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**PLANNING COMMISSION WORKSHOP AGENDA
CITY HALL AUDITORIUM
CITY HALL, 250 N 5TH STREET
THURSDAY, DECEMBER 5, 2024 - 12:00 PM
Attend virtually: bit.ly/GJ-PCW-2024**

Call to Order - 12:00 PM

Other Business

1. Consider Amendments to Title 21 Zoning and Development Code to Create Provisions To Regulate Natural Medicine

Adjournment



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date: December 5, 2024
Presented By: Niki Galehouse, Planning Supervisor
Department: Community Development
Submitted By: Niki Galehouse, Planning Manager

Information

SUBJECT:

Consider Amendments to Title 21 Zoning and Development Code to Create Provisions To Regulate Natural Medicine

RECOMMENDATION:

Staff recommends approval of this request.

EXECUTIVE SUMMARY:

During the 2023 Legislative session, the General Assembly of the State of Colorado enacted legislation concerning natural medicine, such as psilocybin and psilocyn, allowing them to be provided in a regulated access model at licensed Healing Centers with licensed Facilitators. If the program is successful, the natural medicines could be expanded to include ibogaine, mescaline, and dimethyltryptamine, if recommended by the Natural Medicine Advisory Board. A newly created Division of Natural Medicine within the State of Colorado Department of Revenue is responsible for licensing and regulation of these businesses. Local jurisdictions are preempted from prohibiting a facilitator from operating within its boundaries, provided it is properly licensed, but may adopt reasonable regulations that are consistent with the Natural Medicine Health Act.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

During the 2023 Legislative session, the General Assembly of the State of Colorado enacted legislation concerning natural medicine, such as psilocybin and psilocyn, allowing them to be provided in a regulated access model at licensed Healing Centers with licensed Facilitators. If the program is successful, the natural medicines could be expanded to include ibogaine, mescaline, and dimethyltryptamine, if recommended by the Natural Medicine Advisory Board. A newly created Division of Natural Medicine within the State of Colorado Department of Revenue is responsible for licensing and

regulation of these businesses. Local jurisdictions are preempted from prohibiting a facilitator from operating within its boundaries, provided it is properly licensed, but may adopt reasonable regulations that are consistent with the Natural Medicine Health Act.

The purpose of the proposed regulations is to respond to the new State regulations and ensure that there is clarity if the facilities look to locate within City limits. The proposed regulations add use-specific standards to address the separation of licensed Natural Medicine Healing Centers, Cultivation Facilities, Products Manufacturers, and Testing Facilities. Healing Centers would fall under the 'Medical or dental clinic' use and be allowed in the same zone districts, except within the RH-24 District. Cultivation Facilities, Products Manufacturers, and Testing Facilities would be classified as an 'Industrial, light' use and be allowed in any zone district where that use is permitted. Natural Medicine uses are not permitted within 1,000 feet of a child day care center or public or private school. They must be licensed by the State Licensing Authority to operate in the City.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.030(g). Notice of the public hearing was published on November 30, 2024 in the Grand Junction Daily Sentinel. An online hearing with opportunity for public comment was held between December 3 and December 9, 2024 through the GJSpeaks platform.

ANALYSIS

The criteria for review are set forth in Section 21.02.050(d) of the Zoning and Development Code, which provides that the City may approve an amendment to the text of the Code if the applicant can demonstrate evidence proving each of the following criteria:

(A) Consistency with Comprehensive Plan

The proposed Code Text Amendment is generally consistent with applicable provisions of the Comprehensive Plan.

The proposed amendments to the 2023 Zoning & Development Code are generally consistent with the Comprehensive Plan. Plan Principle 2 promotes a resilient and diverse economy through an innovative business climate and partnership with community healthcare partners. Plan Principle 10 encourages the promotion of health and wellness through access to services and by fostering a culture of inclusivity. Adoption of these regulations supports the new use allowed by the State legislature and promotes it being able to locate in a safe and healthy manner. Staff finds this criterion has been met.

(B) Consistency with Zoning and Development Code Standards

The proposed Code Text Amendment is consistent with and does not conflict with or contradict other provisions of this Code.

The proposed amendments to the 2023 Zoning & Development Code are consistent with the rest of the provisions in the Code and do not create any conflicts with other provisions in the Code. Staff finds this criterion has been met.

(C) Specific Reasons

The proposed Code Text Amendment shall meet at least one of the following specific reasons:

The proposed amendments to the 2023 Zoning and Development Code (ZDC) meets specific reasons identified in this criterion for review, as outlined below.

a. To address trends in development or regulatory practices;

The proposed amendment addresses a trend in regulatory practices created by changes in the State legislature. It is responsive to the State allowing a new land use which the City is preempted from prohibiting and ensures that it is managed at a local level to maintain the health, safety, and welfare of the City's residents. It creates use-specific standards and modifies definitions to ensure that the new use is properly addressed at the local level, within the authority provided by the Natural Medicine Health Act.

b. To expand, modify, or add requirements for development in general or to address specific development issues;

c. To add, modify or expand zone districts; or

d. To clarify or modify procedures for processing development applications.

Staff finds this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the proposed amendments, the following findings of fact have been made:

In accordance with Section 21.02.050(d) of the Grand Junction Zoning and Development Code, the proposed text amendments to Title 21 are consistent with the Comprehensive Plan and the Zoning & Development Code Standards and meet at least one of the specific reasons outlined.

Therefore, Staff recommends approval of this request.

SUGGESTED MOTION:

Mr. Chairman, on the request to amend Title 21 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-702, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.

Attachments

1. Natural Medicine Draft Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) CREATING PROVISIONS TO REGULATE NATURAL MEDICINE

Recitals

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to changing legislation at the State level has directed that the Code be reviewed and amended as necessary.

During the 2023 Legislative session, the General Assembly of the State of Colorado enacted legislation concerning natural medicine, such as psilocybin and psilocyn, allowing them to be provided in a regulated access model at licensed Healing Centers with licensed Facilitators. If the program is successful, the natural medicines could be expanded to include ibogaine, mescaline, and dimethyltryptamine, if recommended by the Natural Medicine Advisory Board.

Local jurisdictions are preempted from prohibiting a facilitator from operating within its boundaries, provided it is properly licensed, but may adopt reasonable regulations that are consistent with the Natural Medicine Health Act. The purpose of the proposed regulations is to respond to the new State regulations and ensure that there is clarity if the facilities look to locate within City limits.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the Zoning & Development Code implement the vision and goals of the Comprehensive Plan and that the amendments provided in this Ordinance are responsive to the community's desires, encourage orderly development of real property in the City, and otherwise advance and protect the public health, safety, and welfare of the City and its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following sections of the zoning and development code (Title 21 of the Grand Junction Municipal Code) are amended as follows (deletions ~~struck through~~, added language underlined):

...

21.04.020 PRINCIPAL USE TABLE

...

(e) Use Table

Zone Districts	...	RH-24	MU-1	MU-2	MU-3	CG	I-OR	I-1	I-2	P-1	P-2	Use-Specific Standards
Public, Institutional, and Civic Uses												
...												
Health Facilities												
Hospital			C	A	C	C	C				C	
Medical or dental clinic		A	A	A	A	A	A	A				§21.04.030(c)(3)
...												
Industrial Uses												
Manufacturing and processing												
...												
Industrial, light				A	A	A	A	A	A			§21.04.030(e)(9)
...												

21.04.030 USE-SPECIFIC STANDARDS

(c) Public, Institutional, and Civic Uses

...

(3) Natural Medicine Healing Center

- (i) A Natural Medicine Healing Center shall be an allowed use in all districts in which Medical or dental clinics are allowed, except RH-24.
- (ii) No Natural Medicine Healing Center shall be permitted to operate within 1000 feet of any Child Day Care Center or Public or Private School.
- (iii) Subsections (ii) above shall not apply to a Natural Medicine Healing Center that was actively doing business under a valid license prior to any other use referenced in subsections (ii) being constructed.
- (iv) No Natural Medicine Healing Center shall be permitted to operate in the City unless it is licensed by the State Licensing Authority.

...

(e) Industrial Uses.

...

(9) Natural Medicine Cultivation Facilities, Products Manufacturers, and Testing Facilities.

- (i) Natural Medicine Cultivation Facilities, Products Manufacturers, and Testing Facilities shall be allowed uses in any zone in which the Industrial, light use is allowed.
- (ii) No Natural Medicine Cultivation Facility, Products Manufacturer, or Testing Facility shall be permitted to operate within 1000 feet of any Child Day Care Center or Public or Private School.
- (iii) Subsection (ii) above shall not apply to a Natural Medicine Cultivation Facility, Products Manufacturer, or Testing Facility that was actively doing business under a valid license prior to any other use referenced in subsections (ii) or (iii) being constructed.
- (iv) No Natural Medicine Cultivation Facility, Products Manufacturer, or Testing Facility shall be permitted to operate in the City unless it is licensed by the State Licensing Authority.

21.14.010 MEASUREMENTS

...

(b) Distances. Unless otherwise specified, separation distances shall be calculated as a radial buffer extending from property lines of the use to be buffered (i.e., 'as the crow flies').

...

- (1) Cannabis Operation or Natural Medicine Separation. The separation distance shall be computed by direct measurement from the nearest property line of the land use to the nearest portion of the building or unit in which the ~~regulated cannabis is to be sold use~~ is to occur, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing or utilizing alleys, following striping or parking patterns or on-site designated pedestrian routes, with right angles at crossings and with the observance of traffic regulations and traffic signals.

21.14.020 DEFINITIONS

...

(b) Terms Defined

...

Industrial, light

means the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or

lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this Code. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to commercial laundries, food products and wholesale bakeries, newspaper and printing establishments, hair products and barbering supplies, signs and other metal workings, architectural and artist supplies, ceramics and miscellaneous clothing or accessories, small medical or specialty equipment, or musical instruments; and assembly of small appliances or equipment. This use includes research, testing, ~~and non-medical laboratory facilities,~~ and Natural Medicine Cultivation Facilities, Products Manufacturers, and Testing Facilities.

...

Medical or dental clinic

means a health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, counselors, therapists, or social workers, and where patients are not usually lodged overnight. This use includes dialysis and other outpatient services clinics and emergency care clinics without ambulance services. This use includes establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. This use also includes Natural Medicine Healing Centers.

...

Natural Medicine-Related Definitions

Facilitator

A natural person who meets the criteria for a "facilitator" as that term is defined in the Colorado Natural Medicine Code.

Natural Medicine

Psilocybin or psilocin and other substances described in the Colorado Natural Medicine Code as "Natural Medicine."

Natural Medicine Cultivation Facility

A location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

Natural Medicine Healing Center

A facility licensed by the state licensing authority pursuant to the Colorado Natural Medicine Code that permits a facilitator to provide and supervise natural medicine services for a participant.

Natural Medicine Product

A product that is infused with natural medicine and intended for consumption.

Natural Medicine Products Manufacturer

A person who manufactures Regulated Natural Medicine Products for transfer to a Natural Medicine Healing Center or to another Natural Medicine Products Manufacturer.

Natural Medicine Testing Facility

Means a public or private laboratory licensed and certified, or approved by the division of professions and occupations to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

Participant

A person who is at least twenty-one years of age receives natural medicine services performed by and under the supervision of a Natural Medicine Facilitator as provided in the Colorado Natural Medicine Code.

Regulated Natural Medicine

Natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed as provided in the Colorado Natural Medicine Code.

Regulated Natural Medicine Product

A Natural Medicine Product that is cultivated, manufactured, tested, stored, transported, or dispensed as provided in the Colorado Natural Medicine Code.

State Licensing Authority

The authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storage, distribution, transportation, transfer, and dispensation of regulated natural medicine and regulated natural medicine product pursuant to the Colorado Natural Medicine Code.

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INTRODUCED on first reading this 18th day of December 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 15th day of January 2025 and ordered published in pamphlet form.

ATTEST:

Abram Herman
President of the City Council

Selestina Sandoval
City Clerk