

**Town of Lyons, Colorado  
Board of Trustees  
Agenda Cover Sheet  
Agenda Item No: XII. 4.  
Meeting Date: 6/6/22**

**TO: Mayor Rogin and Members of the Board of Trustees**  
**FROM: Victoria Simonsen, Town Administrator**  
**ITEM: CEMEX Dowe Flats Mining and Reclamation Extension Referral**

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

Boulder County Planning Commission and the Board of County Commissioners are holding public hearings for the Special Use/Site Specific Development Plan review to amend an existing Special Use approval for open mining/quarrying located at the Dowe Flats Quarry. As part of the hearings, Boulder County Planning & Permitting is seeking responses from referral agencies, including the Town of Lyons, by June 10th, 2022.

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff, along with the Planning and Community Development Commission (PCDC) recommends the Town requests an extension for a referral response to allow the Town to incorporate feedback from the Boards and Commissions and develop a consolidated response. Ideally, an extension through at least October would allow for the incorporation of feedback received from upcoming Growth Area Workshops conducted for the Comprehensive Plan Update. If an extension cannot be formally granted, staff has been told verbally by Boulder County staff that the Land Use department will accept referral feedback up to the time their report is due.

Another option is to request that the County extend the Dowe Flats mining permit beyond September 30, 2022 (ie, December 31, 2022) to allow for more substantive discussions with the county.

**III. FISCAL IMPACTS:**

Unknown.

**IV. BACKGROUND INFORMATION:**

**Background**

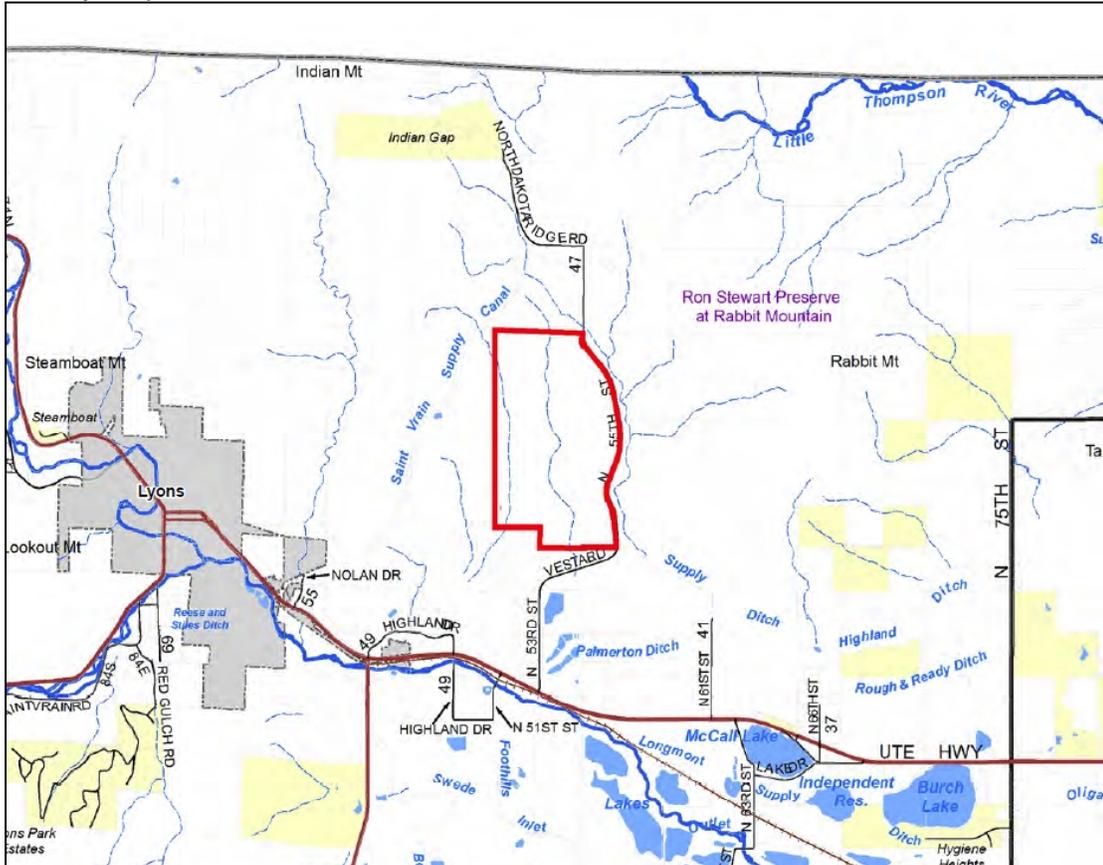
Location: 13301 55th Street, Parcel #120316000050, located approximately 0.5 miles north of the intersection of N. 53rd Street and Highway 66

Jurisdiction: Boulder County

Owner: Cemex Inc.

Request: Special Use/Site Specific Development Plan review to amend an existing Special Use approval for open mining/quarrying located at the Dowe Flats Quarry to add 15 years. The original permit area of 1,911 acres to be reduced to 709 acres. The cement plant operations at a separate facility south of Highway 66 will conclude within the same 15 years concurrent with the reclamation of wildlife habitat.

### Vicinity Map



### Staff Comments

Without an understanding of the negotiation details, from the Boulder County Memo it appears two options were discussed for CEMEX's future operations: Not extending the permit for mining operations and an indefinite operation of the cement plant OR extending the mining operations permit 15 years along with a commitment from CEMEX to permanently conclude the cement plant operations at the same time.

While Dowe Flats is not within the Lyons Planning Area, this permit extension could impact the Town of Lyons in the following ways:

- The cement plant operation facility to the south is in the Lyons Planning Area, so any timeline changes and operations on the property will impact Lyons' IGA and our potential plans for the site.
- With the proximity of the Eastern Corridor, timeline and uses may impact the development of the area.

- The dedication of a permanent, non-exclusive recreational trail easement to Boulder County along the south bank of the St. Vrain River is proposed, which is in the Lyons Planning Area.
- An option for Boulder County to purchase CEMEX property surrounding the cement plant, including property in the CEMEX Municipal Facilities Area per the 2012 CEMEX Area IGA Map, which is included in the Lyons Planning Area.

The PCDC reviewed the referral at a workshop on June 23, 2022, and felt there was not adequate time to develop a response for the Board of Trustees and discussed the potential modification of the Town Planning Area, however, any changes would be driven by the current Comprehensive Plan Update process. The PCDC and/or a subcommittee of Commissioners is willing to assist the Board as necessary and requested specific direction from the Board on items to address in the referral review.

**V. LEGAL ISSUES:**

Unknown.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

See the Dowe Flats Quarry Site Description and Future Mining Impact Report in Attachment 1. In addition, the operation of the plant for 15 years (or indefinitely) will preclude the county from meeting its carbon reduction goals. We have not had a response from the SFC or Ecology Board yet.

**VII. SUMMARY AND ALTERNATIVES:**

The following alternatives are recommended by staff:

1. Request an extension of the referral response date to October 2022 to allow for the Comprehensive Plan Growth Area Workshops to be completed and better understand the development and growth of the Eastern Corridor.
2. Request an extension of the referral response date to August 2022 to allow for Town Commissions to review the referral and provide input to the Board of Trustees.
3. Request a temporary extension of the Dowe Flats mining permit to December 31, 2022.
4. The Board of Trustees could assign a subcommittee of Board and Commission representatives to develop a comprehensive referral response.
5. The Board of Trustees provides content and direction tonight to allow staff to respond by June 10, 2022, the deadline currently set.
6. Insist on having more involvement than just a referral response. We feel that there may be more options than just the two presented.

**VIII. ATTACHMENTS:**

1. Boulder County Referral Memo
2. Lyons CEMEX Area Comprehensive Development Plan IGA