

Minutes
Planning Commission Meeting
Town of Paonia, Colorado
January 17, 2024

RECORD OF PROCEEDINGS

Roll Call

PRESENT

Chair Dave Knutson
Vice-Chair Mary Bachran
Commissioner Suzanne Watson
Secretary Lyn Howe

ABSENT

Commissioner Steve Clisset

Approval of Agenda

Chair Knutson speaks to the importance of timely packet availability and transparency for meetings.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, on approval of agenda.

Motion carries unanimously.

Actions & Presentations

1. Appointment of Officers

Chair Knutson provides overview of existing seats and discusses timing of appointments with Town Clerk Vetter and Commissioner Watson. Town Attorney Cotton-Baez had advised previously such appointments take place at the start of the year.

Vice-Chair Bachran makes a motion, seconded by Commissioner Watson to have Dave Knutson retain his position as Chair, Mary Bachran to retain her position as Vice-Chair, and for Lyn Howe to retain her position as Secretary.

Motion carries unanimously.

2. Master Plan Status Update - Phoenix Rising Resources

Calla Rose – Phoenix Rising – presents update on comprehensive plan. Apologizes for not having provided physically copies due to unable to print issues caused by internet connectivity drops. She informed the committee that she will be submitting work order change for additional funds for bringing on Shay and Andrew (Coburn) as well and asks for more time for map creation. Should have update by end of this week. She discussed the approach, elements for feedback, public workshops, input, and public hearing.

Town Administrator Wynn goes through the planned dates and actions set with Phoenix Rising.

Chair Knutson expresses his pleasure with having Shay and Andrew (Coburn) working on this.

Public Comment: None

Chair Knutson and Town Administrator Wynn discuss funds and transfers with DOLA.

No motion is made.

3. Public Hearing-

Application for Minor Subdivision of Property at 841 HWY 133 Paonia CO 81428 by West Elk Land & Hops

Chair Knutson opens the Public Hearing at 5:15PM

Chair Knutson explains the process for the Public Hearing. Advises that proper notifications were done and commissioner disclosures (no conflicts of interest). Town Administrator Wynn explains the details of parcel split plans and rules for splitting lots. He goes through a checklist of items met and presented from the various entities and considerations to applicant. He also explains that zoning was not contemplated and didn't see it posted as part of this presentation for approval. He explained that this hearing is for deciding to subdivide, zoning comes later.

Town Administrator Wynn goes on to explain public notifications duration was four weeks, certified letters sent out to adjacent property owners, and of some residents coming in to review presented plans and plat. He discusses Town Attorney provided explanation of access easements and provides detail.

Town Administrator Wynn recommends that the planning commission could conditionally approve the subdivision and have a seller grant appropriate access easements upon sale of the subdivision.

Applicant:

David Warren – sworn in – co-owner of property. Gives background history of property formerly known as Riverbank. Project cancelled in 2008 and divided into two parcels. Components; water, sewer, access, and fire protection. Discusses augmentation plan description and relation to project. Working with water contracts to retain water. Currently has an Observation Well permit and will be a General Use Well in a couple weeks. Explains septic systems used due to being except from connection to town's water system due to distance to closest sewer. Incorporated all fire department recommendations. Discusses that Estate zoning makes sense due to lot sizes and water rights. Would like to stay within town limits. He states that their application has met all criteria.

D. Warren and his co-owners are asking the Planning Commission to make a recommendation to the town trustees this evening to approve our minor subdivision estates zoning contingent on three components that need to be completed. Components are 1.) Securing the General Use permit for Well, 2.) Completing engineer plans for optimistic water well and delivery plan to each lot., 3.) Developing HOA guidelines which will consist of a simple agreement for shared irrigation system use maintenance and improvements: HOA usage for water only.

Town Administrator Wynn reiterates that there are two different issues: Subdivision and Zoning.

Public Comment: Opens at 5:38PM

R. Schmidt – sworn in – speaks to the need for clarification on previous subdivision and questions if already subdivided. He questions if there are any existing full easement available for utilities/road access, annexation, and utilities/services provided by the Town.

B. Bruner – sworn in – speaks to property already zoned properly. Speaks against having a gated-type community.

C. Paterson – sworn in – speaks of the lack of lead time to review information to research. She states neighbor adjacent to property in question was not notified. She feels process should be slowed down to coincide with the Town’s Master Plan.

Response from applicant:

Allison Elliot (co-owner). – appreciate public input and concern. Addresses concerns about sewer distance. She feels what was presented would be the best option for what to do with the property and the Town.

Public comment closed at 5:53PM

Chair Knutson asks if there are any objections to accepting the presented information from the applicant.

No objection to receiving information is heard.

Secretary Howe speaks of the need for clarification on subdividing a previously subdivided property and whether it can be done. She also expresses her concern about the lack of lead time for public access/review of all the information received.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe for a 5-minute break.

Motion carries unanimously.

Planning Commission reconvening’s at 6:02PM.

Town Clerk Vetter explains they have identified one owner adjacent to the property that was not properly notified. She explains the process for how notifications are sent, and it was not purposeful.

Town Administrator Wynn explains that number eleven of our criteria states that minor subdivision application is not available more than one time for the same lot or adjacent lots under the same ownerships. He identified change of ownership in 2012, allowing subdivision.

The Commission members discuss access issues in the past, possible hardships created, population density changes, Master Plan/growth conflicts, issues with zoning changes.

Town Administrator Wynn explains that the Planning Commission doesn’t make decisions on zoning. He states that questions of access have been addressed working with CDOT and the Fire department.

Vice-Chair Bachran and Commissioner Watson briefly discussed zoning procedures but per Commission rules, they can only recommend but take no action.

Chair Knutson closes the Public Hearing portion at 6:19PM.

Commission Deliberation:

Vice-Chair Bachran states that the application meets all requirements and having mixed density is a good thing to have.

Commissioner Watson re-iterates her previously expressed concerns, but still uncomfortable with density change and access to support that. She speaks to the need for more information from staff is required.

Secretary Howe asks if the identified subdivision question has been answered. Town Administrator Wynn explains that another split would have to go through another process for a major subdivision. Town permits are required and must follow design & build standards. He explains that it would have to fit criteria in the Comprehensive plan. Vice-Chair Bachran makes a motion to accept subdivision. No second is heard.

Motion fails due to lack of a second.

Chair Knutson opens it for further discussion or enrichment.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, that the Planning Commission conditional approval of the application for minor subdivision property at 841 HWY 133. With the formulation of an access agreement upon the sale of the properties that, they obtain the general use well permit, that they have engineering plans with a domestic water system developed in two weeks before the sale, and development of an HOA.

Motion carries with Commissioner Watson voting Nay.

Members discuss zoning questions and Town Administrator Wynn provides three options on the zoning questions; 1., Approval, 2., Denial., 3., push to the Board of Trustees to decide.

Vice-Chair Bachran makes a motion, then rescinded, that the Planning Commission do nothing and that this be taken up by the Board of Trustees as Part of the Master Plan. Commissioner Watson and Town Administrator Wynn discussed timing of zoning discussions can take place in June, along with the Land Use code talks.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, to recommend that the Board of Trustees take up the zoning issue after June 6th, 2024.

Motion carries unanimously.

4. Recommendations to Town Council regarding Housing Needs Assessment and Housing Action Plan regarding Short Term Rentals

Chair Knutson provides a background on item agenda addition and importance on acting on Short Term Rentals (STRs) and Accessible Dwelling Units (ADUs).

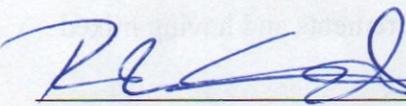
Vice-Chair Bachran and Commissioner Watson discussed recommendations made by consultants Shay and Andrew (Coburn) and the desire to keep outside entities from purchasing property and management from afar.

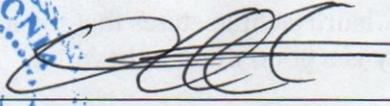
Town Administrator Wynn suggests solutions can include items such as required licenses with annual renewals. Explains that the Town Code re-write is needed and budgeted for. Chair Knutson asks for a brief update from Shay and Andrew (Coburn) to include in the packet.

No motion is made.

Adjournment

Chair Knutson adjourns the meeting at 7:11PM


Ruben Santiago, Deputy Town Clerk

 
Dave Knutson, Chair