

# SW CO Advocates, Inc.

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La Plata County Planning Commission

Mr. Jim Tencza, Chairman [jtencza@hdsfreight.com](mailto:jtencza@hdsfreight.com)

Mr. Tom Gorton

Mr. Charles Minkler

Ms. Lucy Baizel

Ms. Geri Malandra

211 Rock Point Drive

Durango, CO 81301

Mr. Damian Peduto

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Mr. Daniel Murray

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La Plata County Planning Department

211 Rock Point Drive

Durango, CO 81301

March 30, 2016

**Re: Project #2012-0089, GCC Energy King II Coal Mine Class II, Continuance**

We request that the **Planning Commission have a site visit prior to the April 14, 2016 Planning Commission meeting** for the above referenced project. The site visit is necessary to provide clarity and understanding of those Mitigation Measures “accepted” by the County per the letter dated March 14, 2016 from Joseph M. Kerby, County Manager (attached).

It is important for all to see the current condition of County Road 120 and to understand the improvements proposed by GCCE.

**1. McCue property** – GCC should provide:

- a. Location of existing road ROW
- b. Interim pavement location/shoulders
- c. Conceptual road and ROW location and proposed “buffer” wall location as shown on recently submitted site plan. (attached)

**2. Hunzeker property** – GCC should provide:

- a. Location of existing road ROW
- b. Interim pavement location/shoulders
- c. Conceptual road and ROW location and proposed “buffer” wall location as shown on recently submitted site plan. (attached)

**3. Truck Batching– GCC should provide:**

- a. Run batches in each direction, showing where/how the trucks stage and enter CR 120N and how they exit onto 140
- b. Planning Commissioners should be at the McCue property when batch travels to mine and at the Hunzeker property when batch travels from mine.

**4. 90 Degree Corner – GCC should provide:**

- a. Location of existing road ROW
- b. Conceptual Road and ROW location

**5. Individual trucks traveling on 120N – GCC should provide:**

- a. Individual trucks on 120N passing each other at the 90 degree corner.
- b. Individual trucks on 120N passing each other at McCue property.
- c. Individual trucks on 120N passing each other at Hunzeker property.

Respectfully submitted,



Cynthia Roebuck, ED  
SW CO Advocates, Inc.

on behalf of:

**Karen Hunzeker** 3230 CR 120, Hesperus, CO 81326  
**Julie McCue**, 2541 CR 120, Hesperus, CO 81326  
**Frank McCue**, 2541 CR 120, Hesperus, CO 81326  
**Mark Schultz**, 700 Roberts Ridge Rd, Hesperus, CO 81326  
**Paula Mathias**, 788 Cougar Way, Hesperus, CO 81326  
**Ashley Hillmer**, 788 Cougar Way, Hesperus, CO 81326  
**Derek Snyder**, 1326 CR 120, Hesperus, CO 81326  
**Pam Snyder**, 1326 CR 120, Hesperus, CO 81326  
**Crosscreek Ranch, LLC**, 321 Cross Creek Road Hesperus, CO 81326  
**Gary Grantham**, 1124 CR 120, Hesperus, CO 81326  
**Lynda Grantham**, 1124 CR 120, Hesperus, CO 81326  
**Tom Williams**, 1644 County Road 120, Hesperus, CO 81326  
**Susan Morris**, 800 Cross Creek Road, Hesperus, CO 81326

Cc: Jeff Robbins, [robbins@grn-law.com](mailto:robbins@grn-law.com)  
Luke Danielson, [luke@ldanielsonlaw.com](mailto:luke@ldanielsonlaw.com)

Attachments:

Letter dated March 14, 2016 from Joseph M. Kerby, County Manager  
GCC Grouping of Trucks in Small Batches  
GCC Concepts for Noise and Visual Mitigation of Truck Traffic



March 14, 2016

Mrs. Gina Nance  
6473 CR 120  
Hesperus, CO 81326  
Via Email  
[gnance@gcc.com](mailto:gnance@gcc.com)

Re: Response to GCC Letter dated March 10, 2016/Additional Mitigation Measures

Dear Mrs. Nance:

This letter is in response to your March 10, 2016 letter regarding additional mitigation measures for coal truck traffic on CR 120 North. These measures are part of GCC's overall responsibility to put forth an application that is in compliance with the La Plata Land Use Code, including but not limited to the Compatibility Standards of LPLUC Sec. 82-193. In your letter you identified nine mitigation measures, for which the County offers the following response. Please keep in mind the County continues to analyze your proposal, public and agency comments, and may elicit additional conclusions or request for information.

1. Cap of Daily Maximum Truck Number at 10%

The County accepts this mitigation measure and has no additional comment.

2. 2016 Pavement of One Mile Stretch of CR 120 North from End of Current Pavement

The County accepts this mitigation measure and has no additional comment.

3. Install Flashing Warning Lights and Safety Signage

The County accepts this mitigation measure; and this measure will be identified as a condition of approval within the CLII Land Use Permit, itself, rather than the Road Improvement Agreement.

4. Batching of Trucks (in Groups of Three)

The County accepts this mitigation measure and concurs that it be a condition of the CLII Land Use Permit. The concept of batching still needs further refinement and public feedback. The County requests that GCC make every effort to share this concept with the public and gain further input. This requires a meeting in person to walk through the various options of batching such as 24hr vs. 16hr hauling/day; 6 days vs. 5.5 days/week; and better understand if/how the concept can be refined to provide the highest degree of mitigation.

Additionally, the County requests that GCC implement the proposed batching plan during a trial period. The County is open to discuss when, and for how many days such a trial period can occur. We

believe this should occur as soon as physically possible.

5. GCC employees to Use CR 120 South until Phase II Road Improvements are Completed

The County accepts this mitigation measure with one change. The routing of all employees via CR 120 South shall be occurring until *Phase 3*, rather than Phase 2 road improvements are completed. Given that Phase 2 and Phase 3 are scheduled to occur within 2017, this should not be a significant change from the intent of the mitigation measure.

6. Permanently Maintain Reduced 10 mph Truck Speed Limit

The County accepts this mitigation measure and concurs that it be a condition of the CLII Land Use Permit.

7. Wide Shoulder Along Improved CR 120 North

The installation of a three foot (3') gravel shoulder is required in order to satisfy the road design standards of LPLUC Chapter 74 and therefore this is not considered an additional mitigation measure. Should GCC decide to pave this shoulder, it would then be considered additional mitigation with respect to determining Compatibility. GCC must communicate with the residents of CR 120 North to determine if a gravel or paved shoulder is preferred based on the individualized needs of non-vehicular users (e.g. walker, biker, horse).

8. Buffering

The County accepts this mitigation measure and concurs that it be a condition of the CLII Land Use Permit. This mitigation measure is only conceptual at this time and warrants further analysis and discussion with the relevant, directly affected property owners. Similar to several mitigation measures referenced above, GCC must make every effort to engage the residents along CR 120 North to refine this measure.

Three additional changes or clarifications to this mitigation measure are as follows:

First, the ability for a resident to receive Buffering improvements shall remain until all road improvements are made. This can occur as soon as 2016 as you currently describe, however it should also be allowed throughout the construction of all road improvements. Based on the current road improvement schedule, this would allow buffering until 2022 or at such time that Phase 5 is completed. The buffering mitigation measures will be included as a condition of the CLII Land Use Permit and shall also be reflected in the Road Improvement Agreement *Exhibit A (item C)*. The RIA *Exhibit A* will need to be revised to correct the *Item C* footnote which allows the respective property owner's approval through the completion of Phase 5, rather than a deadline of July 31, 2016.

Second, there shall be no maximum total cost (cap) specified for the mitigation measures. That is not to say a landowner is given a blank check for improvements, rather GCC shall be committed to implementing the appropriate mitigation based on the recommendations of professional engineers and landscape designers. Introduction of a maximum total cost (\$80,000 as proposed by GCC) is not an appropriate approach to addressing the issue.

Third, GCC must anticipate a bonding and warranty requirement for buffering improvements, as prescribed by the adopted La Plata County Land Use Code. Bonding will be required prior to construction and will be addressed through a *Development Improvement Agreement* pursuant to LPLUC Sec, 82-21 to 25 (the warranty period for landscape improvements to ensure establishment of

vegetation is part of this instrument and pursuant to LPLUC Sec. 82-165).

9. Emergency Response Plan

The County conditionally accepts this mitigation measure and requests additional information. Please provide a copy of your referenced *Emergency Response Plan* to ensure it adequately addresses the issue. If not, GCC shall consult with the appropriate emergency service personnel to develop such a plan and provide a copy to the County as soon as possible. If a revised plan is needed, ideally this can be provided prior to March 17, 2016 to coincide with the timeline as set by the Planning Commission.

One additional mitigation measure not discussed in detail is a plan to manage road impacts during road construction. This would include a *Traffic Control Plan* and a description of other measures or protocol that will be taken during road construction to minimize impacts on surrounding properties and road users. A draft of such a plan shall be provided to the County by March 17, 2016 to coincide with the timeline as set by the Planning Commission; and is subject to the acceptance of the Public Works Director.

The County will incorporate your proposed mitigation measures and the above referenced revisions into our analysis as we prepare for the April 14, 2016 Planning Commission. We appreciate GCC's continued willingness to work constructively with the County and the public, and towards achieving compliance with County regulations.

Sincerely,

  
Joseph M. Kerby  
County Manager

cc: Damian Peduto, Community Development Director  
Sheryl Rogers, County Attorney  
Daniel Murray, Senior Planner  
Jim Davis, Public Works Director