

Lyons Legal Activity

July 2018 – Save Our Saint Vrain Valley (“SOSVV”) filed an appeal with the Board of Adjustment that the Director of Boulder County Land Use Department was in error when he decided that Martin Marietta’s permit had not lapsed. Board of Adjustment affirmed the Director’s decision.

August 2018 – SOSVV filed suit in Boulder County District Court that Director Case unreasonably interpreted the Five-Year Lapse Provision and the Board of Adjustments abused its discretion in failing to overturn the Director’s Decision.

October 2019 – Boulder County District Court held that the Director was not in error in his decision.

December 2019 – SOSVV filed appeal of District Court decision in Colorado Court of Appeals.

May 2020 – Boulder County and Martin Marietta filed Answer Brief.

April 2021 - Colorado Court of Appeals remanded the matter to the County for further proceedings consistent with the instructions in the appellate decision.

April 2022 – Director Case of Boulder County Land Use Department reversed his earlier 2018 decision and determined that the permit had lapsed.

October 2022 – Board of Adjustment affirmed the Director’s decision.

November 2022 – Martin Marietta filed suit in Boulder County District Court asserting that Director Case and the Board of Adjustment unreasonably interpreted the lapse provision and abused its discretion in connection with the April and October 2022 actions above. The action is presently pending before the Colorado Court of Appeals. The matter is likely to be fully briefed by Q3 2024.

Lyons Activity

2018-2020 - Worked with Boulder County Open Space on access and site use for repairing the Lake 4 reservoir damaged in the 2013 flood and excavation of material deposited. Repairs to reservoir completed in 2020.

2021-2022 – Boulder County Open Space continued efforts to re-establish vegetation around the reservoir re-construction and their previous staging and office area.

On-going updates to various permits to keep them active and ready to use as soon as the pending litigation is completed.

We have several permits that were filed with Boulder County in 2017 but have been told that they are on hold until the appeal is done. We need these to re-establish the plant site north of St Vrain River.

Martin Marietta intends to resume operations at this facility and believes the County’s April and October 2022 actions were in violation of applicable rules and not supported by record evidence.