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PLANNING COMMISSION AGENDA IN-PERSON/VIRTUAL HYBRID MEETING CITY HALL AUDITORIUM, 250 N 5th STREET TUESDAY, DECEMBER 10, 2024 - 5:30 PM *Attend virtually:* <u>bit.ly/GJ-PC-10-22-24</u>

Call to Order - 5:30 PM

Consent Agenda

1. Minutes of Previous Meeting(s)

Regular Agenda

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

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION November 12, 2024, 5:30 PM MINUTES

The meeting of the Planning Commission was called to order at 5:30 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Ken Scissors, Sandra Weckerly, Kim Herek, Orin Zyvan, Ian Moore, and Robert Quintero.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Manager), Dave Thornton (Principal Planner), Tim Lehrbach (Senior Planner), Madeline Robinson (Planning Technician) and Jacob Kaplan (Planning Technician).

There were 4 members of the public in attendance, and 1 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from October 22, 2024.

Commissioner Scissors moved to approve the consent agenda. *Commissioner Weckerly seconded; motion passed 7-0.*

REGULAR AGENDA

Comprehensive Plan Amendment – UDB & 201 Boundary Adjustments CPA-2024-644
Consider Amendments to Title 31 One Grand Junction Comprehensive Plan (Comprehensive
Plan) including Chapter 31.04 Comprehensive Plan and Establish a Land Use Designation of
Residential Low for 2 Properties consisting of approximately 9.5 acres located on the east side of
30 Road just north of the Colorado River.

Staff Presentation

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Commissioner Zyvan asked who the property owner is for Area E. He asked why the land use of Residential Low was chosen for the properties in Area E. He asked if the State of Colorado would develop the property in the future. He asked if staff had evaluated the viability for these sites to be developed as public parks or open space.

Commissioner Weckerly asked if there were any negative impacts for the property owners who requested not to be included in the Urban Development Boundary (UDB).

Commissioner Quintero clarified that the intent of this request was just to align the UDB with the 201 Boundary.

Commissioner Moore asked what issues arise if the UDB and 201 Boundary are not aligned.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, November 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 5:56 p.m. on November 12, 2024.

There were no additional comments or questions from the Commission or staff.

The public hearing was closed at 5:57 p.m. on November 12, 2024.

Discussion

Commissioner Zyvan expressed concerns with the Residential Low land use designation for the properties in Area E. He proposed amending the motion to designate the future land use for the properties in Area E as Parks and Open Space to restrict how these parcels could be zoned.

Commissioner Scissors noted that the City did not own the property and that the State had indicated they wanted the flexibility to zone it to residential in the future.

Commissioner Quintero agreed with Commissioner Zyvan but that the current request only affected the boundaries and not the final zoning of the parcels.

Commissioner Herek echoed Commissioner Scissors' and Quintero's comments

Motion and Vote

Commissioner Scissors made the following motion "Mr. Chairman, on the request to amend Title 31 One Grand Junction Comprehensive Plan including Chapter 31.04, City file number CPA-2024-644, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Quintero seconded; motion passed 7-0.

2. Zoning & Development Code Amendments – Quarter 4 2024

ZCA-2024-660

Consider Amendments to Title 21 Zoning and Development Code to Modify and Clarify Various Provisions Relating to Application Outreach Meetings, Withdrawn Applications, Public Notice, Minor Plat Amendments, Simple Subdivisions, Administrative Changes to the Comprehensive Plan, Non-Administrative Comprehensive Plan Amendments, Conditional Use Permits, Permitted Encroachments, Mixed-Use Districts Regulations, Public, Civic, and Institutional Campus (P-2) Zone District Regulations, Principal Use Table, Use-Specific Standards for Industrial Uses, Accessory Uses and Structures, Accessory Use-Specific Standards, Temporary Uses and Structures, Shared Driveway (Autocourt) Standards, Residential Compatibility Standards, Preservation of Significant Trees, Off-Street Parking and Loading, Measurements, and Definitions.

Staff Presentation

Niki Galehouse, Planning Manager, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Commissioner Quintero clarified that the purpose of this request was to "clean up" the code and make interpretation easier moving forward.

Commissioner Herek asked if there were still noticing requirements for neighborhood meetings.

Commissioner Zyvan asked what the "physical" requirements are for noticing of neighborhood meetings. He asked how citizens who were not within the 500ft mailing distance would be notified of a neighborhood meeting.

Commissioner Weckerly asked why the number of houses on shared driveways was being amended. She clarified that the current language regarding the maximum number of units on shared driveways did not apply to Accessory Dwelling Units (ADUs). She stated her appreciation for Staff's considerations about significant trees. She asked for additional clarification on the proposed amendments to the alternative parking plans.

Jamie Beard indicated that Staff planned to remove the shared driveway amendments from the motion as there were conflicts with Fire Code that still needed to be addressed.

Commissioner Moore asked if there were any issues with amending the shared driveways language in the Zoning Code after the Fire Code had been updated.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, November 5, 2024, via www.GJSpeaks.org.

There were no public comments.

The public comment period was closed at 6:31 p.m. on November 12, 2024.

There were no additional comments or questions from the Commission or staff.

The public hearing was closed at 6:32 p.m. on November 12, 2024.

Discussion

Commissioner Scissors applauded the Staff's continuous efforts to revise the code.

Commissioner Herek asked why Staff wanted to table the amendments for shared driveways.

Commissioner Weckerly noted that the Zoning Code mirrors the Fire Code and adopting the proposed amendments to the shared driveways would put these two codes out of sync.

Commissioner Quintero echoed Commissioner Weckerly's comment.

Motion and Vote

Commissioner Scissors made the following motion "Mr. Chairman, on the request to amend Title 21 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-660, I move that the Planning Commission forward a recommendation of approval to City Council with the provision that the section dealing with shared driveway density, Number 21.05.020, be removed and otherwise the findings of fact listed in the staff report."

Commissioner Zyvan seconded; motion passed 7-0.

3. Zoning & Development Code Amendments – Ped & Bike Connections ZCA-2024-656

Consider Amendments to Title 21 Zoning and Development Code, Chapter 21.05 Site And Structure Development Standards, Regarding Pedestrian And Bicycle Connections Within Development Sites.

Staff Presentation

Tim Lehrbach, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for staff

Commissioner Moore asked if staff knew how many properties that had developed since the new code was adopted in 2023 that were negatively impacted by the pedestrian access requirements. He asked if any alternative possibilities were explored regarding site layout in the same way as the drive-through facilities.

Commissioner Scissors asked how this issue was being approached in similar municipalities. He asked if there were any "Best Practices" for pedestrian access that had been developed in other jurisdictions.

Commissioner Zyvan asked if a cost-benefit analysis had been done for this proposal.

Niki Galehouse clarified that the municipalities that had similar pedestrian access language utilized form-based districts which implement the pedestrian access design standards based on the underlying zone.

Commissioner Quintero asked if the considerations for pedestrian safety still provided the greatest flexibility to owners looking to develop their property.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, November 5, 2024, via www.GJSpeaks.org.

Tom McCloskey expressed concerns that this proposal was a step backward from the mobility goals established in the TEDS Manual. He asked if the City had heard any feedback from the disabled community on how this amendment would impact their accessibility. He wanted to know how the Transportation Department felt this change would impact their long-term goals.

Andy Gingerich, representing GVT and the RTPO, stated that the language concerning "adequate physical separation" led to more thoughtfulness in site design and that removal or modification of this language would lead to more auto-oriented design standards. He noted that the interaction between vehicles and pedestrians was particularly important in mixed-use zones.

Paula Anderson noted her appreciation for staff's efforts. She commented that the shift toward multimodality has community support and is worth investing in.

Tim Lehrbach and Niki Galehouse addressed the public's comments and questions.

The public comment period was closed at 7:26 p.m. on November 12, 2024.

Commissioner Quintero thanked the staff for their efforts.

Commissioner Zyvan asked for clarification on what specifically was being requested with this amendment.

The public hearing was closed at 7:29 p.m. on November 12, 2024.

Discussion

Discussion ensued regarding handicap accessibility, pedestrian safety, site design and zoning code requirements, and the various challenges presented by accommodating pedestrian access.

Commissioner Weckerly expressed concerns that requiring complete physical separation for pedestrian access restricted property owners' ability to develop their lots as they choose. She stated that if the City wanted some control over the placement of structures during development, it should be called out separately in the Zoning and Development Code rather than relying on the subject code section.

Chairman Teske stated that the Zoning Code used the word "adequate" instead of "complete" intentionally and he argued that the proposed amendments were not in conflict with the City's objectives for multimodal transportation. He echoed Commissioner Weckerly's comments on having a separate code section for pedestrian access.

Motion and Vote

Commissioner Weckerly made the following motion "Mr. Chairman, on the request to amend Title 21 Zoning and Development Code of the Grand Junction Municipal Code, City file number ZCA-2024-656, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

Commissioner Quintero seconded; motion passed 6-1.

Commissioner Zyvan clarified his reasoning for voting "nay" on the motion.

OTHER BUSINESS

Niki Galehouse reminded the Commission that the November 24th Hearing was cancelled.

ADJOURNMENT

Commissioner Scissors moved to adjourn the meeting. *The vote to adjourn was 7-0.*

The meeting adjourned at 8:08 p.m.



Grand Junction Planning Commission

Regular Session

Item #1.

Meeting Date:December 10, 2024Presented By:Niki Galehouse, Planning SupervisorDepartment:Community DevelopmentSubmitted 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, 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 <u>underlined</u>):

21.04.020 PRINCIPAL USE TABLE

... (e) Use Table

Zone Districts	 RH-24	MU-1	MU-2	MU-3	CG	I-OR	Σ	I-2	P-1	P-2	Use- Specific Standards
Public, Institutional, and Civic Uses											
Health Facilities											
Hospital		С	Α	С	С	С				С	
Medical or dental clinic	А	А	А	А	А	А	А				<u>§21.04.030(</u> <u>c)(3)</u>
Industrial Uses											
Manufacturing and processing											
Industrial, light			А	А	А	А	А	А			<u>§21.04.030(</u> <u>e)(9)</u>

21.04.030 USE-SPECIFIC STANDARDS

(c) Public, Institutional, and Civic Uses

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(3) Natural Medicine Healing Center

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

21.14.010 MEASUREMENTS

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(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').

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(1) Cannabis Operation <u>or Natural Medicine</u> 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 <u>use</u> 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**

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(b) Terms Defined

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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. <u>This use also includes Natural Medicine Healing Centers.</u>

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Natural Medicine-Related Definitions

<u>Facilitator</u>

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

Natural Medicine

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

Natural Medicine Cultivation Facility

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

Natural Medicine Healing Center

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

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.

<u>Participant</u>

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

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

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

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