



TOWN OF PAONIA
214 GRAND AVE
WEDNESDAY, DECEMBER 07, 2022
PLANNING COMMISSION MEETING AGENDA 4:00 PM
[HTTPS://US02WEB.ZOOM.US/J/86362634762](https://us02web.zoom.us/j/86362634762)
MEETING ID: 863 6263 4762
ONE TAP MOBILE
17193594580

Roll Call

Approval of Agenda

Unfinished Business

- 3.** Contractor Presentation on school building potential use
- 4.** Presentation of GIS overlay and water taps
- 5.** Review Intergovernmental Agreement between Delta County Planning Commission and the Town of Paonia

New Business

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



Roll

Summary:

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Vote:	Monica Foguth:	Mary Bachran:	Steve Clisset:
	Lyn Howe:	Dave Knutson:	

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AGENDA SUMMARY FORM



Agenda Approval

Summary:

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Vote:	Monica Foguth:	Mary Bachran:	Steve Clisset:
	Lyn Howe:	Dave Knutson:	

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AGENDA SUMMARY FORM

	Presentation- Pocket Community
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Summary:

Possible Motion:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Knutson	Trustee Markle	Trustee Smith
Trustee Stelter	Trustee Valentine	Trustee Weber	Mayor Bachran (Tie)

AGENDA SUMMARY FORM

	Presentation of GIS overlay and water tap discussion
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Summary:

Possible Motion:

Motion by: _____ 2nd: _____ vote: _____

Vote:	Trustee Knutson	Trustee Markle	Trustee Smith
Trustee Stelter	Trustee Valentine	Trustee Weber	Mayor Bachran (Tie)

AGENDA SUMMARY FORM



Review Intergovernmental Agreement between Delta County Planning Commission and the Town of Paonia

Summary:

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Vote:	Monica Foguth:	Mary Bachran:	Steve Clisset:
	Lyn Howe:	Dave Knutson:	

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**GROWTH MANAGEMENT AGREEMENT
BETWEEN THE COUNTY OF DELTA AND THE CITY/TOWN OF ___, COLORADO
COOPERATING WITH RESPECT TO LAND USE PLANNING AND RELATED
SERVICES FOR THE UNINCORPORATED AREA AROUND THE MUNICIPAL
BOUNDARY**

THIS AGREEMENT is entered into between the City/Town of ___ (“CITY/TOWN”) and the County of Delta (“COUNTY”), collectively “PARTIES”, effective ___, 2022.

WHEREAS, the CITY/TOWN previously entered into a Growth Management Agreement effective ___; and

WHEREAS, COUNTY has adopted land use regulations that apply to properties located outside of the municipal boundaries (unincorporated areas); and

WHEREAS, CITY/TOWN has adopted land use regulations that apply to properties located within their municipal boundary; and

WHEREAS, PARTIES agree that joint planning areas should be established to encourage development in and near municipalities where adequate infrastructure is available and services can be efficiently provided; and

WHEREAS, PARTIES encourage future development that optimizes access to existing infrastructure and public services where there is capacity that does not strain the providers; and

WHEREAS, PARTIES wish to cooperate to provide for the efficient management and administration of development in the areas around the CITY/TOWN by defining a Growth Management Area based on present and future availability of municipal services; and

WHEREAS, PARTIES desire to identify locations and create standards for future development where adequate water, public infrastructure and services are in place or can be feasibly expanded; and

WHEREAS, PARTIES intend to coordinate planning efforts, especially in designated growth areas, in order to create greater consistency and mutual support among jurisdictions specifically to ensure coordination and communication occurs related to economic development, transportation, land use, residential, commercial and industrial development; and

WHEREAS, pursuant to Section 29-20-105, C.R.S., as amended, PARTIES have negotiated an agreement with the intention of cooperating with respect to land use planning and related services in the area around the CITY/TOWN, and to ensure that basic infrastructure standards for easements, roads, and utilities in this area are consistent with CITY/TOWN standards.

NOW THEREFORE, AND IN CONSIDERATION of the mutual covenants and conditions set forth herein, PARTIES agree as follows:

A. Generally:

1. This Agreement shall supersede the Growth Management Agreement with respect to land use planning entered into by the PARTIES effective ____.
2. This Agreement shall commence upon the execution by both governing bodies signatory hereto, and shall automatically renew at the end of one year and each year thereafter unless terminated by either party upon sixty (60) days written notice to the other party or by the execution of a new Agreement.
3. PARTIES agree to keep each other informed of their planning efforts, to adopt such resolutions or ordinances as will affect this agreement, and will enter into additional Intergovernmental Agreements to accomplish the purposes thereof (e.g., road maintenance).
4. PARTIES agree to meet at least annually discuss the effectiveness of this agreement and their joint planning efforts. The course of review shall inquire into the extent of compliance with this Agreement and the consistency with the applicable Master/Comprehensive Plans adopted by PARTIES, and will determine whether any modifications to this Agreement need to be accomplished.

B. Definitions: For purposes of this Agreement:

1. Growth Management Area (GMA) means an area within the Urban Growth Boundary where the municipality can and will consider extending services in preparation for possible annexation within the next ten (10) years.
2. Intergovernmental Agreement (IGA) means a Growth Management Agreement with respect to land use planning and related services for the unincorporated area around the municipal boundary.
3. Urban Growth Boundary (UGB) means properties located within a 3-mile distance measured from a municipality's border, setting geographical limits for sprawling development and preserving rural land uses.

C. Growth Management Area and Urban Growth Boundary:

1. PARTIES agree to plan for future growth within the GMA such that projects conform with municipal standards as much as possible upon annexation.
2. UGB and GMA boundaries shall be mapped using GIS such that the data can be used in conjunction with other parcel-based maps (e.g., zoning maps) to help identify parcels subject to this IGA. Said map is attached hereto and incorporated herein by reference as **Exhibit A**.
3. CITY/TOWN agrees to consult COUNTY in establishing, and amending, a GMA/UGB map.
 - a. PARTIES agree to coordinate and identify edges for CITY/TOWN growth with an emphasis on protecting prime agricultural lands within the GMA.
 - b. COUNTY shall not approve urban density within the GMA without consent of the CITY/TOWN.

- c. COUNTY shall zone properties consistent with protecting agricultural lands and respecting urban edges.
 - d. COUNTY Land Use Code includes an Urban Growth Area (UGA) Overlay to reflect where CITY/TOWN services are, or can be, available and where PARTIES agree urban development (higher density, commercial/industrial center) could be appropriate.
4. A GMA/UGB map can be amended without amendment to this IGA upon mutual consent of the Board of County Commissioners and the CITY/TOWN Council/Board.
 5. COUNTY agrees to require a pre-annexation agreement for projects within the GMA as transition to possible future annexation, including but not limited to; connection to CITY/TOWN services and infrastructure, application of building codes, zoning, and road maintenance.

D. Annexation:

1. CITY/TOWN shall keep COUNTY informed of its annexation requests and plans.
2. CITY/TOWN agrees to annex parcels or blocks of parcels that are contiguous with the existing CITY/TOWN boundary where the property is served by public water and sewer. Parcels owned by the CITY/TOWN for municipal services do not need to be contiguous.
3. CITY/TOWN shall annex enclaves and partly surrounded lands in accordance with C.R.S. Section 31-12-106 prior to other annexations.
4. If a project is located within an enclave, CITY/TOWN shall provide services (water, sewer, power) and annex the subject property.
5. Annexation shall be designed to avoid split-jurisdiction of road rights-of-way. When a CITY/TOWN plans to annex property, CITY/TOWN shall refer the proposal to COUNTY for a minimum 14-day review and comment period relative to the adjacent road right-of-way. Prior to annexation, CITY/TOWN shall either agree to annex the full width of all adjacent road right-of-way, including any portions of roadway connecting to the property being annexed that were not previously annexed, or enter into a mutually agreed Road Maintenance Agreement with COUNTY.

E. Zoning:

1. COUNTY shall coordinate with CITY/TOWN on zoning/rezoning of property located within the GMA.
2. CITY/TOWN shall coordinate with COUNTY on zoning of property as part of a pre-annexation agreement.
3. A property owner applying for a Rezoning within the GMA will be required to consult with the CITY/TOWN as to the ability to annex.

F. Subdivision:

1. All subdivision (minor plat, preliminary plat, replat) requests to COUNTY within the CITY/TOWN's GMA shall be referred to the municipality to process the request (see Section 8 below).

2. If the CITY/TOWN declines to process the request, COUNTY will process the request, subject to the following:
 - a. The request complies with COUNTY zoning. COUNTY will, at a minimum, apply a one (1) acre minimum density standard for any subdivision within the GMA, unless otherwise approved by the CITY/TOWN.
 - b. Adequate fire protection, water supply, and sewer services are available.
3. Where COUNTY moves forward with review and approval of a subdivision within the CITY/TOWN's GMA, PARTIES agree that infrastructure (curb, gutter, sidewalk, stormwater, etc.) should be extended within reason and without leaving gaps. Generally:
 - a. If CITY/TOWN infrastructure DOES exist adjacent to the project boundary, COUNTY will require constructing (extending) infrastructure that meets applicable CITY/TOWN standards.
 - b. If CITY/TOWN infrastructure DOES NOT exist adjacent to the project boundary, COUNTY will require dedication of right-of-way sufficient to accommodate all CITY/TOWN standards, for future construction.
4. For Subdivision applications within the GMA that cannot meet annexation requirements, a pre-annexation agreement between the CITY/TOWN and property owners shall be executed that outlines how and when municipal services/infrastructure will be made available as well as terms for annexation when statutory requirements are met PRIOR to COUNTY approval of the application.

G. Land Use:

1. A property owner applying for a Limited Use or Conditional Use within the GMA will be required to consult with the CITY/TOWN as to the ability to annex (see Section 8 below).
2. For all Limited Use and Conditional Use applications where annexation is not feasible or water/sewer are not necessary:
 - a. A referral shall be sent to the CITY/TOWN per the Referral Process.
 - b. CITY/TOWN comments regarding building heights, setbacks, traffic, or other impacts to the CITY/TOWN shall be addressed prior to approval.
 - c. CITY/TOWN comments shall be consistent with CITY/TOWN requirements for similar type uses.
3. COUNTY shall not permit any new Medium or Large Animal Feeding Operations within one-half (1/2) mile of the CITY/TOWN boundary regardless of the underlying zoning.

H. Referral Process:

1. COUNTY shall refer all discretionary permit applications (Minor Plat, Preliminary Plat, Limited Use, Conditional Use, Rezone) located within the UGB to the applicable CITY/TOWN. Where the 3-mile radius (UGB) overlaps more than one municipality, COUNTY shall include all applicable jurisdictions in the referral process.
2. COUNTY shall inform CITY/TOWN about a project application as part of the **pre-application** stage in the County's land use review process:

- a. PARTIES will determine who shall serve as the “Lead Agency” to process the application versus a “Review Agency” and if the project shall be subject to annexation or a pre-annexation agreement. CITY/TOWN shall assume Lead to process projects within enclaves.
 - b. COUNTY shall invite the applicable CITY/TOWN to attend the pre-application meeting which is to identify applicable review procedures (by COUNTY or CITY/TOWN) and potential issues before an application is filed.
 - c. Where COUNTY determines that a pre-application meeting is not required, COUNTY shall afford CITY/TOWN an opportunity to either request a pre-application meeting, or to simply provide comments as part of the initial review.
 - d. CITY/TOWN is encouraged to inform COUNTY of municipal requirements that will be requested so they can be included in the letter sent with application instructions.
3. If a project is located in the GMA and requires services (water, sewer, power) from the CITY/TOWN:
- a. COUNTY shall refer applications to CITY/TOWN first to determine if the CITY/TOWN can and will serve the project. The **pre-application** referral shall serve as a right-of-first-refusal for the CITY/TOWN relative to providing services:
 - i. COUNTY shall not permit projects using cisterns or wells for domestic water within any mapped GMA, unless there is no other water service available and the applicable water purveyor agrees to an alternative system within their service area.
 - ii. Septic systems shall not be allowed for sewage treatment except for lots greater than one (1) acre, exclusive of easements. Connection to CITY/TOWN sewer is required if the property boundary is within 400 feet of an existing sewer main, as measured from the closest point and/or where the CITY/TOWN capital improvement plan includes sewer expansion.
 - iii. The purveyor may require an agreement by the property owner to require connection to their system and removal of the alternative system when service becomes available.
 - b. CITY/TOWN shall inform COUNTY in writing if the property requires annexation or a pre-annexation agreement. If annexation is required, COUNTY shall not issue/approve any permit until/unless a pre-annexation agreement has been fully executed.
4. Once an application is deemed complete, COUNTY shall route the application to CITY/TOWN for review and comment through the **Agency Referral** stage in the County’s land use review process. COUNTY shall address all comments submitted by the CITY/TOWN either by amending the application, or responding why no change was required. Failure of a CITY/TOWN to respond within the prescribed referral period is interpreted as consent to the contents of the application.

I. Impact Fees:

- 1. County projects pay County impact fees, and shall not be subject to CITY/TOWN impact fees.
- 2. CITY/TOWN projects pay applicable CITY/TOWN impact fees, and shall not be subject to COUNTY impact fees.

J. Other: In addition to the common points applicable to all PARTIES, the following points are applicable specific to an individual CITY/TOWN:

- 1. City of Delta
 - a. Highway 92 Overlay District; Building Permits
 - b. Highway 50 Overlay District; Design Guidelines
 - c. Airport service without annexation and no landscaping requirements
- 2. Town of Paonia
 - a. Highway 133 Corridor Plan; Planning Areas A & B

CITY/TOWN

By: _____
Mayor

Date: _____

Attest: _____
City/Town Clerk

DELTA COUNTY

By: _____
Chair, Board of County Commissioners

Date: _____

Attest: _____
County Clerk

DRAFT

AGENDA SUMMARY FORM

	Adjournment
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Summary:

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Vote:	Monica Foguth:	Mary Bachran:	Steve Clisset:
	Lyn Howe:	Dave Knutson:	

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