SUMMIT COUNTY
COLORADO

PLANNING DEPARTMENT

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October 14, 2026

Friends of Maryland Creek
Sent email: together@friendsofmarylandcreek.org, lisaprassack@gmail.com, stevetaggart8@gmail.com

RE: Planning Case # PLN26-004: Notification of Approval for a Class 4 Conditional Use Permit for milling and concrete and asphalt batch plant operations at 28755 State Hwy 9, Portions of Sections 15 & 22, T4S R78W, 6th P.M., a 151-acre portion of a 605-acre parcel, zoned A-1.

On October 13, 2026, the Board of County Commissioners heard the Friends of Maryland Creek appeal of the Lower Blue Planning Commission's decision on PLN26-004: A Class 4 Conditional Use Permit for milling and concrete and asphalt batch plant operations at 28755 State Hwy 9. The Board of County Commissioners approved PLN26-004, subject to the following conditions:

1. General Provisions
    A. This permit is granted with issuance and adherence to requirements of the following permits:
        i. DRMS Regular 112 Permit
        ii. CDPHE Stormwater Discharge Permit
        iii. CDPHE Air Quality Control Division Permits
        iv. CDOT Access Permit
        v. DWR issued well permits
        vi. Applicable DWR approved Substitute Water Supply Plans
    B. A Class 2 Site Plan and Site Plan Improvements Agreement, and financial guarantee shall be submitted by October 31, 2026 to review and permit a detailed grading and landscaping plan reflecting the concepts shown in Attachment D and G and guarantee completion of improvements along the southern boundary of the CUP by October 31, 2027.
    C. Lighting meeting the requirements of Code Section 3505.07 shall be installed no later than October 31, 2026.
    D. Removal of asphalt and uncovered material piles on the south side of Lake #4 shall be completed no later than October 31, 2026.
    E. Erosion control measures to ensure no offsite surface water runoff shall be installed no later than October 31, 2026. Erosion control measures at the south end of Lake #4, along the southern CUP boundary, are required to be in place and in good working order throughout the backfilling and regrading of Lake #4 and must remain until the area is successfully revegetated.
    F. Any future development or repair of sewer infrastructure must acquire an Onsite Wastewater Treatment System (OWTS) permit as may be required by the Environmental Health Department.
    G. The applicant shall designate an onsite responsible person for addressing complaints and concerns related to the CUP operations. The applicant shall maintain updated contact information, including phone number and email addresses, with the County Planning Department.

2. Permitted Uses and Activities:

A. Site preparations, including road construction/access improvements, topsoil removal and stockpiling, overburden removal and stockpiling and drainage improvements.
B. Aggregate stockpiling, processing, conveying, loading, hauling, and asphalt and concrete production. The maximum number of loaded truck trips shall be 450 per day (provided that the method of counting shall remain a daily maximum as opposed to a daily average). The annual production rate shall not exceed 750,000 tons.
C. Surface drainage improvements, including culverts and sediment ponds and water storage, including pumps, subsurface pipelines, ponds and water tanks.
D. Access and haul roads in accordance with approved plans.
E. Reclamation activities such as grading, seeding, planting, mulching, fertilizing and irrigation.
F. Underground utility lines, including telephone, electricity, propane, water, generators, fire protection equipment and supplies.
G. One office, not to exceed 3,986 square feet in size and 22 feet in height as built under Building Permit #B08-0024.
    i. All roofs and buildings shall be painted natural colors to blend in with the surrounding environment.
    ii. The maintenance shop building shall have a roof pitch no steeper than 3 in 12 and a maximum building height of 35 feet, not to exceed 8,000 square feet.
H. Fabrication, service and repair operations shall be conducted inside the maintenance shop building and limited to that required for operation of the on-site gravel extraction, processing, and hauling.
I. The parking of company, employee, and visitor vehicles associated with the onsite operations.
J. The existing improvements as shown in the Existing Conditions Plans (2) LP-103 and LP-104, prepared by Norris Design, dated 6/19/26.
K. Only aggregate raw materials sourced from the on-site mining operation may be used for the production of concrete and asphalt.
L. Importation of Materials. No raw, aggregate materials shall be imported onto the site for use in the production of concrete, asphalt, or other products. This prohibition includes, but is not limited to, sand, gravel, rock, stone, and other mined aggregate materials. Notwithstanding the foregoing, the following materials may be imported onto the site:
    i. Non-aggregate materials not naturally occurring on the site that are ancillary to and necessary for the production of concrete or asphalt, including powdered cement, cement additives, and bitumen;
    ii. Concrete and asphalt materials brought onto the site for recycling; and
    iii. Inert fill material, as defined by the Colorado Department of Public Health and Environment, provided that such material is used solely for construction of finished lakeshore slopes and/or establishment of finished grades.
M. Equipment storage necessary for the daily/ongoing operation and maintenance of the gravel operation. The site shall not be utilized as a "contractor’s storage yard".
N. Setbacks from State Hwy 9, the property lines, and lake shorelines shall be 50 feet.

3. Duration of Permit and Operation Schedule
    A. Subject to earlier termination of this permit, as set forth below, this permit shall expire seven (7) years from the date of approval. A new conditional use permit will be required pursuant to the Land Use and Development Code regulations in order to continue operating beyond that date. In any case, the permit shall expire upon depletion of the onsite sand and gravel resource or upon the cessation of on-site mining activity for a period of twelve (12) months.

B. The CUP shall be reviewed annually by the Planning Department. If, at the time of this review, staff identifies negative on or off-site impacts which need to be addressed, they shall recommend that the Planning Commission impose additional conditions necessary to mitigate such impacts. The applicant shall comply with any additional conditions adopted by the Planning Commission after an opportunity for a hearing is provided.
C. This permit may be revoked if any of the conditions imposed with the approval of the permit are violated, in accordance with the provisions of Chapter 12 of the Summit County Land Use & Development Code now in effect and hereinafter amended.
D. Gravel crushing, concrete and asphalt operations shall be permitted from 6:00 a.m. to 6:00 p.m. on weekdays and from 8:00 a.m. to 6:00 p.m. on Saturdays. All hauling activity shall be permitted during the same hours. The operator may extend these hours on weekdays or Saturdays with prior approval of the Planning Department where the economy of operations is involved. Such approval shall not be granted if past extensions have resulted in complaints from property owners in the vicinity. In no event shall operations occur on Sundays, nor on the following holidays; New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.

4. Production and Traffic Limitations
   A. The daily maximum number of loaded truck trips is 450, which includes all sand gravel, asphalt and concrete products leaving or entering the site (including recycled materials).
   B. The maximum annual production for all products shall be limited to 750,000 tons per year.
   C. Primary access to and from the property shall be limited to the main access location shown on the proposed plans (Attachment D). Traffic on the existing access road shall be limited to maintenance access and emergency egress only. No truck traffic will be allowed on this road. All access, haul and service roads on the property shall be privately maintained, all-weather roads.
   D. Driver safety training shall be provided to all employees who will be operating vehicles of larger than one ton.

5. Performance Standards and Mitigation

The Permittee shall control, monitor, and mitigate all harmful air emissions and operational noise on the site, and shall not allow chemical odors, hazardous air pollutants, or heavy industrial noise levels to create a health hazard or nuisance to adjoining properties. The operation shall comply with the following performance standards:

Air Quality

A. The applicant will be required to obtain and comply with the provisions of all air quality permits issued by the Colorado Air Pollution Control Division of the Colorado Department of Public Health & Environment.
B. As per Section 3512.06 of the Summit County Land Use & Development Code (Particulate Emissions) the proposed use will be operated so that it does not emit particulate matter exceeding 0.2 grains per cubic foot of the flue gas at a stack temperature of 500 degrees Fahrenheit. The operator will provide continuous monitoring, and annual reporting to the County, of the amount of particulate matter leaving the concrete and asphalt batch plant stacks.
C. As per Section 3512.08 of the Summit County Land Use & Development Code (Smoke) the use shall not emit any air contaminant which is of such a shade or density as to obscure an observer's vision in excess of twenty percent (20%) opacity, not including start up, process modifications or adjustment or the occasional cleaning of equipment, the shade

or appearance of which does not obscure an observer's vision in excess of forty percent (40%) opacity for a period totaling no more than three minutes in any one hour.

D. The dust control plan includes the following fugitive dust mitigation measures:
    i. Soil and vegetation shall not be stripped in excess of an area required for one year of mining.
    ii. Soil stockpiles will be revegetated if they are intended to remain in one location for more than 45 days.
    iii. Stockpiles shall be treated with water as necessary to control dust.
    iv. Unpaved haul and access roads shall be treated with water and/or an environmentally safe (EPA approved) dust palliative. Such spraying shall occur frequently enough to contain dust emissions.
E. Milling and crushing operations, apart from limited material stockpiling and activities related to the reclamation of Cell 4, shall not occur within 500 feet of the southern property boundary (also the Town of Silverthorne boundary). Fill dirt and recycled asphalt and concrete piles within 500 feet of the southern property boundary shall not be stacked greater than 15 feet in height as measured from the elevation of the nearest adjacent asphalt surface of State Highway 9. All operational activities and material storage must also comply with the 50-foot setback requirement for the A-1 zoning district, measured from all property lines.

Wetlands

A. All operations associated with milling and production of asphalt and concrete must mitigate potential impacts to onsite and adjacent wetlands.
B. Any actions that have the potential to impact wetlands must be reviewed by the County Engineer and the U.S. Army Corps of Engineers, and separate permits, if necessary, shall be obtained prior to any activity.

Water Quality

A. No discharge shall be made into the Blue River except as permitted by the stormwater permit issued by the Water Quality Control Division of the Colorado Department of Public Health & Environment.
B. No discharge of any toxins in toxic amounts is permitted.
C. No rinsing of trucks is permitted as to cause the runoff into the lakes, Maryland Creek or into any groundwater or stream flows.
D. Any agricultural ditches which have the potential to act as conduits to carry sediment and other pollutants off site shall be protected with berms or other techniques.
E. Runoff drainage systems shall be designed to contain the runoff on site and utilize filtration to prevent off site sedimentation problems.
F. Straw bales, erosion matting, check dams, rip rap, mulching or other erosion control techniques shall be used where appropriate to control erosion and sedimentation.
G. Fuels and chemicals shall be stored in such a way as to prevent or contain accidental spills onto the ground. Such storage shall, at a minimum, comply with applicable State and Federal regulations. Stricter control procedures may be required by Summit County if spills occur and are not adequately contained.
H. All water and sanitation facilities shall meet the requirements of the Summit County Environmental Health Services of the Summit County Public Health Department.

Visual Impact

A. All structures on the property, including the office, maintenance building, other buildings, concrete and asphalt plants, gravel conveyors, washer and crusher, shall be no larger (length, width and height) than as approved during the applicable site plan review process.

B. All finished slopes on the outside of the berms shall be in compliance with the Land Use and Development Code.
C. With the exception of the highway landscaping adjacent to Lake # 2, all landscaping along Highway 9, and all other landscaping on the property, shall be irrigated as long as necessary to ensure that the vegetation is capable of thriving without irrigation. The highway landscaping associated with Lake #2 and #4 shall be watered by an adequate source of water to ensure the viability of the landscaping.
D. Disturbed areas not directly related to ongoing mining activities shall be reclaimed as soon as possible with vegetation species and densities designed to blend with the surrounding area.
E. Any new or replacement lighting shall be designed and installed so that all direct rays are confined to the site and glare is imperceptible at the property line.
F. At least 20% of the shorelines of each lake shall have undulating landforms. An undulation shall be defined as a protrusion extending at least 20 feet from the normal shoreline and tapering at least five times the protrusion distance in both directions. Undulations will be created with inert fill material when available and with gravel when inert fill is not available, concurrent with the reclamation of the lake shorelines. The slope of all undulations shall not exceed 4:1. However, the finished slopes of those portions of the lakeshore that are not undulations may be reduced to 3:1. The primary focus for the placement of all undulations shall be on the east shorelines of the lakes.

Noise

A. Noise from all on-site sources and from truck hauling will not exceed the performance standards contained in State noise statutes (CRS 25-12-101) and Summit County Ordinance 12 related to Noise Abatement in Summit County, as amended from time to time.
B. The operator shall provide noise monitoring data to the County upon the County's request. The County may require a continuous noise monitoring device to be installed on the site and for maximum noise levels to be included with annual reporting documentation submitted to the County.
C. No blasting shall occur on the property.

Wildlife Impact Mitigation

A. All trash on the property will be made inaccessible to wild animals.
B. With the exception of the existing ranch operations, no dogs or cats will be allowed within the mining permit boundary.

Odors

A. The use shall be operated in a manner that does not allow the emission of odorous air contaminants from any single source to result in detectable odors after the odorous air has been diluted with fifteen (15) or more volumes of odor free air.

6. Miscellaneous Standards and Mitigation
   A. The use shall be operated in a manner that produces no vibration perceptible to a person without instruments at any point along the property line.
   B. Safety signs, as required by state and federal law, and one project identification sign, shall be permitted within the property boundaries. Lockable gates shall be allowed at the State Highway 9 access points.
   C. With the exception of those fences directly associated with the Maryland Creek Ranch operations no fencing shall be allowed, except as approved by the Planning Commission during site plan review.

D. All new, or relocated, powerlines on the property shall be located underground.

7. Reporting Requirements
    A. The operator shall track and provide an annual report to the Planning Department, no later than January 31 of each calendar year. The annual report shall include, but not be limited to, the following information:
        i. Information sufficient to show conformance with the conditions of the permit.
        ii. An annual gross tonnage report itemized separately for aggregate (sand and gravel), concrete, asphalt, and inbound materials such as inter fill, recycled concrete and recycled asphalt.
        iii. A copy of the Division of Reclamation, Mining, & Safety annual report.
        iv. A report documenting the amount of particulate matter leaving the concrete and asphalt batch plant stacks from the Air Pollution Control Division of the Colorado Department of Public Health & Environment.
        v. A copy of the annual report required as a part of the applicants' Section 404 permit monitoring requirements.
        vi. A copy of all reports required to be provided to the Colorado Water Quality Control Division of the Colorado Department of Public Health & Environment as a part of the applicants' discharge permit.
        vii. The daily number of loaded truck trips both entering and exiting the facility.

8. Other Conditions of Approval
    A. The applicant shall install the landscaping/revegetation per an approved Class 2 Site Plan in conjunction with Condition 1.B. above.
    B. The applicant shall maintain all required landscaping in a healthy condition for the perpetuity of the mining/milling operation.

Sincerely,

Sally M. Moses, Planner II
Summit County Planning Department