



PLANNING COMMISSION MEETING

7:00 PM

February 8, 2024

Planning Commission meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Commissioners eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of the Planning Commission.

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**
 - A. **Planning Commission Meeting Minutes - 1.25.24**
6. **PUBLIC MEETING**
 - A. **A Bill for an Ordinance to Amend Sections 13.04.100, 13.04.120 and 13.04.130 Concerning Natural Medicine Businesses and to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Chapter 13.17 Concerning the Regulation of Natural Medicine Businesses in the Town of Parker**

Applicant:	Town of Parker
Location:	Townwide
Department:	Community Development, Bryce Matthews and Town Attorney's Office, Kelsey Hall

7. **PLANNING COMMISSION ITEMS**

8. **STAFF ITEMS**

9. **ADJOURNMENT**



PLANNING COMMISSION MINUTES

January 25, 2024

Planning Commission Chairperson Gary Poole called the meeting to order at 7:01 p.m.

The Planning Commission and audience joined in saying the Pledge of Allegiance.

Also present and seated were Commissioners Jane Lane, Ruth Ann Nelson, Erik Frandsen and Eric Rieger.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the January 11, 2024, meeting minutes. Commissioner Erik Frandsen seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:02 P.M. – LOOKING GLASS SEGMENT 2A- FILINGS 21 & 22 SKETCH AND PRELIMINARY PLANS

Applicant:	Matt Childers, Dream Finders Homes
Location:	South side of Stroh Road west of Chambers Road
Department:	Community Development, Julia Duncan
TRAKiT No.:	SUB22-058 and SUB22-059

STAFF PRESENTATION

Julia Duncan, associate planner, presented the staff report proposing a Sketch and Preliminary Plan for 150 duplex lots with 4 tracts for landscaping and drainage. Ms. Duncan concluded with the determinations in the staff report that Planning Commission recommend Town Council approve the requested Looking Glass Segment 2A- Filings 21 & 22 Sketch Plan and that Planning Commission recommend Town Council approve the requested Looking Glass Segment 2A- Filings 21 & 22 Preliminary Plan.

Commissioner discussion with staff:

- Commissioner Ruth Ann Nelson asked for clarification on the differences between the two parks on the south end and the age restricted park; *(staff said the filings in tonight's presentation would be age restricted, referring to the presentation slide staff said the green shaded park will be restricted to these filings and be age restricted, other open space and parks are mentioned because they are part of the whole Looking Glass development and the whole Looking Glass development meets the parks and open space requirements based on the development's unit counts including those in the project proposed tonight and that the other parks shown in yellow and pink, while not in filings 21 and 22 are available to the residents of these filings).*
- Commissioner Erik Frandsen asked if the age qualified restriction is a marketing tool or a restriction by the Town; *(staff said the Town would not enforce an age restriction and that any restrictions would be up to the applicant and the owner).*
- Commissioner Jane Lane asked for clarification on parks requirements for large developments such as Looking Glass and does this happen a lot where parks requirements are satisfied by individual filings; *(staff said yes, this does occur with large filings like this, because the open space is spread out and that the Looking Glass development as a whole actually has more parks space than is required by code).*
- Commissioner Jane Lane asked what would happen if this area were to be subdivided in the future, how would parks and open space be calculated; *(staff said the code at the time would determine that).*

APPLICANT PRESENTATION

Steve Allen (Henry Design Group) gave the applicant's presentation.

- The applicant introduced the development and design team.
- The applicant provided information on the overall Looking Glass project.
- The applicant provided specific information on Looking Glass Filings 21 and 22 including:
 - Site and landscape plans
 - Parks, trails and open space plans
 - Park amenities

Commissioner discussion with applicant:

- Commissioner Ruth Ann Nelson asked about the proximity of the pickle ball courts (and related noise) to the residences; *(applicant said they don't have a direct measurement, staff said the overall sketch and preliminary plans dictated the amenity provisions within these parks and applicant said that the pickle ball courts are not part of this application but will part of the site plan application for tract C).*
- Commissioner Jane Lane said she too was confused by the offsite parks being included in this filing's application, but are really part of the whole Looking Glass development.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:19 P.M. – LOOKING GLASS SEGMENT 2A- FILINGS 21 & 22 SKETCH AND PRELIMINARY PLANS

Commissioner discussion:

- Commissioner Ruth Ann Nelson said she is impressed with the Looking Glass development and the work that staff has done to ensure that that it proceeds the way it was originally proposed to the Planning Commission, thinks that the paired homes is a great way to increase housing density and is in support of this application.
- Commissioner Erik Frandsen said he is in support of the application which is consistent with what the commission was expecting.
- Commissioner Jane Lane agrees and believes that this application meets all the requirements.
- Commissioner Eric Rieger agrees as well and appreciates the explanation on parks requirements across the entire development and is in support of the application.
- Commissioner Gary Poole said he is in support as well.

Commissioner Erik Frandsen moved the Planning Commission recommend Town Council approve the requested Looking Glass Segment 2A- Filings 21 & 22 Sketch Plan. Commissioner Ruth Ann Nelson seconded; a vote was taken and passed unanimously.

Commissioner Ruth Ann Nelson moved the Planning Commission recommend Town Council approve requested Looking Glass Segment 2A- Filings 21 & 22 Preliminary Plan. Commissioner Erik Frandsen seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:22 P.M. – COMPARK VILLAGE PLANNED DEVELOPMENT AMENDMENT NO. 6

Applicant: Larry Jacobson, Westside Investment Partners
Location: North and south of Compark Blvd and west of Chambers Road
Department: Community Development, Stacey Nerger
TRAKiT No.: Z21-028

STAFF PRESENTATION

Stacey Nerger, senior planner, presented the staff report proposing a Planned Development (PD) amendment to the Compark Village PD to rezone certain Commercial Retail Planning Areas to Business Employment as well as add an overlay to allow for data centers as a use by right in certain areas. Ms. Nerger concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Compark Village Planned Development 6th Amendment Rezoning.

Commissioner discussion with staff:

- Commissioner Ruth Ann Nelson asked which of the nine criteria staff felt the applicant did not meet initially and were going to be addressed by the applicant tonight; *(staff said the following criteria were not met: No. 1 - does a need exist, No. 2 – is this the correct site, No. 4 – have there been significant changes in the area to warrant a zone change and No. 8 – is this rezoning consistent with the master plan).*

APPLICANT PRESENTATION

Larry Jacobson with West Investment Partners gave the applicant's presentation.

- The applicant introduced the development team.
- The applicant provided history of the Compark Village PD.
- The applicant provided an overview of the application and PD amendment.
- The applicant addressed Parker's nine criteria for rezoning.
- The applicant provided benefits of rezoning.

Commissioner discussion with applicant and staff:

- Commissioner Ruth Ann Nelson asked what is the time period for the referenced \$1.5 to \$1.7 million; *(applicant said over 10 years from 2025 through 2035).*
- Commissioner Ruth Ann Nelson asked for details on the proposed building's scale, size, square footage; *(applicant said the building on the larger lot would be in the 250,000 sq. ft. range and for scale comparison the Edge at 470 buildings are roughly 100,000 sq. ft. and the building on the smaller, nine acre site across the street would be roughly 130,000 sq. ft.).*
- Commissioner Jane Lane asked if the zoning is going from retail to light industrial, not taking the data overlay into consideration; *(applicant said the rezone would be to business employment (BE), likely flex light industrial space which would allow for other uses; staff added that BE allows for a variety uses including some commercial uses as well as light industrial, flex, research and development).*
- Commissioner Jane Lane asked if large buildings are allowed in the proposed rezoning; *(staff said the underlying zoning would not restrict building size).*
- Commissioner Jane Lane asked that the applicant is wanting to add a new overlay district for data centers that does not exist in the Town's current Master Plan; *(applicant said that data centers are a new use in the Town and Town staff asked the applicant to develop standards for data centers which is being added through an overlay district).*
- Commissioner Ruth Ann Nelson asked why a data center overlay is being created instead of considering this a light industrial flex use; *(staff said they didn't want the data center use to be allowed throughout the Compark Village PD area, staff wanted it to be limited to certain areas, this use is new and the Town wants to learn more and through our*

research staff is learning that these types of uses have large buildings; the proposal is near existing residential areas and this area was supposed to be commercial retail; and staff is trying to create standards so that the buildings are more articulated and look more commercial in nature rather than a big block building).

- Commissioner Ruth Ann Nelson asked what information the Town has on employment rates in various industrial flex areas; *(staff said within the newer Edge at 470, which is light industrial flex, staff is seeing a variety of tenants bringing in lots of jobs and others not so much, that the buildings are about 86,000 sq. ft. and depending upon the tenants between 50 to a 100 employees).*
- Commissioner Erik Frandsen asked if the data center overlay is not created can the data center still be built at this location; *(staff said a data center is not listed as a permitted use within this area, Town staff has researched data centers and what is their primary use and determined that it doesn't fit any existing uses without an overlay).*
- Commissioner Erik Frandsen asked if the data center overlay has a height restriction; *(staff said there is a 60 ft. height restriction within the Business Employment zoning which is the same height limit in the current commercial zoning, so no increase).*
- Commissioner Ruth Ann Nelson asked about any environmental impacts due to the large amount of electricity necessary such as interference issues with nearby residential cable or other electronic devices; *(applicant said the electricity generation would come out of the substation and that the building is designed and engineered accordingly, so no).*

PUBLIC COMMENT OPENED

Robert Osborn, Core Electric Cooperative, 5496 HWY 85, Sedalia, CO passed out information packets to staff and the commissioners, provided background information about CORE, addressed data center infrastructure, said this is a prime site for a data center as it relates to the substation's location, said the substation is designed to handle the electricity needs for this and other uses within the Compark Village area, said this use would benefit Parker, provided Parker financial impact information, said this use allows CORE customers to have stable electricity rates and talked about CORE's support for this application.

T. J. Sullivan, Parker Chamber of Commerce, 19751 East Mainstreet, Parker, CO talked about the chamber's support for this rezoning application, talked about the chamber's goals and priorities as they relate to the local business community such as increased tax revenue for the Town, said a high tech investment anchor will attract additional high tech investment and future jobs, and said that CORE's investment in infrastructure will help the economy.

PUBLIC COMMENT CLOSED

Commissioner discussion with staff and applicant:

- Commissioner Ruth Ann Nelson asked how many and what types of ancillary jobs would this data center create if approved; *(applicant said if this data center had five different tenants, each tenant would have building maintenance personnel responsible for monitoring and maintaining operations, utilities, etc. which would be good paying tech jobs, but not many and also each user brings in their own employees and consultants to monitor their piece of the building which would be high paying tech jobs, and estimates that 30-50 employees and consultants would staff the data center).*
- Commissioner Ruth Ann Nelson asked how this data center would attract other tech users to the area; *(the applicant said this data center is a technological category leader, which would attract other tech users, cements the Town's position as a tech leader in the front range and sending the message to the community that Parker is tech savvy and tech friendly for additional tech jobs).*
- Commissioner Ruth Ann Nelson asked about the revenue figures provided by the applicant which were \$1.5-1.7 million over 10 years compared to CORE's revenue figures of \$2.9 million per year; *(applicant clarified that the fiscal impact study projects \$1.5-1.7 million per year net revenue to the Town).*
- Commissioner Jane Lane asked about the attached 3.3 acre parcel that may or may not become part of the data center overlay; *(staff referred to the 13.72 acre commercial lot on the south side of Compark Boulevard being rezoned to Business Employment leaving 3.3 acres at the hard southwest corner that will remain commercial retail, but if a data center is developed as a single cohesive unit, the 13.72 acre lot plus the 3.3 acre lot could be developed as a single data center).*
- Commissioner Jane Lane asked in follow up if that amount of land is necessary in order to have the right size data center and is that why it is included in the overlay; *(applicant said data centers want scale, the larger the property, the larger the building so that development costs can be spread out over larger buildings).*
- Commissioner Jane Lane asked for clarification that the applicant is proposing business employment for the rest, but not for the 3.3 acre parcel, except we are adding it into the data center overlay; *(applicant said if a data center does not develop on the 3.3 acre parcel, it would remain commercial retail and if a data center does develop on the whole 17 acres, then the retail would go away from the hard corner and it would become a data center, the data center overlay would trump the commercial retail, and the applicant is trying to preserve commercial retail, staff added they wanted the 3.3 acre hard corner lot to remain as commercial retail).*

PUBLIC HEARING CLOSED: 8:20 P.M. – COMPARK VILLAGE PLANNED DEVELOPMENT AMENDMENT NO. 6

Commissioner discussion:

- Commissioner Erik Frandsen acknowledged the complexity of the application, thanked Town staff and the applicant for the work done on this application, appreciates the applicant addressing the nine criteria, is a proponent of bringing jobs to Parker and believes this could be a catalyst to transform Parker from a bedroom community where residents leave Town to go to work, believes this will have a huge economic benefit to the Town and supports this zoning change.
- Commissioner Ruth Ann Nelson said the Town currently doesn't have a data center, so a need does exist for the rezoning, that retail has not developed at this location, that it is the correct site due to its proximity to CORE's current infrastructure and fiber systems, that access is less persuasive because new driveways can always be added, that this will provide an economic base expansion and its associated additional revenue is tremendous, that over the past 10 years there have been many changes to market conditions and a data center is new which constitutes a significant change, that market and demographic changes are part of what a significant change is, that this is supposed to be a business employment district, but the data center will attract enough employees from other industries and tech businesses, that building scale will not be that different from existing buildings in the area, likes the strong support from CORE and SVMG and is in support of the rezone application.
- Commissioner Erik Rieger agrees with what has been discussed, that based on the data center's proximity to the CORE substation, the scale of building when compared to other buildings in the area, that the original uses planned for this area have not been developed, that this is the correct location for a data center, appreciates the creation of the data center overlay and is in support of the rezone application.
- Commissioner Jane Lane agrees that a need exists, that this is the correct location because of the substations proximity and is in support of the rezone application.
- Commissioner Gary Poole appreciates the applicant and his team for providing detailed information and explanations to assist the commissioners in making a decision which is not always provided by other applicants and is in favor of the rezoning application.

Commissioner Erik Frandsen moved the Planning Commission recommend Town Council approve the Compark Village Planned Development 6th Amendment Rezoning. Commissioner Erik Rieger seconded, a vote was taken and passed unanimously.

PLANNING COMMISSION ITEMS

None.

STAFF ITEMS

None.

ADJOURNMENT

Commissioner Erik Frandsen moved that the meeting be adjourned. Commissioner Ruth Ann Nelson seconded the motion, a vote was taken and passed unanimously. The meeting was adjourned.

Jeff Miller
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 2/8/2024

Town Council Date: 2/19/2024

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Sections 13.04.100, 13.04.120 and 13.04.130 Concerning Natural Medicine Businesses and to Amend Title 13 of the Parker Municipal Code by the Addition Thereto of a New Chapter 13.17 Concerning the Regulation of Natural Medicine Businesses in the Town of Parker

Location: **Townwide**

Project Planner: **Bryce Matthews, Assistant Director - Planning**
Kelsey Hall, Assistant Town Attorney

Applicant: **Town of Parker**

Executive Summary: The proposed Ordinance establishes the location for natural healing centers and natural medicine businesses in the Town and time, place, and manner regulations for the operation of these businesses in the Town.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding natural medicine healing centers and businesses."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding natural medicine healing centers and businesses:"

-List proposed conditions

"I move the Planning Commission recommend Town Council deny an ordinance regarding natural medicine healing centers and businesses:"

-List criteria not met (either by staff or Planning Commission)

"I move the Planning Commission vote to continue an ordinance regarding natural medicine healing centers and businesses."

I. BACKGROUND/DISCUSSION

In November of 2022, the people of Colorado approved the citizen initiative known as “Proposition 122,” which together with Senate Bill 23-290 decriminalized the personal possession, growing, sharing, and use of psychedelic mushrooms and related substances (the “Substances”), by persons aged 21 or over (collectively referred to as the “Initiative”). The subsequent statute refers to the Substances as “natural medicine.”

The Initiative allows:

- (1) the supervised use of natural medicine at licensed facilities called natural healing centers; and
- (2) the operation of businesses involved in the cultivation, manufacture, and testing of the natural medicine called “natural medicine businesses.”

The Initiative prohibits local governments such as the Town from prohibiting natural healing centers and natural medicine businesses. However, the Initiative authorizes local governments such as the Town to enact ordinances to govern the time, place, and manner of the operation of these businesses, as well as the location of these businesses, in the exercise of the Town’s zoning authority.

Under the Ordinance, a natural healing center is limited to the B-Business District and the C-Commercial District. The purpose of the natural healing center is to allow for the supervised use of natural medicine by a “facilitator.” Essentially, the Initiative is treating a natural healing center as akin to a medical office, which would be permitted in a B-Business District and C-Commercial District. The remaining businesses for the cultivation, manufacturing, and testing of natural medicine would be limited to the LI-Light Industrial District, because these uses are more industrial in nature.

The natural healing center/natural medicine businesses that are permitted in the B-Business District, C-Commercial District and/or LI-Limited Industrial District are subject to a distance requirement of 1,000 feet between these businesses and schools, childcare centers, and residential areas.

The Ordinance also regulates the operation of natural healing centers and natural medicine businesses, which includes screening, lighting, odors, storage, disposal of by-products, security, hours of operation and use of hazardous materials. Natural medicine businesses that comply with the Ordinance are licensed by the State of Colorado. The Town has no authority to require a use specific local license to operate natural healing centers and natural medicine business in the Town. The Town will require a business license which is required for all businesses in Town.

II. PARKER 2035 MASTER PLAN

[Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	<u>Land Use 1.J</u>
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code regarding natural medicine healing centers and businesses aligns with the Town's master plan strategies in that it will ensure that the code continues to be fair, consistent and understandable.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will amend the Land Development Ordinance regarding natural medicine healing centers and businesses.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Assistant Director - Planning

ORDINANCE NO. 3.371, Series of 2024

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.04.100, 13.04.120 AND 13.04.130 CONCERNING NATURAL MEDICINE BUSINESSES AND TO AMEND TITLE 13 OF THE PARKER MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW CHAPTER 13.17 CONCERNING THE REGULATION OF NATURAL MEDICINE BUSINESSES IN THE TOWN OF PARKER

WHEREAS, the People of the State of Colorado approved the citizens' initiative known as "Proposition 122: Access to Natural Psychedelic Substances," which is now codified in Colo. Rev. Stat. §§ 12-170-101 through 115 (the "Enabling Act");

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of five (5) natural psychedelic mushrooms (psilocybin and psilocin) and three (3) plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline);

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of these licensed facilities;

WHEREAS, the Enabling Act allows the state to expand the type of substances that may be used in licensed facilities to include plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline), starting in 2026;

WHEREAS, the Enabling Act prohibits local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to regulate the time, place and manner of operation of these facilities;

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the "Regulatory Act"), to create the regulatory structure for the operation of these licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture and testing of these substances;

WHEREAS, the Regulatory Act also provides that local jurisdictions, such as the Town, "may enact ordinances or regulations governing the time, place, and manner of the operation of licenses issued within its boundaries;"

WHEREAS, the Regulatory Act provides that the "state licensing authority" as defined by the Regulatory Act, will "not receive or act upon an application for the issuance of a natural medicine business license" ... "[f]or a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine product as contemplated is not permitted under the applicable zoning laws of the local jurisdiction;"

WHEREAS, the Regulatory Act further provides that the state licensing authority will not receive or act upon an application for the issuance of a Natural Medicine Business License “[i]f the building where natural medicine services are provided within one thousand feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility . . .;”

WHEREAS, the Regulatory Act further provides that “the governing body of a municipality, by ordinance; . . . may vary the distance restrictions imposed by [the Regulatory Act] . . . for a License or may eliminate one or more types of schools or facilities from the application of a distance restriction established by or pursuant to [the Regulatory Act] . . .;” and

WHEREAS, the Town Council of the Town of Parker desires to enact this ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zoning districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.04.100 of the Parker Municipal Code is amended by the addition of a new Paragraph (c)(12), which is to read as follows:

13.04.100 B-Business District.

(c) Uses permitted by right.

* * *

(12) Natural medicine healing center, subject to Chapter 13.17.

Section 2. Section 13.04.120 of the Parker Municipal Code is amended by the addition of a new Paragraph (c)(4), which is to read as follows:

13.04.120 C-Commercial District.

(c) Uses permitted by right.

* * *

(4) Natural medicine healing center, subject to Chapter 13.17.

Section 3. Section 13.04.130 of the Parker Municipal Code is amended by the addition of new Paragraphs (c)(22), (23) and (24), which are to read as follows:

13.04.130 LI-Light Industrial.

(c) Uses permitted by right.

* * *

(22) Natural medicine cultivation facility, subject to Chapter 13.17.

(23) Natural medicine products manufacturer, subject to Chapter 13.17.

(24) Natural medicine testing facility, subject to Chapter 13.17.

Section 4. The Parker Municipal Code is amended by the addition thereto of a new Chapter 13.17, entitled “Natural Medicine Businesses,” to read as follows:

CHAPTER 13.17

Natural Medicine Businesses

13.17.010 Findings and legislative intent.

The Town Council makes the following legislative findings:

(1) The Town Council finds and determines that the Colorado Natural Medicine Code, as codified in Colo. Rev. Stat. §§ 44-50-101 through 904 (the “Regulatory Act”) specifically authorize the governing body of a municipality to enact an ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act.

(2) The Town Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact zoning ordinances to locate the area where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensation of natural medicine and natural medicine product, as defined by the Regulatory Act, may be permitted in a municipality.

(3) The Town Council finds and determines that the Regulatory Act specifically authorizes the governing body of a municipality to enact ordinances to establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool; elementary, middle, junior or high school; a residential child care facility; or residential dwelling.

13.17.020 Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

Natural medicine means psilocybin or psilocyn and other substances described in the Regulatory Act as “natural medicine.”

Natural medicine business means any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural medicine services mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated natural medicine product means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

State licensing authority means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

13.17.030 Permitted location for a natural medicine healing center.

Natural medicine healing center is a use permitted by right in the B-Business District and C-Commercial District, subject to the distance requirements contained in the Section 13.17.050 and the time, place and manner requirements contained in Sections 13.17.050 through 13.17.110. Natural medicine healing centers are prohibited in all other zoning districts in the Town, including the PD-Planned Development District.

13.17.040 Permitted location for natural medicine businesses.

Natural medicine cultivation facility, natural medicine products manufacturer, natural medicine testing facility, and other licensed entity created by the state licensing authority (collectively the “licensed facilities”) are uses permitted by right in the LI-Light Industrial District, subject to the distance requirements contained in Section 13.17.050 and the time, place and manner requirements contained in Sections 13.17.050 through 13.17.110. The licensed facilities are prohibited in all other zoning districts of the Town, including PD-Planned Development District.

13.07.050 Distance from schools and residential dwellings.

(a) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively “school”).

(b) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of single-family dwellings, duplexes, or multiple-family dwellings (collectively “residential dwellings”).

(c) Subsections (a) and (b) above do not apply to a licensed facility located on land owned by the Town or the state of Colorado or apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

13.17.060 Hours of operation – natural medicine services.

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

13.17.070 Public view of natural medicine businesses.

All doorways, windows and other opening of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to Section 13.10.200. All activities of natural medicine businesses shall occur indoors.

13.17.080 Lighting of natural medicine businesses.

Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to Section 13.10.140.

13.17.090 Storage of natural medicine businesses.

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

13.17.100 Odor from natural medicine businesses.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

13.17.110 Natural medicine businesses secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

13.17.120 Processing of natural medicine.

(a) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(b) Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(c) The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes.

(d) The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

13.17.130 Nuisance.

It is unlawful and deemed a nuisance under Chapter 6.01 of this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2024.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2024.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Jamie Wynn, Interim Town Attorney