

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI. 1.
Meeting Date: 10/03/2022

TO: Mayor Rogin and Members of the Board of Trustees
FROM: David Kimmett, AICP, Planner II
DATE: September 27, 2022
ITEM: Martin Marietta Materials Inc. – Boulder County Board of Adjustment
Hearing 10-5-2022

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Martin Marietta Materials Inc. (“MMM”) is appealing the decision made by Dale Case, Director of Boulder County Community Planning & Permitting Department (“CP&P”). The case, Docket # AP-22-0003, will be heard by the Boulder County Board of Adjustment (“BoCo BoA”) on October 5th at 4 pm in a public hearing. The case can be found here: www.boco.org/AP-22-0003. The hearing is virtual, and comments can be sent beforehand to planner@bouldercounty.org, referencing the Docket #.
- II. **RECOMMENDED ACTION / NEXT STEP:** Provide Town of Lyons opinion on case to BoCo BoA.
- III. **FISCAL IMPACTS:** None at this time.
- IV. **BACKGROUND INFORMATION:** Town Planners Kimmett and Painter recently received a notification postcard regarding this case. Boulder County’s Director of CP&P, Dale Case, determined that MMM Special Use Permit (SU-96-18) had lapsed, and as such MMM would need to apply for a new Special Use Permit if they desired to resume aggregate mining.

MMM is interested in reinstating their ability to mine on roughly 881 acres of land in the general vicinity of the attached map. This area does fall within the Town’s 3-mile Planning Area.

MMM has hired Otten-Johnson-Robinson-Neff + Ragonetti to represent them at the BoA hearing, arguing that Director Case’s logic is flawed and that their SU-96-18 permit is still valid. The Town, and residents, can provide comments via email to planner@bouldercounty.org, referencing Docket AP-22-0003 in the subject line. The

hearing will be virtual, and can be accessed at the docket's general information portal: www.boco.org/AP-22-0003.

V. **LEGAL ISSUES:** To be determined. None for Lyons.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** See Bo Co Report.

VII. **SUMMARY AND ALTERNATIVES:**

- Provide Town of Lyons opinion to BoCo BoA
- Decline provision of opinion to BoCo BoA