



# Nederland Planning Commission

## MINUTES

Wednesday, July 21<sup>st</sup>, 2010 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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### 1) Call to Order

The Chairman called the meeting to order at 7:10PM.

### 2) Roll Call

Present: Commissioners D. Mueller, M. Osterloo, Chairman B. Martin and Trustee K. Mueller.

Absent: D. Jackson

### 3) Approval of minutes

There were no minutes to approve.

### 4) Public Comment, Petitions, and Communications

None

### 5) Action Items

#### a. R.I.N.K. Proposed Bathroom Addition to Existing Garage

Allen Brewer, 907 CR 126, spoke on behalf of the R.I.N.K. Board and explained the proposed bathroom addition to the existing garage space. Mr. Brewer told the PC that the bathroom was part of the initial proposal approved in 2005, and at this point, R.I.N.K. would simply like approval to proceed with it.

Trustee Mueller asked about how the utilities would be engineered and strongly suggested economically and ecologically-friendly

choices for fixtures, including a low-flow, waterless urinal, a dual-flush toilet, etc. Mr. Brewer agreed that R.I.N.K. would do its best to make sustainable choices when constructing the bathroom.

A motion was made by Commissioner Osterloo to grant approval of the R.I.N.K. plan with Trustee Mueller's recommendations included, seconded by Commissioner Mueller, and unanimously passed.

## **6) Discussion Items**

### **a. Zoning for Medical Marijuana Businesses**

Brian Goldkamp, who lives next door to a local grow operation in Town, talked to the Commission about the annoyances of living near a grow operation, including foul smells, loud and constant noises, and the aesthetic nuisance of the various vents and fans.

Cathleen Chippi, Magnolia Star Route, commented on the need for Nederland to change the zoning distinctions currently in State law, but expressly allowed to be changed by municipalities. Under the State's current zoning restrictions, every medical marijuana business in Town would have to close.

The Commissions discussed different approaches to regulating the location of the medical marijuana businesses, and recognized that the three types of businesses – commercial kitchen, grow operations, and medical marijuana centers (MMCs) – likely require different approaches. They also considered the current reading of the Code and determined that much of the needed zoning restrictions were already contained therein. Finally, the Commissioners agreed that it was in the Town's interest to limit

the number of MMCs that operate within Town limits, and directed Staff to develop guidelines with that in mind, but to set the number at the current number of businesses or higher, so as not to put any already-operating MMCs out of business. The PC further directed Staff to evaluate the distance restrictions and make similar recommendations. The Commissioners would like to see the results of the Mayor's Task Force on Medical Marijuana.

**b. Consideration of Municipal Code Change to Allow Chickens in Town**

Town Clerk Teresa Myers explained that some Residents felt strongly that it was economically and ecologically sound policy to permit people to raise their own food in Town. Other Residents feel equally strongly that chickens are noisy and smelly and attract predators. Therefore, the debate has prompted review by the PC.

The Commissioners discussed the benefits and drawbacks to having hen chickens in Town, and reviewed the current Code for guidance. It was agreed that the Code presently prohibits hens; although it does not expressly say so, the spirit of the ordinance points to "pets" as animals that a family might name and cuddle and make a part of their family, unlike livestock, which is raised primarily for their food source.

Trustee Mueller talked about Longmont's chicken hen ordinance and suggested that it might serve as a good model for Nederland to work from.

The Commissioners agreed that they were inclined to allow chickens within Town limits, subject to various restrictions. They