



Community Planning & Permitting

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RESCISSION OF NOTICE OF TERMINATION OF NONCONFORMING STATUS

May 19, 2026

CEMEX Inc.
5134 Ute Highway
Longmont, CO 80503

1501 Belvedere Road
West Palm Beach FL33406

CEMEX U.S. Operations
10100 Katy Fwy
Suite 300
Houston, Texas 77043

VIA U.S. Certified Mail and Email: johnv.heffernan@cemex.com

Re: Rescission of Notice to Terminate the Nonconforming Use at 5134 Ute Highway, Longmont, CO 80503

On April 10, 2024, the Director of the Boulder County Community Planning and Permitting Department (the Director) issued a determination that the right to continue the nonconforming cement plant use at 5134 Ute Highway, Parcel # 120328000001 ("the Property") was terminated by operation of Article 4-1003.C of the Boulder County Land Use Code (the "Land Use Code"), on the basis of increased traffic.

This determination was based on the best information available to the Director at the time. In particular, the determination relied on traffic data from the August 28, 2023, CEMEX Lyons Access Traffic Study. The study appeared to show a significant increase in traffic to and from the Property and appeared to support the determination that the truck traffic at the CEMEX cement plant had increased to a level that constituted an enlargement or alteration of the nonconforming use under Article 4-1003.C.I.d of the Land Use Code. Under Article 4-1003.H.1, CEMEX had the option of providing evidence satisfactory to the Director that the determination was made in error.

CEMEX submitted the following evidence to demonstrate that the determination was in error:

1. May 9, 2024, Preliminary Response to Notice of Termination of Nonconforming Status;
2. November 7, 2024, Supplemental Response to Notice of Termination of Nonconforming Status;
3. November 7, 2024, CEMEX Access Analysis – Supplement Memo, Prepared by Stantec;
4. November 5, 2024, CEMEX Lyons Plant Traffic Study, Prepared by Landis Evans + Partners; and
5. October 8, 2002, Letter from the Boulder County Land Use Department to Mr. John Lohr.

The Director received the following documents from Save Our Saint Vrain Valley in support of the Director's determination regarding CEMEX's nonconforming cement plant use:

1. December 20, 2024, Save Our Saint Vrain Valley Continued Support for Termination of CEMEX's Nonconforming Use; and
2. May 1993 Traffic Impact Analysis, Dowe Flats Project, Prepared by Felsburg Hold & Ullevig.

The Director also received the following information from Good Neighbors of Lyons:

1. July 9, 2024, Good Neighbors of Lyons Support for Termination of CEMEX Nonconforming Use and Request for Final Determination on Remaining Outstanding Issues;
2. December 1, 1994, Boulder County Health Department Air Pollution Control Field Inspection Worksheet;
3. September 5, 1995 Boulder County Health Department Air Inspection Report;
4. Sundown News – Lyons Cement Plant (Date Unknown); and
5. February 25, 2022, Weaver Limestone Quarry, Permit #658, 2021-2022 Annual Report.

Because of the nature and complexity of the traffic studies provided, the Director requested an independent analysis from Stolfus & Associates Inc., which the Director received on November 6, 2025.

After a comprehensive review of all information provided to the Director since the determination, including new information from Boulder County residents, the Director has determined that CEMEX provided satisfactory evidence that the termination determination was made in error. Specifically, the evidence shows that there was no significant increase in truck

traffic to and from the Property since the closure of the Dowe Flats Quarry, compared with 1994 traffic numbers.

Therefore, the Director rescinds the determination that increases in truck traffic at the Cemex cement plant, since the closing of the Dowe Flats Quarry, constitute an enlargement or alteration of the nonconforming use which has the effect of creating a hazard or nuisance off the property, adversely affecting the character of the neighborhood, or intensifying the use of the land and its need for services under Article 4-1003.C.I.d of the Land Use Code.

CEMEX may continue its operation of the nonconforming cement plant use on the Property, provided it is in compliance with all applicable requirements of the Land Use Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Case", written over a horizontal line.

Dale Case
Director
Community Planning and Permitting