<small>Signature</small>
<small>Signature</small>	

STIPULATIONS OF APPROVAL:

Stipulations of approval attached.

DATED THIS 13th DAY OF December 1991

by Karl B. [Signature]
Chairman, Mesa County Board of Commissioners



ATTEST:

[Signature]
MESA COUNTY CLERK & RECORDER

C59-91 HAGIE GRAVEL PIT - CONDITIONAL USE PERMIT

Petitioner: United Companies of Mesa County, Inc.

Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction operation including crushing and stockpiling gravels as well as facilities for production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site 58.4 acres in size in an Agricultural/Forestry Transitional (AFT) zone.

PARCEL A

All that part of the N 1/2 of Section 6, T. 1 S., R 1 W. of the Ute Meridian, belonging to Fred E. Hagie and Leslie Janie Hagie; being more particularly described as follows: Beginning at the Center of said Section 6; thence along the East-West centerline of said section 6 N. 89 degrees 48' 41" E. for 592.58 ft. to Witness Corner, thence continue N. 89 degrees 48' 41" E. for 67.42 ft. for a total of 660.00 ft. to true point which falls in lake; thence N. 0 degrees 03' 23" E. for 325.50 ft.; thence N. 89 degrees 41' 14" E. for 661.78 ft. to the NE Corner of the S 1/2 of the SE 1/4 of the SW 1/4 of the NE 1/4 of said Section 6; thence along the West Boundary of the SE 1/4 of the NE 1/4 as calculated from the Orchard Grove Subdivision Plat (1894); thence N. 0 degrees 22' 05" E. for 814.61 ft. to a point on the Southerly R.O.W. of River Road; thence N. 56 degrees 21' 15" W. for 935.80 ft. along said Southern R.O.W. to a point in the center of the Appleton Drain; thence S. 37 degrees 43' 24" W. for 2107.29 ft. along the centerline of the Appleton Drain to a point on the East-West centerline of said Section 6; thence N. 89 degrees 48' 41" E. for 741.06 ft. along said East-West center to the Point of Beginning.

Said Parcel contains 44.634 Acres (more or less), minus all easements and rights.

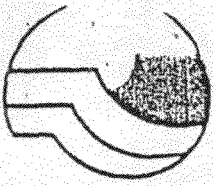
PARCEL B

All that part of Lot 8 of the Orchard Grove Subdivision including accretion as established by Judgement and Decree No. 12746 in the District Court in and for the County of Mesa and State of Colorado; being more particularly described as follows: (the following bearings have been oriented to match our bearing of the East-West centerline of said Section 6). Thence along the East-West centerline of said Section 6; N. 89 degrees 48' 41" E. for 20.00 ft. to the Point of Beginning, said P.O.B. falls in lake; thence S. 2 degrees 40' 41" W for 739.80 ft.; thence S. 58 degrees 53' 19" E. for 522.10 ft.; thence S. 66 degrees 40' 19" E. for 201.75 ft.; thence N. 2 degrees 40' 01" E. for 1091.97 ft. to a point on the said East-West centerline of said Section 6; thence along said East-West centerline S. 89 degrees 48' 41" W. for 648.51 ft. to the Point of Beginning.

Said Parcel contains 13.784 Acres (more or less) minus all easements and rights-of-way. All of said Parcel B lies below the 100 year flood line.

Hagie Gravel Pit Conditional Use Permit is approved subject to all provisions of the written material submitted as an application for the permit except where inconsistent with the following conditions:

1. Staff and review agencies' comments (see attached);
2. Planning Commission recommendations with the exception of items 2 and 3 (attached).
3. A daily maximum of 300 truck loads per day leaving the site.
4. A monthly average of 250 truck loads per day leaving the site.
5. Hours of operations as follows:
 - a. Crushing - 6 AM to 7 PM during daylight savings time, and daylight hours other months of the year.
 - b. Other activities are permitted to occur between 5 AM and midnight provided notification is given to the adjacent property owners and the Mesa County Planning Division at least 24 hours prior to operations commencing outside of the standard hours of 6 AM to 7PM.
6. Language providing a 100 feet wide public access easement along the Colorado River is to be worked out between the petitioner and the Planning staff.
7. Annual administrative review by the Planning staff; however, if complaints are received regarding the operation, the review will be conducted before the Board of County Commissioners in a public hearing.
8. The speed limit study on River Road referenced in the staff review conducted by the Mesa County Traffic Section.



Mesa County Department of Public Works
Division of Planning

(303) 244-1636

BOOK 1871 PAGE 136

750 Main Street P.O. Box 20,000 • Grand Junction, Colorado 81502-5022

STAFF REVIEW
August 6 1991

PROJECT: C59-91 Hagie Gravel Pit, Conditional Use Permit
Petitioner: United Companies of Mesa County, Inc.
Location: 2273 River Road (Mid-Valley)

A request for approval of a conditional use permit for gravel extraction, crushing and stockpiling and production of hot mixed asphalt and ready mixed concrete on approximately 36 acres of a total site of 58.4 acres in an Agricultural Forestry Transitional (AFT) zone.

SURROUNDING LAND USE AND ZONING: The Colorado River borders the property on the south and immediately across the river is Redlands Village Subdivision (R-2); the Division of Wildlife's Walker Wildlife Reserve is located to the west and southwest; Railhead Industrial Park (vacant lots) is immediately west of the site across the Appleton Drain (Planned Industrial). To the north the property fronts River Road and the DRG & W Railroad right-of-way, with Highway 50 parallel to the Railroad. Immediately to the east are a single family residence and alfalfa fields (AFT). Also to the east is an AFT site owned by Grand Junction Pipe and Supply Co.

The site is currently nonirrigated, vacant ground covered with desert scrub vegetation. An occupied residence with associated out buildings and various derelict vehicles are located on the north east corner of the subject property. A vacant, abandoned residential structure is located on the northwest corner of the property.

The River Road corridor from the Redlands Parkway to this site is an established commercial/industrial area with vehicular sales, heavy equipment storage and repair, a salvage yard, used auto sales lot, rental storage units and scattered residences and agricultural fields. Additionally, three gravel operations are within one mile of the site along River Road (Elam Construction, Mesa Rock, and Grand Junction Pipe and Supply). Zoning includes AFT, Planned Industrial, Industrial, and Planned Unit Development. Property north of the site across the railroad and Highway 50 is zoned Commercial.

STAFF COMMENTS:

PROPOSAL

This is a proposal to extract gravel and overburden from 36 acres of a 58.4 acre site on the south side of River Road approximately 1/4 mile west of 23 Road. An asphalt batch plant and or a ready mix cement plant are also proposed. The proposal includes mining portions of Smith and Bailey's Riverside Subdivision. If this application is approved a road right-of-way dedicated on the subdivision plat and the lot lines of the subdivision must be formally vacated by the County prior to commencement of gravel mining operations on the site.

The proposal anticipates extraction of gravel and overburden in three phases beginning in 1996 and continuing approximately 10 years. No indication of an average or maximum number of truck loads per day leaving the site are given in the application as required in Section 10.6.8 of the *Mesa County Land Development Code*, (the Code). Year around operation of the pit is proposed with no limitations on operating hours. Maximum hours of operation suggested in the Code are from 6:00 a.m. to 7:00 p.m. These hours should apply to this operation during daylight savings time. For the remainder of the year operations should be limited to daylight hours due to the proximity of the Walker Wildlife Refuge. (See DOW comments).

Haul Route

The proposed haul route is along the Grand Junction Drainage District's maintenance road for the Appleton Drain to River Road. Existing right-of-way for the drain includes 50 feet on each side of the centerline of the drain. The haul road should be constructed to be wide enough to avoid conflicts along this route. The gravel haul road will require periodic dust suppression applications. River road is a school bus route in this vicinity. Truck traffic from the site should be prohibited before 8:00 a.m. on school days to avoid morning conflicts with school children awaiting the bus.

Drainage

The mining plan indicates the site will be graded "in such a manner that all storm water runoff will be contained on site." Section 10.6.7 of the Code requires a drainage report and plan prepared by a registered professional engineer be submitted for review to demonstrate the project will have no adverse impact on natural conditions during and following the operation. No plan was submitted for review. Excavation of the site is anticipated to 26 feet below surface elevation and below the 100 year floodplain. A floodplain permit will be required for this project.

RECLAMATION

The project narrative includes a reclamation plan for filling and regrading phase 1 for commercial uses along River Road (15 acres). Phases 2 and 3 will result in a 16 acre lake and 5 acres of irregular shorelines and contoured banks to enhance the area for wildlife habitat (water fowl and fish). The seed mixes selected must meet the standards of the Tri-River Colorado State University Extension Service per section 10.7.17 of the Code. Section 10.7.18 of the Code requires all reclaimed areas to be maintained for 3 years or until vegetation is firmly established.

The reclamation plan is lacking in detail required by the Code. Sections 10.6.5 and 10.6.6 of the Code require submittal a description of the type, character, and density of proposed vegetation, and estimated costs for all phases of rehabilitation of the site respectively.

AREA RESIDENCES

The nearest residence to the site is approximately 300 feet south of the site. The on-site residence is immediately adjacent to phase 1 of the operation. Section 10.7.2 of the Code restricts excavation and stockpiling of overburden and resource within 30 feet of a

property line or easement. Section 10.7.3 of the Code prohibits excavation within 125 feet of existing residences without written consent, and asphalt plants, crushers, batch plants and similar equipment is prohibited within 250. The project narrative does not address the existing residences.

REVIEW CRITERIA

Criteria for review of Conditional Use Permit applications are found in Section 10.2 of the Land Development Code. The general criteria include:

1. *Compatibility with adjacent uses*

The area has existing gravel and commercial operations. The site has not been irrigated and is not considered prime farmland without irrigation. Provisions for buffering area residences via distance, berming, and landscaping are recommended.

2. *Adequacy of design*

See above.

3. *Public services*

Existing access and utilities.

4. *Provisions for maintenance*

Required in the reclamation plan and bond with the State of Colorado. All operations must obtain proper emissions permits and roads must be kept "dust free".

The specific criteria for review of gravel pits (Section 10.2 of the Code) are:

1. *Could there be adverse impacts on natural resource and wildlife habitat areas and can these impacts be mitigated?* YES impacts are possible and limiting hours and planting additional trees could mitigate the impact as discussed above.

2. *Do safety considerations require special fencing or signage?* YES, 6 feet high chain link is proposed along River Road and field fence along the perimeter. A stop sign on the haul road at River Road and "Trucks Entering Highway" signs are proposed.

3. *Will the proposed use cause unusual damage or congestion on streets and roads and how may this be mitigated?* It is unclear how many trucks will be entering and leaving the site. River Road is in poor condition and is an established truck route. The County should set a limit on the maximum truck traffic generated from the site based on recommendations from the Engineering Division.

4. *Are prevailing wind factors such as to cause adverse impacts from the proposed use?* Diurnal up and downstream winds could impact adjacent residences if adequate dust suppression is not practiced.

5. *Are soil and geologic suitability adequate?* See Geologic Survey comments.

6. *Is there feasibility of recycling waste products?* Uncertain, and not addressed in the application.

Page 4

7. *Is proposed reclamation of the location and the effects of the use adequate and what are the limitations of future uses on the reclaimed land?* The reclamation plan is inadequate in detail (see above). A 100 foot greenbelt along the river is required by the Code and should be dedicated to the public for access along the river as part of the Colorado River Greenbelt (Policy #26, Master Plan of Parks) prior to commencement of operations. It is unclear who will own the lake after operations cease.

8. *Are accumulations of unusable unrecyclable materials disposed of properly?* Uncertain, not addressed in the application.

9. *Have retention areas and mosquito/pest control been adequately addressed?* NO, a drainage plan and report have not been submitted?

POLICIES

The Mineral Resources Inventory of Mesa County identifies this area as a mineral resource area of floodplain deposits (classes 1 and 2). Policy #29, the Mineral Extraction Policies, of the Mesa County Land Use and Development Policies encourages the removal of commercially valuable mineral deposits and protection of those resources from incompatible developments.

The site does not include any prime agricultural soils without adequate irrigation water. The Mid-Valley Goals and Policies recognize the Highway 50 corridor within the Persigo sewer service area as a commercial area.

STAFF RECOMMENDATIONS:

A. Denial as submitted

B. Approval subject to the following conditions:

1. Submittal and approval of a drainage report and plan per section 10.6.7 of the Code.
2. Submittal and approval of an average and a maximum number of truck trips generated by the operation and any limits recommended by the Engineering staff.
3. Submittal and approval of a reclamation plan meeting the requirements of sections 10.6.5 (vegetation), 10.6.6 (cost estimates), and 10.7.17 (seed mix) of the Code.
4. All required State and Federal permits must be obtained and copies submitted to Mesa County.
5. Compliance with section 10.7 of the Land Development Code, Operation and Rehabilitation for all Mining Operations including any revisions to the plan to ensure proper distances from residences and property lines are adhered to.
6. Limited hours of operations and hauling as discussed above.
7. Annual administrative review of the permit by the Board of County Commissioners.
8. The mining and reclamation plan must be recorded with the Mesa County Clerk and Recorder per Section 10.6.10 of the Code.
9. Dedication of a 100 foot wide public access easement along the Colorado River and submittal of a petition to vacate existing right-of-way and subdivision lots in the Smith and Bailey's Riverside Subdivision prior to commencement of operations.

10. Removal of derelict vehicles from the site.
11. Review agency comments consistent with these recommendations.
12. Submittal and approval of a signage plan.

MCPC RECOMMENDATIONS: 8/15/91 Approval subject to:

1. Staff and review agency comments,
2. Hours for maintenance of vehicles and equipment on-site from 5:00 AM to 9:00 PM,
3. Maximum of 200 truck loads per day,
4. Posting a school loading zone on River Road,
5. A speed limit study of River Road should be conducted and the limit revised as necessary.

MESA COUNTY REVIEW SHEET SUMMARY

MCPD Hearing Date: 8/15/91 MCC Hearing Date: 8/20/91
 File Number: C59.91
 Project Name: Hagie Gravel Pit

Phase: Conditional Use
 Common Location: 2273 River Road (Mid-Valley)

Petitioner - Name: United Companies of Mesa County, Inc.
 Address: P.O. Box 3009
 Grand Junction, Co 81502
 Phone: 243-4900

DATE REVIEW AGENCY REVIEW AGENCY COMMENTS

7/12/91
 COUNTY SHERIFF
 Proposal is within service area; existing services are adequate.

7/15/91
 U.S. WEST
 No comments.

WESTERN GAS SUPPLY
 WestGas not involved.

GRAND VALLEY RURAL POWER
 If service (electrical) please contact Grand Valley Power when ready to "plan" project.

7/16/91
 GRAND JUNCTION RURAL FIRE
 We have no problems with this gravel pit conditional use. It is not indicated as to whether or not any permanent structures are to be built on site. If any are constructed or planned, we need to review plans to determine if adequate fire flow exists or is required.

7/17/91
 COUNTY ROAD DEPARTMENT
 O.K.

7/22/91
 MESA COUNTY ENGINEERING

Reviewed by: Patrick Nelma
 Mesa County Engineering

Review date: August 6, 1991 Revised August 8, 1991

=====

ENGINEERING REVIEW COMMENTS:

1. As given in the Petitioner's Statement of Operations, haul roads must be treated with chemical agents or with road surfacing to provide dust control.

Review Sheet

{C26-90-2} Page 2

2. A drainage report and drainage plan must be submitted to the Division of Engineering and Design.
3. A Driveway Permit is required for construction of new accesses to the County road system. A Driveway Permit must be obtained from the Engineering Division prior to construction of new accesses to River Road.
4. A permit is required for oversize and/or overweight loads on County Roads. Permits may be obtained from the Mesa County Division of Engineering and Design.
5. The Division of Engineering and Design may require a traffic study be provided prior to operations of this facility as part of the annual review. Since proposed operations are nearly five years in the future, a study now would require projections of future traffic on River Road and also projections of traffic generated by the gravel pit operations, which are subject to future market conditions. Traffic may be more appropriately addressed at a later date.
6. Right-of-way crossing the site from a prior recorded subdivision needs to be vacated.

=====

FLOODPLAIN REVIEW COMMENTS:

1. A floodplain permit will be required because there will be excavation below the 100 year water surface elevation. This permit should be obtained up to one year before substantial commencement of the gravel pit operations.

GRAND JUNCTION DRAINAGE DISTRICT.

Proposal is within service area; existing services are adequate; easements are required.

There should be no negative impact on the Drainage District from the activity of extracting gravel. A truck in the open drain could cause a dam for the duration it was in the ditch. Use of the ditch road as a haul road will probably require widening to enable two way traffic. During times when the district is maintaining the Appleton Drain from the east side there will have to be cooperation to avoid work interruption to either the United Companies or the Drainage District. Easement for that portion of the drain and maintenance row on the property should be granted before the United Companies of Mesa County transfer the property to a subsequent owner.

UTR WATER

No water lines in this area on River Road.

7/24/91

Review Sheet

(C26-90-2) Page 3

PUBLIC SERVICE

Electric: No objections to conditional use. D.M. 7/15/91.
 Gas: No objections. JMR 7/15/91.

8/5/91

COLORADO DIVISION OF WILDLIFE

The Division of Wildlife has reviewed the Hagie Gravel Pit application. Wildlife species of special interest utilizing the project area include Gambel's Quail, Cottontail Rabbits, Great Blue Herons, waterfowl and raptors. Bald Eagles utilize the adjacent river corridor from December through March. The Walker State Wildlife Area is located immediately west of the site.

The operations plan indicates that up to 36 acres will be disturbed during phases 2 and 3. To reduce the negative impacts of this large disturbance area on wildlife we recommend that reclamation follow as closely behind mining as possible. This is especially important in the more sensitive phase 2 area. Incorporating the use of scattered brush piles and the planting of native cottonwoods into the reclamation plan will lessen the projects negative impacts on wildlife.

We note the petitioner seeks unlimited hours of operation. The adjacent wildlife area and the Colorado River bordering the site are heavily used by waterfowl as a resting area. The cottonwoods on the south side of the river are occasionally used for roosting by bald eagles in the winter. Limiting hours of operation to daylight only during the fall and winter months will help preserve the value of these resting area for wildlife.

The operations plan reserves a 100 foot buffer zone between the Colorado River and the disturbance area. We view this as a positive step for wildlife. The river bank immediately east of Appleton Drain is prone to cutting and erosion during high flows. Failure to maintain an adequate buffer between the river and the mined area may result in increased erosion and resultant shifts in river flow patterns. Such shifts could have negative impacts on adjacent property owners, including the Division of Wildlife. The petitioner should evaluate the size of buffer zone needed at the east end of the sit to maintain bank stability. (Paul Creeden)

COMMUNITY DEVELOPMENT DEPARTMENT

The 100 greenbelt along the River should be dedicated as a trail access easement upon initial approval of the Conditional Use.

RIVERFRONT COMMISSION

The gravel pit review committee of the Riverfront Commission has had an opportunity to review the application by United Companies concerning the Hagie Gravel Pit.

**COLORADO GEOLOGICAL SURVEY
 DEPARTMENT OF NATURAL RESOURCES**

1715 STATE CENTENNIAL BUILDING - 1313 SHERMAN STREET
 DENVER, COLORADO 80203 PHONE (303) 866-2611

We have reviewed the materials for the proposed gravel pit operation. The soils report and statement of operations indicate no geologic conditions that would inhibit development of the program. If future reclamation of the site after closure is considered, then contact with the Colorado Mined Land Reclamation Division is desired. They can direct the operators toward the requirement policies. If you have any questions, please contact us.

RESOLUTION NO. MCM 96-32

Planning Division No. C59-91-4 1747908 1119AM 02/27/96
MONIKA TODD CLK&REC MESA COUNTY COAPPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT
FOR THE HAGIE GRAVEL PIT

WHEREAS, United Companies of Mesa County Inc. sought approval of an amendment to a conditional use permit in order to process gravel from the Railhead Pit for the following described land situated in the County of Mesa, State of Colorado, to wit:

(See attached)

WHEREAS, a hearing before the Board of County Commissioners was held 13 February, 1996.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the staff recommendation was contained in a staff review dated 19 January, 1996.

That the Mesa County Planning Commission made a recommendation at a public hearing held 18 January, 1996


That the application is in accordance with relevant Mesa County Land Use Policies and the health, safety and welfare of the residents of Mesa County.

That the application met with Section 10.1 (Conditional and Special Uses) and Section 10.2 (Criteria for Evaluating Conditional Uses) and Section 10.4 (Mineral Extraction, Washers, Crushing, Cement Batch Plants, and Asphalt Plants) of the Mesa County Land Development Code.


NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO, that: the application for an amendment to a conditional use permit for the Hagie Gravel Pit Permit is approved subject to the following conditions:

1. There shall be no maximum number of truck trips of per day subject to annual review. If complaints are made to County Code Enforcement and the complaints are not resolved, a public hearing will be scheduled with the BOCC for the purpose of reconsidering this condition.
2. Areas unaffected by the gravel operation will be reseeded to the standard of the Tri-River Colorado State University Extension Agency..
3. All conditions contained on Attachment B (Resolution 94-59) except #'s 2, 3, 4 & 5.
4. The 100' right-of-way on the Railhead site shall provide access to parcel # 2945-063-00-011, in fulfillment of previous access conditions.
5. If parcel # 2945-063-00-011 submits an application for a gravel pit to Mesa County and receives approval from the U.S. Army Corps of Engineers for work in the floodplain, United Companies shall reduce the size of the Colorado River embankment on the north side of the Colorado River on public right-of-way.

APPROVED this 27th day of February 1996.


Kathryn H. Hall, Chairman
Board of Mesa County Commissioners

ATTEST:


Monika Todd
Mesa County Clerk & Recorder

June 21, 1996



Grand Junction Community Development Department
Planning • Zoning • Code Enforcement
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(970) 244-1430 FAX (970) 244-1599

United Companies of Mesa County
Attn: Ken Nesbitt
618 Dike Road
Grand Junction, CO 81503

Dear Mr. Nesbitt,

This letter is to inform you that the Grand Junction Planning Commission approved a conditional use permit (CUP) for 2272 River Road on June 11, 1996. The CUP is for gravel operation. There were no changes to the Mesa County conditions of approval. See attached Staff report for Mesa County conditions of approval.

The site plan for this CUP is the previous County approved site plan. If you have any questions call me at 244-1451.

Sincerely,

A handwritten signature in black ink that reads "Mike Pelletier".

Mike Pelletier
Associate Planner

Enclosure

CERTIFICATE OF OCCUPANCY
CITY OF GRAND JUNCTION/MESA COUNTY, COLORADO
BUILDING DEPARTMENT

Permit Number: 57914

07/22/97

Units: 0 Permit Type: BEMP Jurisdiction: GRAND JUNCTION

Permission is hereby granted to UNITED COMPANIES
to occupy the building situated at:
02273 00 RIVER RD

Lot No.: 0 Block No.: 0 Filing No.: 0
Subdivision:
Tax Schedule No.: 2945-061-00-029

for the following purpose: redimix plant dispatch office

This Certificate issued in conformity to Section 109, Uniform Building Code

Inspector

Bob Lunge
Bill Nebeker

CUP-1996-094
~~Doc Hovington~~
Bill Nebeker

CUP-1996-094
SPR-1997-100

Feb 28, 2001

Talked to Paul McGehee of United. They are amending their Reclamation Plan and Post-Mining Land use Plan for this site ~~is~~ on their State Mining Permit to reflect what was approved by the City as part of the CUP. NO CHANGE TO THE CITY APPROVED PLAN!



STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY

Department of Natural Resources

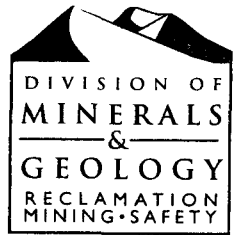
1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

FEB 23 2001

RECEIVED

FEB 26 2001

COMMUNITY DEVELOPMENT
DEPT.



Notice of 112 Construction Materials

Reclamation Permit Amendment Application Consideration

Bill Owens
Governor

Greg E. Walcher
Executive Director

Michael B. Long
Division Director

DATE: February 21, 2001

TO: City Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

FROM: Thomas D. Gillis, Senior Environmental Protection Specialist *ME for TRB*

RE: United Companies of Mesa County, Inc., River Road Pit, Permit No. M-1991-136

Please be advised that on February 20, 2001, United Companies of Mesa County, Inc., whose address and telephone number are P.O. Box 3609, Grand Junction, CO 81502; (970) 243-4900, filed an Amendment application to M-1991-136, River Road Pit, which is located at or near Section 6, Township 1S, Range 1W, Ute Prime Meridian, in Mesa County. The application decision is scheduled for May 21, 2001.

A copy of the application is available for review at the Mesa County Clerk & Recorder's office and at the office of the Division of Minerals and Geology, Room 215, 1313 Sherman Street, Denver, Colorado 80203.

If you desire to make comments or objections, they must be submitted within twenty (20) days of the date of the newspaper public notice to be considered in the application review process by the Division. You should contact the applicant for the newspaper publication date. If we do not receive your comments or any objection by the end of the public comment period, the Office will assume you have no objection or comment to the proposed activity.

*To: Kathy Partner
From: Kelly Arnold
Please distribute
to appropriate parties.
- KA*

CK# 096569
\$1,938.00

STATE OF COLORADO

RECEIVED

DIVISION OF MINERALS AND GEOLOGY
Department of Natural Resources
1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106

FEB 06 2001

Division of Minerals and Geology



CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM

Bill Owens
Governor
Greg E. Walcher
Executive Director
Michael B. Long
Division Director

CHECK ONE: New Application (Rule 1.4.5) Amendment Application (Rule 1.10)
 Conversion Application (Rule 1.11)

Permit # M - 91 - 136 - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized IVORY ORIGINAL and four (4) copies of the completed Ivory application form, five (5) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. **Applicant/operator or company name (name to be used on permit):** UNITED COMPANIES OF MESA COUNTY, INC.
 - 1.1 Type of organization (corporation, partnership, etc.): CORPORATION
 - 1.2 I.R.S. Tax I.D. No. or Social Security Number: 84-0449536

2. **Operation name (pit, mine or site name):** RIVER ROAD PIT

3. **Permitted acreage (new or existing site):**

	<u>42.6</u>	permitted acres
3.1 Change in acreage (+)	<u>-0-</u>	acres
3.2 Total acreage in Permit area	<u>42.6</u>	acres

4. **Fees:**

4.1 New Application	<u>\$1,875.00</u>	application fee
4.2 New Quarry Application	<u>\$2,325.00</u>	quarry application
4.3 Milling Application (Non-DMO)	<u>\$3,100.00</u>	milling application
XX 4.4 Amendment Fee	<u>\$1,550.00</u>	amendment fee
4.5 Conversion to 112 operation (set by statute)	<u>\$1,875.00</u>	conversion fee

5. **Primary commodity(ies) to be mined:** N/A
 - 5.1 Incidental commodity(ies) to be mined:

1. <u>N/A</u>	- lbs/Tons/yr	2. <u>/</u>	lbs/Tons/yr
3. <u>/</u>	lbs/Tons/yr	4. <u>/</u>	lbs/Tons/yr
5. <u>/</u>	lbs/Tons/yr	6. <u>/</u>	lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: N/A
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: N/A

6. **Name of owner of subsurface rights of affected land:** UNITED COMPANIES OF MESA COUNTY, INC
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** UNITED COMPANIES OF MESA COUNTY, INC.

7.1 Names of the holders of any recorded easements on the affected land: GRAND JUNCTION DRAINAGE DISTRICT

8. **Type of mining operation:** Surface Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: MESA

PRINCIPAL MERIDIAN (check one): 6th (Colorado) 10th (New Mexico) Ute

SECTION (write number): S SIX (6)

TOWNSHIP (write number and check direction): T ONE (1) North South

RANGE (write number and check direction): R ONE (1) East West

QUARTER SECTION (check one): NE NW SE SW

QUARTER/QUARTER SECTION (check one): NE NW SE SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____

TWO MILES WEST OF GRAND JUNCTION; ELEVATION 4530 FT.

10. **Primary future (Post-mining) land use (check one):**

- Cropland(CR) Pastureland(PL) General Agriculture(GA)
- Rangeland(RL) Forestry(FR) Wildlife Habitat(WL)
- Residential(RS) Recreation(RC) Industrial/Commercial(IC)
- Developed Water Resources(WR) Solid Waste Disposal(WD)

11. **Primary present land use (check one):**

- Cropland(CR) Pastureland(PL) General Agriculture(GA)
- Rangeland(RL) Forestry(FR) Wildlife Habitat(WL)
- Residential(RS) Recreation(RC) Industrial/Commercial(IC)
- Developed Water Resources(WR)

12. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): _____

PRIOR MINING METHOD INVOLVED—FRONT END LOADER/TRUCKS

13. **On Site Processing:** Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): N/A

List any designated chemicals or acid-producing materials to be used or stored within permit area: NONE

14. Correspondence Information:

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: PAUL E. MCGEHEE Title: RESOURCE MANAGER
 Company Name: UNITED COMPANIES OF MESA COUNTY, INC.
 Street: P.O. BOX 3609
 City: GRAND JUNCTION
 State: COLORADO Zip Code: 81502
 Telephone Number: (970) - 243-4900
 Fax Number: (970) - 243-5945

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: MICHAEL L. RIPP Title: CONSULTANT
 Company Name: MVR RESOURCES, INC.
 Street: P.O. BOX 54
 City: DELTA
 State: COLORADO Zip Code: 81416
 Telephone Number: (970) - 874-5127
 Fax Number: (970) - 874-3161

INSPECTION CONTACT

Contact's Name: PAUL E. MCGEHEE Title: RESOURCE MANAGER
 Company Name: UNITED COMPANIES OF MESA COUNTY, INC.
 Street: P.O. BOX 3609
 City: GRAND JUNCTION
 State: COLORADO Zip Code: 81502
 Telephone Number: (970) - 243-4900
 Fax Number: (970) - 243-5945

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
 Street: _____
 City: _____
 State: _____ Zip Code: _____
 Telephone Number: (_____) - _____

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
 Street: _____
 City: _____
 State: _____ Zip Code: _____
 Telephone Number: (_____) - _____

15. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

PLEASE SEE ATTACHED NARRATIVE THAT ADDRESSES PROPOSED AMENDMENT REGARDING POST-MINING LAND USE, AND REVISED RECLAMATION PLAN (RECLAMATION PLAN MAP INCLUDED)

Maps and Exhibits:

Five (5) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the five (5) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands to include the location of any recorded easements
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter, to include holders of any recorded easements
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined, to include holders of any recorded easements
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Soil Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

- PM 1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
- PM 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- PM 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- PM 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- PM 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- PM 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
 - a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- PM 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

PM 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

PM 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

— 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

RECEIVED
FEB 20 2001

Division of Minerals and Geology

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

Signed and dated this 16th day of February, 2001.

United Companies of Mesa County, Inc.
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: *Ken W. Nesbitt*
Ken W. Nesbitt

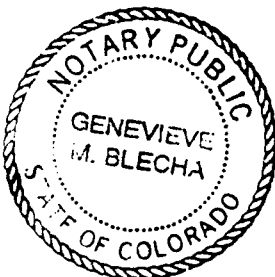
Signed: *Lowell W. Laycock*
Lowell W. Laycock, Secretary
Corporate Secretary or Equivalent

Title: President

Town/City/County Clerk

State of Colorado)
County of Mesa) ss

The foregoing instrument was acknowledged before me this 16th day of February, 2001
by Ken W. Nesbitt as President of United Companies of Mesa
County, Inc.



Genevieve M. Blecha
Notary Public Genevieve M. Blecha

My Commission expires: April 4, 2003

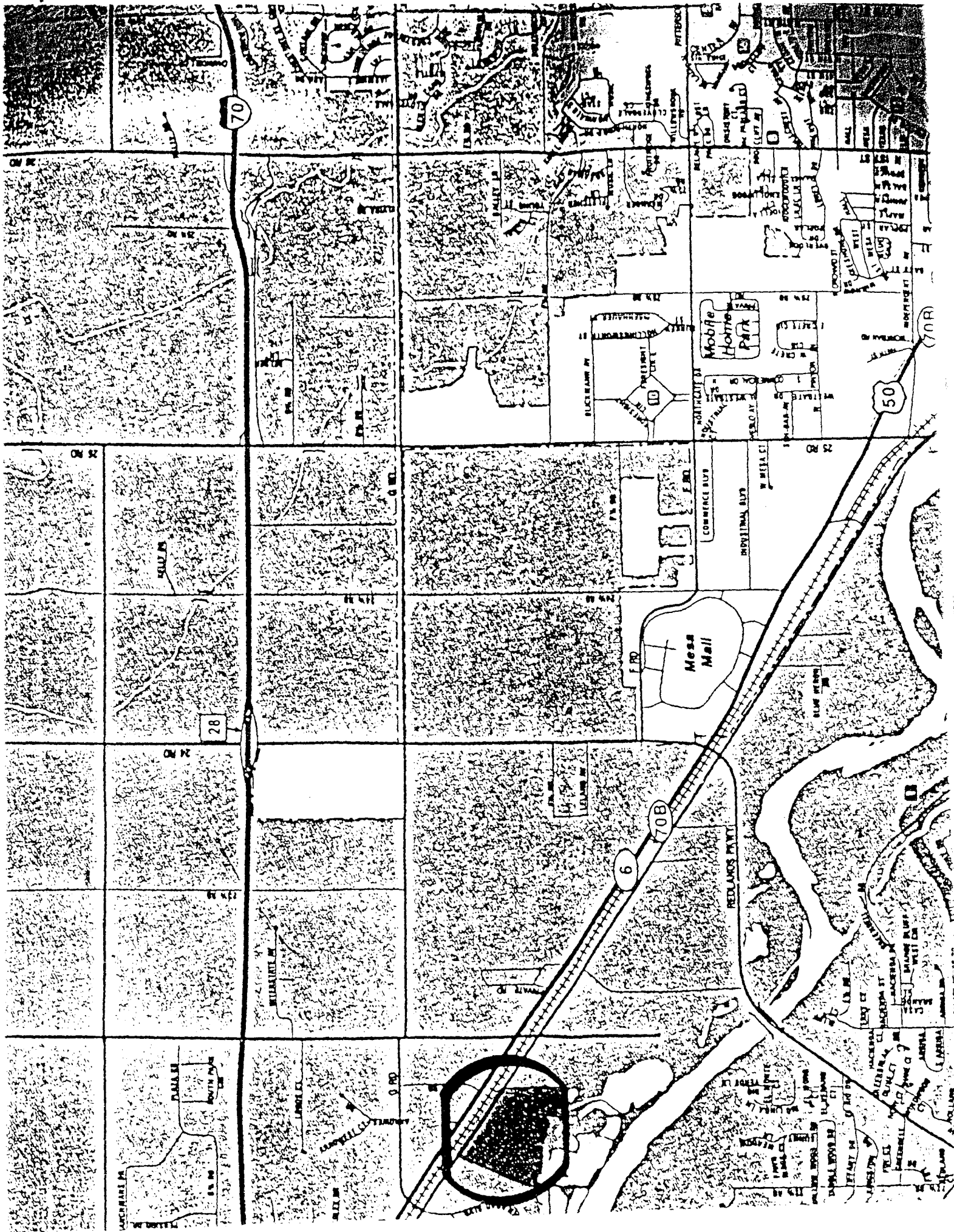
SIGNATURES MUST BE IN BLUE INK

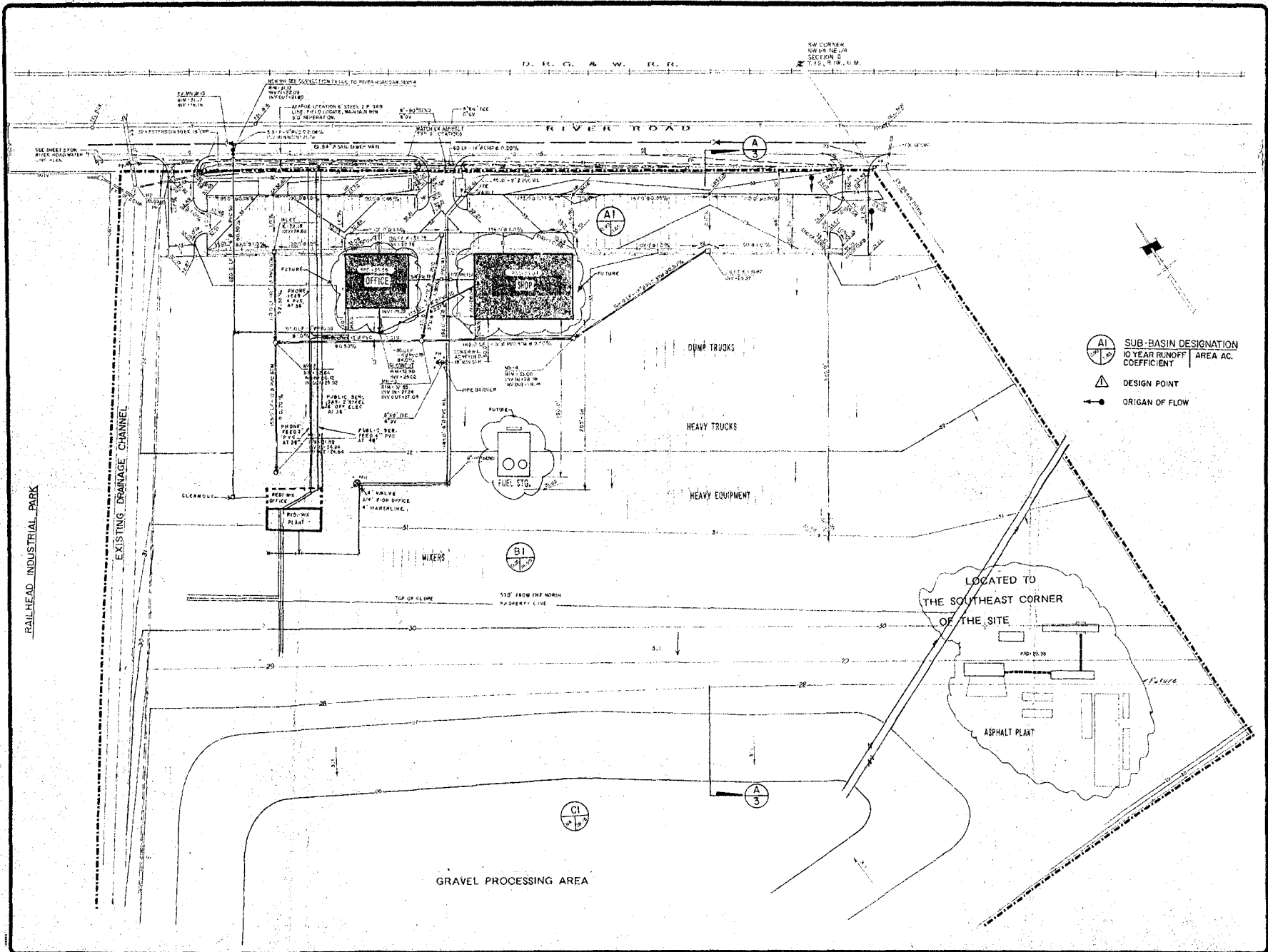
LEGAL DESCRIPTION

BEG S 89DEG48'41SEC W 1296.4FT FR E4 COR SEC 6 1S 1W N ODEG22'01SEC E 326.9FT S
89DEG41'14SEC W 661.78FT S O DEGO3'23SEC W 325.5FT S O2DEG40'01SEC W 120FT S
68DEG54'30SEC E 398.08FT S 30DEG E 300FT N 62DEG E 137.27FT N ODEG22'01SEC E
460.60FT N 89DEG48'41SEC E 20FT TO POB

AKA: E2 LOT 10 SMITH AND BAILEY'S RIVERSIDE SUB & ALSO THAT PT OF LOT 7 ORCHARD
GROVE SUB WHICH LIES IN GLO 8

Located in: NW 1/4, SW 1/4 AND SW1/4, NE 1/4 SECTION 6, TOWNSHIP 1S, RANGE 1W OF
THE UTE MERIDIAN





REV'S	BY
12	1-94
	WEST

THOMAS A. LOGUE

 LAND DEVELOPMENT CONSULTANT

UNITED COMPANIES
 OF MESA COUNTY
 GRAND JUNCTION, COLORADO

LOCATED TO THE SOUTHEAST CORNER OF THE SITE

GRADING, DRAINAGE & UTILITY PLAN

DRAWN	MOS
CHECKED	
DATE	OCTOBER, 1993
SCALE	1" = 50'
JOB NO.	83 401
SHEET	
TWC	
OF 13	SHEETS

CUP 1996-08V