



TOWN OF PAONIA
THURSDAY, FEBRUARY 24, 2022
PLANNING COMMISSION MEETING AGENDA
4:00 PM

Roll Call

- [1.](#) Roll Call

Approval of Agenda

- [2.](#) Approval of Agenda

New Business

- [3.](#) Planning Commission review and recommendation of Re-Zone application request for 1375 Third Street, Paonia
– Property owners Kira Sadighi and Evan Coffey.

Adjournment

- [4.](#) Adjournment

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.

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Roll Call</p>
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Summary:
Meeting opening -

[Empty space for meeting summary]

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Steve Clisset:	Mary Bachran:		

[Empty space for additional notes]

AGENDA SUMMARY FORM

<p>Agenda Item</p> 	<p>Approval of Agenda</p>
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Summary:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Steve Clisset:	Mary Bachran:		

AGENDA SUMMARY FORM



Planning Commission review and recommendation of Re-Zone application request for 1375 Third Street, Paonia – Property owners Kira Sadighi and Evan Coffey.

Summary:
Applicants request approval of re-zoning vacant property. Existing zone C-1 proposed zone R-1.

Application received November 23, 2021, and reviewed. All fees and documents have been provided neighbor notifications were mailed on 02/03/2022 and published in the Delta County Independent on 02/09/2022.

Vacant lot has one stand by water tap and has residential use on three sides.

Staff recommends approval of application request.

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Steve Clisset:	Mary Bachran:		

P/Z Meeting Date 2.24.22
BoT Meeting Date _____
Date Received 11.23.21
Initials _____



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 1375 3rd St. Paonia, CO 81428
EXISTING ZONING C1
PROPOSED ZONING R1
CURRENT LAND USE Vacant Lot

PROPERTY OWNER	APPLICANT OR REPRESENTATIVE
NAME: Kira Sadighi Evan Coffey	NAME: Same as Property owner
MAILING ADDRESS: 3 Pan American Ave.	MAILING ADDRESS:
CITY, STATE, ZIP: Paonia, CO 81428	CITY, STATE, ZIP:
PHONE: 303-775-8408 720-255-9322	PHONE:
EMAIL: Kira.Sadighi@gmail.com ev14an@gmail.com	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 - 11.23.21
- 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.

Hi [Signature] *[Signature]*

Owner's Signature

11-18-21

Date

Hi [Signature] *[Signature]*

Applicant's or Representative's Signature

11-18-21

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.

WARRANTY DEED

THIS DEED, is dated September 30, 2021, 20, and is made between
John David Logan

*, (whether one, or more than one), the "Grantor," of the
County of Delta and State of Colorado, and
Evan Randall Coffey and Kira Elizabeth Sadighi

whose legal address is 3 Pan American Ave, Paonia, Co, the "Grantees,"
81428
of the County of Delta and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of One hundred six thousand two hundred and
no/100ths----- DOLLARS,
(\$ 106200.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains,
sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but
in joint tenancy, all the real property, together with any improvements thereon, located in the County
of Delta and State of Colorado, described as follows:
Lot 7, Block 1, Kralj Addition to the Town of Paonia.

County of Delta, State of Colorado

Together with one (1) paid Town of Paonia water tap.

also known by street address as: 1375 3rd Street, Paonia, Co 81428
and assessor's schedule or parcel number: R008493

TOGETHER with all and singular the hereditaments and appurtenances thereunto 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
Grantees and the Grantees' 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 Grantees, and the Grantees' heirs and assigns: that at the time of the ensealing 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:

except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in
CRS38-30-113, revised

And the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, *but not any adjoining vacated street or alley*, if any, in the quiet and peaceable possession of the Grantees and the heirs and assigns of the Grantees, 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.

X John David Logan
John David Logan

STATE OF COLORADO

County of Delta

} ss.

The foregoing instrument was acknowledged before me this 30th day of September, 2021, by John David Logan

Witness my hand and official seal.

My commission expires:

ROBIN S. BLACK
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19964006112
My Commission Expires April 25, 2024

Robin S. Black
Notary Public

*Insert "City and" if applicable

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

Lot Legal Description

The warranty deed contains the following description:

Lot 7, Block 1, Kralj Addition to the Town of Paonia

The full legal description is as follows:

1375 3RD ST PAONIA 81428 S: 5 T: 14S R: 91W Subdivision: KRALJ ADD PA Block: 1 Lot: 7 TOTAL
0.21 AC+- LOT 7 BLK 1 KRALJ ADD. SEC 5 T14S R91W 6PM BK 385 PG 82 BK 444 PG 559 (R-
348686) BK 444 PG 562 (R-348689) BK 444 PG 699 (R-348783) BK 444 PG 1099 (R-349045) BK
522 PG 764 BK 522 PG 769 BK 539 PG 832 BK 753 PG 235 R-615244 R-641904 R673329 R673330
R-682851 R-683795 R-696045AS R-696045 R-733145 R-733146 IMP CERT

Statement of Compliance with Re-zone criteria:

The character of the surrounding area is residential. This lot is adjacent to two R1 properties, one R3 property and one C1 property. The existing C1 property to the west, the Linden building, is a quiet office space. This end of 3rd street is many blocks from the downtown Paonia area and suited to an additional R1-zoned lot.

Photos of the lot – there is only an asphalt pad on the lot, no other structures



Looking east toward Lamborn Ave.



Looking west towards the Linden building



Looking north towards 3rd street

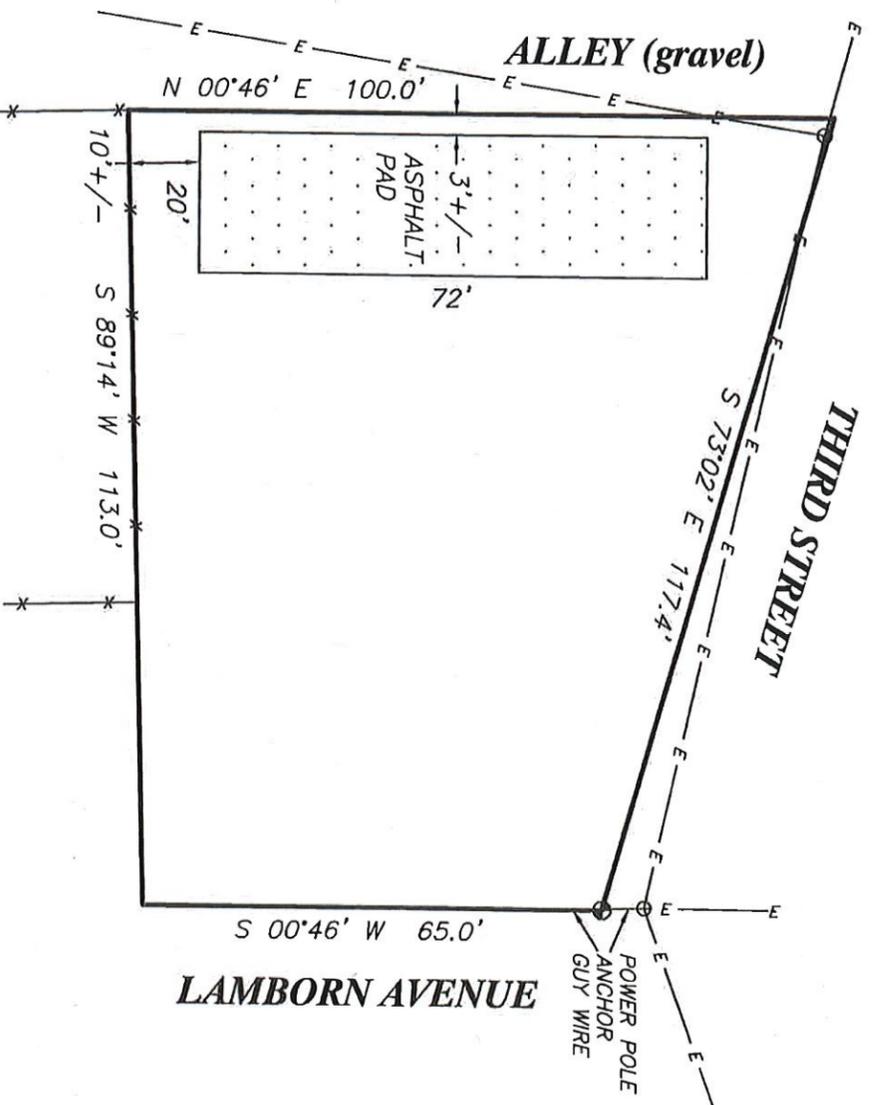


Looking south

IMPROVEMENT LOCATION CERTIFICATE

THIS IS NOT A SURVEY

BUYER: EVAN RANDALL COFFEY AND KIRA ELIZABETH SADIGHI DATE: SEPTEMBER 20, 2021
 ORDERED BY: PAONIA REALTY
 PROPERTY ADDRESS: 1375 3rd STREET
 GENERAL LOCATION: PAONIA



TYPICAL LEGEND

- Found pin with cap
- *— Fencelines
- T— Tel. line
- E— Electric (overhead)
(subject to easement)
- G— Gas line
- H— Water line
- Easement
- · · — Setback Line
- ▬ Concrete
- ▬ Gravel Driveway

LEGAL DESCRIPTION:
 LOT 7, BLOCK 1, KRALU ADDITION TO THE TOWN OF PAONIA,
 DELTA COUNTY, STATE OF COLORADO

NOTE:
 BOUNDARY LINES ARE UNKNOWN WITHOUT A SURVEY. ONE
 MONUMENT WAS FOUND. THE IMPROVEMENTS APPEAR TO
 BE WITHIN THE BOUNDARY LINES.

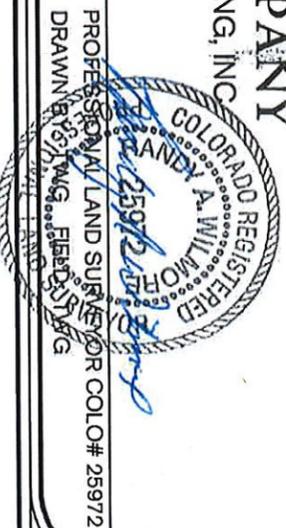


INVESTIGATION BY WILMORE AND COMPANY PROFESSIONAL LAND SURVEYING INC., P.O. BOX 1652, 406
 GRAND AVENUE, PAONIA, COLORADO 81428 (970) 527-4200; (970) 527-4202
 I hereby certify that this IMPROVEMENT LOCATION CERTIFICATE was prepared solely for THE TITLE COMPANY
 OF DELTA COUNTY AND EVAN RANDALL COFFEY AND KIRA ELIZABETH SADIGHI, that it is NOT a survey plat,
 and that it is not to be relied upon for the establishment of fences, buildings, or other future improvement construction
 lines. I further certify that the improvements on the above described parcels on this 20TH day of SEPTEMBER, 2021,
 EXCEPT as may be shown above, that there are no apparent encroachments upon the described parcel by
 improvements on an adjoining property, EXCEPT as indicated, and that there is no apparent evidence of any
 easement crossing or burdening this parcel, EXCEPT AS NOTED.



WILMORE & COMPANY
 PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.527-4200
 P.O. Box 1652 970.527-4202
 Paonia, Colorado 81428



Defining Boundaries

JOB# ILC21199 SEPTEMBER 20, 2021 DRAWN BY: JWG, FIELD DTD: JWG
 PROFESSIONAL LAND SURVEYOR COLO# 25972

AGENDA SUMMARY FORM

Agenda Item # CALL	Adjournment
	

Summary:

Vote:	Barb Heck:	Karen Budinger:	Monica Foguth:
Steve Clisset:	Mary Bachran:		