

RESOLUTION NO. 7 - 2025

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MONTEZUMA COUNTY, DENYING THE SUBDIVISION AND REZONING
APPLICATION SUBMITTED BY ELLIS R. LEWIS TRUST**

WHEREAS, Ellis R. Lewis Trust (Applicant) submitted a 4 Lot Moderate Subdivision and Rezoning Application for his property, consisting of 39.66 acres, more or less, and located at 14171 Road 36.75, Mancos, 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 April 10, 2025. The Commission recommended 5-0 that the application be denied because the proposed subdivision does not meet the Subdivision Policies in the Montezuma County Land Use Code at 5101.2.

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

WHEREAS, such hearing in front of the Montezuma County Board of County Commissioners was scheduled for June 24, 2025 at 9:10 a.m.

WHEREAS, Notice of the Public Hearing was posted and was advertised more than 10 days before the public hearing (June 11, 2025) in the Cortez Journal; and

WHEREAS, such public hearing was held on June 24, 2025 at which time the Board hearing from the County Planning Staff, the Applicant and the public.

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

1. The subject property has four residences on one parcel of land consisting of approximately 39.66 acres. Much of the land on the subject property is in the floodplain of Summit Lake.
2. At one time, each of the four structures predated the Land Use Code, and the property was in compliance with the Land Use Code.
3. After the adoption of the Land Use Code, two of the structures on the property burned down, and were rebuilt in different locations, and rebuilt larger than the original footprint of the homes that had burned.
4. Variances for the setback violations for these rebuilt homes were granted by the BOCC at a prior public hearing in 2023.
5. The general area of Summit Lake East that is accessed by County Road 37 does not currently have sufficient infrastructure at the intersection of State Highway 184 and CR 37 to support current use, because the intersection needs a left turn deceleration lane. CDOT has notified Montezuma County that the intersection of SH 184/CR37 warrants auxiliary lanes and no further land use approvals should be granted by the County without those

warranted safety improvements. At this time, there is not sufficient access to support the proposed subdivision application.

6. The subject property accesses the County Road system at CR 37 via two private roads, P.2 and P.3. These private roads are less than the 60' rights-of-ways that are part of the County Road Standards and are not sufficient access to support the current subdivision application.
7. The subject property does not have access over P.1, as recently decided in Montezuma County Court.

NOW THEREFORE BE IT RESOLVED that the Board of Montezuma County Commissioners finds that this proposed Subdivision and Rezoning application is not in compliance with the Land Use Code. The Application is not consistent with Montezuma County's subdivision policies at 5101.2(B), (C), (D), and (G). The proposed use does generate significant adverse impacts on other property in the area. Public utilities and services are not available to support the proposed subdivision application.

1st day of July, 2025.

Kim Percell
County Clerk and Recorder
Montezuma County, Colorado

BOARD OF COUNTY COMMISSIONERS
MONTEZUMA COUNTY, COLORADO



Jim Caudle
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