



**Town of Paonia
214 Grand Avenue
Monday, August 3, 2026 6:00 PM
Planning Commission Agenda
<https://us02web.zoom.us/j/82688380308>
Meeting ID: 826 8838 0308**

- A) Roll Call
- B) Approval of Agenda
- C) Approval of Minutes
 - 1) July 13, 2026 Planning Commission Meeting Minutes
- D) Public Hearing
 - 1) Public Hearing to Consider an Application from David Warren for a Re-Zoning of the Property Located at 841 Highway 133, Paonia, CO 81428 - Which Consists of Three (3) Lots Which are Zoned Medium Density Residential District (R-2) to Estate Residential District (E-1).
- E) Actions & Presentations

Public comments must be related to the agenda item, 3-minute time limit.

 - 1) Consideration of Recommending Changes to Estate Zoning Tables 16-1 and 16-2 of Municipal Code Section § 16-2-20 & § 16-2-30.
- F) Adjournment

As Adopted By:
Town of Paonia, Colorado
Resolution No. 2017-10 – Amended May 22, 2018

I. Rules of Procedure

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the

appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. Consent Agenda

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second

or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. Executive Session

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed "in as much detail as possible without compromising the purpose for which the executive session is authorized." In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. Subject to Amendment

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

Town of Paonia
214 Grand Avenue
Monday, July 13, 2026 6:00 PM
Planning Commission Minutes

RECORD OF PROCEEDINGS

Chair Bachran calls the meeting to order at 6:00 PM.

A) Roll Call

Present:

Chair Bachran
Vice Chair Doherty
Commissioner Fischer
Commissioner Sund
Commissioner Smith

Absent:

Commissioner Hunter (recused)

B) Approval of Agenda

Commissioner Smith makes a motion to approve the agenda, seconded by Commissioner Fischer.

The motion carries unanimously.

C) Approval of Minutes

Commissioner Smith makes a motion to approve the June 1, 2026 Planning Commission Meeting Minutes, seconded by Commissioner Fischer.

The motion carries unanimously.

D) Public Hearing

1) Public Hearing to consider an application from the Carl E. Berg Foundation for rezoning of the property located at 218 4th Street, Paonia, CO 81428 from Public District (P) to Community Commercial District (C-2).

Chair Bachran disclosed a conflict and recused herself from the scheduled hearings and left the room. Commissioner Smith would be chair for this hearing.

Commissioner Smith opens the public hearing at 6:02 PM.

Staff confirmed proper public notice. No other disclosures were made.

Staff explained that the approximately 2.53-acre former school property was owned by Delta County Joint School District 50 and was under consideration for purchase by the Carl E. Berg Education Foundation. The applicant proposed converting the property into a museum and educational or cultural center.

Staff found that the requested C-2 zoning:

- Was consistent with the 2025 Comprehensive Plan;
- Supported reuse of a vacant or underutilized property;
- Would not adversely affect public health, safety, or welfare; and
- Was compatible with the surrounding neighborhood and commercial area.

Tom Parko of Spruance Consulting presented on behalf of the applicant. He stated that the current Public District zoning did not appropriately accommodate the proposed private museum and educational uses. He also noted that the Foundation had contacted neighboring property owners and held a community meeting.

Public Comment

- N. O'Brien comments in support of rezoning.
- K. Swartz comments in support of rezoning.
- R. Corana comments in support of rezoning.
- S. Pagano comments in reusing the old building due to historical significance.
- E. Short, speaking on behalf of Jess Dervin-Ackerman of the North for Valley Creative Coalition, comments in support of proposed changes.
- Unidentified speaker comments in support of the proposed project.
- T. Covey comments in support of the proposed project.

The Commission accepted the application materials, packet materials, written comments, notices, and applicable ordinances into the record without objection.

Commissioners clarified that approval of the rezoning would allow the special-use application to proceed, but the property would remain zoned C-2 even if the proposed project did not move forward.

Commissioner Smith closes the public hearing at 6:39 PM.

There is no further substantive committee discussion.

Commissioner Fischer makes a motion to recommend approval of RZ 2026-001 because it does not adversely affect public health, safety, or welfare, and is in substantial conformity with the Comprehensive Plan. Seconded by Commissioner Sund.

Voting Aye (4):

Vice Chair Doherty

Commissioner Fischer

Commissioner Sund

Commissioner Smith

Voting Nay (0):

The motion carries.

Commissioner Smith turns the chair over to Commissioner Fischer for the second public hearing.

2) Public Hearing to consider an application from the Carl E. Berg Foundation for a special use review permit to allow mixed use of the property, currently under contract to be purchased, at 218 4th Street, Paonia, CO 81428 to be developed as an informal Education & Cultural Center.

Chair Bachran remained recused.

Commissioner Fischer opens the public hearing at 6:41 PM.

Staff confirmed proper notification.

Staff explained that the municipal code does not specifically list museums as a use. Staff determined that the proposal most closely resembled a commercial recreational or educational use requiring special-use review.

Staff reviewed compatibility, noise, lighting, landscaping, drainage, accessibility, traffic, and parking. The existing building footprint would remain unchanged. Staff estimated that the two existing parking areas could accommodate approximately 80 vehicles but noted that the code does not provide a specific parking standard for a museum and mixed educational facility.

Staff recommended approval, finding that the proposal met the applicable review criteria and performance standards and was consistent with the Comprehensive Plan.

Tom Parko of Spruance Consulting presented on behalf of the applicant once again. He stated that the Foundation intended to invest substantially in rehabilitation, interior improvements, landscaping, accessibility, and code compliance. Future building and trade permits would be required.

Public Comment:

- Unidentified speaker comments in support of the proposed project.

The Commission accepted the application materials, packet materials, written comments, notices, and applicable ordinances into the record without objection.

Commissioners discussed parking, visitor traffic, school bus access, and coordination with the planned Fifth Street and Grand Avenue improvements. The applicant agreed to continue working with Town staff on circulation, parking, access easements, and

bus loading.

Commissioner Fischer closes the Public Hearing at 7:25 PM.

Commissioner Sund makes a motion to recommend approval of SUR 2026-002 because it does not adversely affect the public health, safety, and welfare of the neighborhood; that the use substantially conforms with the 2025 Comprehensive Plan; and that the proposed use meets the review criteria and performance standards as required, as long as it receives a favorable determination from the Board of Trustees. Seconded by Commissioner Smith.

Voting Aye (4):
Vice Chair Doherty
Commissioner Fischer
Commissioner Sund
Commissioner Smith

Voting Nay (0):

The motion carries.

E) Actions & Presentations

Chair Bachran rejoins the meeting at 7:33 PM.

Commissioner Smith makes a motion for a 5-minute recess. Seconded by Commissioner Fischer.

The motion carries unanimously.

The meeting resumes at 7:38 PM.

1) Review Chapter 16, Article 6 (Parking), For Revision Recommendations.

The Commission reviewed proposed revisions to the Town's off-street parking regulations, focusing on the 100 and 200 blocks of Grand Avenue. Members generally supported eliminating minimum parking requirements for downtown businesses, citing practical limitations and barriers to changes in use.

The Commission also discussed preserving existing parking, residential parking requirements, alley and setback constraints, emergency and delivery access, and simplifying the parking standards using examples from comparable municipalities.

By consensus, the Commission agreed to remove the proposed restriction on reducing existing downtown parking, revise the draft, gather additional examples, and return the matter for further review.

No formal motion was made.

F) Adjournment

Chair Bachran adjourns the meeting at 8:07 PM.

Ruben Santiago, Deputy Town Clerk

Mary Bachran, Chair

DRAFT



TOWN OF PAONIA
PLANNING COMMISSION & COMMUNITY DEVELOPMENT
STAFF REPORT

STAFF REPORT
APPLICATION FOR RE-ZONING RZ 2026-002

Real Estate Parcel Numbers:
318731308001, 318731308002 & 318731308003
Commonly known as 841 Hwy 133, Paonia, CO 81428
August 3rd, 2026

Background

RZ 2026-002 is an application for a zoning amendment as outlined in §16-14-20 of the Town of Paonia's Municipal Code of Ordinances. The property in question is located at 841 Hwy 133, Paonia, CO 81428, and is legally owned by West End Land & Hops LLC.

The applicant is requesting to rezone three lots consisting of respectively 6.893, 4.002, and 3.350 acres, identified as Lots 1-3 of the Old Hops Farm Minor Subdivision. The applicant requests to change its existing zoning designation of **Medium-Density Residential (R-2)** to **Estate Residential District (E-1)**. Rezoning would allow the three lots to house farm animals.

The applicant has provided the following with the request: a recorded warranty deed with legal description, a written statement addressing rezoning criteria, a photograph of the property, proof of irrigation rights, proof of fee payment (\$500), and a signed application dated June 16th, 2026. Public notice has been properly executed as required by §16-16-10 of the Town's Code: notices were mailed to property owners within 200 feet, and the subject property has been posted.

The applicant's primary interest as expressed to staff was to be able to have farm animals and two single-family homes on each lot. Originally, Town Administrator Wynn suggested rezoning to E-1 and then applying for a code change to allow two single-family residences on 1 lot. Later staff reviewed the code, and thought that it already allowed for two single-family residences. Interim Administrator Sund decided to put the matter to the Planning Commission, relieving the applicant of the request for a code change. These parts of the code are mentioned as they arise later in this report, but are **not** the focus of this rezone request.

Applicant's Statement

The applicant requests rezoning the parcel from R-2 to E-1 to match the historic and current use of the property, which is agricultural. The applicant forwards that shifting the property



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to E-1 is in line with the 2025 Comprehensive Plan, and allowing the property to have farm animals falls in line with the property's "long history of livestock production and grazing." The applicant also claims irrigation water supplied by the Farmers Ditch.

Comprehensive Plan

The Town of Paonia's Comprehensive Plan (adopted July 16, 2025) provides several relevant guiding principles:

LU GOAL 1: Preserve open space, agricultural land, interconnection with nature and wildlife habitats, and dark nighttime skies.

LU GOAL 2: Maintain the town's rural character, historic heritage, and farming and ranching legacy.

POLICY LU 3: Maintain nodes of open space along Highway 133 in order to establish a clear separation between commercial development and avoid "stripping" development along the arterial.

POLICY LU 4: Ensure that new development does not significantly impair wildlife resources.

Below is the 2025 Comprehensive Plan's zoning map that provides the future land use categories laid out in the Comprehensive Plan.



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Zoning Code

The current relevant zoning codes are provided below.

- **R-2, Medium-Density Residential District.** It is the intent of this District to allow for the orderly and creative development of attached and detached single-family, two-family and multiple-family dwellings at moderate densities. Such areas are intended to serve as a transition between the lower-density zoning districts and the higher-density residential areas and commercially zoned areas.
- **E-1, Estate Residential District.** It is the intent of this District to provide for orderly development of single-family residential areas on three- to ten-acre lots. Farm-type animals, including horses, sheep, llamas, cattle and goats, will be allowed. Other animals will require approval of the Town. This District requires adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, and must have a plan for distribution.

The E-1 zoning clearly fits with the Comprehensive Plan's goals of maintaining the land as agricultural and matches the designation of *Urban Farm* most closely.

Additionally, the property meets *most* of the minimum requirements outlined in §16-3-30 – Schedule of requirements, residential districts. There is an issue with not meeting the required setbacks on Lot 1 from Highway 133, a “minor arterial route.”

Parts of the following charts are highlighted in yellow to indicate they will be reviewed by the Planning Commission after the public hearing.

	R-2 District		E-1 District		Old Hops Farm		
Minimum Lot Area Requirements	Dwelling units	Min. lot area (ft ²)	Dwelling units	Min. lot area (ft ²)	Lot 1	Lot 2	Lot 3
Residential uses permitted by right	1	6,000	1	3 acres	6.893 acres – 0 residences**	4.002 acres – 0 residences	3.350 acres – 0 residences
	2	8,000	2				



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Residential uses permitted by special review	3	12,000					
	4	16,000					
	5	20,000					
	6	24,000					

** Delta County records the following structures on Lot 1: farm, grain storage, carport, utility building, sun shelters

Yard Requirements ²	E-1 District	Lot 1	Lot 2	Lot 3
All yard areas adjacent to an arterial street major and minor	75 ft.	Est. 26 ft. & 50 ft.	N/A	N/A
Front yard setback				
Collector (major and minor)	50 ft.	N/A	N/A	N/A
Local	35 ft.	N/A	N/A	N/A
Side yard	20 ft.	91 ft. & 240 ft.	N/A	N/A
Rear yard	20 ft.	500 ft.	N/A	N/A
Minimum lot width	200 ft.	551.67 ft. x 640.9 ft.	282.86 ft. x 481.18 ft.	358.04 ft. x 481.18 ft.
Minimum landscaped open space (% of lot area)	30%	99% ± 0.09%	100%	100%
Minimum lot coverage	20%	1% ± 0.09%	0%	0%
Maximum building height	30 ft.	Est. 24-30 ft.	N/A	N/A

¹See also the following provisions: 16-3-40 to 16-3-60 pertaining to average lot areas, side yard setback variation and front yard variation.

²See supplementary requirements in Section 16-10-60.

³When a building is 3 stories, a 15-foot setback is required.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)



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Sec. 16-3-20. Schedule of uses, residential districts.

Use	R-2 District	E-1 District	Old Hops Farm
Single-family dwellings	P	P	0
Two-family dwellings	P	S	0
Multiple-family dwellings, apartments/townhouses not exceeding 6 units per lot	S	X	0
Multiple-family dwellings, apartments/townhouses in excess of 6 units per lot	X	X	0
Mobile home parks	X	X	0
Mobile home subdivisions	X	X	0
Parks and recreation areas	P	P	0
Horses, barns and pastures	X	P	5 structures
Mobile homes (single unit)	X	X	0
Neighborhood commercial uses 4	X	X	0

P = Permit by right

S = Permit by special review

X = Prohibited use

¹ See Article 8 of this Chapter.

² Professional offices as home occupations are permitted in all districts, subject to provisions in Section 16-11-20 of this Chapter.

³ Neighborhood commercial uses may include small food stores, specialty shops, gift, antique shops or similar type uses. Maximum floor area shall be 2,000 square feet total.

⁴ Neighborhood convenience center shall have a maximum total floor area of 10,000 square feet and no single business with a greater total floor area than 2,000 square feet.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)



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Required Findings Needed to Consider a Re-zoning Application:

§16-14-20 of the Town's Code establishes procedures for determining zoning amendments.

- (1) Request for amendment may only be presented by a legal title owner of real property within the area proposed for a change, by the Planning Commission or the Board of Trustees. Requests for a change in the boundary of any zone district by a legal title owner of real property within the area proposed for change shall be accompanied by a petition requesting such change signed by owners of at least fifty percent (50%) of the area of the lots included in such change.

The applicant produced an application and the required fee for rezoning that included only the property that the applicant owns. Since there is only one applicant in the proposed zoning change, 100% of the area of the lots included in the change have answered in the affirmative that the proposed zoning change is acceptable to them. The applicant also provided a recorded warranty deed with a legal description that establishes their ownership of the property.

- (2) Each amendment shall be submitted to the Planning Commission for its recommendations. Such action by the Planning Commission shall be filed in a report to the Board of Trustees.

The public hearing is scheduled for this rezoning application on August 3rd, 2026, during the Planning Commission's regularly scheduled meeting. The Clerk has verified that the public notice requirements were met as established by §16-16-10 of the Town's Code.

- a) The amendment is not adverse to the public health, safety, and welfare.

The applicant's request is reasonable and does not appear to adversely affect the public health, safety, and welfare.

AND

- b) The amendment is in substantial conformity with the master plan, or i. The existing zoning is erroneous, or ii. Conditions in the area affected have changed materially since the area was last zoned.

The applicant's request is compatible with the current Comprehensive (Master) Plan for the Town of Paonia, fitting well with maintaining



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Paonia's historical roots, rural character, and matching with the proposed *Urban Farm* zoning. The zoning does require "adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, and must have a plan for distribution." The applicant has provided their ditch rights for irrigation.

Staff Recommendation

Based on review of the Comprehensive Plan, zoning code, and applicant materials, staff recommends **approval** of RZ 2026-002 to rezone 841 Hwy 133 from R-2 (Medium-Density Residential) to E-1 (Estate Residential). This recommendation is supported by the following findings:

- The rezoning supports Paonia's Comprehensive Plan goals related to land use generally, especially surrounding Highway 133.
- The rezoning does not adversely affect adjacent residential or commercial properties and preserves neighborhood compatibility.
- The rezoning is more in line with the area's historical use.

Potential Motions:

- 1.) *Approval*: "I move to recommend approval of RZ 2026-002 because it does not adversely affect public health, safety, or welfare and is in substantial conformity with the Comprehensive Plan."
- 2.) *Denial*: "I move to recommend denial of RZ 2026-002 because the applicant has not sufficiently demonstrated compatibility with the Comprehensive Plan's neighborhood character goals and the amendment may adversely affect adjacent properties."
- 3.) *No Recommendation*: "I move to make no recommendation for RZ 2026-002."

P/Z Meeting Date: 08/03/2026

BoT Meeting Date:

Date Received 7/6/2026

Initials CMP



Town of Paonia

RE-ZONE APPLICATION

It is the applicant's responsibility to submit the required materials. Checks shall be made payable to *Town of Paonia*. The application fee is non-refundable.

Please contact the Town Clerk at (970) 527-4101 for assistance.

ADDRESS OF PROPERTY 841 Hwy 133
EXISTING ZONING R-2
PROPOSED ZONING E-1
CURRENT LAND USE AGRICULTURE

PROPERTY OWNER	APPLICANT OR REPRESENTATIVE
NAME: <u>DAVID WARREN</u>	NAME: <u>SAME</u>
MAILING ADDRESS: [REDACTED]	MAILING ADDRESS:
CITY, STATE, ZIP: <u>PAONIA, CO 81428</u>	CITY, STATE, ZIP:
PHONE: [REDACTED]	PHONE:
EMAIL: [REDACTED]	EMAIL:

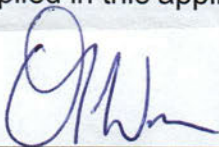
REQUIRED APPLICATION MATERIALS

This list is intended as a guide and may not be a complete list of all requirements.

- ☐ \$500 NON-REFUNDABLE APPLICATION FEE
- ☐ RECORDED WARRANTY DEED WITH LEGAL DESCRIPTION OF THE PROPERTY
(IF MORE THAN ONE TYPE OF ZONING IS BEING REQUESTED, PROVIDE A
LEGAL DESCRIPTION FOR EACH ZONING AREA)
- ☐ WRITTEN STATEMENT EXPLAINING HOW THE REQUEST IS IN COMPLIANCE
WITH APPLICABLE CRITERIA (SEE RE-ZONE CRITERIA BELOW)
- ☐ PHOTOS OF THE PROJECT AREA

IMPORTANT NOTES

- Applications must be submitted at least 30 days before the next Planning Commission meeting in order to be put on the agenda.
- Any public notice requirements will be the responsibility of the Town of Paonia and will be completed at least 15 days before the public hearing.
- All approved re-zone requests shall be passed by an ordinance adopted by Board of Trustees no less than 45 days after review by the Planning Commission.
- Approval of this application DOES NOT constitute approval of any other Town of Paonia permits or application reviews.
- By signing, you certify that you have read and understood the submittal requirements, and that you understand omission of any listed items may cause delay in processing the application. The undersigned acknowledges that the information supplied in this application is as complete and accurate as possible.



Owner's Signature

6/16/26

Date



Applicant's or Representative's Signature

6/16/26

Date

RE-ZONE CRITERIA

(A) Rezoning:

(1) Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a parcel or district, shall be allowed only upon findings as follows:

- (a) The amendment is not adverse to the public health, safety, and welfare; and
- (b) The amendment is in substantial conformity with the master plan, or
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

(2) Rezoning may be requested or initiated by the Planning Commission, the Board of Trustees, or the owner of any legal or equitable interest in the property or his representative. The rezoning shall be reviewed for compliance with the criteria of this subsection in accordance with the review procedure of the Paonia Municipal Code and Administrative policies applicable. The Board of Trustees may initiate rezoning on its own motion, in which case the Board shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately. The area considered for rezoning may be enlarged by the recommendation of the Planning Commission on its own motion over the area requested in the application.

(3) The Town may impose conditions as necessary to ensure that the above criteria are met.

The Old Hops Farm Minor Subdivision is located on HWY 133 between the two entrances to Paonia (see attached map). The property is currently zoned R-2. We are requesting a zone change to Estate Zoning (E-1).

A Brief History of the Property

Historically, this land (14 acres) was located in Delta County and not within Paonia town limits. In 2006, the property was annexed into town in order secure water tap for a planned subdivision called Riverbank Neighborhood. In 2008, the project was terminated because of the national economic downturn.

Since its creation, the property has been agricultural land used to generate feed for livestock and for livestock grazing. The land's most recent agricultural use was as a hops farm, supplying craft breweries throughout the state for 12 years. In addition, the land's irrigation water is supplied by the Farmers Ditch (North Fork Farmers Ditch Association) which holds some of the oldest, most senior water rights on the North Fork of the Gunnison River.

In 2023, the town approved the property for a minor subdivision. During the subdivision review process, we requested a change to Estate Zoning (E-1) but the town required the property remain zoned R-2 (I'm not sure why).

There are 3 lots within the subdivision:

Lot 1-6.9 acres with approximately 4.5 acres of irrigatable ground

Lot 2-4 acres with approximately 3.5 acres of irrigatable ground

Lot 3-3.4 acres with approximately 2 acres of irrigatable ground

Since each lot is larger than 3 acres, they meet the towns 3 acre minimum requirement for Estate Zoning (E-1).

Why Estate Zoning (E-1) is Appropriate for this Land

This property has always been agricultural land and has superior water rights. With the current R-2 zoning, no horses or livestock are permitted on the property. Prior to annexation and the creation of R-2 Zoning in 2006, the property had a long history of livestock production and grazing.

The Town of Paonia's recently updated Comprehensive Plan supports Estate Zoning (E-1) for this property.

Pg 18-Land Use and Future Growth Framework under "Overview" (Sree attached document)

"Growth outside of Town limits is currently defined by the Paonia-Delta County Intergovernmental Agreement (IGA) and the Highway 133 Corridor Master Plan. The current growth planning strategy focuses on protecting productive agricultural areas, open land and scenic viewsheds, especially The West Elk Scenic Byway.

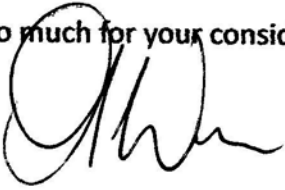
Pg 18-Goals for Land Use:

LU Goal 2: Maintain the town's rural character, historic heritage and farming and ranching legacy.

Summary

The property is prime agricultural land and has a long history in agricultural production. In addition, it's located on the HWY 133 Scenic Byway with sweeping views of our beloved mountains and town. The land should have the ability for horses and livestock on the landscape once again. Estate Zoning (E-1) is the perfect town designation for this property.

Thanks so much for your consideration.



DAVID WARREN

WARRANTY DEED

THIS DEED, is dated April 6, 2012, and is made between Riverbank Neighborhood, LLC, a Colorado Limited Liability Company (whether one, or more than one), the "Grantor," of the County of Delta and State of Colorado and West Elk Land & Hops, LLC, a Colorado Limited Liability Company (whether one, or more than one), the "Grantee," whose legal address is [REDACTED] of the County of Delta and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of Disolving LLC (\$), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Delta and State of Colorado, described as follows:

Lot 2, Riverbank Neighborhood Minor Subdivision as recorded March 21, 2012 under Reception No. 657278.

County of Delta, State of Colorado.

also known by street address as:
and assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: ☐ none; or ☒ the following matters: subject to easements, restrictions, reservations, rights of way visible, in place or of record and taxes for the current year.

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Riverbank Neighborhood, LLC, a Colorado Limited Liability Company
BY: Russel Andrew Backhouse
Russel Andrew Backhouse, member

BY: Hal Brill
Hal Brill, member

STATE OF COLORADO
County of Delta

The foregoing instrument was acknowledged before me this 6th day of April, 2012, by Russel Andrew Backhouse, member, and Hal Brill, member of Riverbank Neighborhood LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.
My commission expires: 4-22-2012

*Insert "City and" if applicable.

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

[Circular Notary Seal: STATE OF COLORADO, Notary Public, Black, Commission Expires 4-22-2012]

[Signature: Russel Andrew Backhouse]

LAND USE AND FUTURE GROWTH FRAMEWORK

OVERVIEW

Growth outside of Town limits is currently defined by the Paonia - Delta County Inter Governmental Agreement (IGA) and the Highway 133 Corridor Master Plan (see Figures 1 and 2 below). The current growth planning strategy focuses on protecting productive agricultural areas, open land and scenic viewsheds, specifically the West Elk Scenic Byway. It states that annexation and new residential development should be concentrated in proximity to existing infrastructure, and the fiscal impacts of new development should be covered by the residents who benefit from any extension of municipal utility services. Future development within the 3-Mile Growth Area and the Urban Growth Areas along Highway 133 should be compatible with its surroundings and should focus on maintaining a critical mass of agricultural land.

Paonia has the ability through its policies and regulations, intergovernmental agreements, and other tools to help inform where and how growth will occur in the future, the types of growth the community would like to see and guide the character and form of future development. Goals and policies ensure that future growth occurs incrementally in a manner that is consistent with Paonia's values and maintains a commitment to the needs and desires of local residents.

VISION

Maintain Paonia's rural character and slower pace of life that are interconnected with the landscape, seasons, and thriving community life. Ensure that urban agriculture thrives; the community continues to feel connected to the surrounding farmland and natural landscape. Wildlife corridors, dark nighttime skies, greenways, and viewsheds are protected and cherished. Ensure the Town has walkable, tree-lined streets that surround a small but vibrant historic downtown. Make sure the historic core neighborhoods are celebrated, while "gentle" growth harmoniously adds to the character of the Town and provides housing for all walks of life that make up the diverse local community.

GOALS FOR LAND USE

- LU GOAL 1:** Preserve open space, agricultural land, interconnection with nature and wildlife habitats, and dark nighttime skies.
- LU GOAL 2:** Maintain the town's rural character, historic heritage, and farming and ranching legacy.
- LU GOAL 3:** Clear planning for a growing community with well-managed, growth objectives.



HWY 133



QUITCLAIM DEED
(Water Rights)

THIS DEED, made this 22 day of August, 2024, by

The Gunnison Waterbank LLC, as Grantor,

whose address is 1991 Hawks Haven Road, Paonia, County of Delta and State of Colorado for the consideration of Ten Dollars (\$10) and other good and valuable consideration, in hand paid, does remise, release, sell, and quitclaim to

the Old Hops Farm Homeowners Association, as Grantees,

of the County of Delta, and State of Colorado, all right, title, and interest which Grantor has in the following water rights, which are appurtenant to the property described as:

Lots 1, 2 and 3, Old Hops Farm Minor Subdivision,
within the SW1/4 of Section 31, T.13S., R.91W., 6th P.M.
Town of Paonia, Delta County, Colorado

which water rights include:

**.05 cfs of water decreed to the Neighborhood Ditch in Case No. 07CW142,
adjudicated on March 18, 2008**

IN WITNESS WHEREOF, Grantor has caused this deed to be executed on the date set forth above.

THE GUNNISON WATERBANK LLC

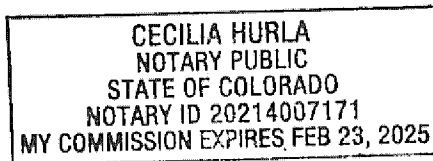
By: 
Harold Brill

STATE OF COLORADO)
) ss.
COUNTY OF DELTA)

The foregoing instrument was acknowledged before me this 22 day of August, 2024, by Harold Brill as manager for the Gunnison Waterbank LLC.

Witness my hand and official seal.

My commission expires: Feb 23, 2025.




Notary Public



No. 527

196 Shares

THE NORTH FORK FARMER'S DITCH ASSOCIATION

CAPITAL STOCK \$11,000 SHARES 220

THIS CERTIFICATE CERTIFIES THAT
West Elk Land & Hops, LLC a Colorado Limited Liability Company is the owner of
one & 96/100 — Shares of the Capital Stock of
The North Fork Farmer's Ditch Association
transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed
by its duly authorized officers, and its Corporate Seal to be hereunto affixed
this 14 day of January A.D. 2013



Deland Baadley
SECRETARY

Christine L. Jurgen
PRESIDENT

\$50.00

SHARES PAGE 1



For Value Received, _____ hereby sell, assign and transfer
unto _____

_____ Shares
of the Capital Stock represented by the within
Certificate, and do hereby irrevocably constitute and appoint
_____ Attorney
to transfer the said Stock on the books of the within named
Corporation with full power of substitution in the premises.

Dated _____ 19____

In presence of _____

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR WITHOUT
ALTERATION OR ENLARGEMENT, OR ANY CHANGE WHATSOEVER.

Town of Paonia
PO Box 460
214 Grand Avenue
Paonia CO 81428-0460

(970) 527-4101

Receipt No: 1.000191678

Jul 7, 2026

RZ 2026-002
WARREN, DAVID
[REDACTED]
PAONIA CO 81428

PAID

JUL - 7 2026

TOWN OF PAONIA
214 GRAND AVENUE

Previous Balance:	500.00
Building Permits - Building Permits	500.00
Total:	500.00
New Balance:	.00
Check	Check No: [REDACTED]
Total Applied:	500.00
Change Tendered:	.00

07/07/2026 3:01 PM

Property Record Card

DELTA COUNTY Delta County Assessor

**WEST ELK LAND & HOPS
LLC**

PO BOX 747
PAONIA, CO 81428-0747

Account: R026267

Tax Area: BR- - BR-

Acres: 6.893

Parcel: 318731308001

Situs Address:
841 HIGHWAY 133
PAONIA, 81428

Value Summary

Value By:	Market	Override
Land (1)	\$8,799	N/A
Extra Features (1)	\$2,845	N/A
Extra Features (2)	\$100	N/A
Extra Features (3)	\$4,871	N/A
Extra Features (4)	\$80,461	N/A
Extra Features (5)	\$548	N/A
Extra Features (6)	\$0	N/A
Total	\$97,624	\$97,624

Legal Description

841 HIGHWAY 133 PAONIA 81428 Subdivision: OLD HOPS FARM
MINOR SUBDIVISION Lot: 1 TOTAL AC 6.893+- LOT 1 OLD HOPS
FARM MINOR SUB WITHIN SW4 SEC 31 T13S R91W 6 PM R758131
PLAT R758132 COV R759738 ESMT R765655 ESMT



Public Remarks

Entry Date	Model	Remark
02/24/2025		DEACTIVATED ACCT R023690. CREATED ACCTS R026267 R026268 AND R026269 -JB
04/03/2025		CH VISITED ON 3-26-2025 AT OWNER'S REQUEST ATTRIBUTES, MEASURES, SKETCH, AND PICS FOR SD SPLIT

Land Occurrence 1

LVal	417500 - IIIB 345 AC	Abstract Code	4175 - 4175 - irrigated IIIB, areas 3, 4, & 5
Lot Front	0	Lot Depth	0
Adj 1	100	Adj 2	100
Adj 3	100	Adj 4	100
Neighborhood	41001 - PAONIA	Road	4 - R HWY
TOPO	1 - AVG TOPO	Utilities	10 - WATER / ELEC

Property Record Card

DELTA COUNTY Delta County Assessor

Land Occurrence 1

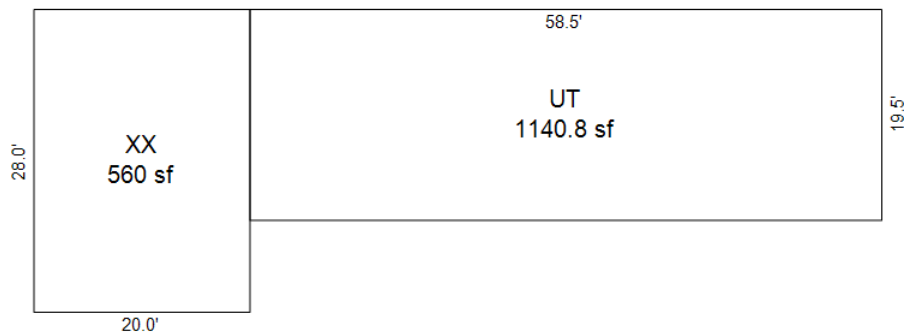
Appr Dist	3 - PAONIA - CHRIS	Subdivision	40063 - RIVERBANK NEIGHBORHOOD MINOR
Ag Subdivision	70015 - PAONIA MINOR SUBDIVISIONS	Use Code	4000
Review Date	202503 - 25-Mar		

SubArea	ADJUSTED	HEATED	PRIME	ACTUAL
AC	6.893			6.893
Total	6.893			6.893
	Value	Rate	Rate	Rate
	\$8,799	1,277.07		1,277.07

Extra Features Occurrence 1

CODE	40300 - UTILITY BLDG FARM D LOW	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS
DIM1	19.5	DIM2	58.5
Neighborhood	41001 - PAONIA	ECONAREA	3 - ECONAREA-UNPLATTED
Review Date	Nov-06		

SubArea	ADJUSTED	HEATED	PRIME	ACTUAL
UT - UT	1,141			1,141
Total	1,140.80			1,140.80
	Value	Rate	Rate	Rate
	\$2,845	2.49		2.49



Extra Features Occurrence 2

CODE	41900 - UTILITY GRAIN STORAGE S LOW	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS
DEPR00	1980 - DEPR00	DIM1	0
DIM2	0	Neighborhood	41001 - PAONIA
ECONAREA	3 - ECONAREA-UNPLATTED	Review Date	Nov-06

Property Record Card

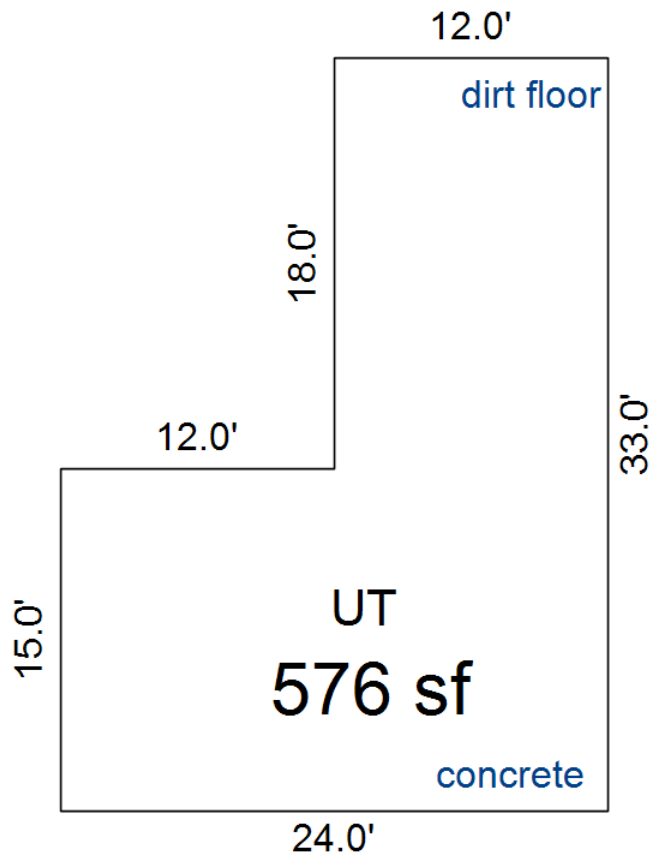
DELTA COUNTY Delta County Assessor

Extra Features Occurrence 2

ECONAREA	3 - ECONAREA-UNPLATTED	Review Date	Nov-06		
SubArea		ADJUSTED	HEATED	PRIME	ACTUAL
UT - UT		1			1
Total		1.00			1.00
	Value	Rate	Rate	Rate	Rate
	\$100	100.00			100.00

Extra Features Occurrence 3

CODE	33700 - CARPORT GRAVEL FLR TALL DCS	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS		
DEPR18	2015 - DEPR18	DIM1	20		
DIM2	28	Neighborhood	200411 - PAONIA COMMERCIAL		
SubArea		ADJUSTED	HEATED	PRIME	ACTUAL
UT - UT		560			560
Total		560.00			560.00
	Value	Rate	Rate	Rate	Rate
	\$4,871	8.70			8.70



Extra Features Occurrence 4

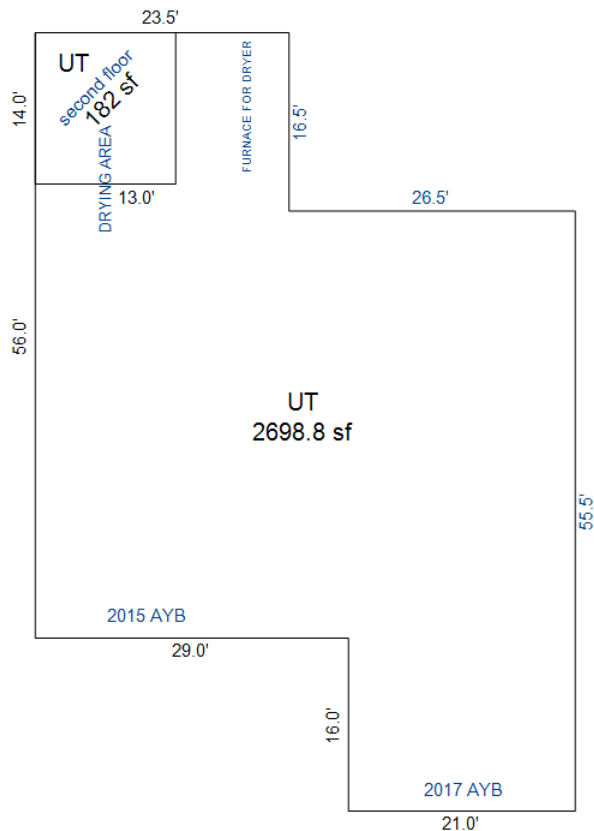
CODE	20100 - UTILITY BLDG LIGHT COML D AVG	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS
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Property Record Card

DELTA COUNTY Delta County Assessor

Extra Features Occurrence 4

Neighborhood	D AVG 41001 - PAONIA	BUILDINGS			
SubArea		ADJUSTED	HEATED	PRIME	ACTUAL
UT - UT		2,881			2,881
Total		2,880.80			2,880.80
	Value	Rate	Rate	Rate	Rate
	\$80,461	27.93			27.93



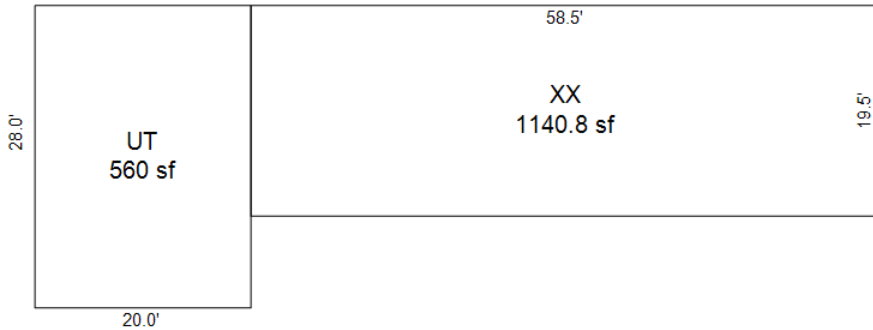
Extra Features Occurrence 5

CODE	47200 - SUN SHELTERS D LOW - MULTI PURPOSE	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS		
DIM1	20	DIM2	28		
Neighborhood	41001 - PAONIA				
SubArea		ADJUSTED	HEATED	PRIME	ACTUAL
UT - UT		560			560
Total		560.00			560.00
	Value	Rate	Rate	Rate	Rate
	\$548	0.98			0.98

Property Record Card

DELTA COUNTY Delta County Assessor

Extra Features Occurrence 5



Extra Features Occurrence 6

CODE	42300 - SOLAR <1 KW	Abstract Code	4279 - FARM/RANCH SUPPORT BUILDINGS
Neighborhood	41001 - PAONIA		

Abstract Summary

Code	Classification	Non-School Actual Value	Non-School Taxable Value	School Actual Value	School Taxable Value	Actual Override	Taxable Override
4175	4175 - irrigated IIIB, areas 3, 4, & 5	\$8,799	\$2,200	\$8,799	\$2,200	NA	NA
4279	4279 - farm/ranch support buildings	\$88,825	\$22,206	\$88,825	\$22,206	NA	NA
Total		\$97,624	\$24,406	\$97,624	\$24,406	NA	NA

Property Record Card

DELTA COUNTY Delta County Assessor

**WEST ELK LAND & HOPS
LLC**

PO BOX 747
PAONIA, CO 81428-0747

Account: R026268

Tax Area: BR- - BR-

Acres: 4.002

Parcel: 318731308002

Situs Address:
HIGHWAY 133
PAONIA, 81428

Value Summary

Value By:	Market	Override
Land (1)	\$3,406	N/A
Total	\$3,406	\$3,406

Legal Description

HIGHWAY 133 PAONIA 81428 Subdivision: OLD HOPS FARM
MINOR SUBDIVISION Lot: 2 TOTAL AC 4.002+- LOT 2 OLD HOPS
FARM MINOR SUB WITHIN SW4 SEC 31 T13S R91W 6 PM R758131
PLAT R758132 COV R765655 ESMT



Public Remarks

Entry Date	Model	Remark
02/24/2025		DEACTIVATED ACCT R023690. CREATED ACCTS R026267 R026268 AND R026269 -JB
04/03/2025		ACCOUNT REVIEW IN RESPONSE TO NEW SUBDIVISION. CH PERFORMED SITE VISIT. UPDATE LAND ACREAGE. -EC

Land Occurrence 1

LVal	417500 - IIIB 345 AC	Abstract Code	4175 - 4175 - irrigated IIIB, areas 3, 4, & 5
Lot Front	0	Lot Depth	0
Adj 1	100	Adj 2	100
Adj 3	100	Adj 4	100
Neighborhood	41001 - PAONIA	Road	4 - R HWY
TOPO	1 - AVG TOPO	Utilities	0 - N/A
Appr Dist	5 - COMM-IND-ERIN	Ag Subdivision	70015 - PAONIA MINOR SUBDIVISIONS
Use Code	4000	Review Date	202504 - 25-Apr

SubArea	ADJUSTED	HEATED	PRIME	ACTUAL
AC	4.002			4.002

Property Record Card

DELTA COUNTY Delta County Assessor

Land Occurrence 1

Total		4.002			4.002
	Value	Rate	Rate	Rate	Rate
	\$3,406	851.50			851.50

Abstract Summary

Code	Classification	Non-School Actual Value	Non-School Taxable Value	School Actual Value	School Taxable Value	Actual Override	Taxable Override
4175	4175 - irrigated IIIB, areas 3, 4, & 5	\$3,406	\$852	\$3,406	\$852	NA	NA
Total		\$3,406	\$852	\$3,406	\$852	NA	NA

Property Record Card

DELTA COUNTY Delta County Assessor

**WEST ELK LAND & HOPS
LLC**

PO BOX 747
PAONIA, CO 81428-0747

Account: R026269

Tax Area: BR- - BR-
Acres: 3.350

Parcel: 318731308003

Situs Address:
HIGHWAY 133
PAONIA, 81428

Value Summary

Value By:	Market	Override
Land (1)	\$57	N/A
Total	\$57	\$57

Legal Description

HIGHWAY 133 PAONIA 81428 Subdivision: OLD HOPS FARM
MINOR SUBDIVISION Lot: 3 TOTAL AC 3.350+- LOT 3 OLD HOPS
FARM MINOR SUB WITHIN SW4 SEC 31 T13S R91W 6 PM R758131
PLAT R758132 COV R759738 ESMT R765655 ESMT



Public Remarks

Entry Date	Model	Remark
02/24/2025		DEACTIVATED ACCT R023690. CREATED ACCTS R026267 R026268 AND R026269 -JB
04/03/2025		ACCOUNT REVIEW IN RESPONSE TO NEW SUBDIVISION. CH PERFORMED SITE VISIT. UPDATE LAND ACREAGE. -EC

Land Occurrence 1

LVal	417500 - IIIB 345 AC	Abstract Code	4175 - 4175 - irrigated IIIB, areas 3, 4, & 5
Adj 1	2	Adj 2	100
Adj 3	100	Adj 4	100
Neighborhood	41001 - PAONIA	Road	4 - R HWY
TOPO	1 - AVG TOPO	Utilities	0 - N/A
Appr Dist	5 - COMM-IND-ERIN	Subdivision	70015 - PAONIA MINOR SUBDIVISIONS
Use Code	4000	Review Date	202504 - 25-Apr

SubArea	ADJUSTED	HEATED	PRIME	ACTUAL
AC	3.35			3.35
Total	3.35			3.35

Property Record Card

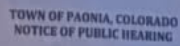
DELTA COUNTY Delta County Assessor

Land Occurrence 1

Value	Rate	Rate	Rate	Rate
\$57	17.01			17.01

Abstract Summary

Code	Classification	Non-School Actual Value	Non-School Taxable Value	School Actual Value	School Taxable Value	Actual Override	Taxable Override
4175	4175 - irrigated IIIB, areas 3, 4, & 5	\$57	\$14	\$57	\$14	NA	NA
Total		\$57	\$14	\$57	\$14	NA	NA



Any person may appear at the Public Hearing and be heard regarding the matters under consideration. Copies of the proposed rezoning and related application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Pomona, CA 91768. For further information concerning the Public Hearing, please contact the Town Clerk at (970) 527-4101 during regular business hours.

Dated the 12th day of July 2026.

TOWN OF PAGLIA, COLORADO
Samira M Vetter, Town Clerk

Posted on: July 16, 2026


TOWN OF PAONIA, COLORADO
NOTICE OF PUBLIC HEARING

NOTICE Is hereby given that the Paonia Planning Commission will hold a Public Hearing at 4:00 p.m. on Monday, August 3, 2026, at the Paonia Town Hall, 214 Grand Avenue, Paonia, CO 81428. The purpose of the Public Hearing will be to consider an application from David Warren for a rezoning of the property located at R41 Hwy 133, Paonia, CO 81428, which property consists of three (3) lots which are zoned Medium Density Residential District (R-2) to Estate Residential District (R-1).

NOTICE is further given that the Paonia Board of Trustees will hold a Public Hearing at 6:30 p.m. on Tuesday, August 25, 2026, at Paonia Town Hall, 214 Grand Avenue, Paonia, CO 81428. The purpose of the Public Hearing will be to consider an application from David Warren for a rezoning of the property located at R41 Hwy 133, Paonia, CO 81428, which property consists of three (3) lots which are zoned Medium Density Residential District (R-2) to Estate Residential District (R-1).

Any person may appear at the Public Hearing and be heard regarding the matters under consideration. Copies of the proposed rezoning application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Paonia, CO 81428. For further information concerning the Public Hearing, please contact the Town Clerk at (970) 527-4101 during regular business hours.

Dated the 12th day of July 2026.

TOWN OF PAONIA, COLORADO
Lorina M. Vetter, Town Clerk

Posted on: July 16, 2026

© 2026 Paonia, Colorado. All rights reserved. | 214 Grand Avenue, Paonia, CO 81428 | (970) 527-4101

Ruben Santiago

From: Kim Carter [REDACTED]
Sent: Tuesday, July 28, 2026 8:26 AM
To: Paonia
Subject: Comment for meeting

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town of Paonia,

I am writing about a concern over the 841 Highway 133 development rezoning. As we all know this was a pretty big drought year and I just want to make the community aware that the water that they have claimed for this development comes off of my farm and this year that water went down to a very small trickle and I wonder if anybody was watching at that time of year because they were not putting it into their pond yet. I really doubt there was enough for more than one house during March and April as the water dipped to an all time low! Normally during the Spring water goes to its lowest flow, but this Spring it was next level, and was literally a trickle. I sincerely hope that the town and all the constituents take this into extreme consideration, especially when allowing animals to be kept on the property. Thank you so much for your time.

Kimberly Carter

[REDACTED]
Paonia, Co 81428
[REDACTED]



**TOWN OF PAONIA
PLANNING COMMISSION MEETING
STAFF REPORT**

AGENDA ITEM:	Consideration of recommending changes to Estate Zoning: Tables 16-1, 16-2, and 16-3
SUBMITTED BY:	Daoine Bachran, Utility Billing & Permit Coordinator
DATE:	8-3-2026
BACKGROUND:	The Estate Residential zoning tables have some inconsistencies that make applying the rules to building requests difficult. The request to clarify the tables comes out of the rezoning review for the Old Hops Farm, as the applicant wanted to be able to have two single-family residences on each lot, and there were two different readings of the section. Interim Administrator Sund decided to send the issue of unclear code to the Planning Commission instead of asking the applicant to apply for a code change. In the attached tables, there is: • one section that could use interpretation, in Table 16-1, • one section that needs additional information or to be struck in Table 16-2, • and several typos that should be addressed. Explanations and highlights for each issue have been provided in the attached tables.
BUDGET:	No cost or budget items are associated with this item.
RECOMMENDATION:	Staff recommends the Commission send the board a clear interpretation of Table 16-1, a list of typos for correction, and recommendations for addressing the inconsistencies in Estate Zoning based on the district's goals and the 2025 Comprehensive Plan.

MOTIONS:	First potential motion: I move to recommend the Board of Trustees pass an ordinance amending Chapter 16 Table 16-1 by • removing the “4” after “Neighborhood commercial uses,” amending Table 16 by • adding “[x] acres” to the minimum lot area for 2 dwelling units in the E-1 district, OR • removing the “2” from the Dwelling units permitted by right for the E-1 district, and amending Table 16-3 by • removing the 2 at the end of “Utilities” and the “8” after “Utility substations” Second potential motion: I also move to recommend clarifying the interpretation of Chapter 16 that “two-family dwelling” should be interpreted [per the currently adopted version of the International Residential Code] OR [to include two single, family dwellings].
ATTACHMENT:	Article 2 of section 16 – for context on the purpose of each zone Article 3 of section 16 – to consider amending the text

ARTICLE 2. ZONING DISTRICTS

Sec. 16-2-10. Establishment.

In order to carry out the purpose and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

E-1	Estate Residential District
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	Higher-Density Residential District
MH	Mobile Home Park Subdivision District
MH1	Mobile Home Parks Subdistrict
MH2	Mobile Home Subdivisions Subdistrict
C-1	Core Commercial District
C-2	Community Commercial District
I-1	Light Industrial District
I-2	Industrial District
DR	Developing Resource District
P	Public District

The intent of each zoning district is as described in the following sections.

(Ord. No. 83-116, Art. IX, 1983; Ord. No. 2000-02, Art. IX, 2000)

Sec. 16-2-20. E-1, Estate Residential District.

It is the intent of this District to provide for orderly development of single-family residential areas on three-to ten-acre lots. Farm-type animals, including horses, sheep, llamas, cattle and goats, will be allowed. Other animals will require approval of the Town. This District requires adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, and must have a plan for distribution (see Section 16-3-110 of this Chapter).

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-30. R-1, Low-Density Residential District.

It is the intent of the this District to provide for the orderly development of single-family residential site-built or manufactured built homes, depending on covenants for the area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-40. R-2, Medium-Density Residential District.

It is the intent of this District to allow for the orderly and creative development of attached and detached single-family, two-family and multiple-family dwellings at moderate densities. Such areas are intended to serve as a transition between the lower-density zoning districts and the higher-density residential areas and commercially zoned areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-50. R-3, Higher Density Residential District.

It is the intent of this District to provide for the orderly and creative development of residential areas with density substantially higher than the Low-Density or Medium-Density Districts yet compatible with the present scale and character of the Town. Higher density residential areas may be appropriately located as a part of planned developments, adjacent to medium-density residential areas, commercially zoned areas, adjacent to the core commercial area or downtown and within close proximity to major collector or arterial streets.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-60. MH, Mobile Home Park Subdivision District.

It is the intent of this District to be composed of two (2) subdistricts, Mobile Home Parks (MH1) and Mobile Home Subdivisions (MH2). Mobile homes will be restricted to this District except as specified in Article 8 of this Chapter. This District is designed to provide orderly development of single-family residential mobile home parks having rented lots and subdivisions having homeowner lots. These subdistricts may require appropriate screening and/or buffer zones from other districts and zones. (See Article 8 of this Chapter for regulations.)

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-70. C-1, Core Commercial District.

It is the intent of this District to provide for the orderly development of those commercial and business uses, government, educational and cultural facilities that are characteristic of downtown areas and promote comparison shopping and pedestrian activity in the core area. This District is not intended for businesses and commercial uses that are oriented to the automobile and require extensive ground-level floor area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-80. C-2, Community Commercial District.

It is the intent of this District to augment the commercial and business needs of the community by providing for the orderly development of commercial facilities that, because of their specific nature, require closer access to

arterial routes or immediate access to large parking areas or require generally larger ground-level floor areas than the smaller retail shops as encouraged in the core commercial areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-90. I-1, Light Industrial District.

It is the intent of this District to provide for the development of industrial uses that will enhance the economy of the Town and be designed and planned in a manner that will be compatible with the character of the community and not add pollution or other undesirable effects to the adjoining properties or to the community as a whole.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-100. I-2, Industrial District.

The intent of this District is to allow for basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious, hazardous and noisy uses will require special permission to locate in this District.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-110. DR, Developing Resource District.

It is the intent of this District to provide for the zoning of those areas to be annexed that are eligible for annexation and are designated in the Comprehensive Plan as potentially suitable for urban development but not in the immediate future because of lack of utilities or other public services. DR District zoning should be applied to existing agricultural or open space areas with minimal present development.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-2-120. P, Public District.

It is the intent of this District to provide a special district for those lands that are dedicated for public use for recreational or educational purposes or for other public facilities or services. New construction and development will require special review.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

ARTICLE 3. DISTRICT REGULATIONS

Sec. 16-3-10. Schedules of uses and requirements.

To facilitate public understanding of this Chapter and for convenient reference and use, the following schedules are provided for all districts. These schedules are a part of this Chapter and may be amended as with any other part of this Chapter.

- (1) *Schedule of Uses.* The schedule of uses indicates, by district, those uses that are:

P - Permitted by right s

S - Permitted by special review

X - Prohibited

Any use that is not specifically permitted shall be deemed to be excluded. If a question arises as to whether a specific use does not fall within the expressed use categories, any person may apply to the Planning Commission for a determination as to whether a specific use is permitted.

- (2) *Schedule of Requirements.* The schedule of requirements includes minimum lot areas, setback, density and open space requirements for each residential and commercial zone. Additional requirements are listed for uses permitted by special review.

(Ord. No. 83-116, Art. X, 1983; Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-20. Schedule of uses, residential districts.

THE TABLE BELOW COULD USE A DIFINITIVE INTERPRETATION OF THE SECOND HIGHLIGHTED TERM SET.

The broader context is to decide if “Two-family dwellings” is a reference to something like a duplex, or two floors of a single house that have separate kitchens and a shared access, or if it is intended to mean two single-family dwellings. The answer to this (in combination with the next table) helps clarify if Estate zoning must have a special review to have a second single-family dwelling.

The former administrator suggested a code change from “S” to “P” for two-family dwellings to allow for two single-family dwellings for the Estate Residential district.

THE 2018 INTERNATIONAL RESIDENTIAL CODE DEFINES SIMILAR TERMS AS FOLLOWS:

Dwelling unit. A single unit, providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

One-family dwelling. A building consisting solely of one dwelling unit.

Two-family dwelling. A building consisting solely of two dwelling units.

THE 2018 INTERNATIONAL BUILDING CODE WITH COMMENTARY ADDS:

Dwelling. A building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

❖ Dwellings are buildings intended to serve as residences for one or two families.

Dwellings can be owner occupied or rented. The term “dwelling,” which refers to the building itself, is defined to distinguish it from the term “dwelling unit,” which is a single living unit within a building.

AS THE CHART IS UNDER DISCUSSION, THERE IS WHAT SEEMS TO BE AN EXTRA 4 AT THE END OF NEIGHBORHOOD COMMERCIAL USES AT THE END OF THE TABLE.

Table 16-1
Schedule of Uses - Residential Districts

Use	R-1 District	R-2 District	R-3 District	E-1 District	MH District
Single-family dwellings	P	P	P	P	P
Two-family dwellings	X	P	P	S	X
Multiple-family dwellings, apartments/townhouses not exceeding 6 units per lot	X	S	P	X	X
Multiple-family dwellings, apartments/townhouses in excess of 6 units per lot	X	X	S	X	X
Mobile home parks	X	X	X	X	S 1
Mobile home subdivisions	X	X	X	X	P
Parks and recreation areas	P	P	P	P	P
Private schools	S	S	S	S	X
Public or governmental uses	S	S	S	S	X
Group homes for the developmentally disabled	S	S	S	S	S

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Churches	S	S	S	S	S
Nursing homes/assisted living apartments	X	S	S	X	X
Rooming houses/bed and breakfasts	X	S	S	S	X
Professional offices 2	X	S	S	X	S
Neighborhood convenience centers 3	S	S	S	S	S
Antenna structures (towers)	S	S	S	S	S
Horses, barns and pastures	X	X	X	P	X
Mobile homes (single unit)	X	X	X	X	P
Neighborhood commercial uses 4	X	X	X	X	P

P = Permit by right

S = Permit by special review

X = Prohibited use

¹ See Article 8 of this Chapter.

² Professional offices as home occupations are permitted in all districts, subject to provisions in Section 16-11-20 of this Chapter.

³ Neighborhood commercial uses may include small food stores, specialty shops, gift, antique shops or similar type uses. Maximum floor area shall be 2,000 square feet total.

⁴ Neighborhood convenience center shall have a maximum total floor area of 10,000 square feet and no single business with a greater total floor area than 2,000 square feet.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-30. Schedule of requirements, residential districts.

THE TABLE BELOW HAS AN INCONSISTANCY THAT MAKES IT UNCLEAR.

The highlighted cells are inconsistent with the pattern of the rest of the table where a number of residences is followed by a minimum lot area. It is unclear whether the “2” residences permitted by right is a typo, or whether there was no lot size added (either by presumption that 3 acres is the size, or accidental omission).

The Planning Commission may wish consider if they would like to add additional houses with different acreage requirements for the E-1 zone, as a code amendment is already under consideration.

Table 16-2
Schedule of Requirements¹ - Residential Districts

	R-1 District		R-2 District		R-3 District		E-1 District		MH District	
Minimum Lot Area Requirements	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units per story	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)
Residential uses permitted by right	1	6,000	1	6,000	1	6,000	1	3 acres	1	5,000
			2	8,000	2	6,000	2		N/A	N/A
					3	8,000				
					4	10,000				
					5	12,500				
					6	15,000				
Residential uses permitted by special review			3	12,000	Over 6 units	15,000 sq. ft.				
			4	16,000		+				
			5	20,000		2,500 sq. ft.				
			6	24,000		for each unit over 6				

Yard Requirements ²	R-1 District	R-2 District	R-3 District	E-1 District	MH District
All yard areas adjacent to an arterial street major and minor	50 ft.	35 ft.	35 ft.	75 ft.	50 ft.
Front yard setback					

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Collector (major and minor)	25 ft.	25 ft.	25 ft.	50 ft.	25 ft.
Local	20 ft.	20 ft.	20 ft.	35 ft.	20 ft.
Side yard	6 ft.	6 ft.	10 ft. ³	20 ft.	6 ft.
Rear yard	10 ft.	10 ft.	20 ft.	20 ft.	15 ft.
Minimum lot width	50 ft.	50 ft.	50 ft.	200 ft.	50 ft.
Minimum landscaped open space (% of lot area)	-	20%	20%	30%	-
Minimum lot coverage	30%	30%	30%	20%	50%
Maximum building height	25 ft.	25 ft.	35 ft.	30 ft.	25 ft.

¹ See also the following provisions: 16-3-40 to 16-3-60 pertaining to average lot areas, side yard setback variation and front yard variation.

² See supplementary requirements in Section 16-10-60.

³ When a building is 3 stories, a 15-foot setback is required.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

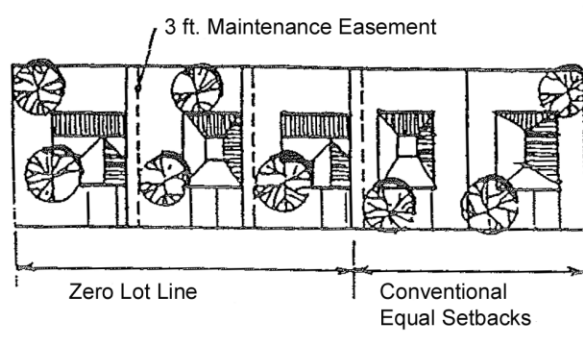
Sec. 16-3-40. Average lot area.

- (a) When a group of ten (10) or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall:
 - (1) The lot area be less than four thousand five hundred (4,500) square feet;
 - (2) The average lot size for the unit be less than six thousand (6,000) square feet; and
 - (3) More than twenty percent (20%) of the lots be less than six thousand (6,000) square feet.
- (b) When such development procedures are followed, the Town-approved subdivision plat must be on record in the County Clerk and Recorder's office.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-50. Side yard setback variation.

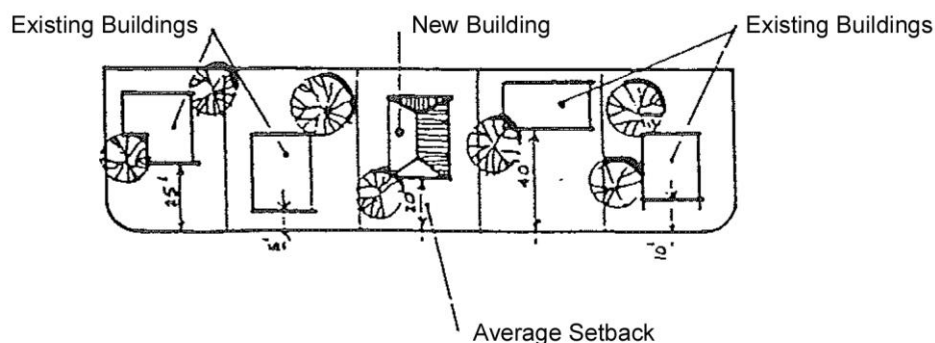
When a group or cluster of three (3) or more single-family dwellings are proposed for development as a unit, the side yard requirement may be reduced subject to the approval of the Town Administrator. However, the minimum spacing between two (2) structures shall not be less than twelve (12) feet. In the case of zero-lot-line developments, permitted by this provision, a minimum of a three-foot-wide maintenance easement shall be provided on the property adjacent to the wall that is placed along the side lot line.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-60. Front yard variation.

In areas established and predominantly built out prior to the effective date of the initial ordinance codified herein, the front yard setback shall be equal to the average setbacks for the other buildings on the same block or a maximum of that required by the new regulation as herein provided.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-70. Schedule of uses, commercial and industrial districts.

AS THE SECTION IS UNDER DISCUSSION, THERE MAY BE 2 MORE TYPOS AT THE END OF THIS TABLE UNDER THE UTILITIES

Table 16-3
Schedule of Uses - Commercial and Industrial Districts

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards	X	X	X	S

	Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)				
	Banking, savings and loan	P	P	X	X
	Bulk large storage of flammable liquid gas facilities	X	X	X	S
	500 gallons and under	S	S	S	S
	Campgrounds, recreational vehicle parks	X	S	X	S
	Child care	P	P	S	X
	Churches	S	S	X	X
	Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
	Dental or medical clinics	P	P	S	X
	Drive-up windows for banks, businesses and restaurants	S	S	S	X
	Dwelling units as a part of a business use	S	S	S	X
	Dwelling units secondary to the business use	P	P	S	X
	Fabricating/manufacturing industry	S	S	S	P
	Fast food and drive-thru restaurants	S	S	S	X
	Fertilizer storage or manufacturing of	X	X	X	S
	Formula businesses	X	S	S	S
	Fruit/packing	X	X	P	P
	Fruit/produce processing	X	X	S	P
	Gas stations	X	S	S	S
	Grain warehouses	X	X	X	P
	Group homes for the developmentally disabled	S	S	X	X
	Livestock areas or barns	X	X	X	S

Lumber yards	X	S	S	P
Manufacture and storage of explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Personal services shops, including barber, beauty shops, shoe repair, self-service laundries, travel agencies, etc.	P	P	S	X
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X
Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities ²	X	X	S	P
Utility substations ⁸	X	S	S	S

Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right

S = Permitted by special review

X = Prohibited

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2016-06, exh. A. 8-23-2016; Ord. No. 2019-10, § 2, 8-13-2019)

Sec. 16-3-80. Schedule of requirements, commercial and industrial districts.

Table 16-4
Schedule of Requirements - Commercial and Industrial Districts

Requirements	C-1 District	C-2 District	I-1 District	I-2 District
Minimum Lot Area				
Nonresidential	2,500 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.
Residential	6,000 sq. ft. ¹	6,000 sq. ft. ²		
Combined residential/commercial	2,500 sq. ft.	8,000 sq. ft.		
Minimum Lot Width	25 ft.	50 ft.	50 ft.	100 ft.
Maximum Building Height	35 ft.	35 ft.	25 ft. 2	35 ft.
Yard requirements				
All yard areas adjacent to an arterial street	0 ft.	50 ft.	50 ft.	75 ft.
Front yard setback				
arterial	0 ft.	50 ft.	50 ft.	75 ft.
collector	0 ft.	25 ft.	35 ft.	50 ft.
local	0 ft.	25 ft.	25 ft.	50 ft.
Side yard setback	0 ft.	10 ft.	10 ft.	20 ft.
Rear yard setback	20 ft.	20 ft.	20 ft.	30 ft.
Minimum landscaped open space	-	10%	10%	10%

¹ For residential development in the C-1 and C-2 acres, the minimum lot sizes shall be the same as the requirements of the R-3 District.

² Unless the building is set back at least 150 feet from adjacent lot of lots in the R-1 or R-2 Districts, and if it is determined that the building will not block the view of adjoining R-1 or R-2 developed properties.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-90. Developing Resource District.

- (a) *Permitted uses.* Uses permitted by right in the Developing Resource District include those existing uses of the land at the time of annexation, including:
 - (1) Single-family residence.
 - (2) Raising of crops, grain.
 - (3) Ranching.
 - (4) Other agricultural uses.
- (b) *Rezoning required.* No uses other than those existing at the time of annexation shall be permitted on property zoned DR unless the property is rezoned to a zoning district that permits the proposed use.
- (c) *Uses permitted by special review.* New dwelling units shall be permitted by special review.
- (d) *Park dedication requirements and water rights.* The properties that are annexed and zoned DR, Developing Resource, shall not be subject to requirements for park dedications or cash payment in lieu of dedicating park land or for water rights fees or requirements, except as to secured uses by right or permitted uses by special review, until the property is rezoned, wherein full satisfaction of the requirements of this Chapter shall then be due.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-100. Public District.

- (a) *Permitted uses.* Uses permitted by right in the Public District include the following:
 - (1) Park recreational areas dedicated to the Town.
 - (2) Public educational facilities existing at the time of adoption of the initial ordinance codified herein.
 - (3) Public building and facilities existing at the time of the adoption of the initial ordinance codified herein.
- (b) *Uses permitted by special review.*
 - (1) New public educational facilities.
 - (2) New public buildings and facilities.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Sec. 16-3-110. Estate Residential District.

On those properties where livestock and poultry are allowed, the following performance standards shall be observed.

- (1) All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies or other insects or cause obnoxious odors.
- (2) Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.

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- (3) Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird or rodent propagation or creation of odors.
 - (4) Any shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty (20) feet from the side lot line and fifty (50) feet from the front lot line.
 - (5) All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
 - (6) Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution.
 - (7) In subdivided areas, all livestock shall be kept within a fenced area.
 - (8) Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be observed.
 - (9) The maximum number of allowable livestock per lot does not apply to young animals below the weaning age or six (6) months of age, whichever is less.
 - (10) The number of livestock permitted shall be two (2) horses, one (1) cow, one (1) llama, three (3) sheep, or three (3) goats per three (3) acres. There shall be twenty-four (24) poultry total allowed.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

Secs. 16-3-120, 16-3-130. Reserved.

Sec. 16-3-140. Formula business.

- (1) *Intent.* The purpose of these formula business requirements is to maintain and protect Paonia's historic downtown core as the civic, social and business hub of the community, ensure the vitality and diversity of the Town's commercial districts and enhance the quality of life of residents and visitors.
- (2) *Applicability.* These regulations shall apply to formula businesses as defined in Section 16-3-100 of the Code.
- (3) *Related definitions.* For purposes of this Section, the following definitions apply:
 - (a) *Color scheme* means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.
 - (b) *Décor* means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.
 - (c) *Façade* means the principal exterior face or front of a building, including awnings, overhangs, and porte-cocheres that are oriented towards a street, alley or open space.
 - (d) *Servicemark* means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.
 - (e) *Signage* means a sign as detailed Section 18-6-10.
 - (f) *Standardized array of merchandize* means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings.
 - (g) *Standardized array of services* means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner.

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- (h) *Trademark* means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product of one party from those of others.
 - (i) *Uniform apparel* means standardized items of clothing, including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, and hat and pins (other than name tags) with standardized colors and fabrics.
- (4) *Exemptions.* The following formula businesses are exempt from these formula business requirements:
- (a) Formula businesses in operation prior to the effective date of these regulations.
 - (b) Construction work on a pre-existing, approved or exempt formula business that is required to comply with fire and/or life safety standards.
 - (c) Disability access improvements to a pre-existing, approved or exempt formula business.
- (5) *Formula Business Location Requirements.* Formula retail businesses may be permitted as a Special Review in the C-2, I-1 or I-2 zone district.

Formula businesses that are legally in existence as of the effective date of this Ordinance may remain in their current location as a non-conforming use. The same or substantially similar type of use may be transferrable upon sale or transfer of the commercial space or ownership of the business and/or building.

Formula businesses that are legally in existence as of the effective date of this Ordinance may be renovated and/or expanded up to fifteen percent (15%) of the existing gross floor area or a maximum of one thousand five hundred (1,500) square feet, whichever is less.

- (6) *Compliance with the Code.* Formula business shall comply with all applicable standards of the underlying zone district and the applicable regulations of the Town Code.
- (7) *Formula Business Additional Criteria.* No conditional use permit for a formula business shall be approved unless the following criteria are met:
- (a) The formula business complements existing businesses and promotes quality, diversity and variety to assure a balanced mix of commercial uses and range of local, regional and national goods and services for residents and visitors.
 - (b) The formula business has submitted plans, drawings, renderings, visual simulations or other examples that illustrate how it will be consistent with the historic nature of the Town of Paonia.
 - (c) The formula business does not include any drive-through facilities.

(Ord. No. 2019-10, § 3, 8-13-2019)