

RESOLUTION NO. 10 - 2025

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MONTEZUMA COUNTY, DENYING THE HIGH IMPACT PERMIT APPLICATION
SUBMITTED BY LEAF PROPERTIES, INC**

WHEREAS, Leaf Properties, Inc (Applicant) submitted a High Impact Permit Application for the property, consisting of 3.78 acres, more or less, and located at 27078 Road N, Dolores, CO to the Montezuma County Planning Department,

WHEREAS, this Application was heard by the Montezuma County Planning and Zoning Commission at a public hearing on March 14, 2024. The Commission recommended 5-0 that the application be denied because of significant adverse impacts to surrounding properties and the area including concerns about protecting the rural character of the county, traffic, property views, and impacting property values.

WHEREAS, pursuant to the procedures in the Montezuma County Land Use Code, the Applicant petitioned the BOCC to hear the application.

WHEREAS, the Montezuma County Board of County Commissioners held public hearings on the Application on April 23, 2024 and continued to April 30, 2024, when the Board denied such application. The denial was appealed, and ultimately the Montezuma County District Court remanded the case back to the Montezuma County Board of County Commissioners to address two due process issues – an opportunity for the Applicant to respond to documents submitted by the public during public comment, and to issue a written decision.

WHEREAS, the Montezuma County Board of County Commissioners held public hearings on remand on June 25, 2025 and continued to July 8, 2025.

WHEREAS, Notice for each Public Hearing was posted and was advertised more than 10 days before the public hearing in the Cortez Journal.

WHEREAS, in the course of the public hearings on remand the Applicant had the opportunity to address the written submittals by the public.


WHEREAS, the Montezuma Board of County Commissioners hereby issues the following findings of fact and decision in this matter:

1. The subject property is zoned commercial, and is part of a commercial overlay zone.
2. The subject property is located in a rural area of the county.
3. The proposed type of use for the subject property is a retail sales use, which is a use-by-right in commercial zoning, but only to the extent the use by right does not exceed the County's rural threshold standards.

4. This specific proposed use, a retail Dollar General Store, exceeds the threshold standards in the Montezuma County Land Use Code in that it would result in more than 15 roundtrip vehicle trips per day. Therefore, a High Impact Permit is required for the proposed use.
5. The proposed use will create an estimated 678 weekday vehicle trips per day. Many members of the public commented on the danger of the intersection at Highway 145 and Road N, and how additional traffic and heavy use of the proposed driveway would increase danger for the community at this location. This additional traffic volume at this location constitutes a significant adverse impact for the area and the surrounding properties.
6. The subject property is in a rural area of the County, not an urban area, and the proposed use does not create or follow any pattern or transition from urban to rural.
7. There is no cluster of similar urban level commercial uses around the subject property.
8. The surrounding land uses are agricultural and large lot residential and there are no similar uses or intensities of uses in the immediate vicinity on any adjacent property.
9. The increased traffic and intensity of use will negatively impact the uses and property values of surrounding rural properties.
10. The proposed use, and the associated increased traffic danger, poses an unacceptable risk of fire danger due to the long response times related to the location of the property at the edge of the Dolores and Cortez fire districts. The proposed underground water storage tank is not sufficient to mitigate this risk because of the delayed response times at this location.
11. The proposed use does not preserve the rural character of the area and community, does not protect visual and aesthetic resources, and generally does not protect the health safety and welfare of current residents.

NOW THEREFORE BE IT RESOLVED that the Board of Montezuma County Commissioners finds that this proposed High Impact Permit Application does not meet the High Impact Permit Decision Criteria at 2202.8 and is not in compliance with the Land Use Code. The proposed use does generate significant adverse impacts on other property in the area in the form of significantly increased traffic and associated fire danger. Therefore this High Impact Permit Application is denied.

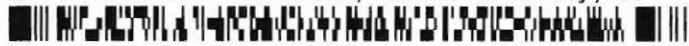
23rd day of July, 2025.



County Clerk and Recorder
Montezuma County, Colorado

BOARD OF COUNTY COMMISSIONERS
MONTEZUMA COUNTY, COLORADO





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