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File CUP-1996-125

Name: G.J. Concrete Pipe Company - 621 23 Road - Conditional Use Permit

<b>P r e s e n t</b>	<b>S c a n n e d</b>	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will be found on the ISYS query system in their designated categories.</p> <p>Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page. Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for the contents of each file.</p>
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		<b>*Application form</b>
		Review Sheets
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<b>X</b>	<b>X</b>	<b>*Staff Reports</b>
		<b>*Planning Commission staff report and exhibits</b>
		<b>*City Council staff report and exhibits</b>
		<b>*Summary sheet of final conditions</b>

**DOCUMENT DESCRIPTION:**

<b>X</b>	<b>X</b>	Correspondence		
<b>X</b>	<b>X</b>	Planning Commission Minutes - 6/11/96 - **		
<b>X</b>	<b>X</b>	Short Report - no date		
		<b>Historical Information Scanned with file</b>		
<b>X</b>	<b>X</b>	Mining and Reclamation Permit - 1979 Minerals Other Than Coal Mining Land Reclamation Division of the State of Colorado		
<b>X</b>	<b>X</b>	1987 Historical Correspondence		
<b>X</b>	<b>X</b>	County Resolution - C108-79		



Richard D. Lamm  
Governor

DEPARTMENT OF NATURAL RESOURCES

David H. Getches, Executive Director

**MINED LAND RECLAMATION DIVISION**

DAVID C. SHELTON, Director



MINING AND RECLAMATION PERMIT - MINERALS OTHER THAN COAL

Permit Number: 79-89 Type of Permit: 112

Permit Date: July 25, 1979  
(Anniversary date for  
annual report and fees  
purposes)

THIS PERMIT is issued by the Mined Land Reclamation Board, Department of Natural Resources, State of Colorado.

RECITALS

A. Corn Construction Company  
(the "Operator") desires to conduct a mining operation known as 23 ROAD PIT  
for the purpose of extracting  
sand and gravel.

B. On July 25, 1979, the Mined Land Reclamation Board (the "Board") approved the Operator's application for this permit, fixed the amount of the financial warranty and directed that this permit be issued upon the filing with the Mined Land Reclamation Division (the "Division") of performance warranty and financial warranty (or warranties) in the amount so fixed in form and substance approved by the Division. Said warranties have been filed with the Division.

C. On July 25, 1979, the Board made the following findings:

1. The application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act, C.R.S. 1973, 34-32-101 et seq., as amended, and with all applicable local, state and federal laws;

2. The operation will not adversely affect the stability of any significant, valuable, and permanent man-made structure located within two hundred feet of the Affected Land, except where there is an agreement between the Operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the Operator; and

3. The proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act.

D. The Operator has made a showing satisfactory to the Board: 1) that it will employ, during and after its underground mining and/or surface operations, procedures designed to minimize environmental disturbance from such operation; 2) that it will provide for reclamation of the Affected Lands appropriate to the subsequent beneficial use of such lands; and 3) that, in the event of the failure of its proposed reclamation plan, it will take whatever measures may be necessary to assure the success of reclamation of the lands affected by such operations in accordance with the Act.

E. A copy of the Operator's application, as amended and supplemented, has been approved by the Board and is, by this reference, incorporated herein.

F. The Mined Land Reclamation Board advises the Permittee that all mining operators must comply with all applicable Federal, State and County statutes, including State water law.

#### GRANT, CONDITIONS AND AGREEMENTS'

The Board, in reliance upon the representations and promises made in such application, as amended and supplemented, hereby issues a life of the mine permit to the Operator, to engage in the operations described in the application on certain lands lying in the County of Mesa, State of Colorado. These lands are described in Exhibit A, attached hereto, and are referred to herein as the "Affected Lands".

This permit is issued subject to the following conditions and agreements:

1) The Operator agrees to be bound by all applicable requirements of the Act and all applicable rules and regulations of the Board, as amended from time to time.

2) The Operator will file with the Division its annual report and fees on each anniversary date of this permit.

3) If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the Operator or monitoring by the Division indicate that the operation will not be able to comply with the requirements of the Act and applicable rules and regulations of the Board, the Operator hereby agrees to exercise its best efforts, after consulting with the Division, to modify the plans to correct such deficiencies in the future. Such modifications may require technical revisions or amendments to the permit.

4) This permit may be revoked or suspended for non-compliance with the Act or applicable rules or regulations promulgated by the Board.

5) a) Pursuant to 34-32-118(5) of the Act, the Board has a right of entry to reclaim the lands affected by the operation.

- b) The Board will enter the lands to perform reclamation only if the Board has determined:
- i. that reclamation required by law to have been performed upon such lands has not been performed, and
  - ii. that financial warranty forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.
- 6) The additional stipulations set forth in the attached rider, if any, are incorporated herein by reference.

- /\_/ a) Rider is attached.
- /X/ b) No rider is attached.

ACCEPTED AND AGREED:

MINED LAND RECLAMATION BOARD  
MINED LAND RECLAMATION DIVISION  
COLORADO DEPARTMENT OF NATURAL  
RESOURCES

Corn Construction Co  
Operator

Herbert C. Stoltz  
Division Director

By Albert C. Ruckman

NOTARIZATION OF OPERATOR'S ACKNOWLEDGMENT

STATE COLORADO )  
 ) ss.  
COUNTY OF MESA )

The foregoing instrument was acknowledged before me this 22ND day of JULY, by ALBERT C. RUCKMAN as VICE PRESIDENT of CORN CONSTRUCTION CO. the Operator.

Charlie W Rosedahl  
NOTARY PUBLIC

My Commission expires:  
My Commission expires February 18, 1988

RESOLUTION NO. \_\_\_\_\_

Planning Dept. No. C108-79

GRANTING A CONDITIONAL USE FOR CORN CONSTRUCTION

WHEREAS, John D. Schmall has petitioned the County of Mesa for a conditional use for gravel extraction and processing and an asphalt plant on a temporary basis in an AFT zone of the County on the land described as follows:

The Northeast Quarter of the Southeast Quarter and Lot 9, Section 6 and the West Quarter of the Southwest Quarter of the Southwest Quarter of Section 5 all in Township 1 South, Range 1 West of the Ute Meridian; (Common location: north of Colorado River, South of River Rd., from 22 3/4 to 23 1/8 lines);

and

WHEREAS, after a hearing on the 24th day of July, 1979, the Board has found and does hereby find that such conditional use would be in the public interest; provided certain conditions are met in the operation;

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

That the application of John D. Schmall for a conditional use for gravel extraction and processing and an asphalt plant on a temporary basis be approved under the following conditions:

1. That the applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
2. That the asphalt plant be operated for a temporary period not to exceed six months without again coming before the Board for a further extension of time.
3. That reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.
4. That traffic in and out of the site be limited to 23 Road.
5. That operations be conducted only between the hours of 7:00 a.m. to 8:00 p.m. and for no more than six days a week, Sunday

excluded.

6. That the applicant investigate the use of an electric pump for the pit, and, failing the practicability of this, that the pump be located as far from neighbors as possible with effort being made to reduce the noise.

~~X~~ 7. That the matter be reviewed at the end of the six-month period.

PASSED and ADOPTED this 20<sup>th</sup> day of August, 1979.

Attest:

Margie Albers  
Chairman of the Board of County  
Commissioners of the County of Mesa

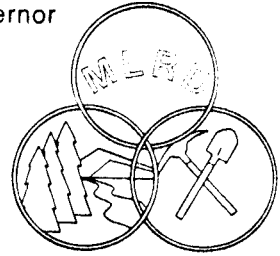
Earl Sawyer  
County Clerk



# STATE OF COLORADO

Roy Romer, Governor

DEPARTMENT OF NATURAL RESOURCES  
**MINED LAND RECLAMATION DIVISION**  
DAVID C. SHELTON, Director



October 15, 1987

Mr. Dennis Kirtland  
Corn Construction Co.  
P.O. Box 1240  
Grand Junction, Colorado 81502

Re: 23 Road Pit, Succession Approval, Permit No. M-79-089, Revision No. SO-02

Dear Mr. Kirtland:

On October 01, 1987 the Colorado Mined Land Reclamation Board approved the succession of operators from Corn Construction Co. to Grand Junction Pipe & Supply for this operation. Enclosed are the Financial and Performance Warranties you originally provided. These have been released as of the October 01, 1987 Board approval for the succession of operators.

Grand Junction Pipe & Supply is now the permitted operator of the 23 Road Pit, and as such, is responsible for all provisions in Permit No. M-79-089, as well as those specified in the Minerals Rules and Regulations.

If you have any questions, please contact me.

Sincerely,

Steven G. Renner  
Reclamation Specialist

Enclosures

5335G

EXHIBIT A

File Number: 79-89

Operation Name: Corn Construction Company

Legal Description: SE 1/4 Sec. 6, T1S, R1W or the Ute Meridian

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Acreage: 51

County: Mesa

State: Colorado

/mt

Doc. 1858

(Rev. 3/83)



City  
County  
Development  
Department

CITY OF GRAND JUNCTION—MESA COUNTY—COLORADO 81501  
539 WHITE AVE—ROOM 60—DIAL (303) 243-9200 EXT 343

May 11, 1979

To whom it may concern:

Corn Construction Company, P.O. Box 1240, Grand Junction, Colorado, has applied to Mesa County for an amendment to an existing conditional use. The existing conditional use for a gravel pit in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and Lot 9 Section 6 (approximately 70 acres) was granted on February 13, 1974.

The amendment in process is to expand to 90 acres and operate an asphalt batch plant on a temporary basis. The additional lands are in the W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 5 all in Township 1 South Radius 1 W Ute Meridian.

Sincerely,



John Ballagh  
Assistant Director, Development Department

xc: file

JB/nh

City  
County  
Development  
Department

CITY OF GRAND JUNCTION—MESA COUNTY—COLORADO 81501  
559 WHITE AVE—ROOM 60—DIAL (303) 243-9200 EXT 543

State Mined Land Reclamation Board  
Denver, Co.

July 24, 1979

To Whom It May Concern,

Com Construction Co. has obtained a Conditional Use Permit to excavate and process gravel on property owned by John Schmal in Mesa County. This means that the extraction of gravel is in full compliance with the Mesa County Zoning Resolution.

Give me a call if you have any questions.

Sincerely,

*Bob Kettle*

Bob Kettle  
Senior Planner

CUP-96-125

SHORT REPORT

5/16/96

OWNER INFORMATION

PROPERTY INFORMATION

GRAND JUNCTION CONCRETE PIPE CO  
PO BOX 1849  
GRAND JUNCTION, CO 81502-1849

CO OWNER:

BOOK:  
PAGE:

LEGAL DESCRIPTION:

BEG N 89DEG37'24SEC E 25FT FR SW1/16TH COR SEC 5 1S 1W N 0DEG13'20SEC W 221.88FT N 32DEG46'30SEC E 418.53FT  
S 56DEG54' E 488.63FT S 0DEG13'15SEC E 302.76FT S 89DEG37'24SEC W 636.23FT TO POB

PARCEL NUMBER: 2945-053-00-107  
PROPERTY ADDRESS:

TAC: 10800

MILL LEVY: 86.0290

LAND VALUE: 16,530.00

IMPROVED VALUE: 0.00

TOTAL VALUE: 16,530.00

SOLD: 00/00/00

PRICE: 0

YR BUILT: 0000

EOB SE corner  
2 3/4 & River Rd

Gravel crusher & storage, ~~and~~ asphalt hot plant  
and concrete batch plant.

GJ Concrete Pipe Co  
Attn: Ed Settle  
Box 1849  
GJ 81502

243-4604

STAFF REVIEW

Approved 4-0

FILE: CUP-96125  
DATE: June 11, 1996  
STAFF: David Thornton  
REQUEST: Conditional Use Permit for Gravel Extraction and Processing, and Asphalt Batch Plant  
APPLICANT: Grand Junction Concrete Pipe Co.

EXISTING LAND USE: Inactive

PROPOSED LAND USE: Gravel Extraction and Processing, and Asphalt Batch Plant

USE ZONE MATRIX CLASSIFICATION: Gravel Storage, Processing, and Asphalt Plant (pending text amendments will make these uses a CUP in the I-1 zone)

TAX PARCELS: Portions of 2945-064-00-031 and 2945-064-00-034

SURROUNDING LAND USE:

NORTH: River Road, Railroad Tracks, & Hwy 6 & 50  
SOUTH: Colorado River  
WEST: Vacant  
EAST: Agriculture

PRIOR COUNTY ZONING: AFT

PROPOSED CITY ZONING: Light Industrial (I-1) with a conditional use permit for gravel extraction and processing, and an asphalt batch plant.

SURROUNDING ZONING (prior to annexation):

NORTH: AFT (County)  
SOUTH: R2 (County) across Colorado River  
EAST: AFT (County)  
WEST: AFT (County)

STAFF ANALYSIS:

Grand Junction Concrete Pipe Co. has an inactive gravel pit with some gravel storage west of 23 Road just north of the Colorado River on a portion of parcels 2945-064-00-031 and 2945-064-00-034. Grand Junction Concrete Pipe Co. was granted a

Conditional Use Permit for this area from Mesa County for gravel extraction and processing, as well as a asphalt batch plant. This was approved by Mesa County on February 13, 1974 and then amended on July 24, 1979 (see attached letters). Grand Junction Pipe & Supply has obtained a mining and reclamation permit (M-79-089) from the State of Colorado.

RECOMMENDATIONS:

*See attached resolution and deletions*

Approval subject to any County conditions and/or site plan that may exist in County file C108-79. The Conditional Use Permit is being transferred and adopted for all purposes of the County approval except 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-96-125, the Conditional Use Permit for gravel extraction and processing, and an asphalt batch plant in a Light Industrial (I-1) zone at ~~2275 River Road (south of the Hagie Gravel Pit)~~, I move that we approve this as per Staff recommendations.

621 23

*Add condition that ~~asphalt~~ <sup>this</sup> operation does not need to re-obtain a CUP if ~~operations~~ <sup>operations</sup> have ceased for a year.*

*delete items 2 & 7 add*

Addendum to Staff Report CUP-96-125  
Gravel Pit and Asphalt Plant, Grand Junction Concrete Pipe Co.

The County file #C108-79 has the following conditions associated with the conditional use permit:

1. The applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
- X 2. That the asphalt plant be operated for a temporary period not to exceed six months without again coming before the Board for a further extension of time.
3. That the reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.
4. That traffic in and out of the site be limited to 23 Road.
5. That operations be conducted only between the hours of 7:00 a.m. to 8:00 p.m. and for no more than six days a week, Sunday excluded.
6. That the applicant investigate the use of an electric pump for the pit, and, failing the practicability of this that the pump be located as far from neighbors as possible with effort being made to reduce the noise.
- X 7. That the matter be reviewed at the end of the six-month period.

**City of Grand Junction Recommendations:**

Accept all conditions except the requirement for the six month review. The conditional use permit should run indefinitely with the land.

June 20, 1996



Grand Junction Concrete Pipe Co.  
Attn: Ed Settle  
PO Box 1849  
Grand Junction, CO 81502-1849

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

Dear Mr. Settle,

This letter is to inform you that the Grand Junction Planning Commission approved a conditional use permit (CUP) for 621 23 Road on June 11, 1996. The CUP is for gravel crusher & storage, asphalt hot plant, and a concrete batch plant. The conditions of approval are as follows:

***Previous County Conditions:***

1. The applicant must meet all the requirements of the State of Colorado, including the Health Department, in the operation.
2. That the reclamation of the land shall occur under applicable laws and to the extent practicable for the nature of the operation under those laws.
3. That traffic in and out of the site be limited to 23 Road.
4. That operations be conducted only between the hours of 7:00 a.m. to 8:00 p.m. and for no more than six days a week, Sunday excluded.
5. That the applicant investigate the use of an electric pump for the pit, and, failing the practicability of this that the pump be located as far from neighbors as possible with effort being made to reduce the noise.

***Additional City Conditions:***

1. It is not necessary to reobtain a CUP after one year, even where the operation may have lain dormant for that period or longer.

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

Sincerely,

Mike Pelletier  
Associate Planner