

July 22, 2022

Pete L'Orange, Planner II
Boulder County Planning & Permitting
2045 13th Street
Boulder, CO 80302



Re: Docket SU-22-0003, CEMEX Dowe Flats Mining and Reclamation Extension

Dear Planner L'Orange,

The Town of Lyons firmly recommends that the Boulder County Planning Commission advise the Board of County Commissioners to **deny** the CEMEX mining permit extension application. Our Board of Trustees, Staff, Boards and Commissions, and community concur.

The Town further asserts that it should have been a part of the discussions between Boulder County Open Space and CEMEX as they negotiated the terms of this application, as either option contained in the application directly affects the Town's Primary Planning Area as outlined in the 2012 IGA. In addition, the entirety of CEMEX operations, both north and south of SH 66, fall directly within the Town's state-mandated 3-Mile Planning Area (*please refer to Appendix Items 3, 4, and 5*).

The Town requests that the Planning Commission advise the Board of County Commissioners to deny the application and immediately reopen negotiations between CEMEX and the County, with the Town of Lyons as an active participant. We would further advise a short-term (six-month) mining extension be put in place.

We believe there is a third option to consider, and it is one that every party can benefit from.

The Town of Lyons would be amenable to a five-year mining and plant operation extension with conditions including:

- Agreement to cease plant operations, decommission the plant and perform reclamation of the plant site and other agreed-to amenities by the end of the term;
- Renegotiation of IGA and ownership boundaries within the property; and
- Agreement to annex and rezone the plant property from General Industrial to an agreed-upon zoning classification and discuss annexation and purchase of Lyons' Primary Planning Area;
- Assessment of the two reclamation bonds for Dowe flats and the plant to ensure amounts are sufficient to cover current costs.

The Town of Lyons recommends against granting the 15-year Special Use Permit extension to the applicant for the following reasons:

- The Town does not believe that CEMEX can continue plant operations indefinitely if the SUP is extended. The current mining permit, M-1977-208, mandates that should mining operations cease north of SH 66 at the Dowe Flats quarry, the cement plant south of SH 66 in turn must be demolished and the land reclaimed to "irrigated pasture" (*please refer to Appendix Item 8 for the 2004 map filed with the*

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State of Colorado, as well as the 2002 letter from the Colorado Division of Minerals & Geology)

- Permitting and oversight is unclear.
 - If mining at Dowe Flats ceases, will the Colorado Department of Mining and Reclamation permit pertaining to both the north and south sides of the property expire?
 - What is the status of the Title V Clean Air Act expired permit? EPA Region 8 has thus far been unable to determine an answer.
 - If CEMEX will, as they say, truck in materials to process at the plant, do they require CDOT approval? What are the estimated vehicular and safety impacts? Where will the materials come from? Will this jeopardize DRCOG TIP funding?
 - The Greenhouse Gas Emissions and Energy Management for Manufacturers in Colorado¹ (GEMM) rule requires CEMEX specifically to undergo an emissions audit in 2022. The GEMM rule requires facilities that show through an audit process they are using GHG Best Available Control Technologies and Energy Best Management Practices to achieve an additional 5% reduction in their GHG emissions. Has CEMEX undertaken this audit process?
- The application does not support the 2020 Boulder County Comprehensive Plan's listed primary philosophies of
 - *Growth should be channeled to municipalities*
 - *Agricultural land should be protected*
 - *Preservation of our environmental and natural resources should be a high priority in making land use decisions*
- For Boulder County to reach its 2030 climate goals, both mining and plant operations should either cease or be held to current standards. The Lyons CEMEX facility violates Federal clean air regulations² and emitted more than 357,000 tons of CO₂ in 2020 alone³. Fugitive silica dust storms are common and well-documented. There is an urgent need to redouble our efforts to combat climate change.
- There are environmental justice concerns given the location of the facility in relation to the County and Town's limited stock of affordable housing.
- The Special Use Permit is set to expire in September of 2022. Both the Town and the surrounding community took CEMEX at their word on the matter; if granted, there is no prohibition against CEMEX applying for an additional SUP prior to 2037.
- There is also no prohibition against CEMEX selling the plant to another General Industrial operator, such as an asphalt producer.
- In addition, there are several other considerations currently at play:
 - The Town of Lyons is in the process of revising its 2010 Comprehensive Plan, which provisionally envisions scenarios within both the Eastern Corridor and its Primary Planning Area.
 - The approved Colorado Department of Transportation SH 66 Planning & Environmental Linkages Study Report (*please refer to Appendix Item 9*)

¹ <https://cdphe.colorado.gov/greenhouse-gas-emissions-and-energy-management-for-manufacturing-in-colorado>

² See <https://www.epa.gov/enforcement/cemex-lyons-plant-settlement> for the 2013 \$1,000,000 levied on CEMEX Lyons for Clean Air Act violations

³ <https://ghgdata.epa.gov/ghgp/service/facilityDetail/2020?ds=E&et=&id=1007877&popup=true>

- The soon to be revised 2012 IGA between the Town and County (*please refer to Appendix Item 10 for both the general IGA and the CEMEX-specific IGA*)
- Our opportunities to shepherd the direction of land use in our Primary Planning area is being hampered. The current proposal does not provide a sufficient framework for the Town of Lyons to affect annexation or zoning of our PPA at the plant site. Remediation, reclamation, and rezoning the main plant site will directly and positively impact Lyons, the surrounding community, and Boulder County as a whole.

The opportunities for transforming this high-polluting mine and plant include creating a state-of-the-art eco village that can be a centerpiece for the County, have a net zero impact on the environment, and offer a solar generation facility to power the entire Town of Lyons; we are our own electric utility as it stands.

The Town of Lyons appreciates our long history of collaboration with Boulder County and hopes to work in tandem to find another path forward that will serve the best interests of all parties.

Sincerely,



Victoria Simonsen
Town Administrator

ATTACHMENTS

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Docket SU-22-0003 – Town of Lyons Referral Response List of Appendices

Appendix Item 1. “000 Cover Letter from CEMEX to Boulder County – May 2, 2022”

Appendix Item 2. “09-15 Referral Agency List”

Appendix Item 3. Lyons – CEMEX Area Comprehensive Development Plan Intergovernmental Agreement

Appendix Item 4. Lyons – CEMEX Area Comprehensive Development Plan Intergovernmental Agreement – Map

Appendix Item 5. Town of Lyons 3-Mile Planning Area – Map

Appendix Item 6. CEMEX: Town of Lyons Boards & Commissions Statements

Appendix Item 7. CEMEX: Public Comments Submitted to Town of Lyons

Appendix Item 8. State of Colorado Division of Minerals & Geology Letter and Map

Appendix Item 9. Colorado Department of Transportation State Highway 66 Planning & Environmental Linkages and Access Control Plan

Appendix Item 10. Lyons Planning Area Intergovernmental Agreements

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**LYONS CEMEX AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement ("IGA") by and between the Town of Lyons, a Colorado statutory municipal corporation ("Lyons" or the "Town"), and the County of Boulder, a body politic and corporate of the State of Colorado ("Boulder County" or the "County") (collectively, the "Parties") is made to be effective on the Effective Date as defined on the signature page of this IGA.

RECITALS

WHEREAS, the Parties are authorized by § 29-20-101 et seq., C.R.S. as amended, to enter into intergovernmental agreements to plan for and regulate land uses in order to minimize the negative impacts on the surrounding areas and to protect the environment, and specifically to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan;" and

WHEREAS, § 29-1-201, et seq., C.R.S., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the functions described in this IGA are lawfully authorized to each of the Parties which perform such functions hereunder, as provided in Article 20 of Title 29; Part 1 of Article 28 of Title 30; Part 1 of Article 12 of Title 31; and Parts 2 and 3 of Article 23 of Title 31, C.R.S., as amended; and

WHEREAS, in December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the "Original IGA") for a period of ten years, which was amended to add certain additional properties to the LPA in 2005 and again in 2011; and

WHEREAS, the term of the Original IGA as amended ends in December 2012, and the Parties believe it is in the best interests of the citizens of the Town and the County to enter into new Intergovernmental Agreements with the goal of continuing the spirit of collaboration that was established by the Original IGA and demonstrated through the Parties' course of dealing throughout the term of the Original IGA; and

WHEREAS, the Parties have contemporaneously with this IGA entered into the Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement ("Lyons Planning Area IGA"), a complementary IGA that addresses development and preservation issues for all areas surrounding the Town not addressed by this IGA. This IGA and the Lyons Planning Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and.

WHEREAS, the Parties believe that, in order to preserve Lyons' unique and individual character through the orderly development of land and to preserve the rural quality of other lands in the area, it is in the best interest of the residents of both communities to enter into an IGA that delineates the areas of the CEMEX Property that are appropriate for certain kinds of development and the areas of the CEMEX property that the Parties desire to preserve in a rural state; and

WHEREAS, the disturbed area of the CEMEX property where the current cement plan is located is important to the Town both as a current employment center and in the future as a redevelopment area focusing on such as green technology uses and low impact development; and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this IGA and the adoption of a comprehensive development plan for the subject lands as shown on the map attached as Exhibit A; and

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1.0 LYONS CEMEX AREA COMPREHENSIVE DEVELOPMENT PLAN (CEMEX AREA IGA PLAN).

1.1 CEMEX Area IGA Plan Defined. This IGA, including the Map attached hereto as Exhibit A, is hereby adopted by the Parties as the Lyons CEMEX Area Comprehensive Development Plan, and shall be known herein as the CEMEX Area IGA Plan. The CEMEX Area IGA Plan shall govern and control the CEMEX Area. This IGA complements the Lyons Planning Area Comprehensive Development Plan IGA, but is independent from and not a part of it or any other Comprehensive Development Area IGAs between the Parties, except the Boulder County Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement (“Super IGA”).

1.2 CEMEX Area IGA Map. The Map identifies, designates and defines the land to be known as the “CEMEX Area,” which consists of the CEMEX Primary Planning Area (the “CEMEX PPA”), the CEMEX Municipal Facility Area (the “CEMEX Municipal Facility Area”), the CEMEX Lyons Interest Area/Rural Preservation Area (the “CEMEX LIA/RPA”), and the CEMEX LIA/RPA GI Property.

1.2.1 The CEMEX PPA is the land that is planned for the next phase of expansion of the Town limits and which the Parties recognize is appropriate and intended for urban development.

1.2.2 The CEMEX Municipal Facility Area represents areas which Lyons may annex in order to develop municipal services facilities such as water and sewer plants and solar/electric facilities.

1.2.3 The CEMEX LIA/RPA represents areas that are expected to remain rural for the duration of this IGA.

1.2.4 The CEMEX LIA/RPA GI Property is the portion of the Lyons Interest Area/Rural Preservation Area that (a) currently has a County general industrial zoning designation; and (b) is the subject of negotiations toward a future land use plan, as addressed in Section 2.4 of this IGA.

2.0 ANNEXATION AND DEVELOPMENT OF PROPERTY.

2.1. CEMEX PPA. The Town may annex into its corporate boundaries any and all property located within the CEMEX PPA in accordance with state and local laws governing annexation. By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the CEMEX PPA. The County will cooperate with Town efforts to annex land in the CEMEX PPA. The County

will also cooperate and consult with Town and lend its expertise, if requested, on potential development proposals for the CEMEX PPA. The Town and the County recognize the importance of remediation of the CEMEX PPA property and will work together to encourage CEMEX and state regulators to ensure remediation efforts are complete.

- 2.2 CEMEX Municipal Facilities Area. The Town may annex into its corporate boundaries any and all property located within the CEMEX Municipal Facility Area in accordance with state and local laws governing annexation for the sole purpose of allowing the Town to develop municipal services of the following specific kinds: water or wastewater facility; renewable energy or electric distribution facility; emergency alert system; recycling collection facility; municipal service facility, if developed in conjunction with a water or wastewater facility; and such other municipal facilities as may be mutually agreed upon by the Parties. If the Town opts to develop water treatment or sewer facilities in the CEMEX Municipal Facility Area while the property is still in unincorporated Boulder County, the County agrees that this IGA shall serve in lieu of review, as to any wastewater treatment infrastructure projects, of any permit applications that would otherwise be required under Section 8 of the Boulder County Land Use Code concerning Areas and Activities of State Interest (“1041 Regulations”).
- 2.3 CEMEX LIA/RPA. The Town and the County acknowledge and agree that the property within the CEMEX LIA/RPA is intended to remain in the County’s regulatory jurisdiction and shall not be annexed or developed by the Town during the duration of this IGA unless mutually agreed upon by both parties.
- 2.4 CEMEX LIA/RPA GI. The Parties further agree that within ten (10) years after execution of this IGA they will engage in good faith negotiations toward the adoption of a land use plan for the CEMEX LIA/RPA GI Property, taking into consideration input from the property owner (currently CEMEX), and to make such amendments to this IGA as are necessary to implement the land use plan if adopted..

2.5 Annexation of County ROW.

The Town agrees that if it annexes any part of a County road it will annex the entirety of that road.

3.0 OPEN SPACE AND RURAL PRESERVATION

- 3.1 Open space acquisitions within the CEMEX Area. The County agrees that for the term of this IGA it will not purchase or otherwise acquire any land within the CEMEX PPA or the CEMEX Municipal Facilities Area for open space purposes, including conservation easements. The Town agrees that land within the CEMEX Rural Preservation Area may be acquired by the County for open space purposes, including conservation easements.
- 3.2 Zoning and subdivision of land in the CEMEX LIA/RPA. The zoning classification of land within CEMEX LIA/RPA should remain agricultural and subdivision should be restricted to that which exists under the County's Land Use Code, including the creation of lots of a minimum of thirty-five (35) acres, a Non-Urban Planned Unit Development which may contain up to two units per 35 acres if approved and clustered so that at least 75% of the land is protected by a conservation easement, or other cluster development permissible under the County’s Land Use Code where gross density would not exceed one unit per 35 acres.

4.0 REFERRALS

- 4.1 Lyons Referrals to Boulder County. The Town shall promptly refer in writing to the County any application for annexation in the CEMEX Area.
- 4.2 Boulder County Referrals to Lyons. The County agrees that the Town shall be a formal referral agency for any application to the County for zoning, rezoning, subdivision, PUD, replat, special use, limited impact special use, vacation, transfer of development rights, conservation easement or development (including site plan reviews) for any lot, tract, easement, right-of-way or parcel within the CEMEX Area as well as any proposed map amendment to the Boulder County Comprehensive Plan affecting any lot, tract, or parcel within the CEMEX Area.

5.0 AMENDMENTS

- 5.1 Entire Agreement. With the exception of the Super IGA, this IGA contains the entire agreement between the Parties as to the CEMEX Area, and supersedes and replaces any other or prior IGAs as to the same geographic area.
- 5.2 Changes to IGA. Amendment of this IGA shall take place only upon approval by resolution or ordinance adopted by the governing body of both of the Parties, after notice and hearing as may be required by law.
- 5.3 Timely Decisions on Amendments to IGA. The Parties agree and acknowledge that time is of the essence when either Party seeks an amendment to this IGA. The Parties further agree and acknowledge that the length of time necessary to process and act upon any proposed amendment may vary depending on the complexity of the particular request and on other factors and other responsibilities facing the Parties at any given time. Nevertheless, the Parties each agree to give high priority to any proposal by the other Party to amend this IGA and to act on any such proposal without delay. In addition, the Parties agree that within thirty (30) days after receipt by one Party of an amendment proposed by the other Party, the Parties will agree on and establish a firm schedule for processing and taking final action upon the amendment proposal.

6.0 NON-SEVERABILITY.

If any portion of this IGA is held by a court of competent jurisdiction in a final, non-appealable decision to be *per se* invalid or unenforceable as to any Party, the entire IGA shall be terminated, it being the understanding and intent of the Parties that every portion of the IGA is essential to and not severable from the remainder.

7.0 BENEFICIARIES.

The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the IGA, and no other person or entity is so intended.

8.0 ENFORCEMENT.

Either or both of the Parties may enforce this IGA by any legal or equitable means including specific performance, declaratory relief, and injunctive relief. No other person or entity shall have any right to enforce the provisions of this IGA. The Parties agree to

discuss and attempt to resolve any dispute in the interpretation or application of this IGA, but if they are unable to do so, either Party may request that the matter be presented to a mediator selected and paid for jointly by the Parties.

9.0 DEFENSE OF CLAIMS/INDEMNIFICATION

If, notwithstanding the provisions of Sections 7.0 and 8.0 of this IGA, any person allegedly aggrieved by a provision of this IGA who is not a party to the IGA asserts or attempts to assert any claim against any Party concerning such IGA provision, the County shall, and the Town may, defend such claim upon receiving timely and appropriate notice of the pendency of such claim. Defense costs shall be paid by the Party providing such defense. In the event that any person not a party to the IGA should obtain a final money judgment against the Town for the diminution in value of any regulated parcel resulting from regulations in the IGA or regulations adopted by the Town implementing the IGA, the County shall, to the extent permitted by law, indemnify the Town for the amount of said judgment.

10.0 GOVERNING LAW AND VENUE

This IGA shall be governed by the laws of the State of Colorado and venue shall lie in the appropriate court(s) for Boulder County, Colorado.

11.0 TERM AND TERMINATION

This IGA shall remain in effect through December 31, 2034, unless otherwise terminated earlier by mutual agreement of the Parties.

12.0 PARTY REPRESENTATIVES

Referrals made under the terms of this IGA shall be sent to the Parties' representatives as follows:

County of Boulder
Director, Land Use Department
P.O. Box 471
Boulder, Colorado 80306

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Name and address changes for representatives shall be made in writing and mailed to the other representatives at the then current address.

13.0 COUNTERPART.

This IGA may be executed in any number of counterparts which together shall constitute the agreement of the Parties.

14.0 EFFECTIVE DATE.

The effective date of this IGA shall be the date on which both Parties have approved and executed the IGA by signing where indicated below.

TOWN OF LYONS:

Board of Trustees

By: _____

Date: _____, 2012

Mayor or Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

COUNTY OF BOULDER:

BOARD OF COUNTY COMMISSIONERS

By: _____

Date: _____, 2012

Chair

ATTEST:

APPROVED AS TO FORM:

Clerk to Board

County Attorney

**LYONS PLANNING AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement ("IGA") by and between the Town of Lyons, a Colorado statutory municipal corporation ("Lyons" or the "Town"), and the County of Boulder, a body politic and corporate of the State of Colorado ("Boulder County" or the "County") (collectively, the "Parties") is made to be effective on the Effective Date as defined on the signature page of this IGA.

RECITALS

WHEREAS, the Parties are authorized by § 29-20-101 et seq., C.R.S. as amended, to enter into intergovernmental agreements to plan for and regulate land uses in order to minimize the negative impacts on the surrounding areas and to protect the environment, and specifically to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan;" and

WHEREAS, § 29-1-201, et seq., C.R.S., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the functions described in this IGA are lawfully authorized to each of the Parties which perform such functions hereunder, as provided in Article 20 of Title 29; Part 1 of Article 28 of Title 30; Part 1 of Article 12 of Title 31; and Parts 2 and 3 of Article 23 of Title 31, C.R.S., as amended; and

WHEREAS, in December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the "Original IGA") for a period of ten years which, among other things, defined the Lyons Planning Area as the area the Town may annex and develop. The Original IGA was amended to add certain additional properties to the LPA in 2005 and again in 2011; and

WHEREAS, the term of the Original IGA as amended ends in December 2012, and the Parties believe it is in the best interests of the citizens of the Town and the County to enter into a new Intergovernmental Agreement with the goal of continuing the spirit of collaboration that was established by the Original IGA and demonstrated through the Parties' course of dealing throughout the term of the Original IGA; and

WHEREAS, in October 2003, the Parties entered into the Boulder County Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement (the "Super IGA") which is designed to coordinate all of Boulder County's comprehensive development plan IGAs, to recognize and protect each municipality's planning area, and to preserve the rural character of the land outside of each community's respective planning areas; and

WHEREAS, the Parties believe that it is in the best interest of the residents of both communities to enter into a new IGA in order to preserve Lyons' unique and individual character through the orderly development within a newly defined Lyons Planning Area (the "LPA"). The LPA contains a Primary Planning Area ("PPA") where annexation and development may occur in accordance with the provisions of this IGA. It also includes areas designated as Lyons Interest Area/Rural

Preservation Area (LIA/RPA”) where the Parties’ intent is to preserve the rural quality of the land; and

WHEREAS, the Parties have contemporaneously with this agreement entered into the CEMEX Area Comprehensive Development Plan Intergovernmental Agreement (“CEMEX Area IGA”), a complementary IGA that addresses development and preservation issues for the portions of the Lyons Comprehensive Plan as adopted in 2010 (“LCP”) area not contained within this IGA. For the purposes of this IGA, LPA refers to all portions of the overall Lyons Planning Area that are not separately addressed in the CEMEX Area IGA. This IGA and the CEMEX Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this IGA and the adoption of a comprehensive development plan for the subject lands; and

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1.0 PURPOSE AND INTENT

This IGA is intended to protect and enhance the Town's ability to coordinate its future growth into the PPA, and specifically for the following purposes:

- 1.1 Implementing Comprehensive Plans. This IGA is designed to implement the goals and policies set forth in the Parties’ respective comprehensive plans.
 - 1.1.1. The LCP emphasizes that in order for Lyons to become economically sustainable, it must transition from a residential development-based economy to a commercial-based, localized economy. To this end, Lyons will strive to preserve and expand employment opportunities, reduce retail leakage, attract visitors and encourage new commercial, light-industrial and mixed-use development in the PPA while concentrating any significant additional housing within its current Town limits or within mixed-use areas with commercial being the predominant land use in these areas.
 - 1.1.2. The LCP adopts as one of its guiding principles articulating the Town’s interests in expanding the development potential in the area by proactively engaging with private and government stakeholders to make collaborative land use decisions.
 - 1.1.3. The LCP emphasizes proactively planning for the future and balancing the demands of environmental and economic sustainability with community character, historical preservation and property owners’ rights.
 - 1.1.4. The Boulder County Comprehensive Plan, as amended from time to time, (the “BCCP”) seeks to protect agricultural lands, channel growth to municipal planning areas and consider environmental and natural resources in land use decisions.
- 1.2 Recognizing Future Urban Development is Appropriate in the LPA. This IGA intends to direct future urban development within the PPA to: avoid sprawl, ensure the provision of adequate urban services, maximize the utility of funds invested in public facilities and services, distribute fairly and equitably the costs of government services among those persons who benefit therefrom, extend government services and facilities in an efficient, logical fashion, simplify the governmental structure of the affected areas, and reduce and avoid, where possible, conflict between the Parties.

- 1.3 Maintaining Community Buffer. This IGA is intended to keep the LIA/RPA and the land outside the LPA rural in character to preserve a community buffer.
- 1.4 Protecting View Corridors and Allowing Only Compatible Development in the LPA. This IGA acknowledges the importance to both Parties of protecting sensitive natural areas, maintaining view corridors, enforcing nuisance ordinances and ensuring that new development is compatible with the character of both Lyons and adjoining County properties.
- 1.5 Fostering Intergovernmental Cooperation. This IGA encourages the Parties to collaborate to achieve common goals, including becoming more socially, economically and environmentally sustainable and supporting the public and private provision of cultural, educational, social and healthcare services in the LPA.
- 1.6 Encouraging Transparent and Timely Decisions. This IGA is intended to encourage transparent, open communication between the Parties and to ensure that decisions pertaining to this IGA are made in a timely and efficient manner.

2.0 LYONS COMPREHENSIVE DEVELOPMENT PLAN (IGA Plan).

- 2.1 IGA Plan Defined. This IGA, including the Map attached hereto as Exhibit A, is hereby adopted by the Parties as the Lyons Comprehensive Development Plan, and shall be known herein as the IGA Plan (as distinguished from the Lyons Comprehensive Plan, referred to herein as the LCP). The IGA Plan shall govern and control the LPA, which is defined as the unincorporated area of Boulder County as shown on Exhibit A, or as subsequently amended in accordance with this IGA. With the exception of the Super IGA and the CEMEX Area IGA, this IGA Plan replaces and supersedes any and all previous agreements between the Parties concerning the LPA.
- 2.2 Lyons Planning Area Designations. The Map identifies, designates and defines the land to be known as the LPA, which consists of the Primary Planning Area (the “PPA”) and the Lyons Interest Area/Rural Preservation Area (the LIA/RPA). The Map indicates four portions of the PPA that are designated as “No Development Areas.”
 - 2.2.1 The PPA is the land that is planned for the next phase of expansion of the Town limits and which the Parties recognize is appropriate and intended for urban development.
 - 2.2.2 The No Development Areas are a subset of the PPA, but are too steep or otherwise inappropriate for development.
 - 2.2.3 The LIA/RPA represents areas that are expected to remain rural for the duration of this IGA, unless otherwise agreed to by the Parties.

3.0 ANNEXATION AND DEVELOPMENT OF PROPERTY.

- 3.1 Land Within the Primary Planning Area.
 - 3.1.1 The Town may annex into its corporate boundaries any and all property located within the PPA, including the No Development Areas, in accordance with state and local laws governing annexation. The Town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties. By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located

within the PPA. The County will cooperate with Town efforts to annex land in the PPA.

- 3.1.2 When parcels are annexed which contain No Development Areas, the Town, prior to final plat recordation or other final approval for any development on those parcels, will ensure that the owner of the properties grant to the County and to the Town of Lyons a Conservation Easement pursuant to Article 30.5 of Title 38 of the Colorado Revised Statutes, in a form acceptable to both the County and the Town, which prohibits structures or development in the preserved area of the properties.
 - 3.1.3 Any property that is disconnected from the Town after the Effective Date of this IGA (whether currently located within the municipal limits of the Town or later annexed into the Town after the Effective Date of this IGA) shall continue to be within the PPA for purposes of this IGA unless it is specifically excluded by a duly executed amendment to this IGA.
 - 3.1.4 The Parties agree that two parcels in the PPA (County Assessor Parcel Number 120320000007, currently owned by the Loukonen family and County Assessor Parcel Number 120320000006, currently owned by CEMEX) may not be zoned (currently zones E-1, EC, R-1, R-2, R2A and R-3) or developed by the Town for residential uses.
 - 3.1.5 The Town and the County acknowledge and agree that the property within the LIA/RPA is intended to remain in the County's regulatory jurisdiction and shall not be annexed or developed by the Town during the duration of this IGA, unless mutually agreed to by the Parties.
 - 3.1.6 The Town agrees that if it annexes any part of a County road it will annex the entirety of that road.
- 3.3 Land Outside of the LPA.
- 3.3.1 Excepting the area covered by the CEMEX Area IGA, which is addressed in a separate IGA, the area outside the LPA is intended to remain in the County's regulatory jurisdiction for the term of this IGA, unless otherwise provided herein or by a duly executed amendment to this IGA.
 - 3.3.2 The Town may annex lands outside of the PPA and expand the LPA only in accordance with Section 4 of this IGA.
- 3.4 Developing Areas with Constraints. When evaluating development applications within their respective areas of responsibility, both Parties will consider the impact of proposed development on the floodway, natural areas, wildlife habitat, steep slopes, and historically- and archaeologically-significant areas, and will require impacts to be reasonably mitigated.
- 3.5 Promote Quality Design and Development. The Town is pursuing adoption of design standards to promote quality architecture and landscaping that is done in an environmentally sensitive manner within 12 months of the Effective Date of this IGA.

4.0 EXPANSION OF THE LPA

- 4.1 Mutual Agreement. During the term of this IGA, the Town may expand the LPA within Boulder County only with the mutual agreement of the Parties and the corresponding amendment of Exhibit A in accordance with this IGA.
- 4.2 Lyons Comprehensive Plan Amendment. Any request for expansion of the LPA must be a reflection of community consensus, as documented in a duly-adopted amendment to the LCP and its Land Use Map.

5.0 OPEN SPACE.

- 5.1 Acquisitions within the LPA. The County agrees that for the term of this IGA it will not purchase or otherwise acquire any land within the LPA for open space purposes, including conservation easements and transfer of density right sending sites without the approval of the Town, excepting only an L-shaped parcel of land currently owned by CEMEX (County Assessor Parcel Number 120317000046) located between the Loukonen-Hill Open Space Property and the Southdown Indian Mountain Open Space Property.

6.0 COMMUNITY BUFFER.

The County agrees not to allow more intensive zoning classifications for lands remaining in the County's regulatory jurisdiction within the PPA and LIA/RPA, unless mutually agreed to by the Parties.

7.0 TOWN OF LYONS UTILITIES.

- 7.1 Lyons Service Area. It may be necessary for the Town to seek additional water supplies, water storage, and water and wastewater treatment and delivery facilities, both within and outside the LPA. The areas designated in the Map portion of Exhibit A as the LPA shall constitute the Town's "Service Area" for all purposes, including but not limited to the County's Regulations of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code.
- 7.2 1041 Permits. To the extent such supplies and facilities are necessary to serve development within the LPA that is consistent with the provisions of this IGA, the County agrees to use its best efforts and to act in good faith on Town permit applications and imposing permitting requirements without undue delay, recognizing applications for such permits as being in conformance with this IGA. Specifically, the County agrees that the Town, in applying for such permits under the provisions of the Regulation of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code, shall not be required to demonstrate compliance with the following provisions of said Regulation, where the proposed utility development will serve only lands within the LPA:
- Section 8-511B.3, 10, 11, 12, 13 and 14, C.1 and C.2.a, D and E.
 - Sections 8-511 B.5 c and d shall only be applicable to sanitary sewage facilities.
 - Sections 8-511 B.5.b, e, f and g, B.6, 7 and 8 shall apply to site location, construction and operations of facilities within areas designated on Maps 2, 3 and 4 of the Boulder County Comprehensive Plan, and with respect to other areas shall be limited in its application to construction and operation of such facilities.
 - The application of Section 8-511 B.7 concerning archaeological resources shall be limited to a determination whether archaeologically significant resources will be

negatively impacted by the proposed project, and if so, provide for mitigation of those impacts.

- The application of Section 8-511 B.5.h concerning geologic hazards shall be limited to resolution of floodplain issues.
- The remaining portions of Section 8-511 shall only be applicable to the direct, site-specific impacts of the proposal.
- Section 8-407 shall exempt all upgrades to existing facilities that are required maintenance or otherwise required by federal, state or County regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements do not expand levels of service beyond the design capacity, and provided further that the upgrade does not alter the location of the existing facility.

8.0 IMPLEMENTATION PROCEDURES.

8.1 Plan Amendment Required. A Plan amendment, agreed to by both the Town and the County, must occur in order to annex, allow any use or development, or acquire for open space any parcel within the LPA where such annexation, use or development, or acquisition does not comply with the IGA Plan. The provisions of Section 11.0 of this IGA shall apply to any such Plan amendment.

8.2 Notice Required. The Parties each agree to undertake all steps necessary to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this Plan. The Parties agree that in adopting such procedures, plans, policies, ordinances or regulations, each will give the other Party sufficient notice of such action as will enable such Party, if it so desires, to comment upon the planned actions of that Party. Sufficient notice shall generally mean notice delivered to the other Party at least fifteen (15) days before the date of any public hearing or, where no public hearing will be conducted, before any deadline for the submission of public comment.

8.3 County Zoning Changes within the LPA. Where the County seeks to approve zoning changes within the LPA after referral as provided herein, the Board of Trustees shall respond by resolution, approving or disapproving such change or suggesting conditions of approval.

9.0 REFERRALS

9.1 Lyons Referrals to Boulder County. The Town shall refer in writing to the County:

9.1.1 Any application for annexation;

9.1.2 Any proposed amendment to the LCP affecting any lot, tract, or parcel within the LPA; and

9.2 Boulder County Referrals to Lyons. The County shall treat the Town as a formal referral agency and shall refer in writing to the Town:

9.2.1 Any application for zoning, rezoning, subdivision, PUD, replat, special use, limited impact special use, vacation, transfer of development rights, conservation easement or development (including site plan reviews) for any lot, tract, easement, rights-of-way or parcel within the LPA;

9.2.2 Any proposed map amendment to the BCCP affecting any lot, tract, or parcel within the LPA; and

- 9.2.3 In addition to referring the foregoing applications and proposals to the Town, the County agrees to advise any applicant owning land in the PPA during the pre-application process (i.e., prior to formal application submittal) for any of the categories of development listed in Section 9.2.1 of the possibility of annexation into the Town, to encourage any such applicant to contact the Town concerning possible annexation, and to provide such applicants with the Town's appropriate contact information.
- 9.3 Waiver of period for response to referrals. Either Party may, for any given referral, elect to waive or reduce the period of time it requires to submit a response, and such election shall be made by written letter or electronic mail.
- 9.4 Failure to respond to referrals. Failure by either Party to respond to a referral shall entitle the referring Party to assume that the receiving Party has no comment concerning the application or proposal.
- 9.5 Communication with referral party. For any application or proposal required to be referred by Section 9.1 or 9.2, the referring Party shall use its best efforts to keep the other Party apprised of the status of each application or proposal, including but not limited to, mailing to the other Party notices of public hearings and meetings, staff reports, non-confidential memoranda concerning the status of the application or proposal, and notification of other activities and events associated with the processing of the application or proposal. Upon any final decision concerning the application or proposal, the referring Party shall notify the other Party in writing of the final decision including a general summary of any terms, conditions, or other details of the decision.

10.0 PARTNERSHIPS

- 10.1 Intergovernmental Cooperation. The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve common goals. In accordance with the LCP, the Town and the County agree to cooperate in good faith in:
- 10.1.1 Forming a St. Vrain River Task Force to improve the health of the riparian corridor, achieve sustainability goals, improve recreational opportunities, enhance fish and wildlife habitat, create economic benefits and construct the St Vrain Greenway trail system;
- 10.1.2 Collaborating to design, fund and construct regional trails that connect Lyons to Boulder County open space and other municipalities including the Boulder County River Corridor Legacy Project;
- 10.1.3 Working with the Colorado Department of Transportation, the Regional Transportation District and the Denver Regional Council of Governments to improve Lyons' multimodal transportation system, including continuing to explore ways to improve bus service between the Town, its neighboring communities, and Boulder County destinations and to reduce emissions;
- 10.1.4 Continuing to freely share geographic information system data, maps and expertise;
- 10.1.5 Identifying and implementing programs to enhance opportunities for senior housing and affordable housing within the Town and the LPA; and

- 10.1.6 Cooperating in the identification of sites to provide more efficient governmental services, including but not limited to a recycle and composting facility, and solar or other forms renewable energy generation facilities.
- 10.1.7 Cooperating in determining efficient, effective and equitable options for providing library services to citizens in both incorporated and unincorporated areas of Boulder County, including residents of Lyons and surrounding areas.
- 10.1.8 Enforcing nuisance ordinances to improve the appearance of properties in the LPA.
- 10.1.9 Implementing the Boulder County Sustainable Energy Plan, which Lyons has formally adopted.
- 10.1.10 Cooperating on joint ventures to finance and provide for cultural and recreational opportunities for Town residents and people living in the LPA and surrounding neighborhoods.
- 10.1.11 Collaborating to construct a cost effective, highly diverse, and resilient wastewater treatment system to serve that LPA that is both environmentally beneficial and aesthetically pleasing and that protects the St. Vrain watershed.
- 10.1.12 Facilitating the transfer of ownership of the 10-acre Olson property to the Town of Lyons to expand the recreational opportunities offered in the LPA.
- 10.1.13 Cooperating on the provision of water and sewer services to properties in the LIA/RPA by the Town.

11.0 AMENDMENTS.

- 11.1 Entire Agreement. This IGA contains the entire agreement between the Parties and, with the exception of the Super IGA and the CEMEX Area IGA, supersedes and replaces any other or prior agreements concerning the same subject matter.
- 11.2 Changes to IGA. Any proposed amendment to the IGA affecting the jurisdiction over lands or the development regulation of lands must be referred to the other Party by the Regulatory Party. The "Regulatory Party" shall mean the Party having final land use or annexation approval jurisdiction, as the context requires. Amendment of the IGA shall take place only upon approval by resolution or ordinance adopted by the governing body of both of the Parties, after notice and hearing as may be required by law. The Regulatory Party shall not approve nor permit any development or change of use of any parcel within the LPA by any means in a manner inconsistent with this IGA until and unless the IGA has been amended so that the proposed development or use of such parcel is consistent with the IGA.
- 11.3 Timely Decisions on Amendments to IGA. The Parties agree and acknowledge that time is of the essence when either Party seeks an amendment to this IGA. The Parties further agree and acknowledge that the length of time necessary to process and act upon any proposed amendment may vary depending on the complexity of the particular request and on other factors and other responsibilities facing the Parties at any given time. Nevertheless, the Parties each agree to give high priority to any proposal by the other Party to amend this IGA and to act on any such proposal without due delay. In addition, the Parties agree that within thirty (30) days after receipt by one Party of an amendment proposed by the other Party, the Parties will agree on and establish a firm schedule for processing and taking final action upon the amendment proposal.

12.0 NON-SEVERABILITY.

If any portion of this IGA is held by a court of competent jurisdiction in a final, non-appealable decision to be *per se* invalid or unenforceable as to any Party, the entire IGA shall be terminated, it being the understanding and intent of the Parties that every portion of the IGA is essential to and not severable from the remainder.

13.0 BENEFICIARIES.

The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the IGA, and no other person or entity is so intended.

14.0 ENFORCEMENT.

Either or both of the Parties may enforce this IGA by any legal or equitable means including specific performance, declaratory relief, and injunctive relief. No other person or entity shall have any right to enforce the provisions of this IGA. The Parties agree to discuss and attempt to resolve any dispute in the interpretation or application of this IGA, including but not limited to any dispute regarding a request to terminate this IGA, but if they are unable to do so, either Party may request that the matter be presented to a mediator selected and paid for jointly by the Parties.

15.0 DEFENSE OF CLAIMS/INDEMNIFICATION

If any person allegedly aggrieved by a provision of this IGA who is not a party to the IGA asserts or attempts to assert any claim against any Party concerning such IGA provision, the County shall, and the Town may, defend such claim upon receiving timely and appropriate notice of the pendency of such claim. Defense costs shall be paid by the Party providing such defense. In the event that any person not a party to the IGA should obtain a final money judgment against the Town for the diminution in value of any regulated parcel resulting from regulations in the IGA or regulations adopted by the Town implementing the IGA, the County shall, to the extent permitted by law, indemnify the Town for the amount of said judgment.

16.0 GOVERNING LAW AND VENUE

This IGA shall be governed by the laws of the State of Colorado and venue shall lie in the appropriate court(s) for Boulder County, Colorado.

17.0 TERM AND TERMINATION

17.1 This IGA shall remain in effect for a period of ten (10) years from the effective date, unless otherwise terminated earlier by mutual agreement of the Parties. With the execution of this IGA, the Town agrees that it has waived its right to opt out of the SuperIGA, as that right is set forth in the SuperIGA.

18.0 PARTY REPRESENTATIVES

Referrals made under the terms of this IGA shall be sent to the Parties' representatives as follows:

County of Boulder
Director, Land Use Department
P.O. Box 471
Boulder, Colorado 80306

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Name and address changes for representatives shall be made in writing and mailed to the other representatives at the then current address.

19.0 COUNTERPART.

This IGA may be executed in any number of counterparts which together shall constitute the agreement of the Parties.

20.0 EFFECTIVE DATE.

The effective date of this IGA shall be the date on which both Parties have approved and executed the IGA by signing where indicated below.

TOWN OF LYONS:

Board of Trustees

By: _____
Mayor or Mayor Pro Tem

Date: _____, 2012

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

COUNTY OF BOULDER:

BOARD OF COUNTY COMMISSIONERS

By: _____
Chair

Date: _____, 2012

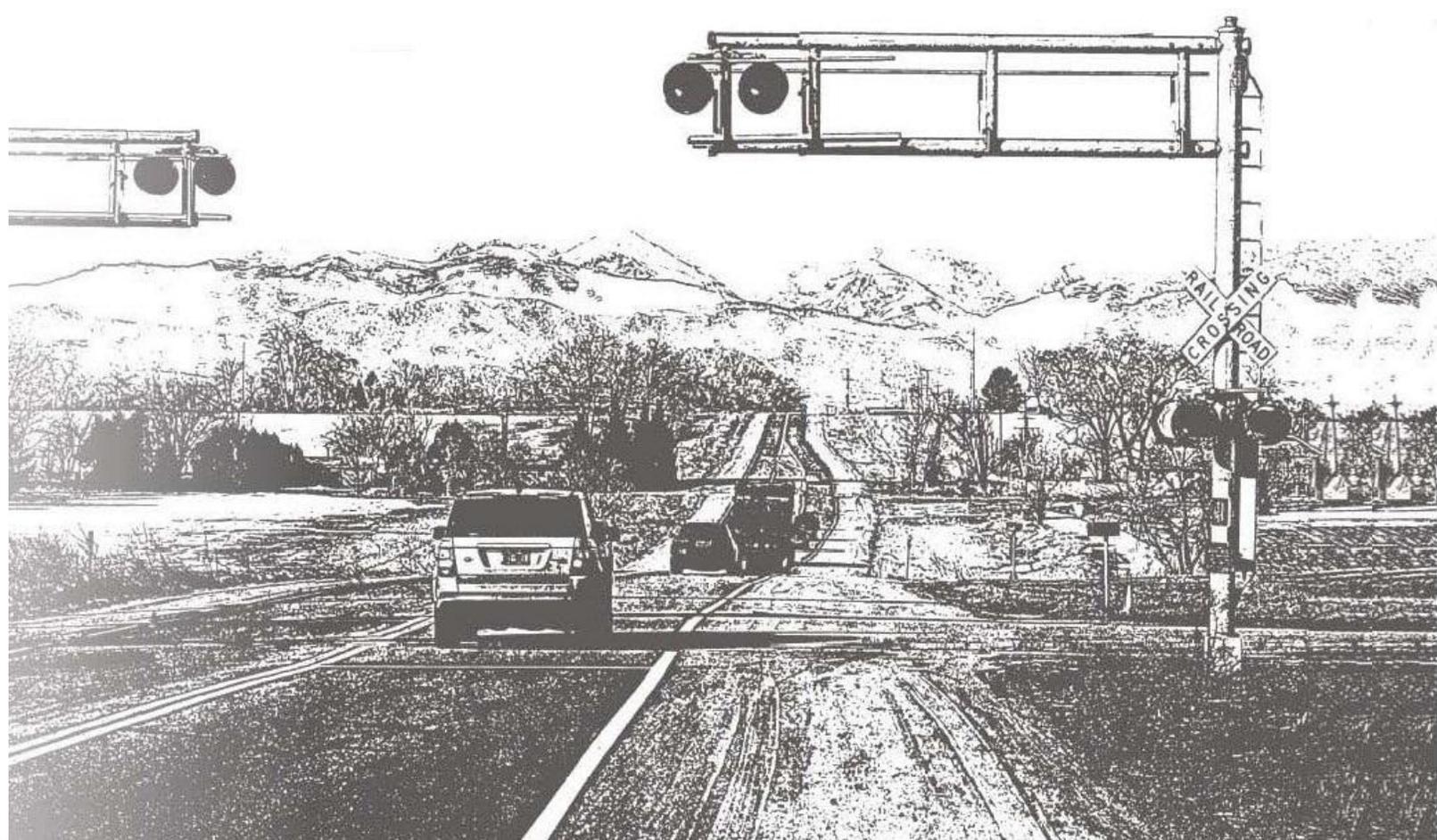
ATTEST:

Clerk to Board

APPROVED AS TO FORM:

County Attorney

ACCESS TO ROCKY MOUNTAIN NATIONAL PARK
GATEWAY
 REGIONAL TOURISM
 SCENIC NEW DENSITY
CONNECTOR
 RECREATION
 FREIGHT
 CRITICAL LINK
 COMMUTER ROUTE
 RURAL
 CONGESTION
 DANGEROUS
 IMPORTANT GATEWAY
 UTILITY CORRIDOR
 SHARED VALUES
CYCLING
RELIEVER
 FIRST LINK
 MULTI-FACETED
 FAST
 ALTERNATE ROUTE



SH 66 PEL and ACP Update

Heather Paddock, PE
 CDOT Region 4 Transportation Director

January 16, 2020



COLORADO

Department of Transportation



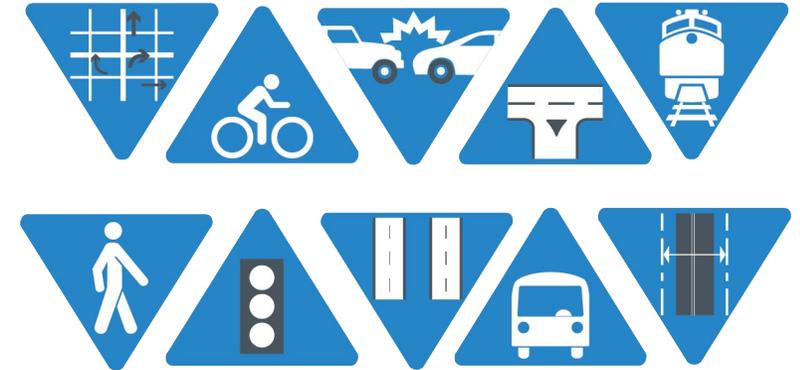
Background on SH 66 PEL and ACP

What is a PEL study? - planning document

- Planning document -- *vision for 2045 transportation*
- Goals framework; *environment, community, & economy*
- Reduces project implementation delays & duplication
- Promotes cost-effective transportation solutions
- Encourages environmental stewardship

What is an ACP?

- Access plan for location/type/features of future access
- Developed in parallel with PEL
- Legally binding through IGA



Safety

*Vehicular
Bicycle
Pedestrian*

Mobility

*Vehicular
Bicycle
Pedestrian
Transit*

Access

*Consolidated
Strategic*



SH 66 PEL and ACP Governance

SH 66 Coalition:

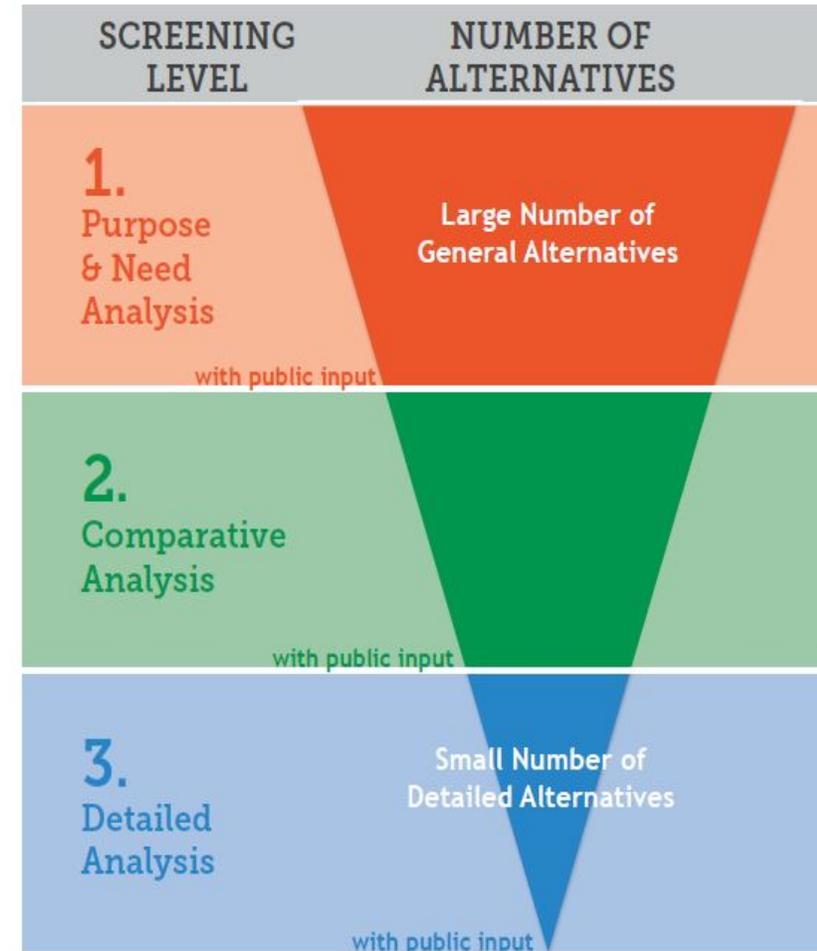
- Six (6) communities and CDOT
- Facilitated by local agency leadership or staff with CDOT

Technical Advisory Committee (TAC):

- Assisted in PEL study process
- Includes planners/engineers from each community in PEL
- Reviewed project materials before public review
- Point-of-contact for updates to elected officials

Executive Committee (EC):

- Includes one or two elected officials or executive leaders from each community in PEL
- Provided policy-level guidance on the study
- Met at key milestones and decision points in the project





Purpose of the SH 66 PEL

Purpose Statement

“SH 66 transportation improvements are to increase safety; reduce traffic congestion; provide managed access for existing and future development; and improve multi-modal mobility of people, goods, and services. The improvements should be resilient, accommodate developing technologies, and strive to complement adjacent community context.”

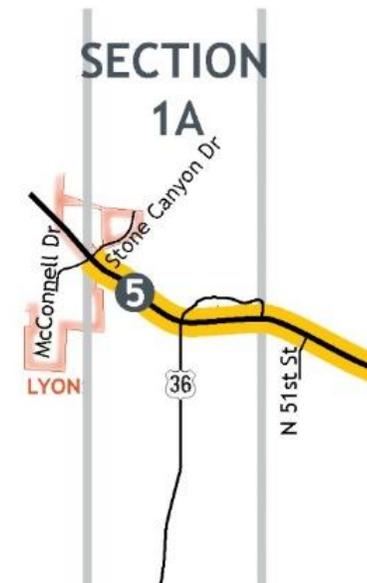


Community Impacts of SH 66 PEL and ACP

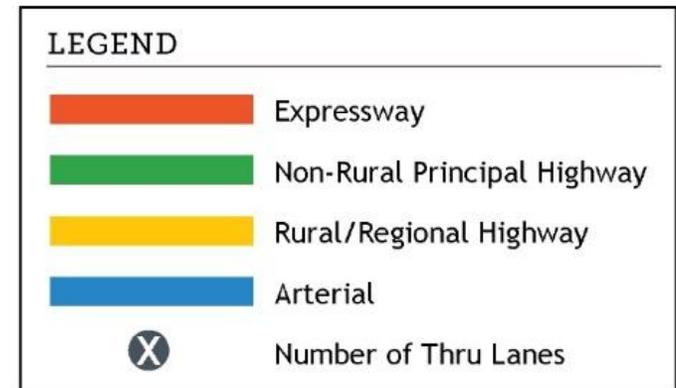
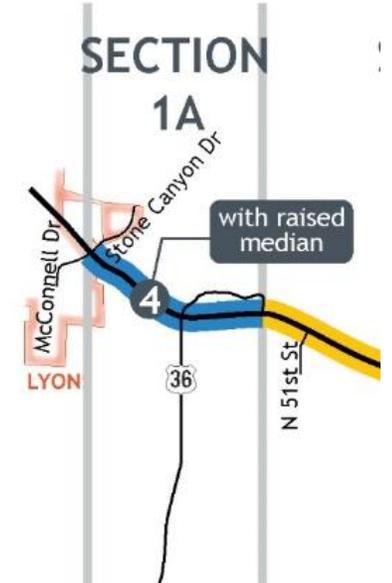
Town of Lyons Needs

- Mobility solutions commensurate with existing infrastructure west of US 36
- Economically viable transportation plans consistent with current traffic patterns
- Flexible and innovative access on the primary corridor between Denver and Estes Park
- Collaboration opportunities with neighboring communities (*Boulder County & Longmont*)
- Cohesive mobility planning consistent with community vision for future development along the corridor

Existing



Future





Lyons Economic Planning Considerations

Eastern Corridor Development, 1-2 years

LYONS VILLAGE EAST

LYONS, CO
MAY 3, 2018



P E L • O N A
ARCHITECTS AND URBANISTS

RONNIE PELUSIO, AIA, LEED AP • KORKUT ONARAN, PH.D., CNU AP
4676 BROADWAY, BOULDER, CO 80304 / 303.443.7876 / WWW.PEL-ONA.COM



Lyons Economic Planning Considerations

Eastern Corridor Development, 2-3 years

LYONS VILLAGE EAST

LYONS, CO
MAY 3, 2018



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4676 BROADWAY, BOULDER, CO 80304 / 303.443.7876 / WWW.PEL-ONA.COM



Lyons Economic Planning Considerations

Eastern Corridor Development, 5-10 years

LYONS VILLAGE EAST

LYONS, CO
MAY 3, 2018



IN FIVE TO TEN YEARS

0' 100' 200'

SCALE: 1" = 200'

P E L • O N A
ARCHITECTS AND URBANISTS

RONNIE PELLUSIO, AIA, LEED AP • KORKUT ONARAN, PH.D., CNU AP
4676 BROADWAY, BOULDER, CO 80304 / 303.443.7876 / WWW.PEL-ONA.COM



SH 66 PEL and ACP History

- **Oct. 2016** - Begin Study
- **Jan. 2017 through Sept. 2017** - Purpose and Need
- **Apr. 2017** - Public Open House Series #1
- **Sept. 2017** - Final Corridor Conditions Report
- **Aug. 2017 through July 2018** - Risk and Resiliency (R&R) PEL Process
- **Apr. 2019** - Public Open House Series #2
- **July 2019** - Draft Access Control Plan (ACP) Public Open House
- **Sept. 2019** - Public Open House Series #3
- **Sept. 2019** - Alternatives Development and Screening complete
- **Oct. 2019** - Draft PEL and ACP Reports available



SH 66 ACP Opportunities

ACP Modification Opportunity:

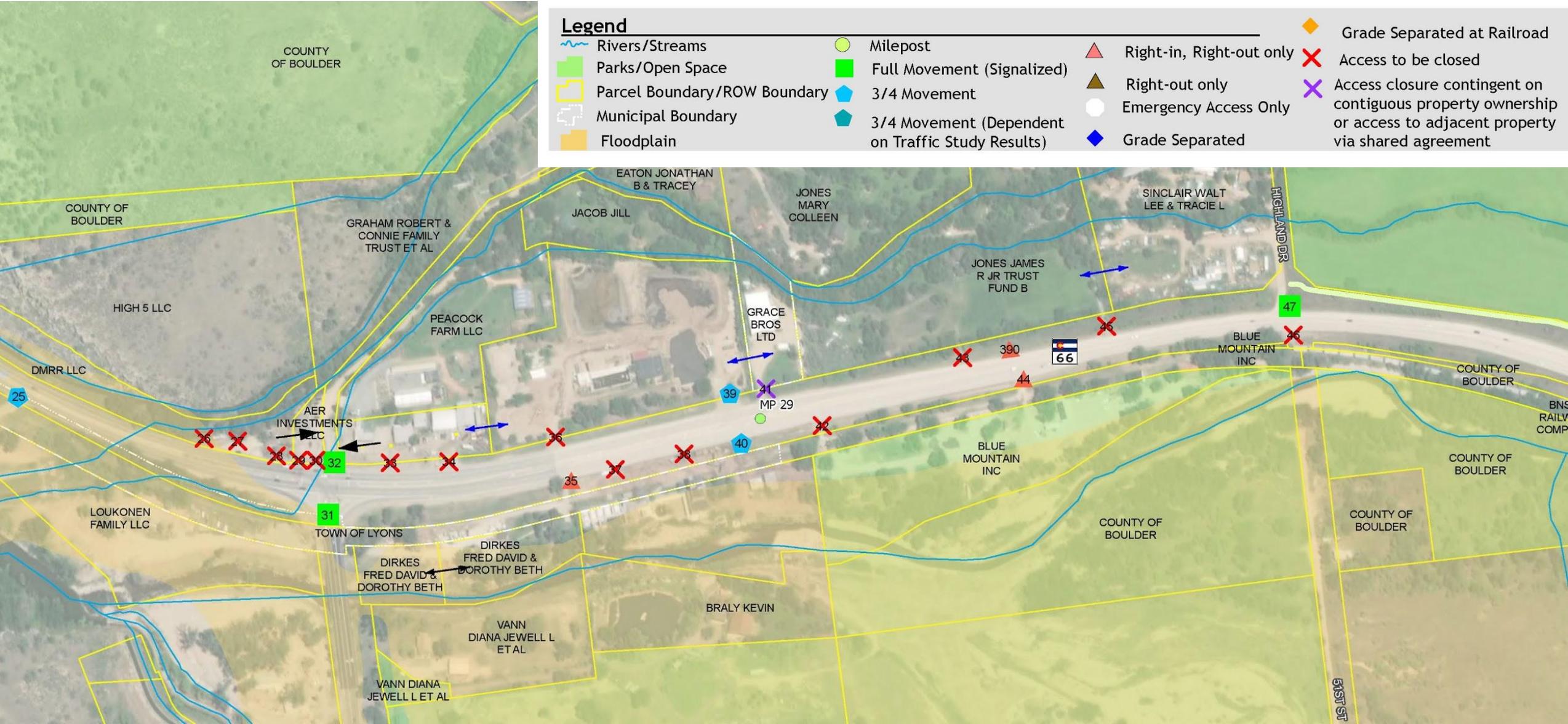
- 1 ACP, 1 IGA, and 2 Voting Blocks
 - West = Lyons, Boulder Co., Longmont & CDOT
 - East = Mead, Firestone, Weld Co., Longmont & CDOT
- Lyons prepares a roadway reclassification application
 - Includes a development plan and traffic analysis study
 - To be supported by CDOT and formalized in an MOU
 - To be reviewed and approved by Transportation Commission
- CDOT agrees to support Lyons' bid to reclassify SH 66
 - Affects E. Corridor Development east of SH 66 & US 36
 - Support framework drafted in MOU between Lyons & CDOT
- PEL remains unchanged





Current Access near Lyons

Draft Oct. 2019



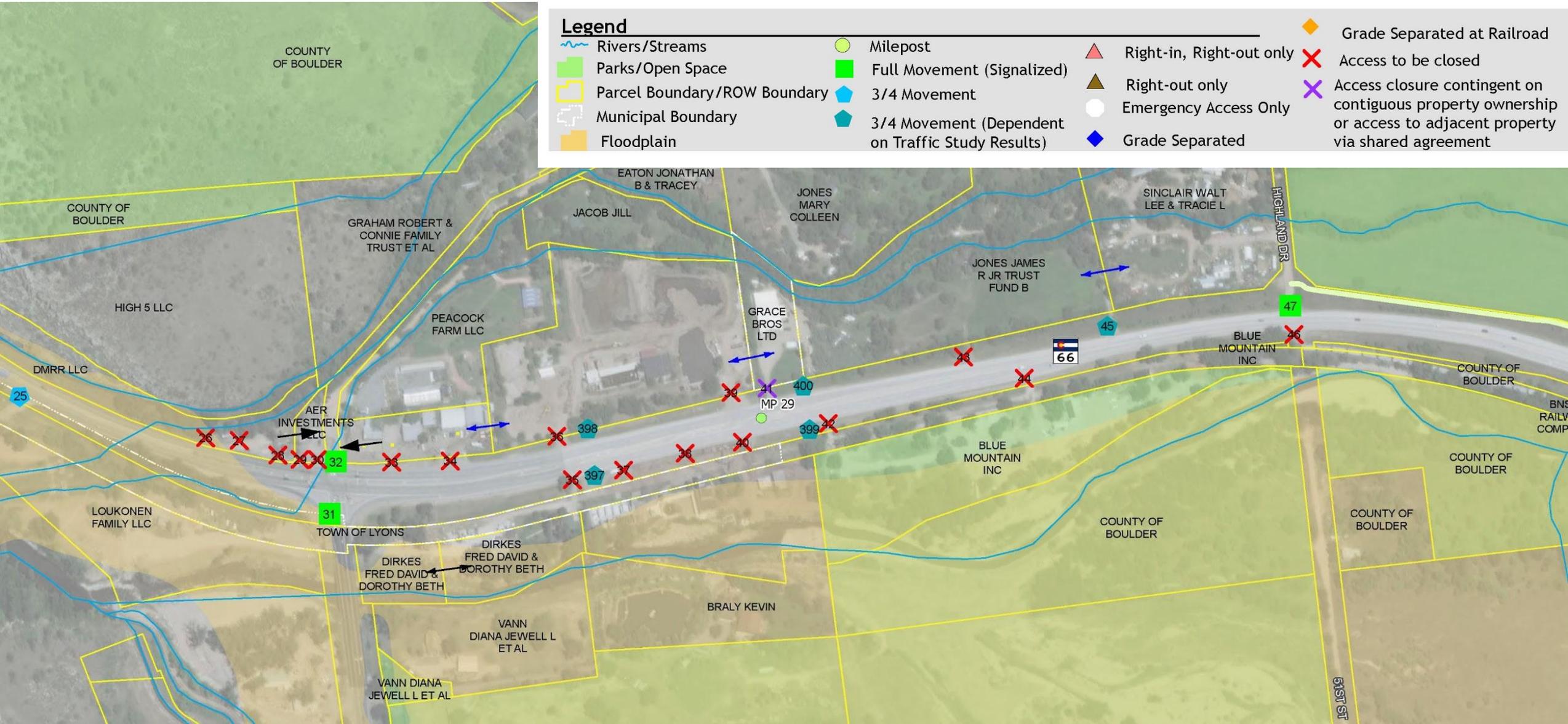
Legend

- | | | | |
|------------------------------|---|--------------------------|--|
| Rivers/Streams | Milepost | Right-in, Right-out only | Grade Separated at Railroad |
| Parks/Open Space | Full Movement (Signalized) | Right-out only | Access to be closed |
| Parcel Boundary/ROW Boundary | 3/4 Movement | Emergency Access Only | Access closure contingent on contiguous property ownership or access to adjacent property via shared agreement |
| Municipal Boundary | 3/4 Movement (Dependent on Traffic Study Results) | Grade Separated | |
| Floodplain | | | |



Potential Modified Access near Lyons

Reclassified to NR-B with Assumed 35 mph Speed



Legend

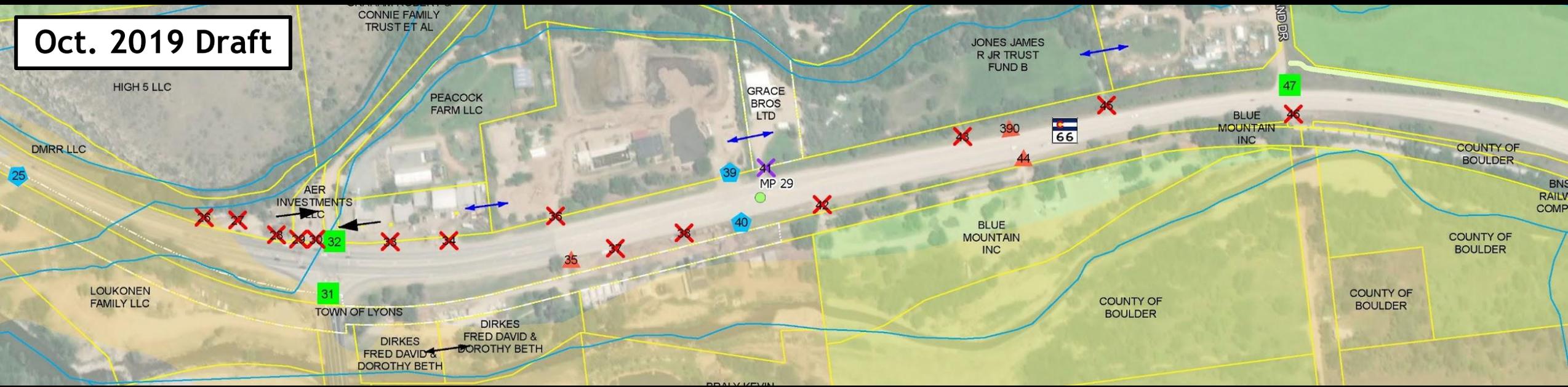
- | | | | |
|------------------------------|---|--------------------------|--|
| Rivers/Streams | Milepost | Right-in, Right-out only | Grade Separated at Railroad |
| Parks/Open Space | Full Movement (Signalized) | Right-out only | Access to be closed |
| Parcel Boundary/ROW Boundary | 3/4 Movement | Emergency Access Only | Access closure contingent on contiguous property ownership or access to adjacent property via shared agreement |
| Municipal Boundary | 3/4 Movement (Dependent on Traffic Study Results) | Grade Separated | |
| Floodplain | | | |



Potential Modified Access near Lyons

Reclassified to NR-B with Assumed 35 mph Speed

Oct. 2019 Draft



Jan. 2020 Proposed



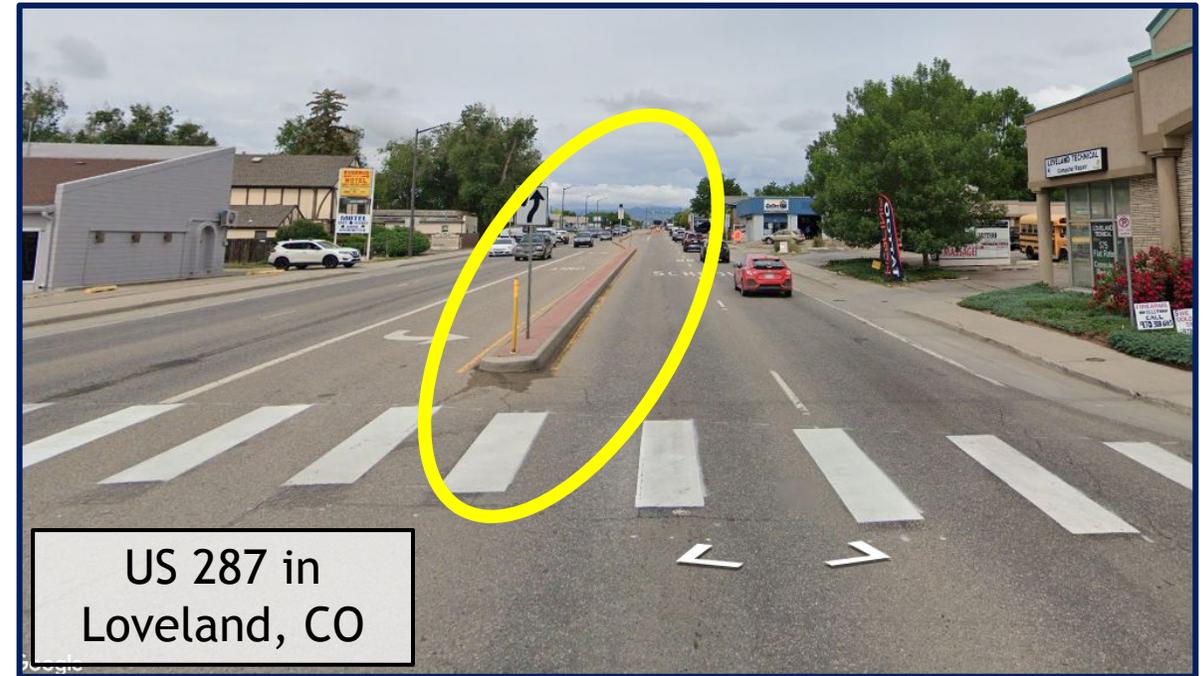
Legend			
	Rivers/Streams		Milepost
	Parks/Open Space		Full Movement (Signalized)
	Parcel Boundary/ROW Boundary		3/4 Movement
	Municipal Boundary		3/4 Movement (Dependent on Traffic Study Results)
	Floodplain		Right-in, Right-out only
			Right-out only
			Emergency Access Only
			Grade Separated
			Grade Separated at Railroad
			Access to be closed
			Access closure contingent on contiguous property ownership or access to adjacent property via shared agreement



SH 66 ACP Opportunities

Reclassification Process near E. Corridor Development:

- Developer/Lyons creates roadway template plan (from professional engineer)
 - Includes new roadway geometry with median barriers
 - Suggested design speed outlined





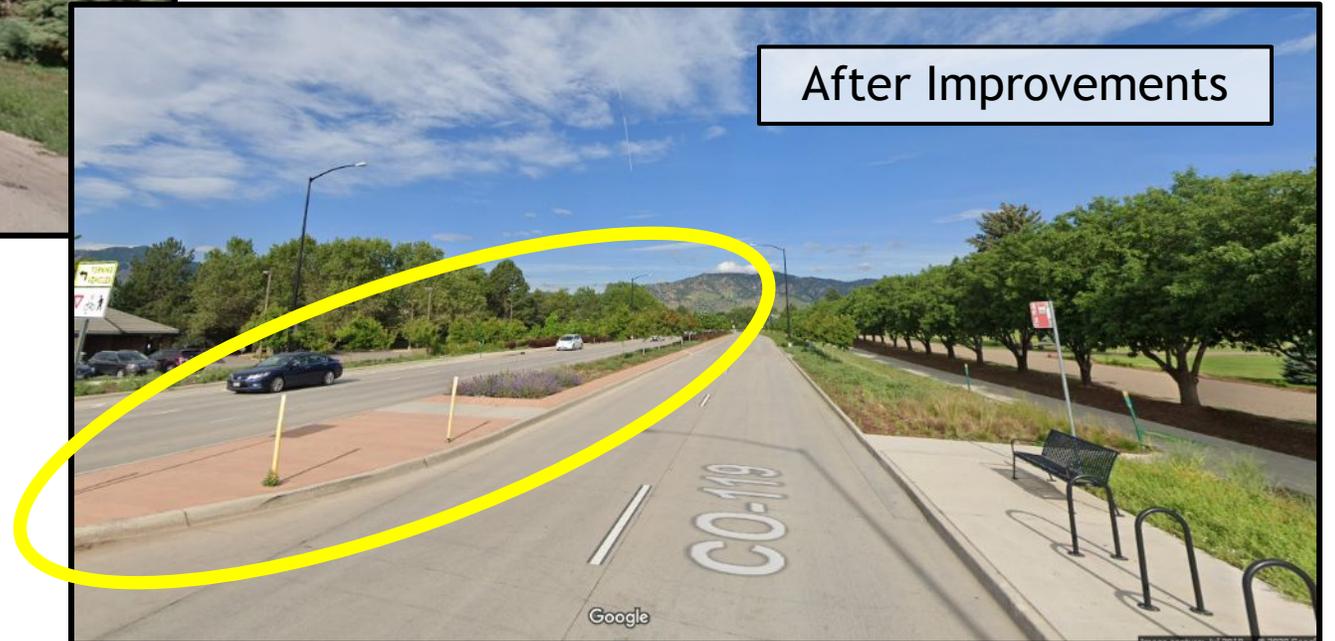
SH 66 ACP Opportunities

Example of Geometric Improvements to SH 119 in Boulder Co.:

Before Improvements



After Improvements

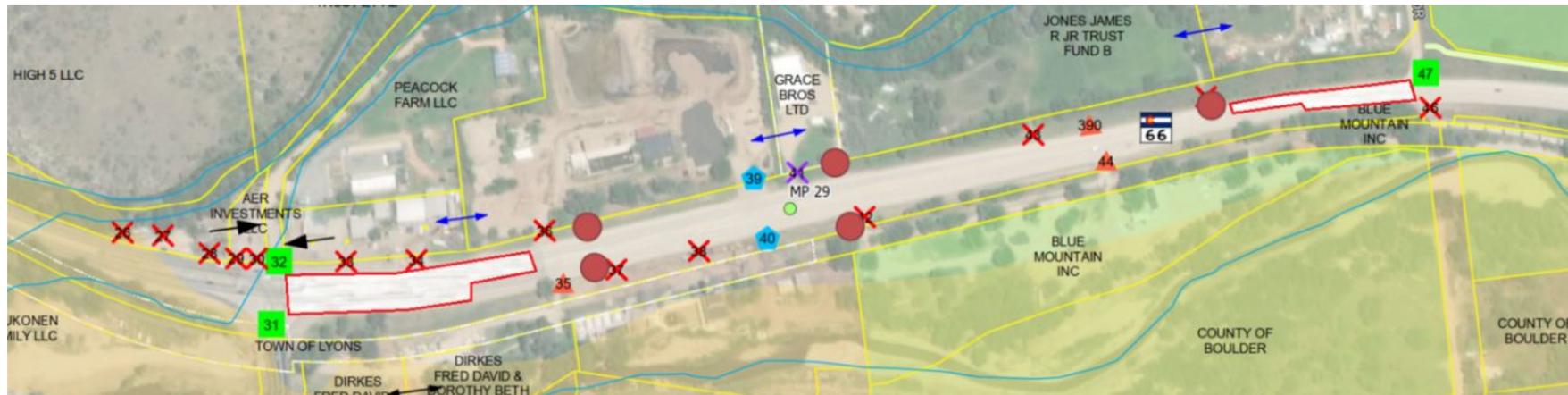




SH 66 ACP Opportunities

Reclassification Process near E. Corridor Development:

- Development plan & traffic study provided by developer
 - Apply to Transp. Commission for new Access Category Classification
 - If reclassification approved □ *formally amend Hwy 66 ACP*
 - Approved by vote from West Block (*Lyons, Boulder Co., Longmont & CDOT*)
 - Developer/Lyons builds improvements (*phasing plan may be required*)
 - If roadway template altered □ *reset speed limits to new design speed*
 - Issue access permits for proposed development remaining phases





Next Steps for the SH 66 PEL and ACP

Next Steps in the SH 66 PEL & ACP:

- **Jan. 16, 2020** - work session with CDOT and Lyons Board of Trustees (Board)
- **Jan. 17, 2020** - CDOT provides information for Lyons Board packet
 - Also date of next SH 66 Coalition meeting
- **Jan. 22, 2020** - Lyons Board meeting
- **Feb. 2020** - sign the IGA (2 voting blocks) at the SH 66 Coalition meeting
- ~ **Early-2020** - complete all predecessors for the MOU
 - CDOT committed to helping the E. Corridor Development Team through process
 - Prepare a packet for Transportation Commission (TC) review and hearing
- ~ **Mid-2021** - following TC approval & engineering of medians & traffic studies, modify SH 66 ACP by West Voting Block action
 - Then change speed limits on SH 66 along E. Corridor Development



SH 66 PEL and ACP Update

***THANK
YOU***

Heather Paddock, PE

Region Transportation Director
CDOT Region 4

Heather.Paddock@state.co.us
(970) 290-8723

Keith G. Sheaffer, P.E.

South Program Manager
Keith.Sheaffer@state.co.us
(970) 350-2162

Brian Varrella, PE, CFM

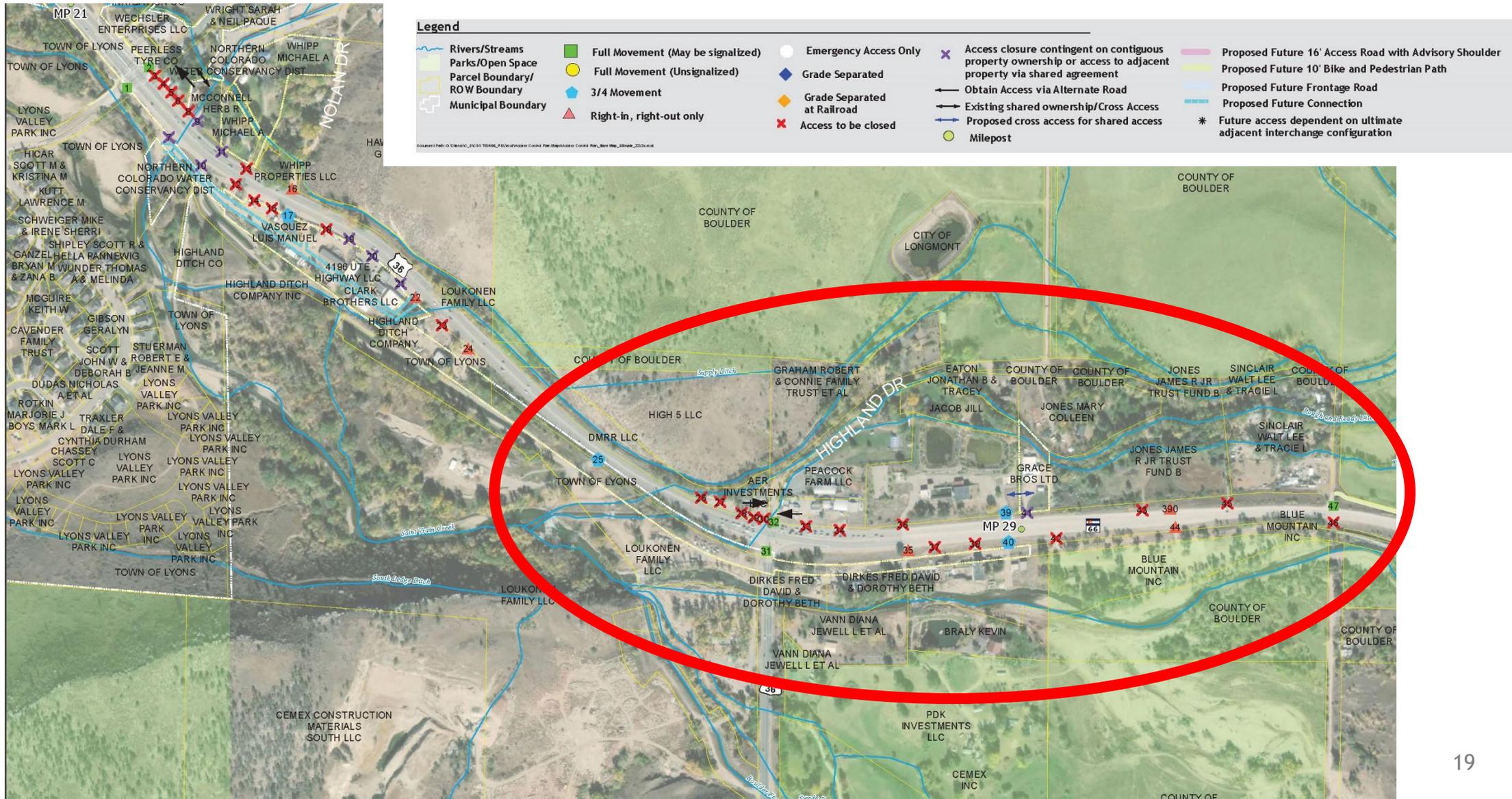
Boulder Resident Engineer
Brian.Varrella@state.co.us
(970) 373-6121

January 16, 2020



Current Access Plan near Lyons

Draft Oct. 2019

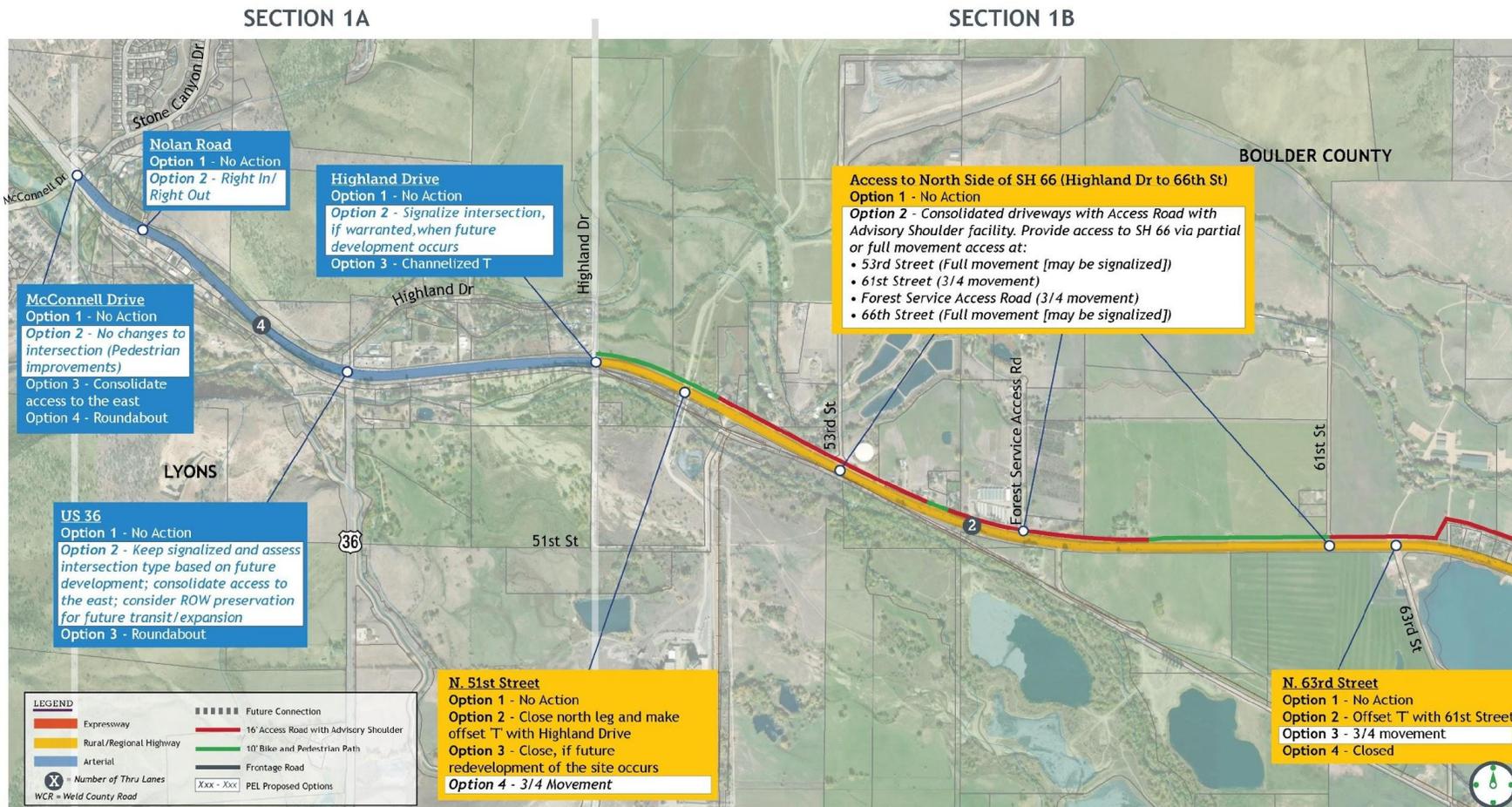




Level 3 Roadway Recommendations

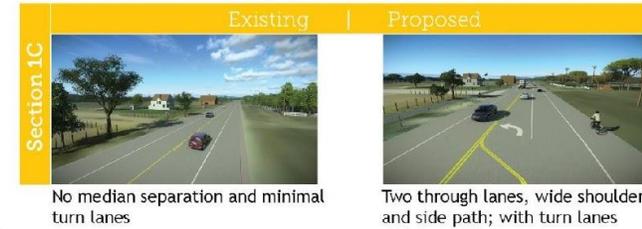
Section 1A - McConnell Dr. to Highland Dr.

Section 1B - Highland Dr. to 75th St.

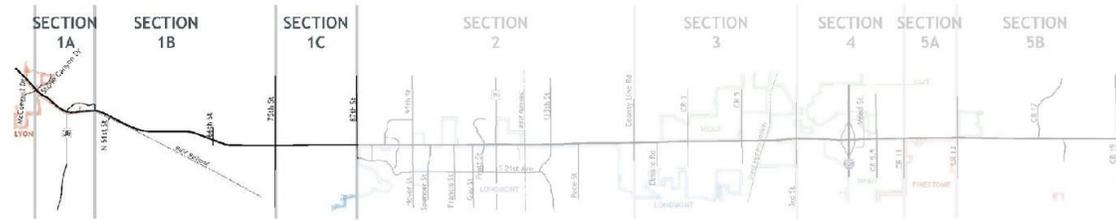




Existing & Proposed Visualizations (facing west)



Improvements



TRANSPORTATION CONSIDERATIONS:
The access road with advisory shoulders option is not an approved treatment in the Manual on Uniform Traffic Control Devices and would require a 'request for experiment' to implement. The proposed bicycle and pedestrian path and access road with advisory shoulders must be accommodated with safety in mind within the highway clear zone and at all intersection crossings along the corridor.

ENVIRONMENTAL CONSIDERATIONS:
Resources include floodplains and floodway, potential wetlands, Preble's Meadow Jumping Mouse habitat, potential bald eagle nest sites, parks and open space, proposed trails, utilities, noise sensitive areas, hazardous materials sites, visual resources, and potential historic sites.

SH 66 PEL Study Recommendations, Section 1

Near-Term 0-10 years	LOCATION ON SH 66 (Intersection or section)			IDENTIFIED PROBLEM	RECOMMENDED IMPROVEMENT
	1A	McConnell Drive to Highland Drive East			High rate of access-related crashes; high-use bike corridor with limited shoulders
1A	US 36			Lacks safe facility/crossing for bicycles and pedestrians	Construct grade-separated underpass for bicycle and pedestrians
1B	Section-wide			High rate of run-off-road crashes	Install rumble strips
1B	Section-wide			Lacks consolidated access and regional bicycle and pedestrian mobility options	Install access road with advisory shoulders, add right and left turn lanes at those accesses; and install sidepath
1B	75th Street			High rate of intersection-related crashes	Re-assess signal timing. Install bicycle and pedestrian grade-separated crossing
1C	Section-wide			High rate of run-off-road crashes; lacks consolidated access and regional bicycle and pedestrian mobility options	Install rumble strips. Install access road with advisory shoulders, add right and left turn lanes at those accesses; and install sidepath

Mid-Term 5-15 years	LOCATION ON SH 66 (Intersection or section)			IDENTIFIED PROBLEM	RECOMMENDED IMPROVEMENT
	1B	Section-wide			High delays for vehicles entering SH 66 from accesses
1C	Section-wide			High delays for vehicles entering SH 66 from accesses	Construct missing Sections of access road with advisory shoulders, and/or bike/ped only connections. Include shoulder widening

Long-Term 10-20 years	LOCATION ON SH 66 (Intersection or section)			IDENTIFIED PROBLEM	RECOMMENDED IMPROVEMENT
	1B	Section-wide			Lacks regional bicycle and pedestrian mobility options
1C	53rd Street			Lacks safe facility/crossing for bicycles and pedestrians	Install bicycle and pedestrian grade-separated crossing

Beyond Horizon Year +20 years	LOCATION ON SH 66 (Intersection or section)			IDENTIFIED PROBLEM	RECOMMENDED IMPROVEMENT
	1B	Section-wide			Multi-modal and vehicular transportation concerns
1C	Section-wide			Multi-modal and vehicular transportation concerns	Multi-modal and safety transportation improvements

Local Agency Planning Efforts



Lyons vision for:

- Business district along SH 66
- US 36/SH 66 roundabout
- Gateway features at US 36/SH 66 and east of US 36 along SH 66



Boulder County vision for:

- Improve bus service and stops, park and ride capacity, and local transit connections; add queue jump lanes
- Incorporate bikeable shoulders and key grade separated crossings
- Enhance intersections to improve safety and convenience for all modes and to reduce congestion



For more information, please view the SH 66 PEL Corridor Conditions Report (Appendix C).



SH 66 PEL Study Recommendations, Section 1

Overview & Recommendations

- **Local agencies:** Town of Lyons and Unincorporated Boulder County
 - **Known transportation problems:** Vehicular access, mobility, and safety; bicycle and pedestrian connections and safety, bicycle crossings
 - **Existing roadway classification and laneage:** Rural/Regional Highway with two to five lanes
 - **Recommended roadway classification:**
 - Arterial roadway from McConnell Drive to Highland Drive (Section 1A)
 - Rural/Regional Highway from Highland Drive through 75th Street (Section 1B) and 75th Street through 87th Street (Section 1C)
 - **Total recommended cross section width:** 101 feet to 138 feet
 - **Total right of way preservation acreage:** 99.6 acres
- **Recommended cross sections include:**
 - Four 12-foot travel lanes with a raised 16-foot median and curb and gutter (Section 1A)
 - Two 12-foot travel lanes with turn lanes at intersections and right-of-way preservation for potential multimodal and safety transportation improvements (Sections 1B and 1C)
 - Curb and gutter and bike lanes along SH 66 (Section 1A)
 - Either a 10-foot bike and pedestrian path or a 16-foot access road with advisory shoulders along SH 66 (Section 1B and 1C)
 - A five-foot offset to clear zone (a clear zone is an unobstructed, traversable roadside area that allows a driver to stop safely or regain control of a vehicle that has left the roadway) in areas that are not curb & gutter

Recommended Right-of-Way Preservation Footprint



Expansion of intersections throughout Section 1 should consider the potential for any future expansion of the roadway and should fit appropriately in the right-of-way. Additionally, the construction of the Access Road with Advisory Shoulders and Bike Only Path should be placed in the right-of-way such that if future roadway expansion occurs, the bicycle and pedestrian facilities would not require replacement.

Section 1B & Section 1C Existing Conditions

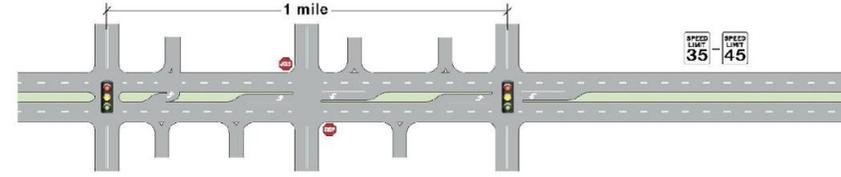
(exact dimensions vary slightly throughout the section)



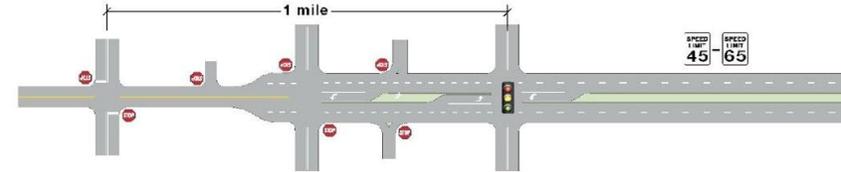
✳ *Right-of-way preservation for operational resiliency*

Recommended Roadway Classification

ARTERIAL



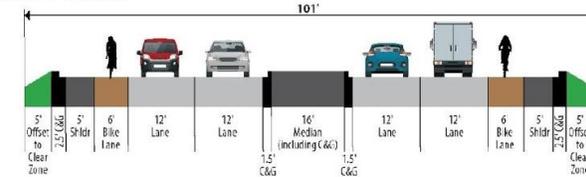
RURAL/REGIONAL HIGHWAY



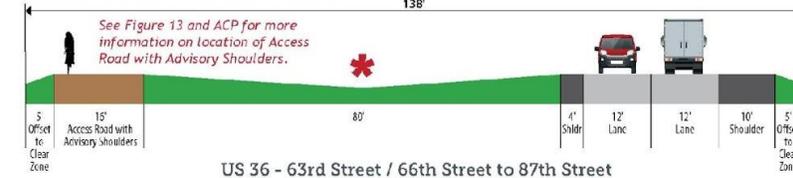
DESCRIPTION	ACCESS SPACING
Moderate to low travel speeds and traffic volumes with moderate access	1/2 mile for full movement intersections, with possible 3/4 movement at quarter miles, and RIRO access for each parcel (should share access if possible)
Moderate to high speeds with moderate to low traffic volumes	1/2 mile + for full movement intersections with public roadways, maximum of one access per parcel (depending on other roadways that could preclude access) with shared access preferable

Recommended Cross Sections (facing east)

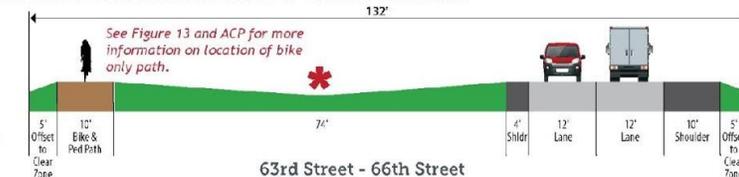
Section 1A with Curb & Gutter



Section 1B & Section 1C with 16' Access Road with Advisory Shoulders with Potential Dedicated Bus Lanes



Section 1B & Section 1C with 10' Bike & Ped Path



file

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



Bill Owens
Governor
Greg E. Walcher
Executive Director
Ronald W. Cattany
Acting Division Director

October 28, 2002

Mr. Steve Mossberg
CEMEX
P.O. Box 529
Lyons, CO 80540

RE: CEMEX, Inc., Lyons Mine, Permit No. M-1977-208
Nonconforming Use Status

Dear Mr. Mossberg,

The Division of Minerals & Geology received your letter on October 16, 2002 regarding the nonconforming use status of the cement kiln plant located at the Lyons Mine, Permit No. M-1977-208. This information was submitted as a result of the Division's inspection of September 5, 2002 requesting this information in order to determine if a reclamation cost estimate needs to be included for the cement kiln facility.

As noted in the Division's September 5, 2002 inspection report,

"Because the CKD is regulated as a waste generated by the mining operation under the DMG Permit, it would require that a bond be posted as part of the facilities which would need to be demolished and decommissioned following the closure of plant operations. The 1999 inspection reports states that at that time, the company believes that this area of Boulder County is grandfathered as non-conforming use and that the complex and kiln are allowed to remain in place after closure as part of its industrial/commercial final end land use. DMG stated that it would like either written confirmation that the cement kiln is allowed under the current zoning and has the approval of Boulder County to remain in place after reclamation is completed, or a Certificate of Designation regarding the disposal of Cement Kiln Dust. The Division further stated that if neither of these measures are taken in the near future, DMG will recalculate the financial warranty for the site based on the cost of decommissioning the kiln, unless such confirmation is received, in which case the financial warranty will be based on the County requirements for leaving the kiln in place."

The letter written by Boulder County Land Use Department dated October 8, 2002 recognizes the cement kiln and attendant equipment as a nonconforming use. However based on Boulder County Land Use Code, it appears that the nonconforming use will terminate once the facility is either altered or abandoned. It appears that once the facility is no longer in operation, the nonconforming use will terminate and be subject to reclamation under DMG permit M-1977-208.

The letter supplied by Boulder County Land Use Department does not satisfy the Division's requirement that the cement kiln facility can remain in place as part of the post mining land use. Please be aware that the reclamation plan includes the cement kiln facility in the permit area of the Lyons Mine, and the area is slated to be reclaimed as "irrigated pasture" (see attached copy of 1977 Reclamation Plan Map). The Division was unable to locate any designation of a postmining land use of "industrial/commercial" as stated by the operator in the DMG 1999 inspection report.

Based on the information noted in the reclamation plan and letter from the Boulder County Land Use Department, the Division believes that the reclamation cost estimate for the Lyons Mine will need to be updated to include demolition and decommission of the cement kiln facility, and return the site to a postmining land use of "irrigated pasture."

If CEMEX wishes to retain this facility as part of the postmining land use, and have it not be subject to bonding, then the following must be submitted by November 29, 2002;

1. The plant site is slated to be reclaimed to a postmining land use of "irrigated pasture." In order to retain the structures CEMEX will need to submit a Permit Amendment Application changing this part of the postmining land use to "industrial/commercial."
2. CEMEX will need to provide a letter from Boulder County Land Use Department stating that the cement kiln facility can remain as a part of the postmining land use once the operation is no longer in use.

If the above mentioned items are not submitted, the Division will make arrangements to conduct an inspection of the site for purposes of revising the reclamation cost estimate. If you have any questions, please do not hesitate to contact me at 303-866-4943.

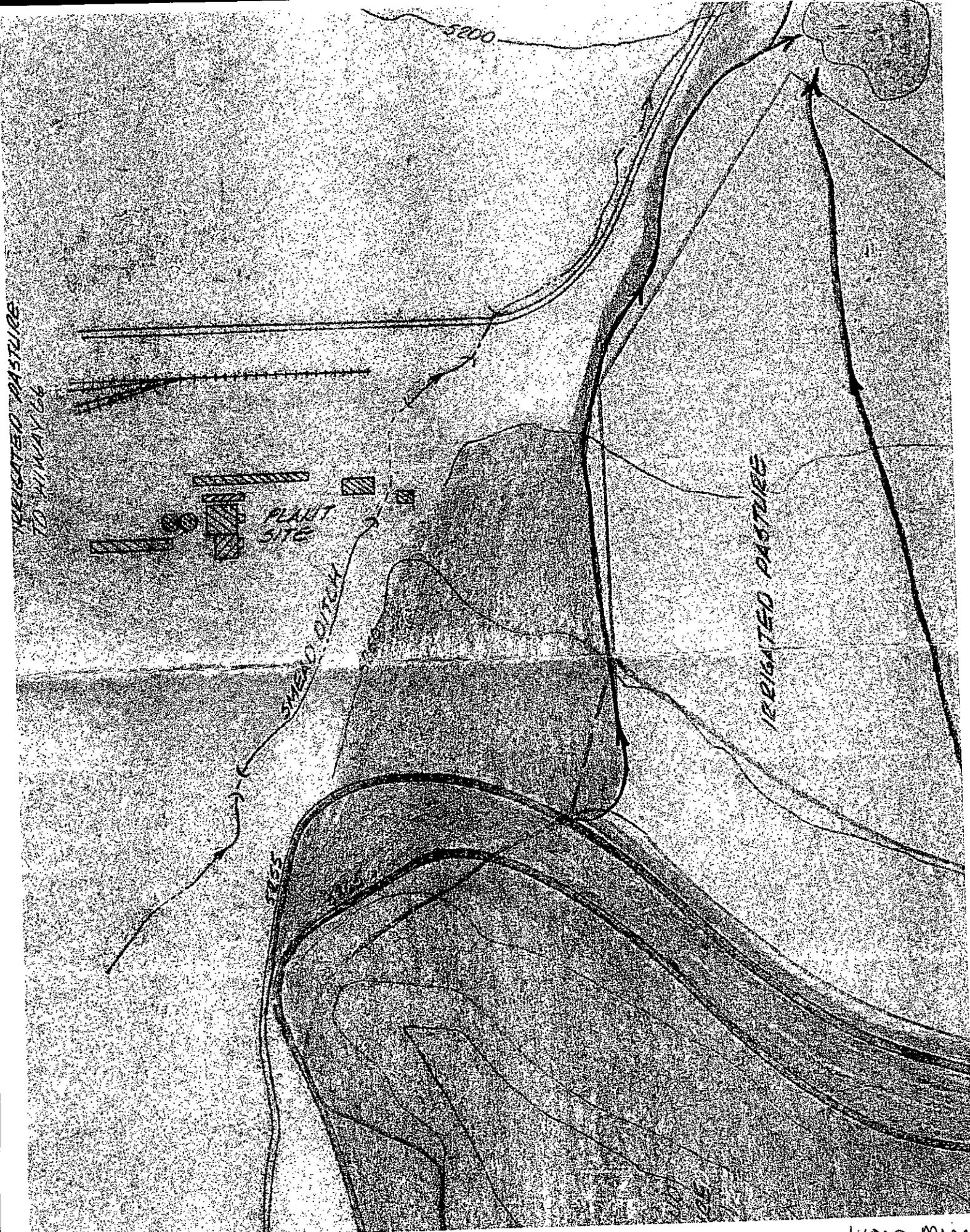
Sincerely,



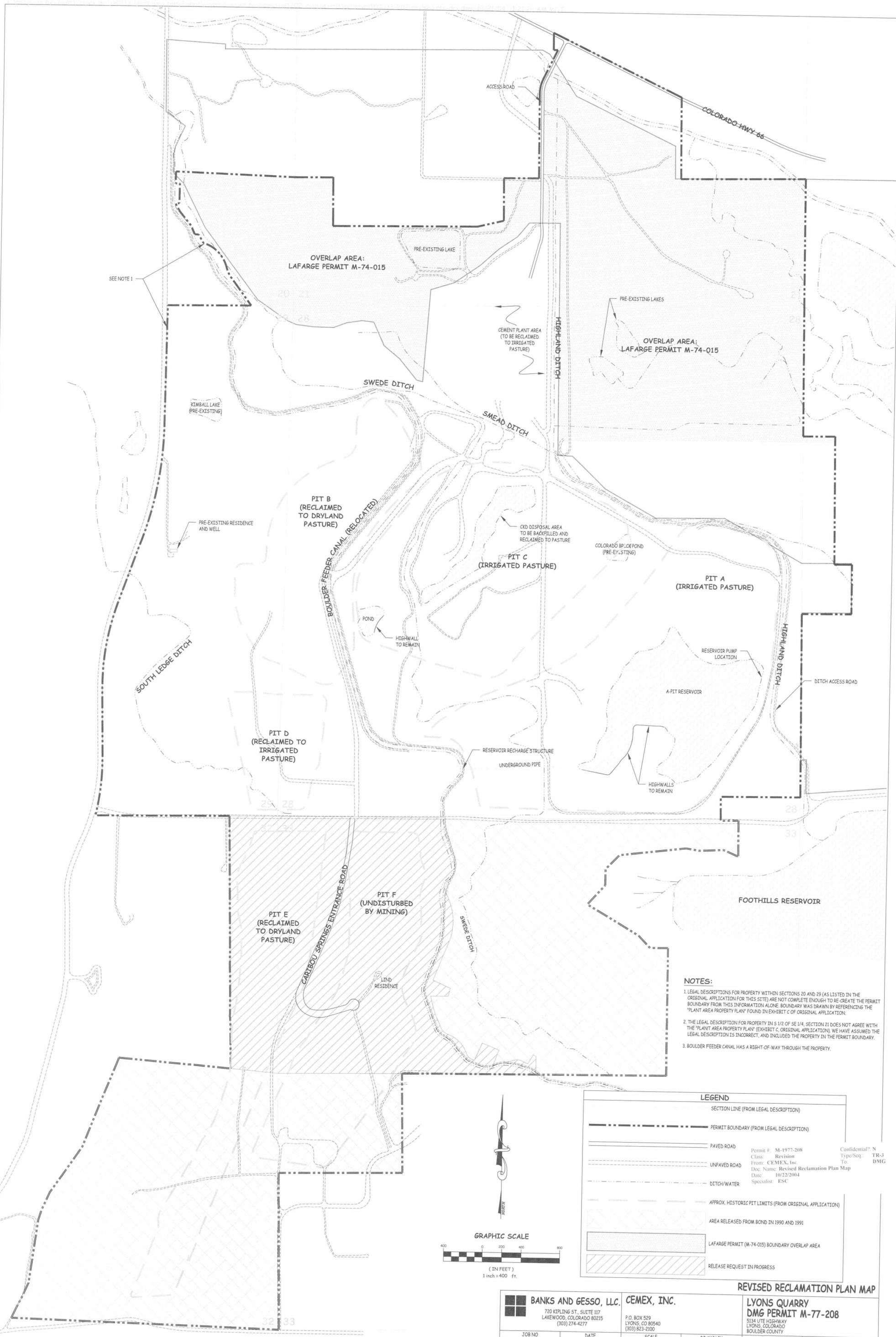
Erica S. Crosby
Environmental Protection Specialist

Enclosure (copy of portion of 1977 Reclamation Plan Map)

cc: Carl Mount; DMG
John Lohr; CEMEX (w/enclosure)



Copy of Portion of Reclamation Plan Map (Received 9-14-77) Lyons Mine M-1977-208



SEE NOTE 1

OVERLAP AREA:
LAFARGE PERMIT M-74-015

OVERLAP AREA:
LAFARGE PERMIT M-74-015

PIT B
(RECLAIMED TO DRYLAND PASTURE)

PIT C
(IRRIGATED PASTURE)

PIT A
(IRRIGATED PASTURE)

PIT D
(RECLAIMED TO IRRIGATED PASTURE)

PIT E
(RECLAIMED TO DRYLAND PASTURE)

PIT F
(UNDISTURBED BY MINING)

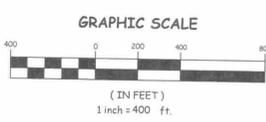
- NOTES:**
- LEGAL DESCRIPTIONS FOR PROPERTY WITHIN SECTIONS 20 AND 29 (AS LISTED IN THE ORIGINAL APPLICATION FOR THIS SITE) ARE NOT COMPLETE ENOUGH TO RE-CREATE THE PERMIT BOUNDARY FROM THIS INFORMATION ALONE. BOUNDARY WAS DRAWN BY REFERENCING THE "PLANT AREA PROPERTY PLAN" FOUND IN EXHIBIT C OF ORIGINAL APPLICATION.
 - THE LEGAL DESCRIPTION FOR PROPERTY IN S 1/2 OF SE 1/4, SECTION 21 DOES NOT AGREE WITH THE "PLANT AREA PROPERTY PLAN" (EXHIBIT C, ORIGINAL APPLICATION). WE HAVE ASSUMED THE LEGAL DESCRIPTION IS INCORRECT, AND INCLUDED THE PROPERTY IN THE PERMIT BOUNDARY.
 - BOULDER FEEDER CANAL HAS A RIGHT-OF-WAY THROUGH THE PROPERTY.

LEGEND

	SECTION LINE (FROM LEGAL DESCRIPTION)
	PERMIT BOUNDARY (FROM LEGAL DESCRIPTION)
	PAVED ROAD
	UNPAVED ROAD
	DITCH/WATER
	APPROX. HISTORIC PIT LIMITS (FROM ORIGINAL APPLICATION)
	AREA RELEASED FROM BOND IN 1990 AND 1991
	LAFARGE PERMIT (M-74-015) BOUNDARY OVERLAP AREA
	RELEASE REQUEST IN PROGRESS

Permit #: M-1977-208
 Class: Revision
 From: CEMEX, Inc.
 Doc. Name: Revised Reclamation Plan Map
 Date: 10/22/2004
 Specialist: ESC

Confidential?: N
 Type/Seq.: TR-3
 To: DMG



REVISED RECLAMATION PLAN MAP

 BANKS AND GESSO, LLC. 720 KIPLING ST., SUITE 117 LAKEWOOD, COLORADO 80215 (303) 274-4277	 CEMEX, INC. P.O. BOX 529 LYONS, CO 80540 (303) 823-2100	LYONS QUARRY DMG PERMIT M-77-208 8134 UTE HIGHWAY LYONS, COLORADO BOULDER COUNTY	SCALE	DRAWN BY	DESIGNED BY	APPROVAL	REV	SHEET
			04033	10/21/04	1"=400'	DRF		

CEMEX Lyons Dowe Flats Mining Extension Discussion

June 9, 2022



Agenda

- About Good Neighbors of Lyons
- About CEMEX Lyons
- The Current Situation
- The Proposal
- Questions Raised
- What Can You Do?
- Q&A

About Good Neighbors of Lyons

About CEMEX Lyons

Who is CEMEX?



Mexican multinational materials company.

Manufactures and distributes cement, ready-mix concrete and aggregates in 50 countries

Global 2000 (#1,178)

\$13 Billion in Annual Revenues

\$27 Billion in Assets

What does CEMEX Lyons do?



Produces **cement**, the main basic ingredient of ready-mix concrete

Cement is produced largely from combining **limestone** and **silica** from local mines & quarries.

To combine the ingredients, **the plant burns coal**, and heats a kiln to **>2300 deg F**

Where is CEMEX Lyons?



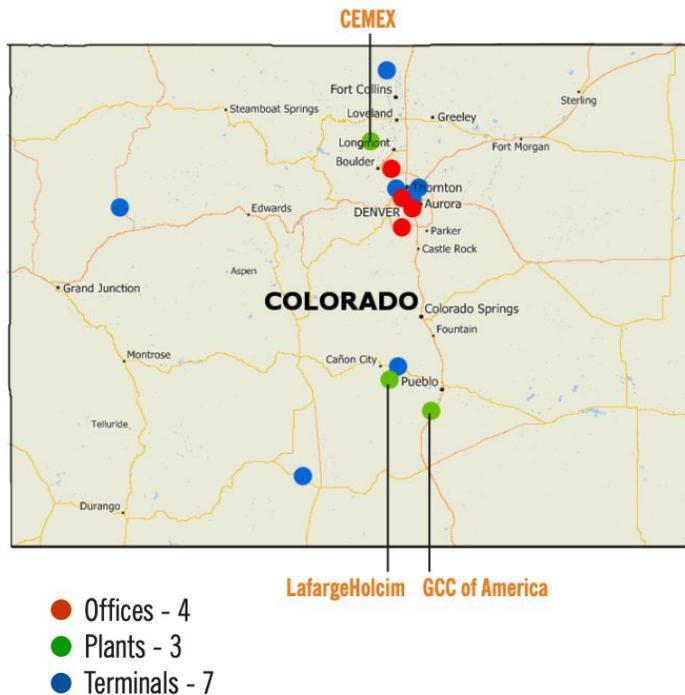
Dowe Flats Mine
(1594 acres)

Pipe & Conveyor
From Mine to Plant

CEMEX Lyons Plant
(930 acres)



What does the Colorado cement market look like?



- **3 cement plants**
- **7 cement delivery terminals**
- **2.6 million tons** of cement produced
- **2.1 million tons** of cement consumed
- Net exporter of **500,000 tons** of cement
- **327 employees** (2015)

Source: [Cement.org report on Colorado Cement Industry \(2016\)](#)

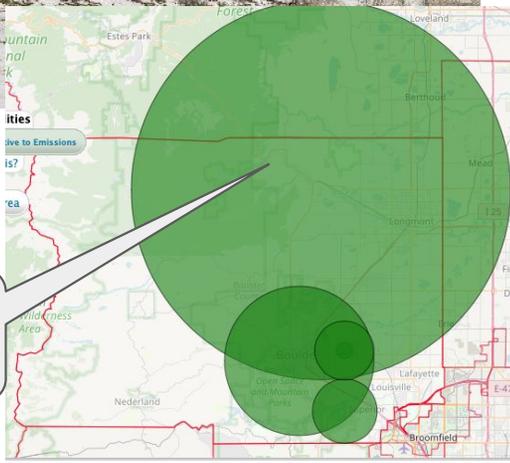
When did CEMEX Lyons begin operations?



CEMEX Lyons Plant constructed in **1969** by Martin Marietta and permit granted by State of Colorado. Adjacent quarries were mined for **decades** until exhausted.

Dowe Flats Mine began mining operations **September 30, 1997** with a **25 year permit** granted by Boulder County, ending **September 30, 2022**.

What is the CEMEX Lyons carbon footprint?



CEMEX Lyons Plant

EPA: #1 Greenhouse Gas Emitter in Boulder County

- Equivalent to **~30,000** Boulder County residents
- **~7.3%** of Boulder County Greenhouse Gas Emissions (GHG)
- Emits **357,101 tons of CO₂ annually**; the #2 polluter in Boulder County emits only 55,000 tons of CO₂ annually
- Over next 30 years, will emit **10 million tons of CO₂**

Image Source: Boulder County - EPA Facility Level Emissions
<https://ghgdata.epa.gov/ghgp/main.do>

What regulatory actions have been taken?

The screenshot shows the EPA website's 'Enforcement' section. The main heading is 'CEMEX Lyons Plant Settlement'. Below the heading, a paragraph states: '(Washington, DC - April 19, 2013) The U.S. Department of Justice (DOJ) and the U.S. Environmental Protection Agency (EPA) announced today that CEMEX, Inc., the owner and operator of a Portland cement manufacturing facility in Lyons, Colo., has agreed to operate advanced pollution controls on its kiln and pay a \$1 million civil penalty to resolve alleged violations of the Clean Air Act (CAA)'. To the right of the main text is a green box titled 'Cemex Lyons Company Settlement Resources' containing links for 'Press Release' and 'Consent Decree'. On the left side, there is a sidebar with navigation links such as 'Enforcement Home', 'Air Enforcement', 'Water Enforcement', and 'Data and Results'. The top of the page features the EPA logo, a search bar, and a navigation menu with options like 'Environmental Topics', 'Laws & Regulations', 'Report a Violation', and 'About EPA'.

\$1M settlement with DOJ and EPA for Nitrogen Oxide (NOx) emissions.

Source: <https://www.epa.gov/enforcement/cemex-lyons-plant-settlement>

The Current Situation

Dowe Flats Permit Expiring



Mining Permit Expiring **September 30, 2022** and reclamation expected to be completed in **2024**.

CEMEX Plant Won't Have Local Raw Materials



Dowe Flats Mine

Pipeline Conveyor From Mine to Plant

CEMEX Lyons Plant



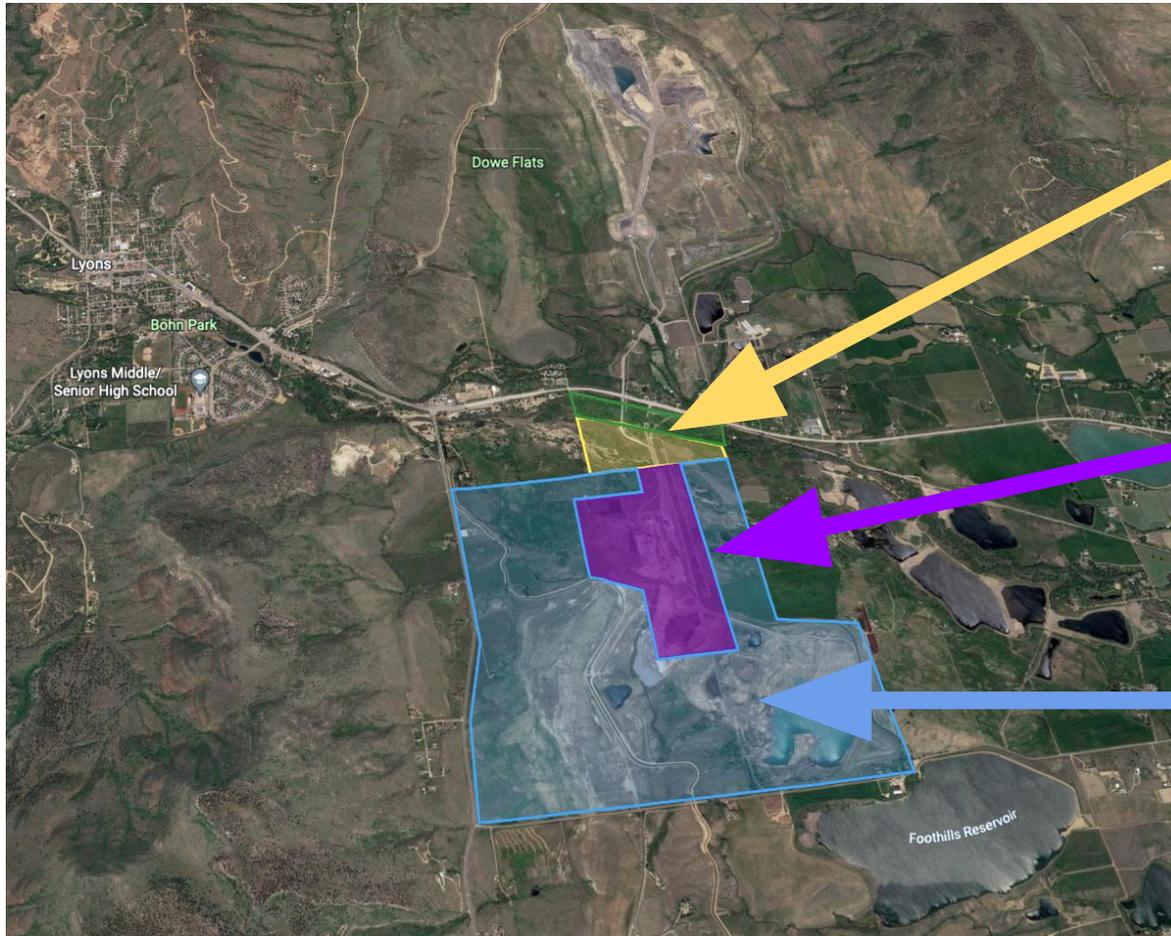
Boulder County Open Space Purchase Rights



Boulder County Open Space has rights to buy 100% of Dowe Flats on **Dec 31, 2024**

Boulder County Open Space **does not have any purchase rights** to the CEMEX Plant parcel

Land Use Agreement between Lyons & Boulder County (IGA)



Municipal Facilities Area (~73 ac)

- Lyons Planning Area; Annexable
- **No** Boulder County Purchases/Easements w/o Lyons consent
- Intended for Green Tech; Solar/Electric, Etc

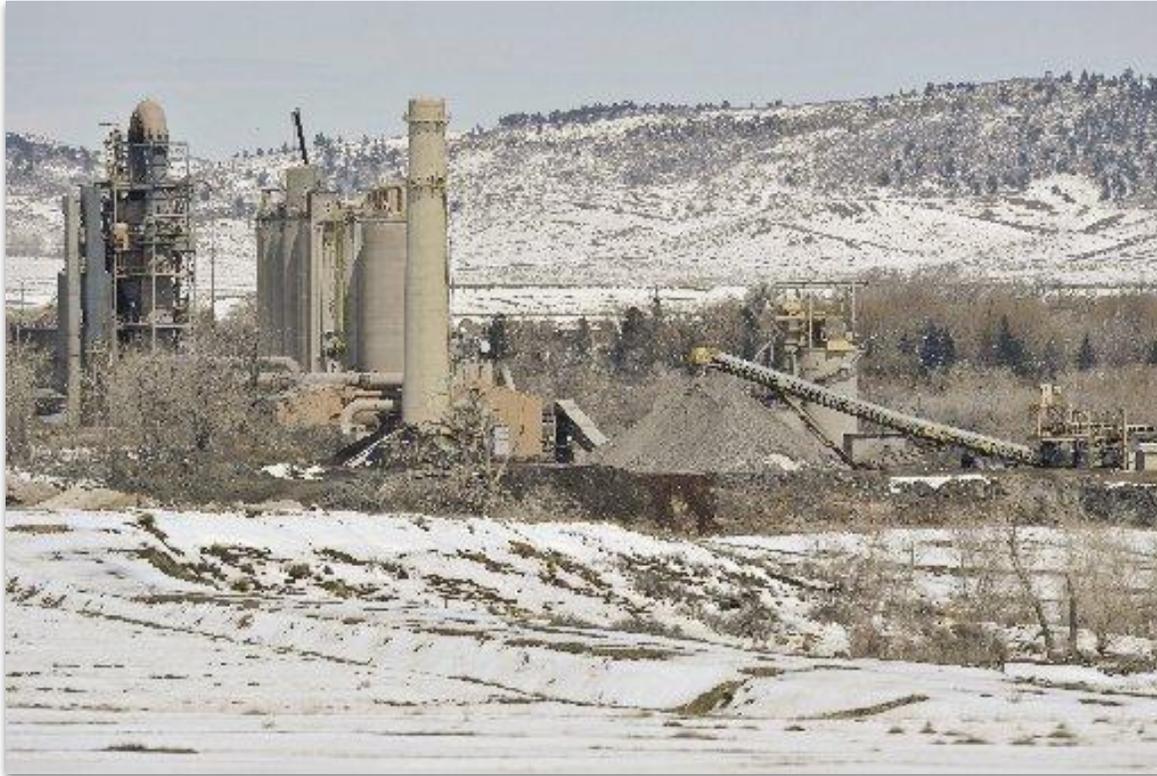
Primary Planning Area - e.g. CEMEX Plant (~40 ac)

- Lyons Planning Area; Annexable
- Intended for Urban Development & Town Expansion
- Some of it intended to be negotiated in 2022

Rural Preservation Area (~830 ac)

- Boulder County Jurisdiction
- **Can be acquired** by County for Open Space & Conservation Easements
- Zoned Agricultural: 35 acre, 1-unit residential

CEMEX indicates possible “Indefinite Operation”



In face of Dowe Flats closing, CEMEX has indicated they have contemplated “**continuing to operate the cement plant indefinitely**”

To accomplish this, it would require shipping in **hundreds of thousands of tons** of limestone and silica from distant mines and quarries each year.

The Proposal

CEMEX Proposes to Extend Dowe Flats Mining Another 15 Years



Mining Permit Extended to **2037** and reclamation expected to be completed in **2040**.

Conclude "Ongoing Cement Plant Operations" by **2037** plus reclamation

In Exchange >\$15 Million to Boulder County Open Space



Boulder County Open Space receives Dowe Flats for **free** and **saves \$6.6M**

Boulder County Open Space receives **\$6.0M** of rent payments for land it owns

Boulder County Open Space receives **200 acres** adjacent to Dowe Flats for **free** (est **\$3.4M** value)

Plus...Additional Purchase Rights for Boulder County



Boulder County Open Space receives rights to buy **830 acres** of Plant parcel for **\$17,000+ per acre (~\$15M)**

Permission to build a trail along St. Vrain River



CEMEX to provide **St. Vrain Trail easement** to Boulder County Parks & Open Space

Questions this Raises...

Can CEMEX **really operate indefinitely**
without a nearby mine?

Why would CEMEX pay the equivalent of **\$15 million** to operate for the next **15 years** if they can **really operate indefinitely** without a nearby mine?

We seem to be presented with a **binary choice** between **15 more years** and “**indefinite**”

...but is there **another** option?

How does this impact the **current land use agreement (IGA)** between the Town of Lyons and Boulder County regarding the CEMEX property?

In lieu of agreeing to the 15-year proposal, could the Town of Lyons negotiate with Boulder County and CEMEX a **different exit timeline** and immediately move to negotiate a new land use agreement outlining the future of Lyons on the former CEMEX site?

In the current proposal the language states that CEMEX will “conclude ongoing cement plant operations,” but what does that **actually mean**?

- Could they **repurpose the plant** for a different industrial use?
- What’s going to happen to the plant? Is there an **actual plan**?
- Does CEMEX have to sell the plant once operations end?

If the cement plant goes away, could we still get cement?

How do we reconcile this proposal with Boulder County's 2030 Paris Climate Goal and Greenhouse Gas Reduction Commitments?

What are the impacts on public health and safety?

What are the impacts on air quality in the local communities?

What are the impacts on wildlife?

What are the impacts to Lyons as the “Gateway to the Rockies” and first impressions for travelers on the way to Estes & Rocky Mountain National Park?

What are the impacts to Eastern
Corridor and its residents?

What is the impact to the beauty of the
St Vrain Valley?

What are the impacts to Town of Lyons
tax revenue and economic
development?

How do we know there won't be yet another extension in 15 years?

What are the environmental impacts of continuing to operate a 60 year old plant?

Why is the timeline for public comment
so fast?

....Lots of Questions
... Few Answers....

**We Need More Time to Get
Answers to these Questions!**

What Can You Do?

Before Friday at 5PM

- Email Boulder County: planner@bouldercounty.org
Subject Line: SU-22-0003
CC: commissioners@bouldercounty.org
- Email Town of Lyons: dvasquez@townoflyons.com
- Call Boulder County Planning: 303-441-3930

“Delay Boulder County Planning Commission review scheduled for **July 20th**, we need more time to answer the questions posed today.”

Add any personal details/experiences that are important to you

...then continue to spread the word (email, social)

If you're inclined...

Visit Save our St. Vrain Valley and make
a Donation

<https://sosvv.wordpress.com/>

Q&A

Thank You

CEMEX Lyons: An Alternative Proposal

07.07.2022

Two Options: 15 Years or “Indefinite”



Negotiation Technique: False Dilemma Fallacy

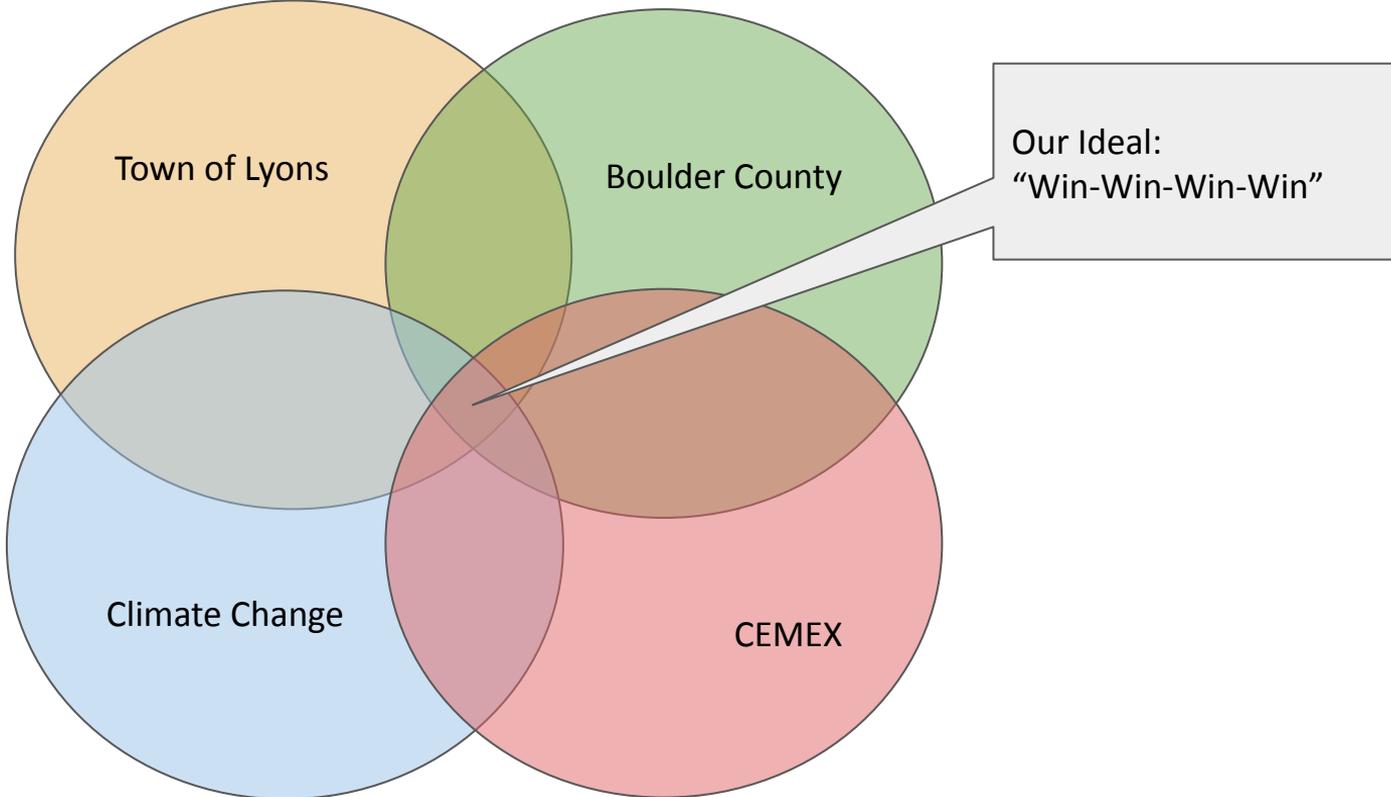
“A false dilemma presents a choice between two mutually exclusive options, **implying that there are no other options**. One option is clearly worse than the other, making the **choice seem obvious**. Also known as the either/or fallacy, false dilemmas are a type of informal logical fallacy in which a faulty argument is used to **persuade an audience to agree**. False dilemmas are everywhere. They can be deliberate or accidental, but their goal is to **make their argument convincing**.”



What about a Third Option?



Third Option Objective



Imagine a Third Option that was...

Faster

- 5 Years of Mining & Plant Operations Instead of 15 Years or Indefinite.
- Reduces CO2 Emissions *ahead* of 2030 Goals.
- 5 Years for Dowe Flats Open Space instead of 15 Years.
- Accelerant for Eastern Corridor Development.



Better

- Plant Demolition and Industrial Operations Gone. Permanently.
- Land Conservation, Wildlife, and plentiful multimodal St Vrain Greenway Trails
- Renewable Energy, powering 100% of the Town of Lyons.
- Lyons Economic Development and much needed Tax Revenue Base.
- Sustainable Multi-Use that's Beautiful, Unique and inline with Boulder County and Lyons ethos.



Cheaper

- \$3.8MM option for Boulder County instead of \$8.0MM net outlay.
- Increase Town of Lyons Revenue and Tax Base
- ~\$40MM more value for CEMEX shareholders than an "Indefinite" option
- Leverages the sustainable investment community for public/private partnership (capital/creativity)



“The Town of Lyons Proposal” - Summary Terms

- 5 Years instead of 15 Years; Both Dowe Flats Mine & Plant
- CEMEX Performs demolition of plant and reclamation by 2030
- CEMEX Area (930 acres) is Protected/Conserved via Updated IGA & Land Use Agreements
 - Boulder County Open Space ~ 510 Acres
 - Town of Lyons ~ 420 Acres
 - 310 Acres for Low Density Mixed-Use under Covenant/Conservation Easement
 - Ithaca 10/90 model - <https://ecovillageithaca.org>
 - 70 Acres for Open Space / Wetlands
 - 40 Acres for Solar Agri Voltaics for 100% Lyons Renewable Energy
- CEMEX Area (930 Acres) - purchase options for entirety
 - \$17,000 per acre + 2% Annual Increase
 - For Boulder County 510 acres - 2022 onwards
 - For Lyons 420 acres - 5 year window (beginning in 2030) to annex & commence, otherwise assigned to Boulder
- Lyons has 5 years (beginning 2030) to annex & proceed with its portion
 - Multiple sustainable investment groups envisioned to participate, bid and present concepts
 - Boulder County can participate as well and present its own concepts
- Boulder County and Lyons receive right-of-first refusal for CEMEX Water Rights sales
- All of Dowe Flats still provided to Boulder County Open Space for \$0

Next Steps

- Town to assert rights and/or leverage
 - Additional legal resources
- Town to engage in IGA Negotiation
 - Boundaries to allocate CEMEX Area
 - Density parameters - inline with Lyons Comprehensive Plan
- Upcoming meetings to put forth Town of Lyons proposal
 - Town of Lyons (Special Sessions and/or Workshops) ahead of July 22nd response
 - Boulder County Community Planning (August 17th)
 - Boulder County Commissioners (Sep/Oct)
- Good Neighbors of Lyons is here to help...
 - Help craft narrative and presentation so Lyons position/proposal is clear and compelling
 - Compile community feedback and gather community support/endorsements for proposal

Key Deal Terms & Benefits	Option A Status Quo "Possibly Indefinite"	Option B CEMEX Proposal "15 Years More Mining"	Option C Town of Lyons Proposal "5 Years More Mining"
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CEMEX Gets:

- Dowe Flats Mining Extension
- Continued Plant Operation
- Estimated Net Present Value for CEMEX (e.g. Value for Shareholders)
- Profitable & Sustainable Ongoing Operation
- **NEW:** Graceful Exit and Wind Down from Boulder County

0 Years	15 Years	5 Years
Permitted Indefinitely	15 Years	5 Years
-\$9,693,447	\$48,257,787	\$29,890,976
No	Yes	Yes
No	No	Yes

CEMEX Gives:

- Purchase Options @ \$17,000/acre on Land Surrounding Plant (830 Acres)
- **NEW:** Purchase Options @ \$17,000/acre on remaining CEMEX Area incl Plant (~100 Acres)
- **NEW:** Updated IGA for Land Use (Covenant / Conservation Easement) on CEMEX Area (930 Acres)
- **NEW:** Commitment to Close Plant
- **NEW:** Demolish Plant and Perform Cleanup/Reclamation
- Reclaim Dowe Flats
- Reclaim Land surrounding Plant
- Provide Trail Easement for St Vrain Greenway
- **NEW:** Commitment best attempts to sequester CO2 Emissions
- **NEW:** Commitment best attempts to mitigate ongoing Noise, Light & Dust pollution
- **NEW:** Lyons and/or Boulder County Right of First Refusal on Any Water Rights Sales

No	Yes - to Boulder County	Yes - to Boulder (~60%), Lyons (~40%)
No	No	Yes - to Lyons
No	No	Yes - w/ Boulder County & Lyons
No	Yes - by 2037	Yes - by 2027
Indeterminate	Indeterminate	by 2030
by 2025	by 2041	by 2030
Indeterminate	by 2041	by 2030
No	Yes	Yes
No	No	Yes
No	No	Yes
No	No	Yes

Boulder County Gets:

- **NEW:** Climate Goals: Annual Reduction of CO2 by 2030
- Addtl Acres of Protected Open Space and/or Conserved Land
 - Addtl Acres of Open Space
 - **NEW:** Addtl Acres governed by Covenant / Conservation Easement (75% minimum CE)
- Total Amount Spent
- **NEW:** Updated IGA for Land Use (Covenant / Conservation Easement) on entire CEMEX Area (930 Acres)
- Purchase Options to acquire ~510 Acres Open Space @ \$17,000 / acre
- **NEW:** Purchase Options to acquire ~420 Acres CEMEX Area after 2035 if not Exercised/Annexed by Lyons
- Cement Plant Closes (*)
- **NEW:** Cessation of General Industrial Activity at CEMEX Plant Site
- **NEW:** Plant Demolished and Plant Site Cleaned Up
- **NEW:** Improved Beauty of St. Vrain Valley / "Gateway to the Rockies"
- Trail Easement for St Vrain Greenway
- Access Easement to Boulder County property

0	0	357,000 Tons/Yr (12.5% of 2030 Goal)
766	1804	1904
766	1804	1484
0	0	420
\$7,150,000	\$8,000,000	\$3,840,400
No	No - 830 Acres	Yes - 930 Acres
No	Yes - 830 Acres	Yes - 510 Acres
No	No	Yes
No	Yes (2037)	Yes (2027)
No	No	Yes (2030)
No	No	Yes (2030)
No	No	Yes
No	Yes	Yes
No	Yes	Yes

Town of Lyons Gets

- **NEW:** Updated IGA for Land Use (Covenant / Conservation Easement) on entire CEMEX Area (930 Acres)
- Options to Develop portion of CEMEX Area for Low-Density Sustainable Mixed-Use (spirit of 2012 IGA)
- Options to Develop Municipal Facility for 100% Renewable Energy (spirit of 2012 IGA)
- **NEW:** Purchase Options & 5yr window to Annex/Solicit Plans for ~420 Acres CEMEX Area (2030 to 2035) @ \$17,000 per acre
- **NEW:** Ability to engage/solicit Sustainable Investment Community for Bids/Proposals
- Boulder County assistance/cooperation with Sustainable Development Proposals for CEMEX Area (from 2012 IGA)
- **NEW:** Potential Increase in Town Tax Revenue Base
- **NEW:** Viable & Sustainable Eastern Corridor
- **NEW:** Cessation of General Industrial Activity at CEMEX Plant Site
- Ongoing \$40K/year donations/gifts from CEMEX

No	No - 830 Acres	Yes - 930 Acres
No	No	Yes
Yes	Yes	Yes
No	No	Yes
No	No	Yes
No	No	Yes
Yes	Yes	No

For Community:

- **NEW:** Plant Goes Away, Forever.
- **NEW:** Climate Goals: Annual Reduction of CO2 by 2030
- **NEW:** Reduced Noise, Light & Dust Pollution
- Beautiful Walking/Biking Trails through the St. Vrain Greenway
- Dowe Flats 1600 Acres as Open Space
- **NEW:** Entirety of CEMEX Plant Land (930 Acres) becomes Protected/Conserved
- **NEW:** Pedestrian Bridge connecting Dowe Flats to CEMEX Plant Land

No	No	Yes
0	0	357,000 Tons/Yr (12.5% of 2030 Goal)
No	No	Yes
No	Yes	Yes
Yes - 2025	Yes - 2040	Yes - 2030
No	No	Yes
No	No	Yes

Marissa Davis

From: Jim Becker <jimbecker24@hotmail.com>
Sent: Thursday, July 14, 2022 4:49 PM
To: Marissa Davis
Subject: Feedback on Cemex mining permit extension

Hi,

Thank you for the opportunity to comment on the Cemex mining permit extension application. I am opposed to an extension for the following reasons:

An industrial complex involving both mining and processing doesn't fit with the current environment surrounding the Plant and mining operation. The Plant is a major pollution contributor to the bad air quality in Boulder county and the immediate area around the facilities, as well as a extremely loud and noise polluting facility.

The days of mining / extraction in Boulder County and the Lyons area in Boulder County are on the downside. We need to focus on housing, environment, transportation, and other issues. And not encourage the continuation of mining / extraction in Boulder County.

The approach (tone) of the extension from Cemex seems more like a threat or blackmail, than a company willing to work with the local governments / population. Seems like they are desperate to make a deal and may be in bad shape financially.

Having lived in Boulder County for the last 50 years, I seem to remember that the cement plant was bankrupted or was threatened to be shutdown before Cemex bought it out. I don't think it has a long term financial viability.

Boulder County should be the only voice in this process. Boulder County appears to be getting greedy with the idea of obtaining more open space and not looking at the impacts to Lyons and other local entities. Having dealt with Boulder County over the years, I find them overly optimistic with future planning but not very realistic / practical on issues and impacts involved with the actual situation here and now.

Therefore, I do not support the mining extension for Cemex.

Sincerely,
Jim Becker
419 Park St
Lyons

Marissa Davis

From: juliedonn <juliedonn19@outlook.com>
Sent: Thursday, July 14, 2022 5:01 PM
To: Marissa Davis
Subject: Fw: Cemex application for permit extension

Hello Marissa,

Regarding my comments below, I forgot to ask that they be entered into the official record of the BOT meetings whenever this issue is discussed, so I'm requesting that with this email. Thank you!

Julie Boyle

----- Forwarded Message -----

From "juliedonn" <juliedonn19@outlook.com>
To mdavis@townoflyons.com
Date 7/14/2022 4:42:07 PM
Subject Cemex application for permit extension

Dear Ms. Davis,

Please convey to the Lyons Board of Trustees that I hope they will unanimously and vigorously oppose the Cemex permit extension for the Dow Flats Quarry, and all the incentives the company is offering to Boulder County.

It will render the ambitious climate change goals the county and our town have established impossible to achieve. I am not convinced the company can afford to continue to operate the cement plant by trucking and railroading in the necessary materials. Continued plant operation will continue to massively pollute our town's and county's air with silica dust. And I do not believe the company has been a good neighbor: they have repeatedly refused to upgrade the plant operations to limit carbon and silica dust emissions to counter the massive contributions to climate change and poor air quality.

Thank you for passing on this comment to the BOT.

Julie Boyle

970-397-6041

Marissa Davis

From: juliedonn <juliedonn19@outlook.com>
Sent: Thursday, July 14, 2022 4:42 PM
To: Marissa Davis
Subject: Cemex application for permit extension

Dear Ms. Davis,

Please convey to the Lyons Board of Trustees that I hope they will unanimously and vigorously oppose the Cemex permit extension for the Dow Flats Quarry, and all the incentives the company is offering to Boulder County.

It will render the ambitious climate change goals the county and our town have established impossible to achieve. I am not convinced the company can afford to continue to operate the cement plant by trucking and railroading in the necessary materials. Continued plant operation will continue to massively pollute our town's and county's air with silica dust. And I do not believe the company has been a good neighbor: they have repeatedly refused to upgrade the plant operations to limit carbon and silica dust emissions to counter the massive contributions to climate change and poor air quality.

Thank you for passing on this comment to the BOT.

Julie Boyle
970-397-6041

Should the CEMEX Mining Permit be approved?

Although I serve on a Lyons advisory board, the following are only my personal thoughts. Correction of any errors and any needed updates would be much appreciated.

Also, some of the below makes use of information posted by a local advocacy group three years ago. This includes a verbatim copy of 2019 Boulder County-CEMEX correspondence, and it is at: <https://sosvv.wordpress.com/2019/06/20/breaking-news-land-use-director-holds-cemex-to-25-year-permit/>

Context: our neighbor CEMEX (large multinational company, headquartered in Mexico, second quarter 2021 net profit of \$270 million) seeks a 15 year extension on its Dowe Flat mining permit, which is integral to cement production south of highway 66.

Property Taxes: The company pays \$5872/year in property tax to Boulder County, on the 525 acre mining property. None at all on another 88 acres deemed “commercial land of no value” and which connects the mined area to the road.

For comparison, a small house in the close vicinity, also north side of the road, pays \$4934 on six acres.

In its Permit Application, the company is promising this same land in 2037 to Boulder County after reclamation at “0” cost, and claims this to be a savings of \$6.6 million. But the County-assessed actual value is only a little over \$400,000.

About 200 acres of other land would also be conveyed to the County (for example, there is an 88 acre parcel it owns to the east of the mining area). At present, that parcel pays \$311/year in property tax and has an actual value assessed of \$11,300.

In contrast, the area the kiln is on does pay significant property tax: this year \$130,081, on 866 total acres (\$14.3 million assessed actual value). This is, however, only ~35% of what was paid just last year (\$367,114 in 2021, similar amounts in years prior). If the same reduction applies for next 15 years, this is a decrease in County property tax revenue of, very roughly without inflation, \$3.6 million. Those are real dollars, real savings to CEMEX.

Why such a large decrease? According to County tax records, what happened this tax billing year is that part of the land was moved from the “single family residence-improvements” property code to the “manufacturing processing-improvements” (much lower rate). The assessed property values appear to have been left as they were. Whatever the rationale, CEMEX is paying much less in taxes on the property this year and will also in the years to come.

As part of its permit application, the company promises to sell just some of this land to the County, in 2037, for \$22,431/acre. This is being portrayed as a reason to approve the agreement.

Permit Application: Boulder County promises an end to both mining and production (in the kiln area, south of the highway): in 15 years (some CEMEX ownership will remain, and industrial zoning as well). If mining instead ends this year, as per the existing permit, then a reasonable supposition is that the added expense of mining elsewhere and transporting the raw materials would greatly increase costs and cause CEMEX to shut down and divest the property, probably rather quickly.

It has already tried to do so. In 2016, CEMEX was planning to sell the Lyons plant and it was reported sold (to GCC, also in Mexico). Then, just before closing, this Plant and a cement terminal in Florence, CO, were removed from the larger deal (other CEMEX assets were sold).

Proximity to the raw materials is a major economic criterion for locating these plants. Will CEMEX operations extend after mining comes to an end? It seems misleading for Boulder County and CEMEX to imply in press releases that unless the County agrees to the extension requested by CEMEX, the kiln will continue operating “indefinitely”.

Local environmental costs: Some are well-established already for this Plant. Others are less certain but are legitimate concerns. Consider: in 2008, in California, the Unified Air Pollution Control District in Monterey Bay reported high levels of hexavalent chromium (the cancer-causing chemical in the Erin Brockovich movie) at an elementary school and fire department in Davenport, CA. It originated from dust emitted by the Cemex Cement plant in Davenport: the levels of Chromium VI measured eight times the air district's acceptable level at Pacific Elementary School and 10 times at the (somewhat closer) Davenport Fire Department. At the time, the District's executive director stated that it's "highly possible that Chromium VI continues to be produced across the country as an accidental, previously unknown byproduct of the cement-making process". The Davenport plant has since been closed by CEMEX, and the local government is exploring plans for reuse.

Hexavalent chromium is present in the cement and clinker produced by many cement plants. It is a potential occupational hazard for production (there are techniques to minimize the hazard). Just as for silica dust. But the chromium is toxic in exceptionally trace amounts and could also find its way into storage areas, buildings, and ponds on the property. The ponds are hydrologically connected to the shallow aquifer along the St Vrain rivers and well water supplies. Bottom line: Cement production plants come with environmental costs. Is the possible contamination being adequately monitored? Is it a factor in the present decision-process? The longer this Plant continues to operate (it has already been 25 years), the greater the risk of buildup of this and other contaminants in our local soils and water.

Plant Site in the Floodplain and in the Floodway: Much of the Plant is in the regulatory floodplain and also the floodway. Why do the regulations that apply to everyone else, residential or commercial or industrial, not seem to apply to CEMEX? The 2013 flood caused damage to the plant and to the elevators for the homogenizing silo. Storage of petrochemicals in the floodplain are just one of many hazards posed by continued operation of the plant and the mining and covered in floodplain management. Is Boulder County adequately enforcing its

flood damage ordinance and thereby reducing the risk, not just on-site but downstream? At what location in the decision-making process will this issue be addressed? Some types of municipality-owned or company-owned facilities are appropriate for floodplain locations (municipal waste treatment plants need to be near the river; solar arrays can be elevated and pass “no-rise” floodwater requirements). Cement kilns do not need to be. These other possible uses will not occur as long as the County goes back on prior agreements (see below) and instead works to make continued operation of the Plant economic.

Workplace environment and safety: Every industrial work place has its hazards. But recent worker and ex-worker comments on indeed.com are instructive as to some of the specific issues at Lyons CEMEX, and since the quarry/mining operations and the kiln are one industrial operation: “Dirtiest plant I’ve worked at in 39 years in Refining and Coal Fired Power Plants. Out-dated equipment and Control System was several revisions behind.” “The safety manager for my plant has a home base at the KY plant and visiting my plant 4 times a year so the mentoring process was very lacking”. “...hard work with the presence of chemical dust in the air at all times of the day”. “..manual labor sometimes involved in very hot areas, very small areas and very dusty environment.” The history of (unnecessary) silicosis in the industry as a whole, and the possible presence in the dusts of very toxic trace chemicals is troubling. Shouldn’t these concerns be part of any County decision to facilitate continued mining and cement production?

Local Use of cement: CEMEX is not just a local industry. It trades its cement, coke and coal internationally (it has its own trading company). When the Front Range market wanes, it can ship excess product to other states, or overseas. How much Portland cement, produced at some environmental cost here, will be used in our region in the next 15 years? Only the company knows.

Greenhouse gas emission: This is the elephant in the closet. The media coverage states that the operation of this Plant emits 350,000 tons of CO₂/year. That is the equivalent of about 70,000 cars/year, or 33,800 homes. As a (fact-checking) comparison, an industry estimate is that there are 92 cement plants in the country and the total emitted is about 6.7 million tons, for an average of about 728,000 tons each. It could be that the estimate for Lyons is unrealistically low, unless the Plant is unusually small. In any case, this single operating plant’s production of CO₂ is roughly comparable to that produced by all of the housing units in Longmont. It is an amazingly high number. Boulder County is right to be concerned about this.

What Changed? Why the recent about-face on this matter from the County? Two items:

1) Less than 3 months from now, the CEMEX cement plant reaches the end of 25 years of mining cement raw material under a County permit (“Boulder County Landuse Resolution #94-81”, May, 26,1994). The County could simply decline the application and reclamation and the rehabilitation and (already-promised) handover of some of the land to the County could begin.

2) A Covenant “running with the land” was recorded on July 17, 2002 in County records (Reception No. 2308595): between the County and relevant landowners. It provided Boulder

County with an interest to “various real properties associated with the mining of this area”. This Covenant establishes “*a commitment by Boulder County to prevent, to the extent possible, use of the property for mining after December 31, 2021*”.

Pretty plain language, right? So, how exactly did the County move from this legally enforceable commitment to prevent further mining, to the present situation? The Covenant, signed by the three county commissioners, prevents Boulder County from extending the deadline further or amending the option agreement and lease. This was communicated to CEMEX in a June 14, 2019 letter from the Boulder County Land Use Director. The present permit application includes a cover document prepared by Boulder County Park and Open Space that briefly refers to this matter: but then simply evades the issue. The public deserves a clear explanation. So do the County Commissioners.

Objective Technical Input is Still Needed: Finally, there is one thing on which we ought to all be able to agree. Impartial information indicating the pros and cons needs to be provided to the public and the referring entities in advance of the County Commissioner hearing. So far, the permit application and associated news releases instead disclose a newly made and un-approved draft agreement to the public. It was reached by County Parks and Open Space on the public’s behalf, but their publicity portrays the agreement only in the most positively-biased manner possible. And there are other relevant issues not considered at all. What is critical now is for the balanced pros and cons of this major decision to be presented and further evaluated. This work must be done for the benefit and protection of the public at large, the neighbors such as Town of Lyons, and to accurately inform the County Commissioners who make the final decision.

Robert Brakenridge, Resident, Town of Lyons, CO

Marissa Davis

From: Dan Burke <dburke.col65@gmail.com>
Sent: Friday, July 15, 2022 2:40 PM
To: Marissa Davis
Subject: Cemex

I am a Lyons resident at 206 Cobblestone Ct. Extending the life of an outdated polluting cement factory is bad enough but now importing materials by truck with all of the additional climate gas emissions this will add makes the whole plan nearly insensible given what we know we must do as citizens and decision makers facing the climate crises before us. And this is not considering the Added noise and traffic for another 15 years.

I trust the Town of Lyons will work within its power to try to produce as good an outcome as possible given the circumstances.

Thank you.

Dan Burke.

Sent from my iPhone

Marissa Davis

From: Stephen Dalton <stephen.g.dalton@gmail.com>
Sent: Friday, July 15, 2022 11:06 AM
To: Marissa Davis
Subject: Cemex comments from a Lyons Resident

To Whom It May Concern,

I am writing today to voice my concerns about the proposed plan to allow the CEMEX plant in Lyons, Colorado to operate for an additional 15 years. I am very much against this measure and would like to see the plant uphold its promise of closing the Down Flats Mining Pit this fall in 2022. The CEMEX plant is the largest greenhouse gas emitter in Boulder County. It has been disciplined in the recent past for environmental issues and pollution. The plant is not a major employer in town and has only a few local Lyons residents on its staff. There are concerns about air quality and impacts on local wildlife from the plant, including light pollution. I also have major concerns about a 60-year-old plant of this size continuing to operate in this capacity. This is not a clean, efficient business doing its best for the environment and the local community. For these reasons, I would like to see Boulder County decline the 15-year extension proposal. I would also like further research to be done into the environmental impact of the plant, and have the Town of Lyons more involved in the future of this plant.

Thank you,
Stephen Dalton
PO Box 2612
Lyons, CO 80540
(645 3rd Ave)

Marissa Davis

From: Cathleen Chrystal DeCoster <chrystaldecoster@gmail.com>
Sent: Friday, July 15, 2022 8:41 AM
To: Marissa Davis
Subject: Fwd: CEMEX thoughts from non-voting / former LAHC commissioner

Marissa ~

Hope all is well!!

I realized after the fact that I perhaps should have copied you on this communication re: CEMEX below?

Sorry for the oversight!
Holler if any questions?

Chrystal DeCoster
401-301-1212

Sent from my iPhone

Begin forwarded message:

From: Cathleen Chrystal DeCoster <chrystaldecoster@gmail.com>
Date: July 13, 2022 at 8:54:34 AM MDT
To: Hollie Rogin <hrogin@townoflyons.com>
Cc: Gil Sparks <gsparks@nwi.net>, Lauren Click <laurenmclick@gmail.com>
Subject: CEMEX thoughts from non-voting / former LAHC commissioner

Hi all ~

Just looping you all in ~ in case anything here might offer any value...

I'd been asked to serve on CEMEX's "community board" awhile ago as an arts community & business owner representative & have had the opportunity to tour the plant and grounds, glean 5k in funding for the LAHC, and begin exploration of a couple (now obviously postponed) arts-related / alternative energy projects (potentially involving local artists) at the Lyons facility.

I've enjoyed many conversations with Michael Clausen (who oversees the "community board") and have found him to be an authentic environmentally-concerned compass point for this plant and passionate about building community relationships & helping CEMEX to navigate the right solutions for the right reasons.

I sent this flow of ideas input (pasted below) as a private citizen to Michael on Sunday July 10th:

*"Hey Michael ~
Just putting down some thoughts that keep floating through..."*

Sounds as if CEMEX is being nudged to come up w/ another option proposal.

Here one of the smallest plants in CEMEX's system sits in a renown creativity corridor at a critical junction in time.

Around us sits farrow hemp fields ~ farmers who jumped on the bandwagon ~ poised as the Farm Bill passed only to face a glut / saturation point in that industry...

And hops / brewing industry's bounty of agri-castoffs are seemingly plentiful & rife w/ possibilities...

And stalks from surrounding sunflower, field corn farms...

And byproducts from, say, Celestial Seasonings... and other Boulder County fibrous / agrarian-related mfgs...

And blue jean castoffs from Goodwill & other donation sources...

Wool from herds of sheep grazing on unused acreage on the property...

And the fire-hazardous heaps of beetle kill pine free for the taking in a win win attempt to utilize a napping endangerment to the front range...

Oh, and the shredding of tires ~ can't there be a way to responsibly deploy them into a transportive ingredient for a new type of construction material?

With all these experimental materials & more ~ couldn't the Lyons plant ~ w/ it's aging facility ~ be modified into a globally recognized research & development center ~ w/ pilot plants ~ for seeking advancements in the formulation of improved cement / cement-like products to supply the never-ending global need for responsibly-created products for enduring construction?

Like relying substantially on a solar powering shift...

And somewhere in this new proposal ~ and future land-use agreement ~ can't a significant & intentional nod be given to Lyons specifically ~ to placate this neighboring municipality that CEMEX has been incubating relationships with?

Like a pocket of Habitat for Humanity homes and/or artist live/work spaces (like partnering w/ Artspace ~ <https://www.artspace.org>) ~ with CEMEX literally also paving the way w/ a network of connectivity trails to Lyons... perhaps a trolley transport circuit that loops people into a high traffic density town from a remote parking area (all made from experimental testing-ground sections of new-age concrete / concrete-like materials) in an expanding eastern corridor...

Working alongside the ground-breaking efforts of nearby soil improving farming efforts such as those at Elk Run (<https://www.dar.eco>) & Hugo (<https://www.farmingsecrets.com/mentor/hugo-and-helen-disler/>)... perhaps helping to create a center of collaborative core research for such efforts in the corner of the property?

Ok.

This was the tossed salad of thoughts that awakened me tonight.

Hopefully there's something possibly fruitful here!! A springboard or piggyback into a potentially positive outcome for CEMEX, a new template for the industry, Lyons, global environmental impact concerns, Boulder County, and beyond... a sustainable repurposing of locally sourced waste model..."

He enthusiastically responded to this the next day with:

“So I read through your thoughts and ideas and I must say there is some really great stuff in there. I love most of them actually. It is fortuitous because we will be hosting the senior management for CEMEX USA next week and I would like to present some of these to them. Of course we need community and county support to invest and implement but it is so important to show decision makers here that we have a progressive vision. Thank you! Your energy gives me energy!”

Aside ~ I’d resigned from the LAHC on June 14th to open a seat up for newcomers interested in applying & bringing in fresh ideas.

I wanted to fully disclose this conversation and transparently offer this content up merely as food for thought...

My best,
Chrystal DeCoster
401-301-1212 (cell)
303-747-3818 (gallery)

Sent from my iPhone

Marissa Davis

From: Roger Flynn <Roger@wmaplaw.org>
Sent: Friday, July 15, 2022 11:06 AM
To: Marissa Davis; Hollie Rogin; Victoria Simonsen
Cc: Ted Elson; Jocelyn Farrell; Paula Williams; Tanya Daty; Gregg Oetting; Glen Delman
Subject: CEMEX options and questions

Dear Mayor Rogin, members of the Lyons Board of Trustees, Administrator Simonsen, and Deputy Clerk Davis,

Thank you for the opportunity to comment on the issues surrounding CEMEX's proposal to continue mining at Dowe Flats in exchange for some future commitments on open space, among other issues.

I am the Director and Managing Attorney with the Western Mining Action Project, a non-profit public interest law firm, based here in Lyons since 2005, which specializes in mining issues in the West. I am also an Adjunct Professor at the University of Colorado School of Law, teaching Mining and Mineral Development Law since 2002. I served on the Lyons PCDC for 8 years (2011-2019).

A major concern I have is the lack of information coming from CEMEX, and to some extent Boulder County, regarding the current permitted operations at the site (both north and south of Rt. 66), and CEMEX's proposed operations in the future.

For example, CEMEX is claiming that if its mining at Dowe Flats ends this year (as it originally committed to Boulder County), it will continue its cement plant operations indefinitely. But this would require a drastic change in the source of the materials/minerals for plant operations. Right now, the materials come from Dowe Flats, via the overhead conveyor. If mining at Dowe Flats ends, CEMEX must obtain a constant source of minerals from other mines across the Front Range. This will obviously result in major truck traffic, pollution, safety and other concerns that currently do not exist.

It is imperative for the Town, and Boulder County, to have this information before any decisions can be made. The Town, and County, should ask of CEMEX, who, where, what, how much, and how they will get their materials to continue running the cement plant if Dowe Flats mining stops at the end of this year.

I would be very concerned if CEMEX says it does not have this information, as it should have thought this through, especially with the impending deadline for closure of Dowe Flats. I can't imagine that CEMEX does not have those contingency plans in place, especially with the impending deadline.

How can the County make an informed decision on CEMEX's proposed "deal" if it does not know how many trucks, routes, sources, etc., for all this new material, and the resulting impacts from these major changes?

Also, and due to the lack of information so far provided to the public by CEMEX, other questions remain about whether CEMEX's current state mining permit allows them to operate the plant as what is known as a "batch plant," "custom mill," or "dedicated plant" – which means that the source material for the plant comes from other locations, as compared to an on-site source, such as the old quarry on the south side or the connected (via the conveyor) source in Dowe Flats, which has been the case for decades.

This is also a question regarding the County permit for plant operations. Does the current County permit allow CEMEX to take source material from an unknown number of mines in the region, or does the County permit limit the source of plant materials to just Dowe Flats? If that is the case, then CEMEX would have to go through the County permitting process, with hopefully robust public comment opportunities, and no guarantees that CEMEX would be allowed to undertake such a major change in operations.

Again, without this critical information, it is very hard for the public to properly ascertain the pros and cons of the "deal," especially regarding whether CEMEX can operate the plant indefinitely using totally new material sources, when the company may not be permitted to do so.

I would hope that the Town would request this information from the County, and CEMEX, so that we can all be better informed.

Please note: if the Town already has this information, it would greatly assist public review if these documents could be posted online for review as the process continues.

There are other critical issues and questions that CEMEX has not been forthcoming on, such as what industrial operations could occur at the plant site in 15+ years (that will not be transferred/sold to the County), etc. I would hope that the Town and County receives details from CEMEX on these issues, instead of what appear to be vague generalities.

Overall, without this information regarding what is currently allowed, and what may not be allowed without major modifications to the various permits, I would urge the Town to recommend that the County does not agree to the deal as proposed by CEMEX.

Thank you for the opportunity to provide these comments, and again, I appreciate the Town's leadership in reaching out to the public for our input.

Please do not hesitate to contact me if you have any questions.

Roger Flynn
1010 Steamboat Valley Rd.
Lyons

7/15/2022

Re: Cemex Dowe Flats permit extension.

Dear Town of Lyons Board of Trustees

As a resident of Lyons I urge you to advise Boulder County to deny the Dowe Flats permit extension request being sought by Cemex. Beyond the threats being levied by Cemex that the kiln will continue operations indefinitely regardless of whether Dowe Flats is closed, by transporting by truck the materials that will no longer be supplied by the mine, and the inducements to the county in terms of future acquisition of Cemex properties, the bottom line is that the mining of limestone and other minerals at Dowe Flats is not conducive to the health of town residents. Exacerbating this health issue is the fact that the only purpose of the Dowe Flats operation is to supply the adjacent kiln which is county's and one of the state's largest sources of greenhouse gas emissions and SO₂, NO₂ and particulates.

While there are many who point to the obvious fact that Lyons, the state, the country, and the world depend on concrete, they disregard that there are cleaner, less polluting and lower-carbon methods of producing cement that even Cemex at other locales have adopted:

<https://www.cemex.com/sustainability/future-in-action/sustainable-products-and-solutions> There is also emerging cement producing technologies that actually captured and then sequester back into the cement carbon emissions [Carbon capture in cement - NRDC](#) . There are better and less impactful ways to produce this critical building material and it is incumbent on our climate, society and the economy to embrace those practices. Encouraging on-going production at the Lyons kiln by reducing the cost of the cement sold by that facility in the long-run only benefits this multi-national corporation. For this reason, I urge the Board of Trustees to recommend the denial of the Dowe Flats permit extension.

Sincerely,

Dave Hatchimonji
200 Welch Ct., Lyons

Marissa Davis

From: Julie Jacobs <Julie.Jacobs@colorado.edu>
Sent: Friday, July 15, 2022 2:05 PM
To: Marissa Davis
Subject: Cemex comments

Hi Marissa-

I wanted to submit my personal comments regarding the Cemex extension situation.

I believe Cemex is abusing its perceived power in this situation and am appalled that Boulder County has been willing to extend this pollution factory for another 15 years. I object to this extension and think that BoCo should call their bluff. Let them try to operate the factory without materials. Let them pay to have the materials driven in from other places. Let's see how profitable this is for them.

They are corporate extortionists, trying to scare the County into the extension by threatening to bring even more pollution than they already create with a convoy of big rigs full of rocks. They are already the biggest polluter in our county, what message does it send to allow them to continue to spew garbage into our air for 15 more years (15 years!!!!)?

I say no. I say call the bluff. I say let the state develop some standards for forcing them to reduce their CO2 output. Stop playing nice with the corporate overlords. Let's take some steps to protect our children, to protect the vulnerable, lower income folks (including my own nephew) who live under the cloud of the Cemex plant, to protect our beautiful land and sky and planet.

Enough already.

Thank you for your consideration.

Julie

--

Julie A. Jacobs, Psy.D., J.D.

Owner, Julie A. Jacobs, PC

Risk Management Consultant, The Trust

Chair, Legislative Committee, Colorado Psychological Association

Marissa Davis

From: jmikoni@aol.com
Sent: Friday, July 15, 2022 4:40 PM
To: Marissa Davis
Subject: Re:Cemex

Follow Up Flag: Follow up
Flag Status: Completed

Hi Marissa,

As a 30 year resident of Lyons here is my input:

First of all a decision made under threat by Cemex is a poor place to be. I had always expected them to do what we had been informed of which was shutdown and reclaim the land. This would be my preference but apparently that's not on the table. So the choice given in the Redstone are 15 years of more pollution, trucks who already don't respect the drivers and bikers, more dangerous traffic and congestion or the same thing indefinitely? Not much of a choice. How can we even trust that they will shutdown after 15 years?! Is there a back entrance that keeps them off the main roads at least? Still not much of an option and probably bad for other locals. How is it we even got here and how is Boulder County representing out interests? Are there any financial offsets we could ask for so at least we get something? Could we limit the hours that the trucks could operate? 10am-3pm, no weekends? If we can't beat them can we at least negotiate for concessions and who's doing that and cares about Lyons?

Thanks,
Joe

[Sent from the all new AOL app for iOS](#)

Marissa Davis

From: Julie Smith <rockymtnacupt@gmail.com>
Sent: Monday, July 18, 2022 6:49 PM
To: Marissa Davis
Subject: Cemex

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for providing this opportunity to hear from the public. I have lived in Lyons for 25 years. I have looked forward to the expiration of Cemex' s permit. The cement plant has been and continues to be a major polluter of the Front Range. The plants equipment is far out dated. I see no reason to extend their permit when they have such an extensive history of infractions. Furthermore, the details of this extension remain vague to the public. I don't trust Cemex or the county to hold them accountable. Enough is enough.

Sincerely,
Julie R Smith

Sent from my iPhone

Marissa Davis

From: Hollie Rogin
Sent: Saturday, July 16, 2022 3:13 PM
To: Marissa Davis
Subject: Fw: Cemex!

From: Sally King <sallywhiteking@live.com>
Sent: Friday, July 15, 2022 4:06 PM
To: Board of Trustees <TOL_BOT@townoflyons.com>
Subject: Cemex!

Dear Lyons Board of Trustees and Mayor,

Please say no to an extension for Cemex's deal . They are not going to want to run the business at half mast, they will lose money.

And let's not fall for "the more open space trade" they are making, it confuses the issue. This is big business toying with a town's people and a county. It makes me mad!

We have been counting the years until Cemex would leave. It's up to us to care of our local piece of earth and sky.

Dear Lyons Officials, Say NO!

In gratitude, Sally King

(artist of the bears)

PS,

For years we had a group called The Watch Dogs who documented the infractions of Cemex, releasing extra pollution at night, etc. Many people donated their time to get the word out that Cemex was not good neighbor. Let's make that work count!

Marissa Davis

From: Greg Lowell <lowellgregory@gmail.com>
Sent: Tuesday, July 12, 2022 7:11 AM
To: Marissa Davis
Subject: Comment on Cemex permit

Hi, Marissa:

Per Mayor Rogin's suggestion, here's my thoughts on the Cemex permit:

I am in favor of the County granting the 15-year Cemex permit extension for quarrying at Dowe Flats. The 15-year limit provides a certain date for the closing of the Cemex operation; without this extension, Cemex will continue to operate indefinitely with materials transported in from other sites. It is far better environmentally to allow mining of materials onsite rather than truck or transport by rail materials from elsewhere and the use of carbon-based fuels for such transportation. Further, the potential additional commitments from Cemex include considerable new open space for the County and some \$12.6M in additional savings for land acquisition and rental payments. Without the guarantee of open space, Dowe Flats could be the site of hundreds of homes and commercial development (as has been proposed in the past) - the last thing the Lyons PPA needs.

One final thought; the statement that operation of the plant "will preclude the county from meeting its carbon reduction goals" is, to me, a red herring. Boulder County has allowed tremendous growth (see City of Longmont expansion and Boulder's 30th St. development as examples) which also precludes their meeting its carbon reduction goals by adding thousands of residents, their vehicles and the construction and extensive heating and cooling of thousands of buildings.

Thanks for allowing the opportunity to comment.

Greg Lowell
411 Raymond Court
Lyons, CO

Marissa Davis

From: Tess McDonald <dandylyonsbrigade@gmail.com>
Sent: Friday, July 15, 2022 10:13 PM
To: Marissa Davis
Subject: Cemex Inform CDOT

Hi Marissa,

I know that CDOT was intricate in slowing Cemex before when there was the Martin Marietta permit renewal attempt. CDOT will not allow that many more trucks on Ute Hwy without a plan in place. Very organized, communicative and powerful committee, they can help stall/stop/inform Cemex on this permit expansion.

Thank you,
Tess McDonald

Marissa Davis

From: Vanessa Paswaters <vjp6100@yahoo.com>
Sent: Friday, July 8, 2022 8:17 PM
To: Marissa Davis
Subject: Cemex Deal

Hello!

I live in Lyons and wish to give my input about Cemex.

I feel that the mining extension for Cemex is fine. It will employ a lot of people. And, with the current state of our economy, the people currently mining and those who will mine, will need the jobs.

Sincerely,

Vanessa Paswaters
438 Silver Sage Lane
Lyons, CO 80540

Marissa Davis

From: Patty7 <Patty7@protonmail.com>
Sent: Friday, July 15, 2022 8:42 AM
To: Marissa Davis
Subject: cemex

Hello,

The public officially knows that Eric Estrada admitted that Cemex knowingly violated state and federal regulations on July 12, 2022 at 3:57 PM. Cemex should be shut down without any options TODAY because they have been doing illegal exhaust activities for years! If the EPA doesn't care than the citizens need to. This plant needs to be shut down immediately!

[Marshall McClung](#)

Shared with Members of Lyons Happenings

"Where's the plant? I can't see it through the fugitive carcinogenic dust. Cemex has a hotline for their comonplace fugitive dust emissions that violate state and federal environmental regulations. These events are due to intentionally negligent decisions made at the plant, be it untimely maintenance or worn out equipment that is not renewed. We all need concrete and I don't mind responsibly produced cement products, but if the plant can't and won't comply with clean air standards, it has become a public nuisance and is a health risk to Lyonsers and everyone in St Vrain Valley. The plant manager, Eric Estrada, admitted to me this week that their dust release on Tuesday, July 12, 2022 at 3:57 pm was facilitated by knowingly violating state and federal regulations. Report all fugitive dust events to the Cemex Hotline at (301)747-3730. Take photos of the event and note the time of the occurrence. Those photos need to be sent to the state EPA with a statement. All kiln dusts are required to be wetted and pug-milled before leaving the building, but this is not happening. It's cheaper to have the wind dispose of toxic waste than to operate responsibly."



Sent with [Proton Mail](#) secure email.

Marissa Davis

From: Amber Revoir <arevoir@gmail.com>
Sent: Friday, July 15, 2022 11:17 AM
To: Marissa Davis
Subject: CEMEX Comments from a Lyons, CO Resident

To Whom It May Concern,

I am writing to share my concerns about the proposed plan allowing the CEMEX plant in Lyons, Colorado to operate for an additional 15 years. I am very much *against* this measure and request the plant be held to its commitment of closing the Down Flats Mining Pit in Fall 2022.

The CEMEX plant is the largest greenhouse gas emitter in Boulder County, with environmental issues and pollution leading to disciplinary measures in the recent past. The plant provides little value to the community as it is not a major employer in town and has only a few local Lyons residents on staff. Additionally, there are negative consequences to the plant's operation, including diminished air quality, detrimental impacts on local wildlife from the plant, and light pollution. I also have major concerns about a 60-year-old plant of this size continuing to operate in this capacity. This is not a clean, efficient business doing its best for the environment and the local community.

For these reasons, I would like to see Boulder County *decline* the 15-year extension proposal. I would also like further research to be done into the environmental impact of the plant. Further, as its closest residents and stakeholders, the Town of Lyons must be centrally involved in the future of this plant.

Thank you,

AMBER REVOIR

arevoir@gmail.com

645 3rd Ave.

PO Box 2612

Lyons, CO 80540

Marissa Davis

From: Van Rollo <vanrollomsp@gmail.com>
Sent: Monday, July 18, 2022 5:10 PM
To: Marissa Davis
Cc: rcargill@aol.com; Lisa Rollo
Subject: CEMEX LYONS

Follow Up Flag: Follow up
Flag Status: Flagged

Hello We live at 12995 N 66th Street and have owned property in Boulder county since 1984. My wife and I get frustrated with this process of county rope a dope. We are NOW frustrated with all the large trucks in and out of CEMEX and the massive increase of trains bringing materials in. As has happened, not too long ago at 75th Street intersection with HIWY 66, there will be more major TRUCK oriented accidents. We do not want to witness any more degradation of our close by living area. In the early 90's when the plant began, it may have been unpopulated out here, that is no longer the case. We care VERY much and would love to see Boulder County take the correct action and close the Cement plant down. NO more extensions, to polluters, and to people that can not follow local or Federal law!

Here are just some of the distractions and pollution issues that have happened as a result of CEMEX, and Boulder Counties extensions to operate:

Rocks/Gravel on Hiwy

Pollution both noise and dust/Silica

Dust storms, that blow directly onto our farm less than 1.5 miles away.

Too many large 18 wheel trucks entering and departing on a daily basis Too Many trains bringing in material for Cement creation Potential for upstream water pollution and degradation...yes, it has happened...we live right on the Hylander Ditch and can smell it at times Air pollution from all of these vehicles on a Daily basis Noise and Ashlike deposits found after the constant blasts that are allowed to clean out their giant stack!!!

Boulder county claims to be a green county. Truly the only green I see in this instance is the craving for the all mighty \$\$\$\$!

Boulder land use vision reads as follows:

“We are committed to preservation of integrity of our landscape, conservation of natural resources for a sustainable future, and provision of safety and well being for the citizens of Boulder County through the best in service, public policy, and process.”

Thank you

Van & Lisa Rollo

Sent from Van Rollo

Marissa Davis

From: Liz Callahan Schnabolk <elc204@gmail.com>
Sent: Friday, July 15, 2022 5:41 PM
To: Marissa Davis
Subject: Cemex plant

Hello,

My name is Liz Schnabolk and I live at 355 McConnell Drive. I'm writing to say that I am dismayed at the plans for Cemex to continue mining for 15 more years. I'm concerned that they will continue to pollute our air and I would like the town to do whatever it can to stop the company from operating right over the ridge from where so many of our children live, play, and go to school. In addition, if a deal is eventually reached to turn it into open space I would like part of the deal to be that the factory/building is take down so that we don't have to look at it crumbling for 30+ years.

Thank you for taking on this difficult topic, I truly appreciate your service to our town!

Thanks,
Liz Schnabolk

Marissa Davis

From: Kayann Short <kshort@greenspeedisp.net>
Sent: Monday, July 18, 2022 5:13 PM
To: Marissa Davis
Subject: Cemex comments

Follow Up Flag: Follow up
Flag Status: Flagged

As property owners living across Highway 66 from Cemex, we would like to see operations cease sooner than fifteen years. We don't believe this type of extractive industry is consistent with Boulder County's environmentally sustainable future.

However, should the permit be extended for any amount of time, we ask that additional regulations be put in place to meet environmental concerns regarding dust and emissions from all mining and production operations. We are particularly concerned with fugitive dust events from uncovered mining pits.

Additionally, we ask that additional measures be taken to lessen the high amount of truck traffic coming and going from Cemex. These trucks are traffic hazards for everyone living near the plant and they increase noise, dust, and other emissions along highway 66. We also ask that all trucks leaving the Cemex property be required to wash before exiting. That would mean creating a second wash station for the transport trucks that bring in materials to the plant.

We are glad Cemex is negotiating to leave Boulder County. Now it's up to local government to ensure that in the time Cemex remains, their practices are consistent with high environmental and community standards.

Thank you,
Kayann Short and John Martin
Stonebridge Farm

Marissa Davis

From: dave.stine@gmail.com
Sent: Friday, July 8, 2022 3:58 PM
To: Marissa Davis
Subject: Cemex

I've lived in Lyons for 30 years and I'm a little tired of reading about the county's largest polluter getting another lease on life. Especially if it means trucking the calcium from other sources to process here. We can buy our own fireworks from now on. Don't renew their lease.

D Stine

Marissa Davis

From: ANDREA BIRKBY <ANDREA-BIRKBY@outlook.com>
Sent: Tuesday, July 19, 2022 1:42 PM
To: Marissa Davis; ghoeffler@bouldercounty.org; david.huber@state.co.us
Subject: Comments about Cemex

Dear Mayor Rogin and Trustees,

Please let me introduce myself. My name is Andrea Birkby and I am a 3rd generation, Colorado local. I grew up in Golden, a town not far from here. Last year, I purchased a house in this area, off of Hygiene Road. And in so many ways, this is like a little bit heaven. The visual and audio beauty is nearly unprecedented. I now find Lyons, a town that has always been considered a secret little gem by other locals, is now my closest township. What stands between me, my property, and your incredible town, the Cemex plant, an environmental disaster, an eyesore, and which as far as I can tell, has no regard whatsoever for any of the life surrounding it.

And the life surrounding the plant is plentiful. As you are probably aware, many people show up on this stretch of Hygiene Road to watch amazing bald and golden eagles nest and hunt, and even the less attractive but not less valuable members in the animal kingdom, aka the waste collectors, otherwise known as turkey vultures.. I have never experienced bird life quite like this. There are barn swallows, bats, owls and pigeons, robins and sparrows, meadowlarks and jays, all kinds of hawks and these are the ones I know the names of.. I am quite certain there are many more bird species. As you probably know there are horses and cows that graze on that very land surrounding the Cemex plant. Someone, somewhere likely consumes the beef that comes from these cows, grazing here. I shudder to think about the insides of these animals living so close to Cemex pollution with no way to escape it.. Make no mistake about this, as this is someone somewhere's food source. Even if this is not our food, we would be kidding ourselves to not realize that this most certainly has a cumulative effect on all of us. Besides the winged and mammal species, there are countless toads and likely frogs living here. I know this because there is a chorus each night to remind me of who my neighbors are. There are also all kinds of plants and trees, and waterways, and my guess is, if someone went looking, they might even find something endangered here as well.

I'm bringing this up because everything I have just spoken about has a voice, yet it seems they do not have voices most humans can hear. For if we could hear, we might be forced to reflect even deeper about the very gifts of nature dropped at our doorstep reminding us what it means to be alive and to be human. This reflection might cause us to want to take action and try to undo some of the past infractions against one of our greatest natural resources, nature. As humans we do have some choice and some say in these matters. We can write letters and protest with our dollars and use what we have learned in the past to help us not repeat past mistakes, but trees and frogs cant move somewhere else because of pollution. They cant relocate their nests because human-caused environmental conditions have worsened lately or write letters to their mayors. They rely on us to be their stewards and protect that precious something that I believe we all want to call home, forever.

So I am asking of you to please consider **the quality for all life in this surrounding area** and to take action showing us that quality of life including clean air and dirt, is more valuable than profit.

With kind regards,

Andrea Birkby

Marissa Davis

From: R. Breese <stone.minerals@gmail.com>
Sent: Tuesday, July 19, 2022 11:12 AM
To: Marissa Davis; Hollie Rogin; Victoria Simonsen; Ted Elson; Jocelyn Farrell; Paula Williams; Tanya Daty; Gregg Oetting; Glen Delman
Subject: re Cemex - Dowe Flats Mining - Boulder County Permit Request

Lyons Town Board and staff,

For the past 42 years I've been a specialist in non-metallic minerals, mining, and mineral manufacturing, serving both as an independent consultant or as a corporate staff specialist. I've been a resident of Lyons for these same years.

For your consideration, some of my initial thoughts regarding the Cemex matter are as follows:

- I've only had time to briefly review the information provided by Lyons on its website.
- To my knowledge, Lyons town staff and residents have been presented with only 2 highly-generalized alternative plans to comment upon -- 1) close the Dowe Flats quarry, and, 2) extend the Dowe Flats mining permit for 15 additional years. If other possible courses of action have/are being considered I am not aware of them.
- I've not yet seen any detailed review of impacts that could possibly arise from continued operation of the plant should Cemex be denied an extension of their mining activities and consequently their supply of raw materials shifted to importation of mineral resources by haul truck via Hwy 66 and by rail (to whatever extent that means is possible).
- As we all know, Hwy 66 is already greatly congested, and is ever increasingly so.
- To be thorough, both Lyons and the County should consider added Safety Risk, added Noise, added truck Exhaust and Dust, and added highway Congestion on Hwy 66 if Cemex pursues the direction of importing raw materials by truck.
- When the Cemex plant (south of Hwy 66) eventually closes, how will the property be protected from undesirable development by **any** developer, Lyons and Boulder County included?

Without such considerations I simply don't have sufficient information to judge what choice of directions would have the least and the best impact on the north Boulder County Community as a whole -- 1) closure of the mine with consequent importation of all mineral resources by highway truck and maybe by rail to some extent (if this is the direction Cemex chooses to pursue), or, 2) continued extraction from Dowe Flats and ancillary plant activities.

- This matter is not just a question of Cemex land being up for grabs to Lyons and to the County.
- Eventual use of the Cemex property following eventual closure of the plant can have immense impact on the entire region .

- Increased highway congestion and its consequences should be of great concern to Boulder County as well as to Lyons.

- Is Lyons confident that the County has **thoroughly** considered the potential impacts of whatever directions are taken?

- Has Lyons had the time to sufficiently consider potential impacts and has Lyons been provided sufficient information to wisely choose a position and provide meaningful comment? Should Lyons ask for additional time and whatever additional information is needed from the County and from Cemex?

- As the rail line into the Cemex plant runs through Longmont, has Longmont been given the opportunity to comment?

- By the way and looking at the big picture of possible impacts, in the past, Cemex management has stated that they want to reach an annual production target of roughly 500,000 tons per year. Assuming this figure was correct and is still their target, and that this target will be achieved, it means that Cemex will need more than 500,000 tons of raw materials transported to their plant each year. This would add a significant traffic burden to Hwy 66 if raw materials are imported by truck.

Has Lyons or the County asked Cemex for their projections regarding cement production and use of road and rail?

Keep in mind that for each truck bringing a full lode of raw material into any plant, that truck must also leave that plant empty to return to its home base. A single lode of raw material by truck thus means 2 trips on a highway. Obviously and whatever the actual number of haul trucks is needed and used, this could be a lot of truck trips on Hwy 66.

And keep in mind that the number of annual truck trips needed to distribute the finished product (empty going in and full going out) must be added to the traffic needed to import raw materials.

Whatever actions are taken should be well thought out and not hastily decided as we'll all have to live with the consequences of our actions,

Ric Breese
402 Reese St.
Lyons, CO 80540



Virus-free. www.avq.com

Marissa Davis

From: RCargill@aol.com
Sent: Tuesday, July 19, 2022 11:21 AM
To: Marissa Davis
Subject: Cemex - public comment

Dear Mayor Rogin and Trustees,

My wife and I live in unincorporated Boulder County. Our daughter, son-in-law, and grandson live in Lyons. So, we visit Lyons frequently and have been enjoying Lyons' hospitality for more than 20 years. We have fostered many loving and caring friendships with folks in this community. It alarms me that Cemex's proposed activities are imposing yet another public safety issue for your community. I thank you for seeking input from the community, and for addressing this issue now before it gets bigger.

I was the Director of the St. Vrain Valley Community Watchdogs for 10 years, and the Watchdogs had many residents from Lyons in our ranks. The environmental issues we faced with Cemex in 1999 were staggering. After years of attending meetings, writing letters, etc with Boulder County Land Use, County Commissioners, Cemex officials, State and County Health Department inspectors, the Air Quality Control Commission, the Division of Minerals and Geology, the EPA, and many others, Cemex was finally pressured & able to pass inspections and able to come into compliance with the provisions of the Clean Air Act and its Federal Title V Operating Permit. The Watchdogs dispersed shortly after Cemex had achieve "compliance," but not before we walked from the Stone Cup in Lyons to Cemex with a dynamic group of Lyons' moms called "Mothers Against Tire Burning." I was so proud of being able to support the moms on this walk, and so proud of them when they reached the entrance to Cemex and presented the plant manager with a "Citizens Notice of Violation of Trust."

The air was much cleaner for a few years, but with each change in management at Cemex, the history of Cemex's violations and maintenance issues faded away, until we find ourselves today facing a resurgence of air pollution incidents, public safety issues, environmental issues, and health issues. Breathing isn't optional!

I am currently serving on the Board of Directors with Save Our St. Vrain Valley (SOSVV). SOSVV has a sub-committee that is focused on finding solutions to air pollutions issues at Cemex. Because Barbara and I live 2 miles east of the plant, we have a good view of dust incidents at the plant. Along with others in the community, we photograph these incidents regularly and then file complaint reports with the Boulder County Health Department and Air Pollution Control Division (CDPHE). Below is a copy of a fugitive dust complaint that I submitted to State Inspector David Huber and Boulder County Inspector Gabi Hoefler. Fugitive dust incidents at Cemex have been increasing over the last several years, and it is disconcerting to me to think that Cemex could continue polluting the air we breathe for the next 15 years.

I recommend that Lyons review the contract between Cemex and the County and make sure that public safety and health issues are addressed in this contract. Will Cemex be forthcoming on its industrial operations and plans? Will the County provide for the welfare of the public first as Cemex dangles a carrot with promises of abundant open spaces in the future?

Ruth Ginsberg once said, "One lives not just for oneself but for one's community." Thank you Mayor Robin for serving the people of Lyons & beyond to that end. We so appreciate the opportunity to contribute to your decision making process. Why not the BEST for the community?!

Sincerely,

Richard and Barbara Cargill

"Protect what is closest to you heart: Your family, your friends, and your lungs."

Dear Inspectors,

In 2003 the Colorado Air Pollution Control Division fined Cemex-Lyons \$280,000 for its failure to control dust emissions. Three years later in 2006, the U.S. Environmental Protection Agency fined Cemex-Lyons \$1,500,000 for air quality

violations. In a press release on this state of affairs, Chuck Stout, Director of the Boulder County Health Department, wrote: "The penalties levied against Cemex are appropriate. The magnitude of the penalty accurately reflect the significance of the negative impact to the community."

This disgraceful history of non-compliance with air pollution controls must not be allowed to return and negatively impact this community again. Unfortunately, dust events from Cemex-Lyons are on the increase. Emissions are intense, occur frequently, and emissions drift beyond the company's boundary. Community members are filing this **complaint** with you regarding the May 20th incident at Cemex-Lyons and requesting an immediate investigation. Please assure the community through your due diligence that you will take appropriate measures to put an end to these dust events promptly.

The emissions from a cement plant have long been known to pose a negative impact on human health. The emissions also ripples out to negatively impact our soil, our lifestyles, and real estate. In 2020, Wendy Kahn-Robson, a real estate agent, wrote: "In 2012 I had a client who was interested in a property on Hygiene Road near 59th Street and after doing research on the area decided to pass on the property due to lawsuits regarding pollution and noxious chemicals released by the nearby Cemex plant. At the time, the suit had been settled, however, it was this buyers opinion that history could repeat itself there and possibly there was some remaining pollution to the soil and potentially the house itself. When asked if there was a lower price that might convince him to buy the property, the buyer's answer was 'To the possible detriment of my health? No.'. The possibility of future mishaps from the same company was a deal breaker for that buyer."

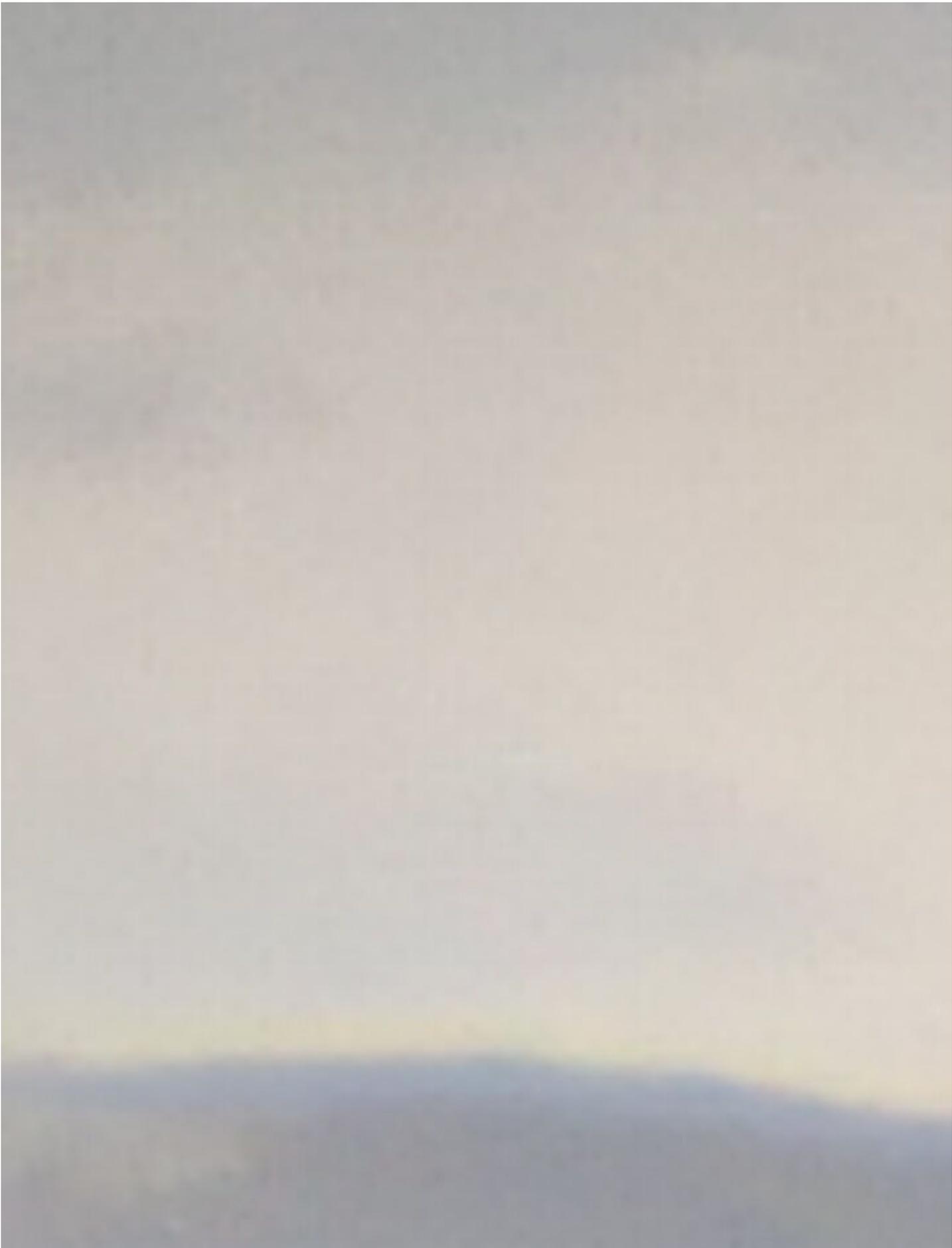
Please let us know the results of your investigation & actions taken to remedy issues.

Sincerely,

Richard Cargill

bcc: community members

1 Attached Images



Marissa Davis

From: Linda Dunlap <honudream@gmail.com>
Sent: Tuesday, July 19, 2022 4:21 PM
To: Marissa Davis
Subject: Cemex - Public Comment

Dear Mayor Rogin and Trustees,

My husband and I live in unincorporated Boulder County, less than a mile to the east as the crow flies from the CEMEX plant. We struggled for 4 long years with a health condition my husband developed that we were told by doctors was related to toxic exposure of some sort. Our journey culminated in him having a bone marrow transplant in Seattle the summer of 2020. Since that time he has completely regained his health, but we have been warned to be very cautious about toxins in general.

We have been active members of the Save Our Saint Vrain Valley (SOSVV) organization and have learned a considerable amount during the last several years. We have been counting down the years, months, and days until the CEMEX contract expires and are deeply concerned about the possibility of them renewing it. Research my husband delved into several years ago indicated that the predominant winds around the CEMEX plant blow from east to west. With this in mind, I would like to bring to the Board's attention the fact that the Lyons Middle and High School campuses are located within 1.5 miles from the CEMEX plant and are likely highly impacted by the air quality resulting from the CEMEX activity. In fact, the entire town of Lyons is impacted by this compromised air quality.

I urge you to stand up for the city of Lyons and all of us in the surrounding area. We love our home and this precious land so much. We need leaders like all of you to work to keep both the land and all of us healthy and thriving.

Sincerely,
Linda Dunlap

Marissa Davis

From: Liz E. <liz.erley@gmail.com>
Sent: Monday, July 18, 2022 3:24 PM
To: Marissa Davis
Subject: Cemex

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I don't like either option that Cemex and BCOS have presented. If this discussion were happening in the city of Boulder none of this would be an option to Cemex.

Allowing Cemex to continue for another 15 years without any plan to lower emissions is harmful to our community and is not taking Colorado's climate change initiatives into consideration.

Thinking that our other acceptable option is to allow Cemex to operate indefinitely is beyond unacceptable for reasons such as increased traffic and pollution from these vehicles along with continued coal burning and pollution created from this process. Over time there will be more health issues in our community such as asthma and COPD that have not been addressed.

If we consider and are concerned about climate change reports that we have read from scientists over the years, we should not allow either of these options to move forward.

It's time for all of us to pay attention to our future.

Sincerely,

Liz

Liz Erley
liz.erley@gmail.com



Marissa Davis

From: Mr Selwyn Goldstein <selgold@yahoo.com>
Sent: Tuesday, July 19, 2022 10:36 AM
To: Marissa Davis; Richard Cargill; Kate Young; Ben Goldstein
Subject: Cemex mining extension.

Mr Davis, The Cemex Plant operation permit will expire in September 2022, Why would that permit be extended when 10% of the world pollution is caused by manufacturing of Cement . Cemex is Polluting Boulder county air and you may continue to let it happen . I live next to the RR tracks that supply the Cemex plant. Each week carloads of coal are burned at the Cemex plant. You can stop this pollution now. Please do it. I am a Boulder county resident since 1971, In Boulder we close mines not extend or open new mines.

Selwyn Goldstein
649 Wade Rd., Longmont. Co. 80503
720-218-1024.

Marissa Davis

From: Michele Leonard <michele.leonard@colorado.edu>
Sent: Tuesday, July 19, 2022 12:11 PM
To: Marissa Davis
Cc: Hollie Rogin
Subject: NO to CEMEX Dowe Flates Mining Extension

Please include my comments with tonight's agenda.

To the Town Board,

The CEMEX Dowe Flates Mining Extension must be adamantly opposed by the Town Board, the Boulder County Commissioner's and the State of Colorado. CEMEX is a bad actor and has been allowed to violate and skirt county, state and federal regulations for decades. It is unconscionable to provide a coal burning cement plant from the 1960s cart blanc to operate for 12 more years regardless of threats or promises. Do not allow yourselves to be bullied into accepting this absolute farce of a deal. Say no to the extension. No extension no profits.

Sincerely,
Michele Leonard

Marissa Davis

From: Kristin Powell <pioneerfamilyllc@gmail.com>
Sent: Tuesday, July 19, 2022 3:16 PM
To: planner@bouldercounty.org; Marissa Davis
Cc: commissioners@bouldercounty.org; Dolores Vasquez
Subject: SU-22-003

Dear Town of Lyons and Boulder Co Planners,

My name is Kristin Powell. My husband Jerry Powell and I have been residents of Lyons since 1997. We oppose extending a mining permit to CEMEX at Dowe Flats.

Thank you for taking the time to seek public input into CEMEX's proposal to continue mining at Dowe Flats. I have been involved in tracking CEMEX's air quality compliance for the past 15+ years. I have reported many instances of CEMEX's poor housekeeping in terms of silica dust events and unwashed trucks leaving the plant to Gabi Hoeffler and State Inspector David Huber over the years. In 2003, the Colorado Air Pollution Control Division fined CEMEX in Lyons, Colorado an amount of \$280,000 for its failure to control silica dust from being released into the atmosphere. In 2006, The U.S. E.P.A. fined CEMEX in Lyons, Colorado \$1,500,000 for air quality violations. CEMEX is still at it. The most recent dust event I recorded on my iPhone was on June 22, 2022 at 8:32 pm on N. 61st St. It was a completely wind-free evening and no excuses for CEMEX to be releasing silica dust into the environment. My husband Jerry was also a witness to this dust event.

We are lacking critical information needed to consider any extension of the existing permit. From my understanding, CEMEX is stating that if mining at Dowe Flats ceases without an extension of their permit period, the company will continue to run its plant indefinitely. Where would CEMEX get the materials they will need to continue to run the plant indefinitely? They will have to be sourced and brought into the area by truck, creating new issues such as additional truck traffic, pollution and safety concerns to an already congested Front Range corridor. I am concerned that CEMEX (not a good neighbor) will be holding us hostage; we are in fear that CEMEX will run the plant indefinitely, but is that any worse than what's happening today? Please consider CEMEX's track record and lack of compliance before you trust this company.

I encourage you to seek further information before granting an extension to the Dowe Flats permit to CEMEX.

Thank you for your consideration.

Kristin and Jerry Powell
107 Longs Peak Drive, Lyons CO

July 14, 2022

To: Victoria Simonsen, Town Administrator
From: Steve Simms, Chair, Lyons Ecology Advisory Board
Subject: CEMEX application to extend

Lyons Ecology Advisory Board met July 13. It was asked to provide input to the Lyons Board of Trustees regarding the CEMEX application to extend its mining permit from its present 25-year term to an additional 15 years. Six of our seven members and the Board liaison were in attendance.

This is our consensus input (all six in the meeting support these recommendations, concerns, and conditions):

- 1) EAB does not support approving the mining permit application in its present form.
- 2) EAB instead recommends that the Town of Lyons be provided more effective input into these major decisions that affect its Planning Area and properties covered by the Lyons/Boulder County Intergovernmental Agreement (IGA). The County must not negotiate with CEMEX and commit to an extension of the mining permit and the disposition of the properties in this area without a process for formal input from the Town per the IGA.
- 3) The economic, public health, and environmental issues around renewal of this permit are not restricted to Parks and Open Space. EAB urges Boulder County to involve all of its relevant agencies in the permit decision. An objective and balanced review of the pros and cons of the company's application for permit renewal is needed.
- 4) The dollar values provided in the application appear to be inflated given that the present tax assessments are very much smaller (Dowe Flat is assessed at ~\$400,000 actual value but is shown in the application as worth \$6 million; and so forth). The Assessor's Office, Community Planning and Permitting, Air Quality, Water Quality, Environmental Health Program, and Floodplain Information programs are examples of County staff resources whose input would be relevant and valuable for the benefit of decision-making by the County Commissioners.
- 5) EAB urges that the complete rehabilitation of the mining area and the anticipated transfer to Boulder County Open Space be accomplished as soon as possible pursuant to the present agreement, which stipulates they both be completed by 2024. There is potentially significant economic and environmental risk to the County of expanding the mining area and timeline and delaying any rehabilitation to 2037.

Respectfully submitted by Lyons Ecology Advisory Board, July 14, 2022

TO: Lyons Board of Trustees (BOT)
FROM: Economic Vitality Commission (EVC)
DATE: July 15, 2022
RE: Cemex permit renewal/extension request of Dowe Flats

Thank you for reaching out to all of the Town's Boards and Commissions. We are grateful to provide our opinions and feedback. We realize that the turnaround time for this feedback was quicker than anticipated (or desired). As such, some of the thoughts here might lack full detail. Please let us know if you want us to clarify any of our thoughts or if you have any questions.

Top Three Concerns from Board and Commission Perspective:

- We are concerned about an abrupt loss of financial support for various local non-profit organizations, events and art initiatives. This is a short-term issue/worry, and we know that it is one that can be solved. However, it is a concern. We do not know how big of a concern it is, because we do not know the specific level of support that is coming from Cemex now. Our educated guess is that it is \$15-20K. We recognize that whatever the financial support is currently, it likely does not seem like a huge amount of funding, but for the local organizations and initiatives, it is significant financial support.
- We are concerned that an absolute denial of Cemex's permit request would result in the realization of their threat to operate the plant "indefinitely." We believe that that is too large a risk to take - because of the possible financial and economic vitality opportunities that could exist in a post-Cemex Lyons reality. We believe that there is a middle path (see below).
- In the briefings that we received from Town staff, we heard about the indirect (and possibly avoidant) communications from Cemex. We heard that "Cemex requested that Lyons not be notified" about the permit extension request. This sort of back channel communication is a concern and a worry.

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

- Most importantly, we suggest a "middle path" - neither a 15-year renewal nor "indefinite" operation. We believe that in order to truly assess possible future economic vitality for this area and to best align this area and its usage with our upcoming new Lyons Comprehensive Plan, Boulder County should extend the Dowe Flats permit, but only for an initial period of 3-5 years.
- Further, we suggest that over those 3-5 years, there should be additional action and assessment which should include:
 - An immediate process to update the IGA.
 - An assessment and financial analysis of possible future alternative uses for the Cemex plant site. Specifically, we would be interested to see at least 3 different

possible future realistic scenarios for the land that included estimated duration to realize the new land use and the estimated tax revenue generation (for Boulder County and for Lyons).

- Further, we suggest that a condition for the permit extension (to be written into the iGA) is that part or all of the Cemex property be annexed into the Town of Lyons so that the Town realizes a portion of the tax revenue created by Cemex operations.

- Although we are suggesting a shorter permit extension period, we do recognize that it is important for Cemex to plan for longer term stability. We would be open to supporting a longer (yet still temporary) operational period if Cemex were to agree to:
 - A commitment to fully ceasing all operations and closure of the site after the next permitted period of Dowe Flats.
 - A commitment to reduce their carbon footprint and improve the sustainability of their plant's energy source. (Specific goals to be outlined and decided on - not in our EVC purview).
 - A commitment to working closely with Boulder County, the Town of Lyons, and likely external consultants to model and assess the costs and future uses of the site once the plant has closed - to include analysis of the reclamation process of the site.

Board or Commission: _____HPC_____ No Comment

Top Three Concerns from Board and Commission Perspective:

- 1.
- 2.
- 3.

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

- History Colorado and state future development growth for town. Can Colorado State be asked to intervene?
- We are creating our history now and the sooner this environmental mess is cleaned up the better.
- Goes against all of Boulder County's core values to support the use and development of a multinational polluter. The conversation needs to be weighed more heavily towards how and when the plant will cease operation and how to clean up the site and less towards how to support continued operation.
- Adding 1800 acres of open space to Boulder County's already 100,000 acres is not enough of an incentive for at least 15 more years of carbon emissions with an uncertain end date.
- Especially while the Federal Supreme Court scrambles to roll back EPA restrictions it becomes a community priority to make our environment safe.



Comment Form

Please return to mdavis@townoflyons.com no later than the morning of July 15th.

Board or Commission: Housing and Human Services Commission

No Comment

Top Three Concerns from Board and Commission Perspective:

#1. Pollution - Unfettered CO2 emissions at high levels for 15 more years

#2. Environmental injustice/disparate impact - unsafe and unhealthy housing for low income persons in the Eastern corridor

#3. _____

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

#1. Allow the plant to operate for 5 more years with concrete, identified reductions in emissions annually and with a guarantee that it will be dismantled at the end of the term (not just decommissioned). This will address both of the concerns noted above.

#2. _____

#3. _____

Please feel free to use additional space for your comments. Thank you for your input!

LAHC response to Cemex extension request

Submitted by Lauren Click, Chair

Prepared by Gil Sparks, member

7/15/2022

The Lyons Arts and Humanities Commission (LAHC) held its regularly monthly meeting on Tuesday July 12, 2022. While the CEMEX application extension was on the agenda, the LAHC did not recognize the need for Commission input until late in the meeting. There was insufficient time to have an in-depth orientation or discussion about the issues or to solicit a consensus position by the Commission.

Instead, the members were requested to submit written comments to the chair by July 14 for submission to the Town of Lyons by Friday July 15.

Three members submitted written comments, which are set out below.

As chair, my thoughts are aligned with the comments submitted by Melinda Wunder and Gil Sparks.

The LAHC has not had any formal discussion, nor has any vote been taken by our Commission. We recognize the Town of Lyons intends to have a public forum on the Cemex application on July 19th and will encourage all our members to attend and participate in those discussions.

Please let me know if you have any questions or need additional information.

Respectfully,

Lauren Click, Chair

Comments of LAHC commission members

Gil Sparks

I am a retired attorney and live at 2169 Apple Valley Road in Lyons. I serve on the Lyons Parks and Recreation Commission, the Lyons Arts and Humanities Commission, the Lyons Community Foundation Board and the Lyons Regional Library District Board.

I have reviewed the Cemex extension request for Dowe Flats. As currently proposed, I oppose the extension request.

While Cemex is dangling some enticing financial incentives to obtain Boulder County's support for the requested extension, the extension request is contrary to Boulder County's stated climate goals. The Boulder County climate goals are far more important for our health and the health of our children and grandchildren than any financial incentives Cemex can offer. Creating or protecting more open space is not the solution.

I am unaware of anything in Cemex's proposal that remotely attempts to meaningfully mitigate the harm caused by allowing Cemex's high levels of pollution to continue unabated. Additionally, based on

the information I have received, Cemex's proposal does not mean the physical plant will actually cease operations at the end of the extension period. There is no commitment to either decommission the plant or not sell it to another operator. Any negotiation to allow even a brief extension, must be coupled with the requirement to decommission the cement plant permanently.

Also, the Town of Lyons has not been part of the ongoing negotiations with Cemex, contrary the spirit of the 2012 IGA. Without prior involvement or input in the negotiation process, the request for comments from the Town is too short. I can support a possible short extension of the Dowe flats application, as long as the Town of Lyons can meaningfully participate in all future discussions or negotiations regarding the Cemex extension request.

Melinda Wunder

I understand Cemex has supported LAHC with some donations this past year but I see these as purely a function of public relations and not genuine. I have no faith in Cemex as they have proven over the years to be unreliable and untrustworthy. They continue to be a major contributor of polluted air emissions which impact the entire surrounding area.

Barring closing the plant, I would like see Cemex make significant changes to their structure and processes to reduce emissions. In other words, I want to see them operate on a much cleaner facility.

This is my major issue with Cemex.

Claudia Paterno

I apologize for getting my response to you so late. I have actually read more about the decision that has been laid in front of us. After letting all of it simmer, this is what I think we should do.

I think we should allow for the extension of their mining operations for another 15 years. Gulp. And, going forward we ask them for every contribution they can give to Lyons as a penance for polluting our air so badly!

Also, can we negotiate with them that if we extend this permit they MUST make some steps to lower their emissions.

CMEX Comment Form

Board or Commission: Parks and Recreation Commission

Top Three Concerns from Board and Commission Perspective:

- #1. Meeting Boulder County's emissions goals and keeping environmental standards high, for example grant monies may be at risk.
- #2. Lack of confidence that Cemex will honor its long term or short term commitments to the community or environment
- #3. Potential impact on regional trail and open space opportunities for the future. Promises may not be kept.

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

- #1. Meaningfully involve the town of Lyons in future permit extension discussions/negotiations.
- #2. Update existing environmental standards to include a higher percentage of renewable energy and ensure strict compliance with Boulder County climate goals and timetables.
- #3. If any extension is granted, short or long term, CEMEX will provide full and complete funding for trail and park improvements desired or planned by the town of Lyons within our state mandated planning area.

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 stated Greenhouse Gas (GHG) reduction aspirations and thereby jeopardize the ability to obtain DRCOG TIP funding critical for future transportation-related projects, e.g. improving the futures of Shady Lane Mobile Home Park residents.
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/>

7/14/2022

Dear Lyons Board of Trustees,

The Lyons Sustainable Futures Commission (SFC) respectfully submits to the Board the following concerns and suggestion regarding town input to Boulder County pertaining to the Dowe Flats permit extension requested by Cemex.

The SFC would like to preface our comments and have formatted our response based on the assertion that mining operations at Dowe Flats is directly tied to the operation of the cement kiln to the south of the mine by both a physical connection (the conveyor system transporting materials from the mine to the kiln), as well as by purpose (the mine exists solely to feed the kiln). Because of this dependent link and because the kiln is within the Lyons Planning Area, any recommendation to Boulder County regarding an approval or denial of the Dowe Flats permit extension must give due consideration to the kiln operations.

Sincerely, The Sustainable Futures Commission

3 top concerns from the Sustainable Futures Commission:

1. Environmental concern – Continued operation of the Cemex plant is not consistent with either the Town of Lyons September 2021 Resolution Declaring a Climate Crisis, nor county greenhouse gas emission reduction goals, the latter of which as a statutory municipality of Boulder County, is also circuitously, a town goal.
2. Environmental concern – Any decision by Boulder County must take into full consideration the yet uncompiled with requirement of the Cemex Lyon's kiln plant to conduct a Greenhouse Gas and Energy Management for Manufacturing audit as required by SB21-1266 [GEMM 1](#). The findings of this audit is intended to reveal the environmental, economic and social impacts of the plant's energy and carbon emission expenditures. Since the company is required by law to complete this audit by December 31, 2022 and then report to the state Air Pollution Control Division no more than 60 days after, the county in full accountability needs to delay the permit extension decision until this substantial set of data is made available. The importance of having a more complete picture of the impact that the kiln and through direct association, the mine, has on the residents of Lyons and surrounding community cannot be emphasized enough.
3. Procedural concern – The SFC agrees with the town's position that the time and manner dictated by Boulder County for the town to provide a binary approve or deny recommendation on the Dowe Flats permit extension by July 19 is inappropriate and unrealistic. Given the approve or deny choice, the commission recommends that the town advise the county that it is not in favor of the permit extension. Should Boulder County concurs with Lyons and deny the 15-year extension being sought by Cemex, the company later submit a new request for consideration that offers other more climate favorable concessions and during that process, the county could rectify it's mistake of not including Lyons in meaningful discussions on the merits of that new application.

3 top suggestions or recommendations from the SFC to the Board (by order of rank)

1. Most favored recommendation - The SFC recommends that the Board of Trustees advise Boulder County to deny the Dowe Flats permit extension request for the reason stated in Concerns #'s 1 and 3.
2. Second most favored recommendation- The SFC asks that the Board of Trustees recommend to the county that they neither approve or deny the permit extension until it has received the Greenhouse Gas and Energy Management for Manufacturing (GEMM 1) report, and public comment regarding the findings of that report have occurred. In lieu of an immediate decision, the SFC supports a temporary extension of the permit to allow for continued operations at Dowe Flats until the GEMM 1 audit review and public hearing process has been completed.

Once again, the SFC firmly believes that the GEMM 1 report covering activities at the kiln is directly related to the Dowe Flats mining activities and therefore must be part of the decision process for the permit extension.

3. Least favored recommendation - Should the Board of Trustees recommend an approval of the Dowe Flats mining permit extension, SFC encourages the board to make that approval contingent on a binding commitment by Cemex to develop an enforceable plan for achieving Colorado GHG Pollution Reduction Roadmap without exception or special exemption [GHG reduction roadmap](#) . Lyons and all of Colorado together must meet these state goals for the sake of current and future generations of residents.

Thank you for considering these recommendation by your Sustainable Future Commission.

Approved by the members of the Sustainable Futures Commission on 7/14/22.



Comment Form

Please return to mdavis@townoflyons.com no later than the morning of July 15th.

Board or Commission: Utilities and Engineering Board

No Comment

Please feel free to use additional space for your comments. Thank you for your input!

The UEB at a special meeting on July 13, 2022 unanimously passed the following motion:

The UEB has no comment on the proposals because there is no impact on Lyons existing utilities and the CEMEX municipal area is highly impacted by floodplain and floodway issues.



TO: Town Boards and Commissions
FROM: Alexander Painter, Planner II and David Kimmett, Planner II
DATE: July 7, 2022

The Board of Trustees is seeking your input regarding an application submitted by Cemex to Boulder County to extend their mining permit on Dowe Flats (north side of Hwy 66). The town has an Intergovernmental Agreement with Boulder County regarding the Cemex parcel on the south side of Hwy 66 that the trustees feel has a direct correlation to the north side. The application and the IGA are both attached as well as a staff memo outlining the issues.

The Board is requesting that you review the application and its potential implications for the Lyons area from the perspective of your Board/Commission. They will combine the comments into a comprehensive Referral Response and submit it to the county by the July 22, 2022, deadline.

Docket SU-22-0003: CEMEX Dowe Flats Mining and Reclamation Extension

Request: Special Use/Site Specific Development Plan review to amend an existing Special Use approval (SU-93-14) for limestone/shale open mining/quarrying located at the Dowe Flats Quarry, extending approved mining activities for an additional 15 years; the original permit area of 1,911 acres to be reduced to 709 acres; the concluding of cement plant operations at the facility located south of Highway 66 within the same 15-year timeframe; with concurrent reclamation of wildlife habitat.

Location: 13301 55th Street, Parcel #120316000050, located approximately 0.5 mile north of the intersection of N. 53rd Street and state Highway 66, in Sections 9, 10, 15, and 16, Township 3N, Range 70W.

Zoning: Agricultural (A)

Applicant/Owner: Cemex Inc., c/o John Heffernan

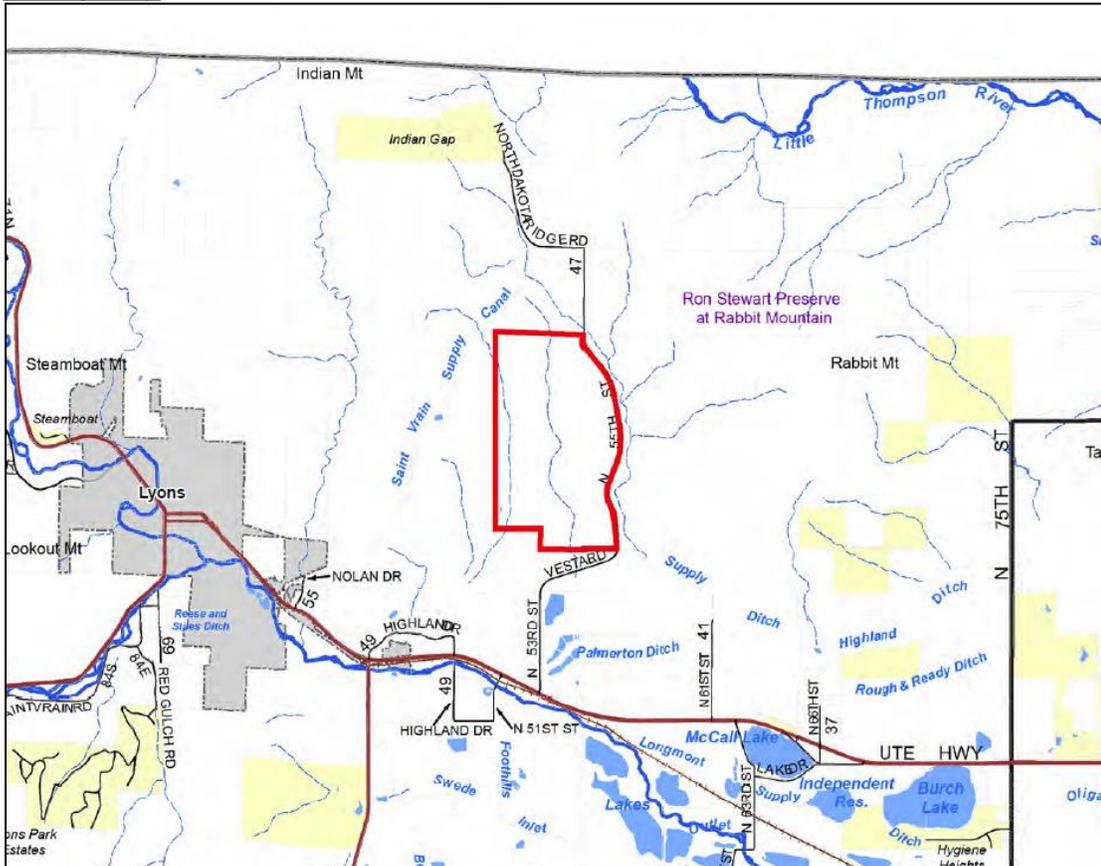
Agent: Pam Hora, Tetra Tech Inc.

Special Use Review / Site Specific Development Plan is required for uses that may have greater impacts on services, neighborhoods, or the environment than those allowed with only Building Permit Review. This process will review compatibility, services, environmental impacts, and the proposed site plan.

This process includes public hearings before the Boulder County Planning Commission and the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements, or other rights in the subject property are notified of these hearings.



Vicinity Map



Without an understanding of the negotiation details between Boulder County and Cemex, 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.
- the operation of the plant for 15 years (or indefinitely) will preclude the county from meeting its carbon reduction goals.
- 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, and any changes should be driven by the current Comprehensive Plan Update process. The Board of Trustees requested an extension until October 31, 2022, to get this community input; however, the deadline was extended only until July 22, 2022.

The Board of Trustees will hold a special meeting on July 19th, 2022, at 5:00 pm for public input, and at 7:00 pm the Board meeting. If there are any questions or concerns, please reach out to our Planning staff: apainter@townoflyons.com or dkimmett@townoflyons.com.

The Town of Lyons and the Planning staff value comments from individuals and referral agencies. We have added a comment sheet at the bottom of this memo and would appreciate it if you could delineate three primary concerns of your board or commission in regard to the extension of the CEMEX Dowe Flats Mining and Reclamation Extension. Please have your comments sent back by 8:00 am on Friday, July 15, 2022, to mdavis@townoflyons.com

We realize this is an abridged period of comment time under which we have all been placed by Boulder County. We would like boards/commissions to share not only your concerns with the CEMEX application but what are some alternatives to it? For example, a 5-year lease option instead of 15 years (merely an example).

Potential additional commitments of CEMEX include the following items:

- A reduction of the purchase prices for Boulder County's existing options to acquire real property north of Hwy. 66 to zero dollars plus title and closing costs, resulting in savings to the County of approximately \$6.6M;
- The grant of an additional option to Boulder County for the benefit of Boulder County Parks & Open Space for its potential future purchase (when mining at Dowe Flats is completed) of four additional parcels totaling approximately 200 acres around the perimeter of the Dowe Flats mine, at a purchase price of zero dollars plus title and closing costs;



- An increase in the required rental payments by CEMEX to Boulder County pursuant to the existing buffer lease for properties around the Dowe Flats mine from the current amount of \$1,000/year to an increased amount of \$400,000/year, equating to a total value of \$6.0M for 15 years;
- The dedication of a permanent, non-exclusive recreational trail easement to Boulder County for the benefit of Boulder County Parks & Open Space along the south bank of the St. Vrain River or another mutually agreed to location;
- A commitment by CEMEX to permanently conclude ongoing cement plant operations at its facility south of Hwy. 66 within the same 15-year timeframe for completion of mining operations (plus reclamation) at Dowe Flats instead of continuing to operate the cement plant indefinitely as has been contemplated; and
- The grant of an additional option to Boulder County for the benefit of Boulder County Parks & Open Space for the potential future purchase of up to approximately 830 acres of CEMEX property surrounding CEMEX's cement plant south of Hwy. 66 at a current price of \$17,000 per acre with a 2.0% annual escalator, upon condition that the Town of Lyons provide consent to Boulder County's acquisition of any lands within the CEMEX Municipal Facilities Area per the 2012 CEMEX Area IGA Map, and provided that CEMEX would reserve an access and utility corridor to/from Hwy. 66 for the benefit of its retained properties.

These terms would be set forth in additional future agreements between the County and CEMEX and all such terms are and will remain subject to final approval of the enclosed land use application with conditions consistent with the above terms and otherwise acceptable to CEMEX at its discretion.



Comment Form

Please return to mdavis@townoflyons.com no later than the morning of July 15th.

Board or Commission: Student Advisory Committee

No Comment

Top Three Concerns from Board and Commission Perspective:

#1. _____

#2. _____

#3. _____

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

#1. _____

#2. _____

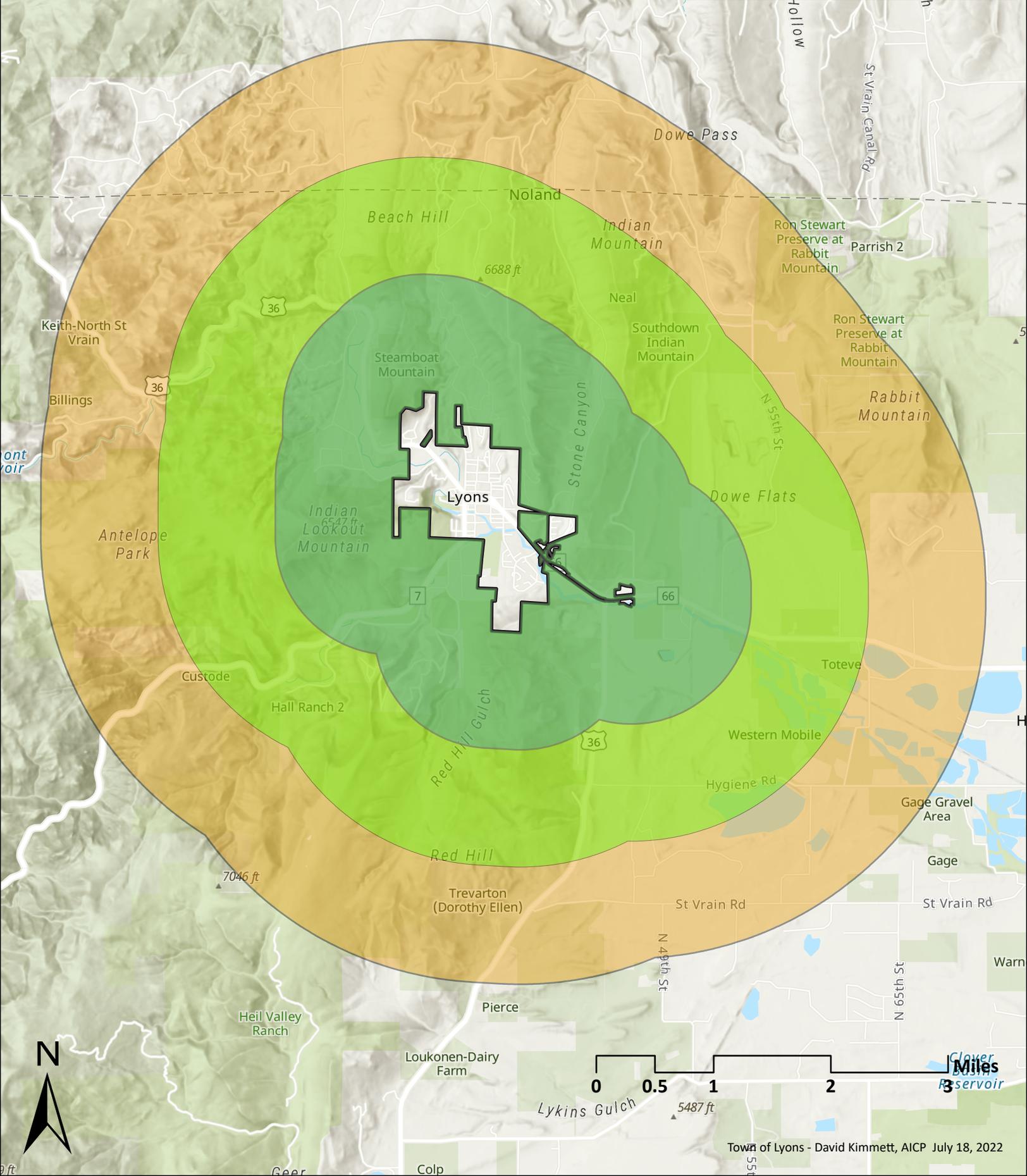
#3. _____

Please feel free to use additional space for your comments. Thank you for your input!

TOWN OF LYONS

Distances from corporate boundary to assist in 3-Mile Planning

- Lyons 1-mile boundary
- Lyons 2-mile boundary
- Lyons 3-mile boundary
- Lyons corporate boundary





CEMEX AREA IGA MAP

April 11, 2012



EXHIBIT A

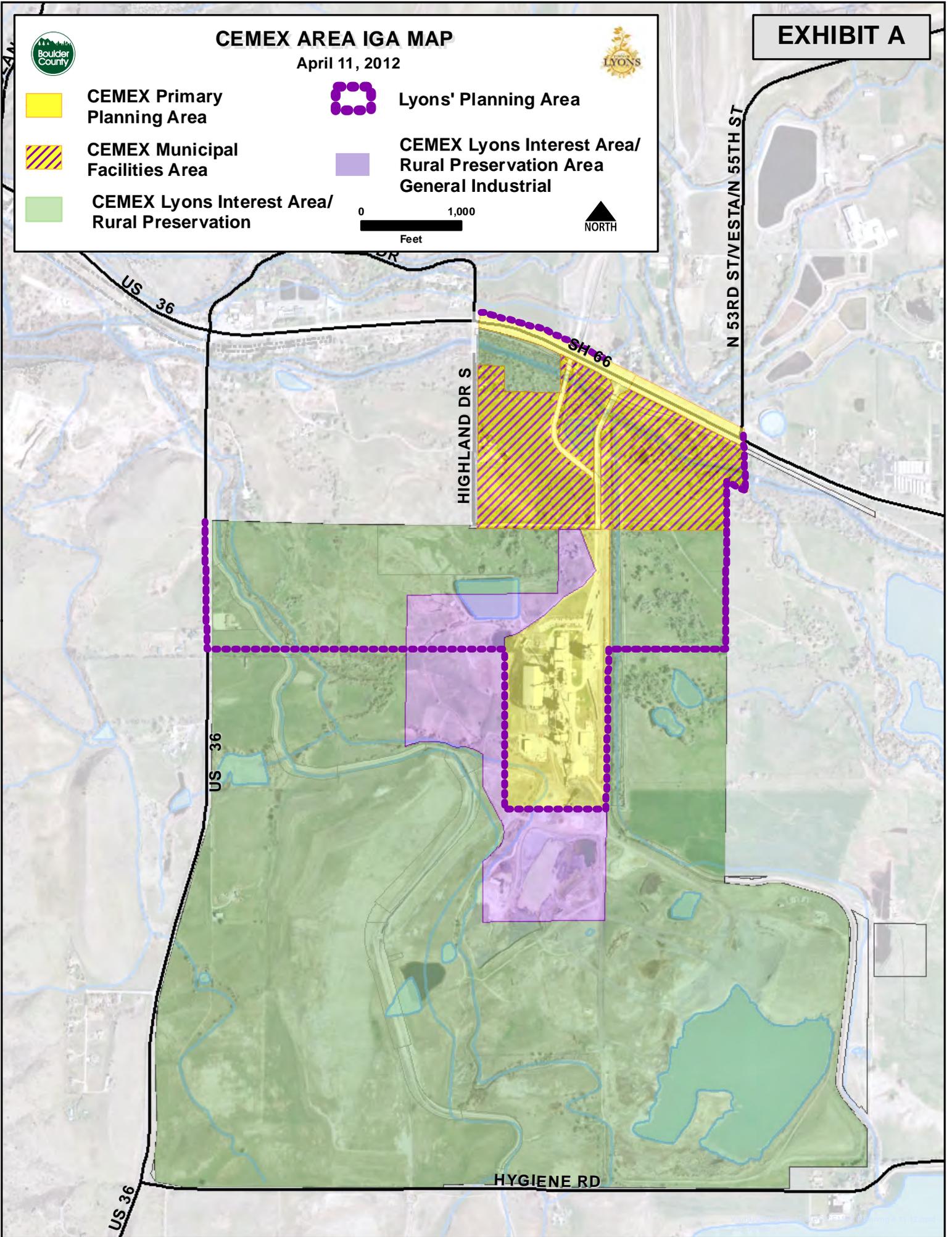
 CEMEX Primary Planning Area

 CEMEX Municipal Facilities Area

 CEMEX Lyons Interest Area/
Rural Preservation

 Lyons' Planning Area

 CEMEX Lyons Interest Area/
Rural Preservation Area
General Industrial



**LYONS CEMEX AREA
COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement ("IGA") by and between the Town of Lyons, a Colorado statutory municipal corporation ("Lyons" or the "Town"), and the County of Boulder, a body politic and corporate of the State of Colorado ("Boulder County" or the "County") (collectively, the "Parties") is made to be effective on the Effective Date as defined on the signature page of this IGA.

RECITALS

WHEREAS, the Parties are authorized by § 29-20-101 et seq., C.R.S. as amended, to enter into intergovernmental agreements to plan for and regulate land uses in order to minimize the negative impacts on the surrounding areas and to protect the environment, and specifically to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan;" and

WHEREAS, § 29-1-201, et seq., C.R.S., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2); and

WHEREAS, the functions described in this IGA are lawfully authorized to each of the Parties which perform such functions hereunder, as provided in Article 20 of Title 29; Part 1 of Article 28 of Title 30; Part 1 of Article 12 of Title 31; and Parts 2 and 3 of Article 23 of Title 31, C.R.S., as amended; and

WHEREAS, in December 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the "Original IGA") for a period of ten years, which was amended to add certain additional properties to the LPA in 2005 and again in 2011; and

WHEREAS, the term of the Original IGA as amended ends in December 2012, and the Parties believe it is in the best interests of the citizens of the Town and the County to enter into new Intergovernmental Agreements with the goal of continuing the spirit of collaboration that was established by the Original IGA and demonstrated through the Parties' course of dealing throughout the term of the Original IGA; and

WHEREAS, the Parties have contemporaneously with this IGA entered into the Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement ("Lyons Planning Area IGA"), a complementary IGA that addresses development and preservation issues for all areas surrounding the Town not addressed by this IGA. This IGA and the Lyons Planning Area IGA together represent a shared vision of appropriate development for the areas covered by the IGAs for their respective durations; and.

WHEREAS, the Parties believe that, in order to preserve Lyons' unique and individual character through the orderly development of land and to preserve the rural quality of other lands in the area, it is in the best interest of the residents of both communities to enter into an IGA that delineates the areas of the CEMEX Property that are appropriate for certain kinds of development and the areas of the CEMEX property that the Parties desire to preserve in a rural state; and

WHEREAS, the disturbed area of the CEMEX property where the current cement plan is located is important to the Town both as a current employment center and in the future as a redevelopment area focusing on such as green technology uses and low impact development; and

WHEREAS, the Parties have each held hearings after proper public notice for the consideration of entering into this IGA and the adoption of a comprehensive development plan for the subject lands as shown on the map attached as Exhibit A; and

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1.0 LYONS CEMEX AREA COMPREHENSIVE DEVELOPMENT PLAN (CEMEX AREA IGA PLAN).

1.1 CEMEX Area IGA Plan Defined. This IGA, including the Map attached hereto as Exhibit A, is hereby adopted by the Parties as the Lyons CEMEX Area Comprehensive Development Plan, and shall be known herein as the CEMEX Area IGA Plan. The CEMEX Area IGA Plan shall govern and control the CEMEX Area. This IGA complements the Lyons Planning Area Comprehensive Development Plan IGA, but is independent from and not a part of it or any other Comprehensive Development Area IGAs between the Parties, except the Boulder County Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement (“Super IGA”).

1.2 CEMEX Area IGA Map. The Map identifies, designates and defines the land to be known as the “CEMEX Area,” which consists of the CEMEX Primary Planning Area (the “CEMEX PPA”), the CEMEX Municipal Facility Area (the “CEMEX Municipal Facility Area”), the CEMEX Lyons Interest Area/Rural Preservation Area (the “CEMEX LIA/RPA”), and the CEMEX LIA/RPA GI Property.

1.2.1 The CEMEX PPA is the land that is planned for the next phase of expansion of the Town limits and which the Parties recognize is appropriate and intended for urban development.

1.2.2 The CEMEX Municipal Facility Area represents areas which Lyons may annex in order to develop municipal services facilities such as water and sewer plants and solar/electric facilities.

1.2.3 The CEMEX LIA/RPA represents areas that are expected to remain rural for the duration of this IGA.

1.2.4 The CEMEX LIA/RPA GI Property is the portion of the Lyons Interest Area/Rural Preservation Area that (a) currently has a County general industrial zoning designation; and (b) is the subject of negotiations toward a future land use plan, as addressed in Section 2.4 of this IGA.

2.0 ANNEXATION AND DEVELOPMENT OF PROPERTY.

2.1. CEMEX PPA. The Town may annex into its corporate boundaries any and all property located within the CEMEX PPA in accordance with state and local laws governing annexation. By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the CEMEX PPA. The County will cooperate with Town efforts to annex land in the CEMEX PPA. The County

will also cooperate and consult with Town and lend its expertise, if requested, on potential development proposals for the CEMEX PPA. The Town and the County recognize the importance of remediation of the CEMEX PPA property and will work together to encourage CEMEX and state regulators to ensure remediation efforts are complete.

- 2.2 CEMEX Municipal Facilities Area. The Town may annex into its corporate boundaries any and all property located within the CEMEX Municipal Facility Area in accordance with state and local laws governing annexation for the sole purpose of allowing the Town to develop municipal services of the following specific kinds: water or wastewater facility; renewable energy or electric distribution facility; emergency alert system; recycling collection facility; municipal service facility, if developed in conjunction with a water or wastewater facility; and such other municipal facilities as may be mutually agreed upon by the Parties. If the Town opts to develop water treatment or sewer facilities in the CEMEX Municipal Facility Area while the property is still in unincorporated Boulder County, the County agrees that this IGA shall serve in lieu of review, as to any wastewater treatment infrastructure projects, of any permit applications that would otherwise be required under Section 8 of the Boulder County Land Use Code concerning Areas and Activities of State Interest (“1041 Regulations”).
- 2.3 CEMEX LIA/RPA. The Town and the County acknowledge and agree that the property within the CEMEX LIA/RPA is intended to remain in the County’s regulatory jurisdiction and shall not be annexed or developed by the Town during the duration of this IGA unless mutually agreed upon by both parties.
- 2.4 CEMEX LIA/RPA GI. The Parties further agree that within ten (10) years after execution of this IGA they will engage in good faith negotiations toward the adoption of a land use plan for the CEMEX LIA/RPA GI Property, taking into consideration input from the property owner (currently CEMEX), and to make such amendments to this IGA as are necessary to implement the land use plan if adopted..

2.5 Annexation of County ROW.

The Town agrees that if it annexes any part of a County road it will annex the entirety of that road.

3.0 OPEN SPACE AND RURAL PRESERVATION

- 3.1 Open space acquisitions within the CEMEX Area. The County agrees that for the term of this IGA it will not purchase or otherwise acquire any land within the CEMEX PPA or the CEMEX Municipal Facilities Area for open space purposes, including conservation easements. The Town agrees that land within the CEMEX Rural Preservation Area may be acquired by the County for open space purposes, including conservation easements.
- 3.2 Zoning and subdivision of land in the CEMEX LIA/RPA. The zoning classification of land within CEMEX LIA/RPA should remain agricultural and subdivision should be restricted to that which exists under the County's Land Use Code, including the creation of lots of a minimum of thirty-five (35) acres, a Non-Urban Planned Unit Development which may contain up to two units per 35 acres if approved and clustered so that at least 75% of the land is protected by a conservation easement, or other cluster development permissible under the County’s Land Use Code where gross density would not exceed one unit per 35 acres.

4.0 REFERRALS

- 4.1 Lyons Referrals to Boulder County. The Town shall promptly refer in writing to the County any application for annexation in the CEMEX Area.
- 4.2 Boulder County Referrals to Lyons. The County agrees that the Town shall be a formal referral agency for any application to the County for zoning, rezoning, subdivision, PUD, replat, special use, limited impact special use, vacation, transfer of development rights, conservation easement or development (including site plan reviews) for any lot, tract, easement, right-of-way or parcel within the CEMEX Area as well as any proposed map amendment to the Boulder County Comprehensive Plan affecting any lot, tract, or parcel within the CEMEX Area.

5.0 AMENDMENTS

- 5.1 Entire Agreement. With the exception of the Super IGA, this IGA contains the entire agreement between the Parties as to the CEMEX Area, and supersedes and replaces any other or prior IGAs as to the same geographic area.
- 5.2 Changes to IGA. Amendment of this IGA shall take place only upon approval by resolution or ordinance adopted by the governing body of both of the Parties, after notice and hearing as may be required by law.
- 5.3 Timely Decisions on Amendments to IGA. The Parties agree and acknowledge that time is of the essence when either Party seeks an amendment to this IGA. The Parties further agree and acknowledge that the length of time necessary to process and act upon any proposed amendment may vary depending on the complexity of the particular request and on other factors and other responsibilities facing the Parties at any given time. Nevertheless, the Parties each agree to give high priority to any proposal by the other Party to amend this IGA and to act on any such proposal without delay. In addition, the Parties agree that within thirty (30) days after receipt by one Party of an amendment proposed by the other Party, the Parties will agree on and establish a firm schedule for processing and taking final action upon the amendment proposal.

6.0 NON-SEVERABILITY.

If any portion of this IGA is held by a court of competent jurisdiction in a final, non-appealable decision to be *per se* invalid or unenforceable as to any Party, the entire IGA shall be terminated, it being the understanding and intent of the Parties that every portion of the IGA is essential to and not severable from the remainder.

7.0 BENEFICIARIES.

The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the IGA, and no other person or entity is so intended.

8.0 ENFORCEMENT.

Either or both of the Parties may enforce this IGA by any legal or equitable means including specific performance, declaratory relief, and injunctive relief. No other person or entity shall have any right to enforce the provisions of this IGA. The Parties agree to

discuss and attempt to resolve any dispute in the interpretation or application of this IGA, but if they are unable to do so, either Party may request that the matter be presented to a mediator selected and paid for jointly by the Parties.

9.0 DEFENSE OF CLAIMS/INDEMNIFICATION

If, notwithstanding the provisions of Sections 7.0 and 8.0 of this IGA, any person allegedly aggrieved by a provision of this IGA who is not a party to the IGA asserts or attempts to assert any claim against any Party concerning such IGA provision, the County shall, and the Town may, defend such claim upon receiving timely and appropriate notice of the pendency of such claim. Defense costs shall be paid by the Party providing such defense. In the event that any person not a party to the IGA should obtain a final money judgment against the Town for the diminution in value of any regulated parcel resulting from regulations in the IGA or regulations adopted by the Town implementing the IGA, the County shall, to the extent permitted by law, indemnify the Town for the amount of said judgment.

10.0 GOVERNING LAW AND VENUE

This IGA shall be governed by the laws of the State of Colorado and venue shall lie in the appropriate court(s) for Boulder County, Colorado.

11.0 TERM AND TERMINATION

This IGA shall remain in effect through December 31, 2034, unless otherwise terminated earlier by mutual agreement of the Parties.

12.0 PARTY REPRESENTATIVES

Referrals made under the terms of this IGA shall be sent to the Parties' representatives as follows:

County of Boulder
Director, Land Use Department
P.O. Box 471
Boulder, Colorado 80306

Town of Lyons
Town Administrator
P.O. Box 49
432 Fifth Avenue
Lyons, Colorado 80540

Name and address changes for representatives shall be made in writing and mailed to the other representatives at the then current address.

13.0 COUNTERPART.

This IGA may be executed in any number of counterparts which together shall constitute the agreement of the Parties.

14.0 EFFECTIVE DATE.

The effective date of this IGA shall be the date on which both Parties have approved and executed the IGA by signing where indicated below.

TOWN OF LYONS:

Board of Trustees

By: _____

Date: _____, 2012

Mayor or Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

COUNTY OF BOULDER:

BOARD OF COUNTY COMMISSIONERS

By: _____

Date: _____, 2012

Chair

ATTEST:

APPROVED AS TO FORM:

Clerk to Board

County Attorney



**Boulder County
Land Use Department
Publications**

**Referral
Agencies**

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856
Email: planner@bouldercounty.org
Website: www.bouldercounty.org/lu

Office Hours:
Monday — Friday 8 a.m. to 4:30 p.m.
Closed Tuesdays 8-10 a.m.

Referral Agencies

The planner at your pre-application conference will go through this list and identify which entities will be sent a referral request. If the line in front of the entity is marked “**Email**,” then that entity will be sent an email referral request and a hard copy packet is not required to be submitted; otherwise a hard copy referral packet for that agency is required to be submitted to the Land Use Department as part of the application. See the publication titled [Referral Packet Guidelines](#) for directions on creating referral packets.

Internal Referral Agencies Requesting Email Referrals

Land Use Department

- Abby Shannon, *Long Range Planning*
- Ron Flax, *Chief Building Official*
- Jessica Fasick, *Historic Review*, [#Historic](#)
- Wildfire Mitigation*, [#WildfireMitigation](#)
- Code Compliance*, [#CodeCompliance](#)
- Varda Blum, *Floodplain Administrator*, floodplainadmin@bouldercounty.org

Administrative

- Mark Ruzzin, *Eldorado Springs LID*
- Jenny Griffiths, *Marijuana Licensing*, marijuanalicensing@bouldercounty.org

Assessor

- Adam Hoppe, [#AssessorReferral](#)

Attorney

- County Attorney*, [#CReferral](#)

Parks & Open Space (refer applications, even if co-signed by BCPOS)

- Melissa Arnold, *Conservation Easements*, [#CReferral](#)
- Leah Rothbaum, *all applications on or adjacent to county open space*

Public Health

- Environmental Health / Water Quality,
HealthWQ-EnvironBPLU@bouldercounty.org
- Child Health Promotion (CHP), Sarah Scully (Camps, Childcare, etc.)
- Consumer Protection Program, Lane Drager (Food Service, Comm. Kitchens)

Sheriff

- Mike Wagner, *Operations Commander*

Treasurer

- Alycia Allshouse

Internal Referral Agencies Requesting Hardcopy Referrals

(Applicant to provide packets)

Parks and Open Space

- Ron West, *Natural Resource Planner*

Transportation

- Development Review*, transdevreview@bouldercounty.org
- Ted Plank, *Road Maintenance*

Surveyor

- Lee Stadele, leestadele@bouldercounty.org
Flagstaff Surveying, Inc., 637 South Broadway, Suite C,
Boulder, Colorado 80305 | T: 303-499-9737

Additional: _____

Community Interest Groups

____ Allenspark Area Landowners
Attn: Jeff Kolen/Becky Brandli
PO Box 511
Allenspark, CO 80510
T: 303-747-2340
E: bbptjfire@wildblue.net

____ Allenspark Concerned Citizens
Attn: Bob Donovan
PO Box 336
Allenspark, CO 80510
Note: Send referral for projects along Peak to Peak from Peaceful Valley to the County limit.

____ Audubon Society
Board of Review
P.O. Box 2081
Boulder, CO 80306

____ Coal Creek Canyon
Improvement Association
P.O. Box 7331
Golden, CO 80403
Note: Send referrals for all projects in Coal Creek Canyon Area.

Email Eldora Civic Association
PO Box 988
Nederland, CO 80466
eldoracivicasociation@gmail.com
Note: Also receives referrals for projects within the Eldora Environmental Preservation Planning area (EEP).

Email Eldorado Springs Community
Assoc. (ESCA)
eldocommunity@gmail.com

Both Gold Hill Town Meeting
Attn: Tony Vrba
1011 Main Street
Boulder, CO 80302
tonyvrba@gmail.com

____ Gold Hill Zoning & Historic
District
1011 Main Street (Gold Hill)
Boulder, CO 80302
Note: Send Referrals for all projects in Gold Hill area.

Email Fourmile Watershed Coalition
Maya MacHamer
fourmilewatershed@gmail.com

____ Greater Allenspark
Alliance/MOST
Attn: Phil Stern
PO Box 56
Allenspark, CO 80510
Note: Send Referral for projects along Peak to Peak from Peaceful Valley to County limit and along Big Owl Rd. & Cabin Creek.

Email James Creek Watershed Initiative
Attn: Colleen Williams, Director
P.O. Box 110
Jamestown, CO 80455
E: colleen@jimtown.org AND
mark@jimtown.org

____ Lake Eldora Corporation
Attn: Brent Tregaskis
PO Box 1697
Nederland, CO 80466
T: 303-440-8700 x295
E: btregaskis@eldora.com

____ Nature Conservancy of CO
Colorado Field Office
2424 Spruce Street
Boulder CO 80302
T: 303- 444-2950

____ Niwot Business Association
Attn: Tony Santelli
PO Box 92
Niwot, CO 80544
E: info@niwot.com

Email Niwot Cultural Arts Association
Attn: Bruce Warren
E: bwarren@niwotlaw.com

Email Niwot Community Association
Attn: David Limbach, NCA VP & Dir.
Of Communications
PO Box 72
Niwot, CO 80544
E: info@niwot.org;
landuse@niwot.org;
board@niwot.org

Email Old Town Niwot Design Review
Subcommittee
Attn: Pat Murphy
pmurphy@niwotrealty.com
Note: Send Referrals for all projects within the original NRCD boundary (commercial are on 2nd Ave) and also in the NRCDII (the Old Town residential blocks).

Email Niwot Historical Society
Attn: Kathy Koehler
kathyboco@gmail.com AND
info@niwothistoricalsociety.org
Note: Send Referrals for all projects for Land Use builds and/or changes in Niwot.

Email PUMA (Preserve Unique Magnolia
Association)
puma@magnoliaroad.net
Note: Send Referrals for ALL projects off of Magnolia Road.

Utilities

Water and Sanitation Districts

_____ Allenspark Water & Sanitation Dist.
Attn: Andrew Griffiths
PO Box 91
Allenspark, CO 80510

_____ City of Boulder Utilities
1777 Broadway
Boulder, CO 80302

Email District 5 Water Commissioner
shera.sumerford@state.co.us

_____ District 6 Water Users Assn.
See St. Vrain & Left Hand Water

Email East Boulder County Water District
P.O. Box 18461
Boulder, CO 80308
president@eastboulderwater.com

_____ Eldorado Artesian Springs, Inc.
P.O. Box 445
Eldorado Springs, CO 80025

Email Fairways Metropolitan District
c/o Special District
Management Services
Attn: David Solin
141 Union Boulevard, Suite 150
Lakewood CO 80228-1898
dsolin@sdmsi.com
Tel: 303-987-0835

*Note: For all applications in the Fairways /
Lake Valley Estates / North Rim subdivisions.*

_____ Hoover Hill Water & Sanitation District
P.O. Box 16532
Golden, CO 80402
T: 720-432-6322
info@hhwsd.org AND
cade@metro-district.com

Email Lake Eldora Water & Sanitation
PO Box 1697
Nederland, CO 80466
hwright@eldora.com

_____ Left Hand Water District
Attn: Christopher Smith
PO Box 210
Niwot, CO 80544

Email Little Thompson Water District
Attn: Brad Eaton,
District Engineer
835 East Hwy. 56
Berthoud, CO 80513
T: 970-344-6318
F: 970-532-3734
BEaton@lthwd.org

Email Longs Peak Water District
Attn: Brian Morse
9875 Vermillion Road
Longmont, CO 80504
brian@lpwd.org

Email Niwot Sanitation District
Attn: Karen Behne
7395 N. 95th Street
Longmont, CO 80504
T: 303-652-2525
kbehne@niwotsanitation.com

Email Northern Colorado Water
Conservancy District
Attn: Jim Struble &
Brian Flockhart
220 Water Avenue
Berthoud, CO 80513
jstruble@northernwater.org AND
Bflockhart@northernwater.org

Email Pine Brook Water District
Attn: Bob de Haas
1903 Linden Drive
Boulder, CO 80304
T: 303-817-8153
bob@pinebrookwater.com

Email St. Vrain & Left Hand Water
Conservancy District
9595 Nelson Road
Box C, Suite 203
Longmont, CO 80501
office@svlhwcd.org

Power and Gas Providers

Email Estes Park Power & Light
Attn: Steve Rusch, Utilities
Coordinator
PO Box 1200
Estes Park, CO 80517
srusch@estes.org

*Note: Any project with a solar component goes
to both srusch@estes.org and
solarpower@estes.org. All projects go to
srusch@estes.org.*

_____ Longmont Power and
Communications
Attn: Jess Aills
1100 South Sherman Street
Longmont, CO 80501

Email Noble Energy, Inc.
Attn: Mike Rodine, Land Supervisor
Noble Field Office
2115 117th Ave.
Greeley, CO 80634
T: 970-304-5000
Michael.Rodine@noblenergy.com

Email Poudre Valley REA
Attn: Matt Organ
PO Box 272550
Fort Collins, CO 80527-2550
morgan@pvrea.com

Email United Power, Inc.
500 Cooperative Way
Brighton, CO 80603
platreferral@unitedpower.com

Email Western Area Power Administration
Attn: Tracy Rogers
Rocky Mountain Region
PO Box 3700
Loveland, CO 80539
T: 970.461.7284
Rogers@wapa.gov

_____ Western Gas Supply Co.
4200 S. County Road 15H
Loveland, CO 80537

Email Xcel Energy
Attn: Donna George, ROW & Permits
1123 West 3rd Avenue
Denver, CO 80223
T: 303-571-3306
Donna.L.George@xcelenergy.com
BDRCO@xcelenergy.com

(Email link to PDF if file is over 10 MB)

Communications

Email CenturyLink Communications
Attn: Christopher Janoski
1855 S. Flatiron Ct. #B-01
Boulder, CO 80301
Christopher.Janoski@centurylink.com

Ditch Companies

Cities and Counties

Email Adams County Community & Economic Development Dept.

Attn: Jen Rutter

4430 South Adams County Pkwy.,
Ste. 3000

Brighton, CO 80601

T: 720-523-6990

F: 720-523-6150

jrutter@adcogov.org

Email City of Boulder Planning & Development Services

Attn: Phil Kleisler

PO Box 791

Boulder, CO 80306-0791

T: 303-441-4497

KleislerP@bouldercolorado.gov

Email City of Boulder Open Space & Mountain Parks

Attn: Bethany Collins, Matt Ashley,
and Juliet Bonnell

PO Box 791

Boulder, CO 80306

bonnellj@bouldercolorado.gov

ashleym@bouldercolorado.gov

CollinsB@bouldercolorado.gov

City and County of Broomfield
Planning Division

1 Des Combes Drive

Broomfield, CO 80020

T: 303-438-6284

F: 303-438-6297

Email Town of Erie Community
Development Department

Planning Division

Attn: Melinda Helmer and Deborah

Bachelor

PO Box 750

Erie, CO 80516

mhelmer@erieco.gov AND

dbach@erieco.gov

T: 303-926-2771

F: 303-926-2706

Email Gilpin County
Community Development Dept.

Attn: Dan Horn

P.O. Box 661

Central City, CO 80427

T: 303-582-5831 ext. 3

F: 303-582-5440,

dhorn@co.gilpin.co.us

Email Grand County Planning and
Zoning Department

Attn: Robert Davis & Alex Taft

PO Box 238

Hot Sulphur Springs, CO 80451

T: 970-725-3062

rdavis@co.grand.co.us AND

ataft@co.grand.co.us

Email Jamestown Planning Department

Attn: Kristi Rutledge

PO Box 298

Jamestown, CO 80455

T: 303-449-1806

E: townclerk@jamestownco.org

Email Jefferson County Planning and
Zoning Department

Attn: Mike Schuster, Assistant
Director

100 Jefferson Pkwy., Suite 3550

Golden, CO 80419-3500

mschuste@jeffco.us

T: 303-271-8756

F: 303-271-8744

Email City of Lafayette
Community Development Dept.

Planning Division

Attn: Paul Rayl & Jana Easley

1290 S. Public Road

Lafayette, CO 80026

T: 303-665-5588 ext. 3332

F: 303-665-2153

jana.easley@cityoflafayette.com

AND paulr@cityoflafayette.com

Email Larimer County Planning
Department

P.O. Box 1190

200 West Oak Street, Ste. 3100

Ft. Collins, CO 80522

T: 970-498-7683

F: 970-498-7711

E: poc@co.larimer.co.us

AND ellislk@larimer.org

Email Longmont Planning & Development
Services Division

Attn: Erin Fosdick and Jade

Krueger

350 Kimbark St.

Longmont, CO 80501

erin.fosdick@longmontcolorado.gov

AND

jade.krueger@longmontcolorado.gov

Email Louisville Planning Department

Attn: Kristin W. Dean

749 Main St.

Louisville, CO 80027

T: 303-335-4592

planning@louisvilleco.gov AND

kdean@louisvilleco.gov

Email Town of Lyons

Attn: Victoria Simonsen Town

Administrator

PO Box 49

Lyons, CO 80540

vsimonsen@townoflyons.com

Both Town of Nederland

Attn: Cynthia Bakke, Planning &
Building Tech.

P.O. Box 396

Nederland, CO 80466

T: 303-258-3266 ext. 22

cynthiab@nederlandco.org

Email Town of Superior
Planning Department

124 E. Coal Creek Drive

Superior, CO 80027

T: 303-499-3675

F: 303-499-3677

stevenw@superiorcolorado.gov

Ward Planning Department
PO Box 99

Ward, CO 80481-0099

Email Weld County Planning
Department

Attn: Jim Flesher

1555 N. 17th Avenue

Greeley, CO 80631

T: 970-353-6100

F: 970-304-6498

jflesher@weldgov.com

School Districts

Email Boulder Valley School District

Attn: Glen Segrue

PO Box 9011

Boulder, CO 80306

T: 720-561-5062

Glen.segrue@bvdsd.org

St. Vrain Valley Schools
Planning Educational Services
Center

395 South Pratt Pkwy.

Longmont, CO 80501

T: 303-682-7229

Regional Agencies

Email Boulder Valley & Longmont Conservation Districts
Attn: Liz Northrup
9595 Nelson Road, Box D
Longmont, CO 80501
bldrvalleyandlongmontcds@gmail.com

Send Liz a referral for ALL applications within Agricultural and Forestry Zoning Districts.

Email DRCOG
Brad Calvert, Director
Regional Planning & Development
1290 Broadway, Suite 700
Denver, CO 80203-5606
T: 303-480-6839
bcalvert@drcog.org

Email Urban Drainage & Flood Control District
2480 W. 26th Ave., Ste. 156-B
Denver, CO 80211
submittals@udfcd.org

State Agencies

Email CO Dept. of Agriculture -ICS- PACFA
2331 W. 31st Avenue
Denver, CO 80211T: 303-869-9146
Cda_pacfa@state.co.us

Email CO Geological Survey
1801 19th St.
Golden, CO 80401
T: 303-384-2655
cgs_pubs@mines.edu

Email CO Dept of Public Health & Environment (CDPHE)
Attn: Sean Hackett
4300 Cherry Creek S Dr
Denver, CO 80246
sean.hackett@state.co.us

Email CO Office of Early Childhood (CDHS)
Attn: Colleen Rosa
1575 Sherman St
Denver, CO 80203
colleen.rosa@state.co.us

Email CO Dept. of Local Affairs
Division of Local Government
Attn: Don Sandoval
150 E. 29th St., Ste. 215
Loveland, CO 80538
don.sandoval@state.co.us

CO Dept. Natural Resources
Div. of Reclamation
Mining & Safety (DRMS)
1313 Sherman Street, Rm 215
Denver, CO 80203
T: 303-866-3567

Email CO Dept. Natural Resources
Division of Water Resources
State Engineer's Office
Attn: Sarah Brucker
1313 Sherman St., Room 818
Denver, CO 80203
T: 303-866-3581 x8249
sarah.brucker@state.co.us

Email Colorado Parks and Wildlife
Attn: Sam Peterson
4207 W. County Line Rd., 16E
Loveland, CO 80537
T: 970-776-6939
samuel.peterson@state.co.us

Note: Sam's area is the southern part of the county, south of 4th of July Rd/ Eldora/ Hwy119 (Boulder Canyon)/ Arapahoe Rd/ 287/Hwy 7.

Email Colorado Parks and Wildlife
Attn: Tyler Asnicar
4207 W. County Line Rd., 16E
Loveland, CO 80537
T: 720-357-4464
tyler.asnicar@state.co.us

Note: Tyler's area is north of Peter to Brainard Lake Rd/ Left Hand Canyon/N. Foothills Hwy/Neva Rd/Hwy 52.

Email Colorado Parks and Wildlife
Attn: Joe Padia
4207 W. County Line Rd., 16E
Loveland, CO 80537
T: 303-906-3643
joe.padia@state.co.us
Note: Joe's area is north of Tyler, to Boulder County Line/Hwy 7/Hwy 66/Hover/9th Ave/US 287/3rd Ave./Hwy 119.

Email Colorado Parks and Wildlife
Attn: John Koehler
4207 W. County Line Rd., 16E
Loveland, CO 80537
T: 303-906-7870
john.koehler@state.co.us
Note: John's area is everything north of Joe.

CO Dept. Natural Resources
Oil & Gas Conservation Commission
Attn: Rob Young
1120 Lincoln Street, Ste. 801
Denver, CO 80203-2136
T: 303-894-2100

CO Dept. Natural Resources
Soil Conservation Board For
Watershed & Soil Protection
700 Kipling Street, Ste. 4000
Lakewood, CO 80215-8000

CO Dept. Natural Resources
Water Conservation Board
1313 Sherman St., Room 721
Denver, CO 80203-2236
T: 303-866-3441
F: 303-866-4474

CO Dept. of Regulatory
Agencies (DORA)
Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202
T: 303-894-2000

Email Colorado Dept. of Revenue
Marijuana Enforcement Div.
Attn: Keith Kuretich
275 S. Main St., Ste 101
Longmont, CO 80501
E: keith.kuretich@state.co.us

& Email Attn: Richard Hollar
1709 Cole Blvd., Suite 300
Lakewood, CO 80401
T: 303-866-4664
E: Richard.hollar@state.co.us

Email CO Dept. of Transportation R4
Attn: Timothy Bilobran
10601 W. 10th Street
Greeley, CO 80634
T: 970-350-2148
timothy.bilobran@state.co.us

Email CO Dept. of Transportation R1
Attn: Rick Solomon
2829 W. Howard Place #255f
Denver, CO 80204
T: 303-757-9356
richard.solomon@state.co.us

Note: Only for segment of SH 72 between SH 93 and SH 119, and SH 119 south of SH 72.

Email CO Natural Areas Program
Attn: Raquel Wertsbaugh
6060 Broadway
Denver, CO 80216
T: 303-291-7267
Raquel.wertsbaugh@state.co.us
OR dnr_cnap@state.co.us

Email CO State Forest Service
Boulder Field Office
5625 Ute Highway
Longmont, CO 80503
T: 303-823-5774
CSFS_Boulder@mail.colostate.edu

Email CO State Land Board
1127 Sherman Street, Suite 300
Denver, CO 80203
julie.majors@state.co.us;
christopher.smith@state.co.us

Email CSU Extension, Boulder County
Attn: Laura Larson, Director
9595 Nelson Road, Box B
Longmont, CO 80501
T: 303-678-6280
llarson@bouldercounty.org

State Agencies (continued)

Email History Colorado - Office of
Archaeology and Historic Preservation
1200 Broadway
Denver, CO 80203
T: 303-866-5216
hc_filesearch@state.co.us

____ Eldorado Canyon State Park
P.O. Box B
Eldorado Springs, CO 80025
T: 303-494-3943
john.carson@state.co.us

Federal Agencies

Email Arapaho and Roosevelt
National Forests
Boulder Ranger District
Attn: Mike Johnson
2140 Yarmouth Ave.
Boulder, CO 80301
T: 303-541-2534
mjohnson10@fs.fed.us

____ Bureau of Land Management
Royal Gorge Field Office
Attn: Keith Berger
3028 E. Main Street
Canon City, CO 81212

____ Burlington Northern &
Santa Fe Railway Co.
Property & Facilities Management
Director of Field Operations
2500 Lou Menk Dr., AOB 3
Ft. Worth, TX 76131-2830

Email US Department of Commerce
Nat'l Telecommunications & Info
Admin Inst. of Telecommunication
Sciences (NTIA/ITS)
(formerly ESSA)
Attn: Brian Lane, Exec. Officer
325 Broadway, MS NTIA/ITS.D
Boulder, CO 80305
303-497-3484
blane@ntia.doc.gov

Email Rocky Mtn. National Park
Attn: Darla Sidles,
Superintendent
1000 US Hwy 36
Estes Park, CO 80517
T: 970-586-1200
Darla_sidles@nps.gov

____ U.S. Bureau of Reclamation
Eastern Colorado Area Office
Attn: Signe Snortland
11056 West County Rd. 18E
Loveland, CO 80537
T: 970-962-4300

____ US Army Corps of Engineers
Denver Regulatory Office
Attn: Kiel Downing
9307 S. Wadsworth Blvd.
Littleton, CO 80128-6901
T: 303-979-4120
F: 303-979-0602

Email US EPA Region 8
Office of Water Protection
Underground Injection Control
Unit
Attn: Omar Sierra-Lopez,
Physical Scientist
(Environmental)
1595 Wynkoop Street
Denver, CO 80202-1129
T: 303-312-7045
F: 303-312-7084
Sierra-Lopez.Omar@epa.gov

Email US Fish & Wildlife Service
PO Box 25486
DFC (MS 65412)
Denver, CO 80225-0486
T: 303-236-4773
coloradoes@fws.gov

Email U.S. Forest Service
Attn: Mike Johnson
2140 Yarmouth
Boulder, CO 80301
mjohnson10@fs.fed.us

____ U.S. Post Offices in Boulder
County

- Allenspark 80510
- Berthoud 80513
- Boulder 80302
- Broomfield 80020
- Eldorado Springs 80025
- Erie 80516
- Hygiene 80533
- Jamestown 80455
- Lafayette 80026
- Longmont 80501
- Louisville 80027
- Lyons 80540
- Nederland 80466
- Niwot 80544
- Ward 80481

For Navigable Airspace Safety and Operation Of Air Navigation Facilities

Email FAA Air Traffic Airspace Branch,
ASW-520
Attn: Brian Barnes and Jay Garver
10101 Hillwood Parkway
Ft. Worth, TX 76136
E: brian.a.barnes@faa.gov
AND j.garver@faa.gov

Email FAA
Northwest Mountain Region
Attn: Marsha Hofer, Program
Specialist
26805 E. 68th Ave., Ste. 224
Denver, CO 80249
T: 303-342-1251
E: marsha.hofer@faa.gov

Local Airports

Email Boulder Municipal Airport
Attn: Tim Head, Manager
3327 Airport Road
Boulder, CO 80301
T: 303-441-3108
BMA@bouldercolorado.gov

____ Erie Municipal Airport
395 Airport Drive
Erie, CO 80516

Email Rocky Mountain
Metropolitan Airport
Attn: Ben Miller
11755 Airport Way
Broomfield, CO 80021
T: 303-271-4850
bmiller@flyRMMA.com

Email Vance Brand Airport
City of Longmont
Attn: David Slayter, Manager
229 Airport Road
Longmont, CO 80503
T: 303-651-8431
David.slayter@longmontcolorado.gov

Fire Protection Agencies

Email Allenspark FPD
Leo Touzjian, Fire Chief
PO Box 153, Allenspark, CO 80510
T: 303-747-2586
info@allensparkfire.com

Email Berthoud FPD
Attn: Joe Jaramillo
PO Box 570, Berthoud, CO 80513
T: 970-619-0299
J@berthoudfire.org

Email Big Elk Meadows VFD
42 Willow Drive
Lyons, CO 80540
Chief@vfdofbigelk.org

____ Boulder Mountain FPD
John Benson; Chief
Mike Palamara; WFM
1905 Linden Drive
Boulder, CO 80304
T: 303-440-0235

____ Boulder Rural FPD
Dean Rogers
6230 Lookout Road
Boulder, CO 80301
T: 303-530-9575 ext. 105
E: dean.rogers@BRFD.org

____ Cherryvale FPD
7700 Baseline Road
Boulder, CO 80303-4708

____ City of Boulder Fire Dept.
Michael Calderazzo; Chief
David Lowrey; Marshal
3065 Center Green Dr.
Boulder, CO 80301
T: 303-441-4178

Email Coal Creek Canyon FPD
Garret Ball; Chief
PO Box 7187, Golden, CO 80403
T: 303-642-3121
admin@coalcreekcanyonfd.org

Email Four Mile FPD
Bret Gibson; Chief
Regina Daly; Fire Marshal
1740 Four Mile Canyon Drive
Boulder, CO 80302
303-449-3333
chiefbret@gmail.com AND
reginadaly01@gmail.com

Email Gold Hill FPD
Chris Finn; Chief
1011 Main Gold Hill
Boulder, CO 80302
T: 303-444-5549
cfinn@goldhillinn.com

Email Hygiene VFD
Attn: Hygiene Fire Chief
PO Box 83
Hygiene, CO 80533
T: 303-776-2950
cody.trevithick@hygienefire.org
AND
travis.homyak@hygienefire.org

____ Indian Peaks FPD
PO Box 205
Ward, CO 80481
T: 303-459-3452

Email Jamestown VFD
Attn: Kristi Rutledge, Town Clerk
PO Box 298
Jamestown, CO 80455
T: 303-447-1568
townclerk@jamestownco.org

____ City of Lafayette Fire Dept.
Attn: Dave Friedel, Chief and
Norm Kellett, Fire Marshal
401 N. 111th Street
Lafayette, CO 80026
T: 303-665-9661

____ Lefthand FPD
Russell Leadingham
900 Lefthand Canyon Dr.
Boulder, CO 80302
T: 720-214-0560
rleadingham@lefthandfire.org

Email City of Longmont, Fire Services Div.
Capt. Michele Goldman, Marshal
225 Kimbark St.
Longmont, CO 80501
T: 303-651-8426
Michele.goldman@longmontcolorado.gov

Email Louisville FPD
Attn: John Willson, Chief
Chris Mestas, Fire Marshal
895 West Via Appia
Louisville, CO 80027
T: 303-666-6595
jwillson@louisvillefire.com AND
cmestas@louisvillefire.com

Email Lyons FPD
J.J. Hoffman; Chief
PO Box 695
Lyons, CO 80540
T: 303-823-6611
plans@lyonsfire.org

Email Mountain View FPD
Attn: Doug Saba and LuAnn Penfold
3561 N. Stagecoach Rd., Unit 200
Longmont, CO 80504
T: 303-772-0710
LPenfold@mvpfd.org AND
dsaba@mvpfd.org AND
jwebb@mvpfd.org

Email Nederland FPD
Attn: Rik Henrikson
P.O. Box 155
Nederland, CO 80466
T: 303-258-9161
Inspections@NFPD.org

____ Pinewood Springs FPD
61 Kiowa Road
Lyons, CO 80540-8202
T: 303-823-5086

Email North Metro Fire Rescue
Attn: David Ramos
101 Spader Way
Broomfield, CO 80020
fireprevention@northmetrofire.org

____ Poorman VFD
390 Leonards Road
Boulder, CO 80302

Email Rocky Mountain Fire Dist.
Michelle Kelly
4390 Eldorado Springs Dr.
Boulder, CO 80303
T: 303-494-3735
mkelly@rockymountainfire.org

Sugar Loaf FPD - For Site Plan Review Referrals, Mail and Email To:

Both Sugar Loaf FPD
Miles La Hue; Site Review Officer
1360 Sugar Loaf Road
Boulder, CO 80302
cmlahue@yahoo.com

For All Other Referrals Mail & Email to:

Both Sugar Loaf FPD
Andrew Goldman; Chief
1360 Sugar Loaf Road
Boulder CO 80302
T: 303-442-1050/303-810-2815
chief@slfpd.org

Email Sunshine FPD
Michael Schmitt; Chief
Bruce D. Honeyman; Fire Marshal
Regina Daly; Fire Marshal
311 County Road 83
Boulder, CO 80302
T: 303-246-4519
chief@sunshine-fpd.org
AND reginadaly01@gmail.com
AND bdhoneyman@gmail.com

Email Timberline Fire Protection District
660 Hwy 46
Blackhawk, CO 80422
T: 303-582-5768
jhinderman@timberlinefire.com

Homeowner and Road Associations and Review Committees

Bar K Ranch HOA
1180 Rock Lake Rd
Ward, CO 80481

Benchmark HOA
#12 Benchmark Drive
Boulder, CO 80301

Email Boulder Hills HOA
Attn: Anne L. Larson
8498 Stirrup Ct.
Longmont, CO 80503
E: annelarson@juno.com

Boulder Tech Center Owners Assoc.
Attn: Gary Reed
2729 S. Lakeridge Trail
Boulder, CO 80302-9312
T: 303-442-0750

Email Brittany Place HOA
Attn: Dina Kenkel, President
8427 Brittany Place
Niwot, CO 80503
dkenkel@comcast.net

Email Burgundy Park HOA
a.k.a. Johnson Farm Replat G
Attn: Steve Ekman, Vice President
7100 Burgundy Drive
Niwot, CO 80503
E: steve@ekmandesign.com **AND**
president.bphoa@gmail.com, **AND**
treasurer.bphoa@gmail.com

Canyonside HOA
PO Box 1698,
Boulder, CO 80306

Circle "C" Ranch HOA
Attn: Jon Larson
6325 Trevarton Drive
Longmont CO 80503

Email Clover View North NUPUD
Attn: Bruce Johnson
bask@skybeam.com
T: 303-775-1350

Email Cottonwood Park West HOA
Attn: Dean Carpenter, Assoc. Mgr.
PO Box 421
Niwot, CO 80544
M: 303-652-2537
E: cpwhoaoffice@gmail.com

Email Country Creek HOA
Attn: Karin Antoni
P.O. Box 85
Niwot, CO 80544-0085
T: 720-384-7843
E: pghsmanley@comcast.net

Cove (The) HOA
PO Box 1052
Niwot, CO 80544-1052

Crescent Lake Estates HOA
PO Box 7114
Golden, CO 80403

Email Crestmoor Architectural Review
Attn: Richard Boscardin
993 Crestmoor Drive
Boulder, CO 80303
E: raboscardin@comcast.net
AND Email Michael J. Waggoner
930 Crestmoor Drive
Boulder, CO 80303
E: waggonem42@yahoo.com

Email Crestview Estates Architectural
Control Committee (ACC)
Richard E. Blanchette
E: reb@green-mtn.com
T: 303-818-7996

Crystal Views HOA
Nan Stuart
11732 Crystal Views Lane
Longmont, CO 80501

Darvey's Farm NUPUD Architectural
Committee
Bruce M. Davis & Mary Davis Burkhart
10142 Oxford Road
Longmont, CO 80501

East Meadowdale HOA
P.O. Box 270368
Louisville, CO 80027

ERTL Farm HOA
Ned Flannigan
9499 W Phillips Rd.
Boulder, CO 80301
T: 303-664-5994

Farm in Boulder Valley HOA
P.O. Box 208
Niwot, CO 80544

Flintlock HOA
c/o Sentry Management
1375 Ken Pratt Blvd Suite 100
Longmont, CO 80501

Email Fountaintree HOA
470 Fountaintree Lane
Boulder, CO 80304
E: kit@sancheztennis.com

Email Gaynor Lake HOA
Attn: James Williams
7905 Anchor Drive
Longmont, CO 80504
jamie@jamiewilliams.com
303-482-7715

Githens Acres Neighborhood Assn.
Jim Snow
2305 Topaz Drive
Boulder, CO 80304

Goose Haven HOA
Douglas W. Porrey, Secretary/Treasurer
10425 Goose Haven Drive
Lafayette, CO 80026

Email Granja Este Road
Maintenance Association
Attn: Shawn F. Roberts
9980 Phillips Road
Lafayette, CO 80026
E: sf.roberts@yahoo.com

Both Gunbarrel Green HOA
PO Box 11217
Boulder, CO 80301
E: gunbarrelgreen@gmail.com
T: 720-443-3471

Hardt Estates Subdivision
Emily Bray
4138 Nelson Road
Longmont, CO 80503
T: 303-447-1187

Heatherwood HOA
P.O. Box 11102
Boulder, CO 80302

Email Hidden Lake HOA
Attn: Richard Sands, HOA President
2425 Balsam Drive
Boulder, CO 80304
E: rjsands303@gmail.com
T: 303-402-9626

Hillcrest Heights Replat B
See Wildview HOA

Hygiene HOA
Sam Clark
P.O. Box 171
Hygiene, CO 80533

Johnson Farm Replat G
See Burgundy Park HOA

Email Knollwood HOA
Alan A. Teran
2126 Knollwood Drive
Boulder, CO 80302-4706
T: 303-444-6877
E: aatbigsteaks@aol.com

Lagerman Farm HOA
3281 61st Street
Boulder, CO 80301

Email Lake of the Pines HOA
Attn: Arch. Control Committee and
HOA Board Presidents
2849 S. Lakeridge Trail
Boulder, CO 80302
E: acc@lophoa.com;
board_president@lophoa.com
T: 303-786-7833

Lakeshore Estates ARC
Julianne M. Anderson
6397 Glenmoor Rd.
Boulder, CO 80303
T: 303-499-7150

Lake Valley Estates HOA
3950 Bogey Ct.
Longmont, CO 80503
T: 303-545-6651

Homeowner and Road Associations and Review Committees (continued)

Lazy Z Estates HOA
Box 374
Pinecliffe, CO 80471-0374

Legend Ridge HOA
5440 Ward Rd. #230
Arvada, CO 80002

Longs Peak Estates HOA
PO Box 1141
Lyons, CO 80540-1141

Longview Ranchettes (a.k.a. Fox
Pointe at Niwot) Design Review
David & Jane Chaknova
8631 Monte Vista Avenue
Niwot CO 80503
T: 303-702-9455

Lykins Gulch HOA
3743 Nelson Road
Longmont, CO 80503

Meadow Green Farm HOA
Carol & Harvey Yoakum
14707 N. 95th Street
Longmont, CO 80504
T: 303-775-1408

Monarch Park HOA
Jennifer Sleek
7376 Monarch Road
Longmont, CO 80503-8630

Monarch Ponds HOA
7739 Monarch Road
Niwot, CO 80503

Mountain Ridge HOA
Levin Hemming
2289 Park Lake Dr.
Boulder, CO 80301-5124

Niwot Hills HOA (Arch. Committee)
Attn: Cindy Henry, Markel Homes
5723 Arapahoe Ave #2B
Boulder, CO 80303
T: 303-339-6120
E: cindy@markelhomes.com

Niwot Meadow Farm HOA
8510 Niwot Meadow Farm Road
Niwot, CO 80503

North Rim HOA
4400 Hogan Ct.
Niwot, CO 80503

Email Orange Orchard
Attn: President of Board
PO Box 17241
Boulder, CO 80308
E: board@oohaboulder.org

Oxford Farm HOA
7600 Rodeo Drive
Longmont, CO 80501

Panorama Park Subdivision
Architectural Review
Attn: Frank Hawke
7331 Spring Drive
Boulder, CO 80303
T: 303-499-6704

Email Park Lake HOA
PO Box 682
Louisville, CO 80027
E: parklakehoa@gmail.com

Email Pine Brook Hills Architectural
Committee
Eric Erickson
E: ARC@PineBrookHills.org

Pine Valley Estates HOA
PO Box 643
Pinecliffe, CO 80471

Powderhorn Condominium
Association, Inc.
Hudson Real Estate
1200 28th St., Suite 100
Boulder, CO 80303
303-442-6380

Quiet Retreat HOA
2807 Jay Road
Boulder, CO 80301-1605

Email Ranch at Clover Basin
Replat B TDR/PUD 2nd Filing (a.k.a.
Portico)
c/o Flagstaff Management, Inc.
900 Coffman St., STE D
Longmont, CO 80501
T: 303-682-0098
E: fmc900@flagstaffmanagement.com

The Reserve Homeowners and
Recreational Association (Sombbrero
Ranch)
6298 Reserve Drive
Boulder CO 80303

Silver Springs HOA
11 Nightshade Drive
Boulder, CO 80302

Smith Meadow Lane HOA
7376 Elm St.
Longmont, CO 80503

Email Springhill HOA
c/o Trio Property Management
PO Box 208
Niwot, CO 80544
T: 303-415-2054
E: TrioProperty@comcast.net

Email Somerset HOA
c/o Trio Property Management
PO Box 208
Niwot, CO 80544
T: 303-415-2054
E: somersethoa@comcast.net
AND TrioProperty@comcast.net

South Meadow Gunbarrel Green Acres
PO Box 1718
Longmont, CO 80502

Spanish Hills HOA (Deanna Blomquist)
84 Caballo Ct.,
Boulder, CO 80303
E: deannablomquist@yahoo.com
AND Email
Spanish Hills Architectural

Design Committee
William Hickey
156 Barcelona Drive
Boulder, CO 80303
303-494-0384
E: wa3h@hotmail.com

Email Summerlin HOA
Attn: Dave Boschert, Mike Exner, Will
Coleman
3223 Arapahoe Ave., #325
Boulder, CO 80303
T: 303-442-1277 x21
E: dboschert@boschland.com **AND**
mlexner@comcast.net **AND**
will@ascend-mg.com

Email St. Anton Highlands First Addition
HOA
SAHFAHOA
PO Box 810
Nederland, CO 80466
T: 303-442-1277 x21
E: sahfahoa@gmail.com

Sunrise Ranch NUPUD HOA
6106 Sunrise Ranch Drive
Longmont, CO 80501

Valle Del Rio Subdivision Only
(Not for Valle Del Rio Subdivision 1)
Lori Dempsey
4567 Prado Drive, Boulder, CO 80303
T: 303-499-7777 M: 303-472-0811
E: dempsey4567@yahoo.com

Waterford HOA
PO Box 6632
Longmont, CO 80501

Email Waterstone HOA
c/o Trio Property Management
PO Box 208
Niwot, CO 80544
T: 303-415-2054
E: TrioProperty@comcast.net

West Meadowdale HOA
P.O. Box 831
Niwot, CO 80544

White Hawk Ranch HOA
c/o Homestead Management
1499 W. 121st Ave, Suite 100
Westminster, CO 80234
T: 303-457-1444 F: 303-457-0670

**Homeowner and Road
Associations and Review
Committees (cont'd):**

Both Wildview HOA
a.k.a. Hillcrest Heights Replat
PO Box 2459
Longmont, CO 80502
E: hoa2@wildview.net

Email Willow Glen HOA
c/o David Corson
7973 Sagebrush Court
Boulder, CO 80301
T: 303-888-5450
E: davidjcorson@yahoo.com



May 2, 2022

Dale Case, AICP
Director
Boulder County Community Planning & Permitting
2045 13th Street
Boulder, CO 80302

Re: Application to Extend Special Use Permit for the Dowe Flats Mine

Dear Mr. Case:

Enclosed for filing with Boulder County Community Planning & Permitting is a complete land use application by CEMEX, Inc. ("CEMEX"), for a Special Use Permit to extend operations at the Dowe Flats limestone and shale mine for an additional fifteen years. In anticipation of the submission of this application, CEMEX has been working with Boulder County Parks & Open Space regarding potential additional open space preservation and trails commitments by CEMEX if an extended mining term is approved as requested. These potential additional commitments of CEMEX include the following items:

- A reduction of the purchase prices for Boulder County's existing options to acquire real property north of Hwy. 66 to zero dollars plus title and closing costs, resulting in savings to the County of approximately \$6.6M;
- The grant of an additional option to Boulder County for the benefit of Boulder County Parks & Open Space for its potential future purchase (when mining at Dowe Flats is completed) of four additional parcels totaling approximately 200 acres around the perimeter of the Dowe Flats mine, at a purchase price of zero dollars plus title and closing costs;
- An increase in the required rental payments by CEMEX to Boulder County pursuant to the existing buffer lease for properties around the Dowe Flats mine from the current amount of \$1,000/year to an increased amount of \$400,000/year, equating to a total value of \$6.0M for 15 years;
- The dedication of a permanent, non-exclusive recreational trail easement to Boulder County for the benefit of Boulder County Parks & Open Space along the south bank of the St. Vrain River or another mutually agreed location;
- A commitment by CEMEX to permanently conclude ongoing cement plant operations at its facility south of Hwy. 66 within the same 15-year timeframe for completion of mining

CEMEX, Inc.
10100 Katy Freeway, Suite 300, Houston, TX 77043

operations (plus reclamation) at Dowe Flats instead of continuing to operate the cement plant indefinitely as has been contemplated; and

- The grant of an additional option to Boulder County for the benefit of Boulder County Parks & Open Space for the potential future purchase of up to approximately 830 acres of CEMEX property surrounding CEMEX's cement plant south of Hwy. 66 at a current price of \$17,000 per acre with a 2.0% annual escalator, upon condition that the Town of Lyons provide consent to Boulder County's acquisition of any lands within the CEMEX Municipal Facilities Area per the 2012 CEMEX Area IGA Map, and provided that CEMEX would reserve an access and utility corridor to/from Hwy. 66 for the benefit of its retained properties.

These terms would be set forth in additional future agreements between the County and CEMEX, and all such terms are and will remain subject to final approval of the enclosed land use application with conditions consistent with the above terms and otherwise acceptable to CEMEX in its discretion.

Thank you in advance for your consideration. CEMEX looks forward to continuing to work with the County on these matters.

Sincerely,

CEMEX, Inc.

By:



John V. Heffernan, Authorized Agent

enc.