**Town of Paonia**
**214 Grand Avenue**
**Monday, September 14, 2026 6:00 PM**
**Planning Commission Agenda**
**https://us02web.zoom.us/j/87416330239**
**Meeting ID: 874 1633 0239**

A) Roll Call

B) Approval of Agenda

C) Approval of Minutes

   1) Minutes: August 3, 2026, Planning Commission Meeting Minutes

D) Actions & Presentations
   Public comments must be related to the agenda item, 3-minute time limit.

E) 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 contexts 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, August 3, 2026, 6:00 PM**
**Planning Commission Minutes**

## RECORD OF PROCEEDINGS

Commissioner Fischer, chairing the meeting, calls the meeting to order at 6:00 PM.

A) Roll Call
Present:
Vice-Chair Doherty (via Zoom)
Commissioner Everett
Commissioner Fischer
Commissioner Hunter
Commissioner Sund

Absent:
Chair Bachran

B) Approval of Agenda

Commissioner Hunter makes a motion to approve the agenda, seconded by Commissioner Sund

The motion carries unanimously.

C) Approval of Minutes

Vice-Chair Doherty makes a motion to approve the July 13, 2026 Planning Commission Meeting Minutes. Seconded by Commissioner Hunter

The motion carries unanimously.

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).

Commissioner Fischer opens the public hearing at 6:03 PM.

Commissioner Fischer explains the hearing procedures and confirms the hearing was properly noticed with Deputy Clerk Santiago.

Community Development Director Bachran presented the request to rezone three lots totaling approximately 14.3 acres from R-2 Medium Density Residential to E-1 Estate

Residential. She stated the request was consistent with the Comprehensive Plan, the property's agricultural history, and the E-1 district's intended uses. Staff recommended approval. An existing setback issue on Lot 1 was identified as an existing nonconforming condition.

Allison Elliott, appeared on behalf of the applicants, stated her name and address for the record, and was sworn in. Ms. Elliott stated that she appreciated the staff report and believed it accurately reflected the applicants' understanding of the property and the reason for requesting the change from R-2 to E-1. She stated that the request was consistent with the Comprehensive Plan and its intent.

Commissioners questioned the Highway 133 right-of-way, existing setbacks, nonconforming structures, water availability, and the relationship between the rezoning and the potential for two dwelling units.

Public Comment:

- Deputy Clerk Santiago entered into the record a July 28, 2026, comment received via email from Kim Carter expressing concerns about irrigation water availability during the drought and whether supplies would support the proposed development and livestock.
- Christina Patterson questioned why the rezoning had not been pursued earlier.

Community Development Director Bachran and the applicant's representative clarified that domestic water would come from wells and that separate irrigation rights were available for irrigation and livestock. Community Development Director Bachran also explained the prior application had been withdrawn due to procedural complications.

Commissioners further discussed the existing nonconforming structures and confirmed that the setback condition predated the applicants' ownership. The applicant confirmed that the rezoning remained desirable even if two dwelling units were not ultimately permitted.

Commissioner Fischer identified the application materials, packet materials, written comments, hearing notices, and Town ordinances as part of the record. With no objections or additional questions.

Commissioner Fischer closes the public hearing at 6:30 PM.

During commission deliberation, discussion included that the existing setback issue was an existing nonconforming condition and did not provide a basis to deny the rezoning. Commissioners agreed the E-1 designation was consistent with the property's agricultural character, the zoning code, and the Comprehensive Plan.

Commissioner Hunter makes a motion to recommend approval of RZ 2026-02 because it does not adversely affect public health, safety, or welfare, and is in substantial conformity with the comprehensive plan. Seconded by Commissioner Everett.

<u>Voting Aye (5):</u>

Vice-Chair Doherty
Commissioner Everett
Commissioner Fischer
Commissioner Hunter
Commissioner Sun

Voting Nay (0):

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.

Community Development Director Bachran presented inconsistencies and possible errors in the Estate zoning tables, primarily concerning the number of dwelling units permitted in the E-1 district and the minimum lot area required for two dwelling units.

The Commission determined that the key substantive issue was the blank minimum-lot-area requirement in Table 16-2 for two dwelling units in E-1. Other potential errors and footnotes required additional staff review.

The Commission discussed whether two single-family dwellings should require three, five, or six acres. Commissioners generally favored six acres, based on the E-1 district's stated purpose of maintaining larger agricultural lots and allowing agricultural and livestock uses. It was also clarified that this change would concern two single-family dwelling units permitted by right and would not change the existing special-review requirement for a two-family dwelling/duplex.

Public Comment:

- Hal Brill comments in support of considering additional housing opportunities on agricultural properties, including farm-worker housing and potentially clustered/conservation-style development.

The Commission agreed that these broader issues should be considered separately rather than expanded into the current action.

Commissioner Hunter makes a motion to recommend to the Board of Trustees to pass an Ordinance revising Table 16-2 within the Paonia Municipal Code Section 13-3-30, Column 4, E-1 District minimum lot area square footage be six (6) acres for two dwelling units permitted by right. Seconded by Commissioner Sund.

The motion carries unanimously.

The Commission confirmed that the motion did not address the other potential table errors or code questions. Those matters were left for further staff review.

F) Adjournment

Commissioner Fischer adjourns the meeting at 7:10 PM.

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Ruben Santiago, Deputy Town Clerk

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Mary Bachran, Chair