

Board or Commission: PCDC No Comment

Top Three Concerns from Board and Commission Perspective:

1. The Dowe Flats renewal does not support the values conveyed in the Lyons 2012 Comprehensive Plan, the 2020 Boulder County Comprehensive Plan and the Guiding Principles & Goals developed in the Lyon's 2022 Comprehensive Plan.
2. Approval of the Mining permit could seriously affect future development in Lyons, especially along the Eastern Corridor, which is where the most significant new future land use opportunities are. The carbon emissions from continued operations at the CEMEX plant will likely put Boulder County in violation of xxx and jeopardize the ability to obtain DRCOG TIP funding critical for future development. (David K – please see Jocelyn's email)
3. According to the attached Colorado Revised Statute 31-12-105 (1) (e) (I) municipalities are required to have a plan for areas within 3 miles of its borders. Lyons is in the process of establishing a new Comprehensive Plan which will address the full range of this requirement. Since the term of the proposed Dowe flats mining permit mining extension will include years in which this 3-mile plan is in effect, Lyons should be included in any discussion or commitments involving land use within the 3-mile range of its outer borders. Dowe Flats and the entire CEMEX properties are within this 3-mile range. Further, Boulder County is required to meet the requirements of CRS 34-1-304 related to a master plan for mineral extraction which includes:
 - a. The potential for effective multiple sequential use which would result in the optimum benefit to the landowner, neighboring residents, and the community as a whole;
 - b. The development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area;

Suggestions or Conditions that Board and Commission would like to offer:

- 1) Boulder County needs to negotiate a shorter-term (5-years?) to extend the mining permit to allow CEMEX to wind down operations at the plant.
- 2) If in the unlikely chance the mining permit is extended, CEMEX must take significant efforts to reduce their carbon footprint and greenhouse gas emissions.
- 3) If the mining permit is not renewed and the plant shuts down, strong consideration should be given to the development of a solar farm, a model Eco Village, affordable housing and/or a mixed-use development.
- 4) Regardless of the final negotiated outcome, the terms and conditions should preclude CEMEX from reselling the property for future industrial use and provide Boulder County/Lyon's the right of first refusal.

Attachments

- **C.R.S. – 31-23-106 Planning Commission/Master Plan/Mineral Rights**
(<https://leg.colorado.gov/sites/default/files/images/olls/crs2016-title-31.pdf>)
- **Carbon negative cement** - <https://www.dailycamera.com/2022/07/04/cu-boulder-research-scientists-use-algae-to-make-carbon-negative-cement/>
- **EPA violations – CEMEX** - <https://echo.epa.gov/detailed-facility-report?fid=110000467450>
- **EPA downgrades Colorado** - <https://coloradosun.com/2022/04/12/colorado-ozone-air-pollution-downgraded-severe/>