



PLANNING COMMISSION MINUTES

February 8, 2024

Planning Commission Chairperson Gary Poole called the meeting to order at 7:00 p.m.

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

Also present and seated were Commissioners Leland Sloan, Jane Lane, Ruth Ann Nelson, Eliana Burke, Eric Rieger and Angela Lindstrom.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the January 25, 2024, meeting minutes. Commissioner Angela Lindstrom seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:02 P.M. – 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, Town's Attorney Office, Kelsey Hall

STAFF PRESENTATION

Kelsey Hall, Town attorney, presented the staff report proposing an ordinance to establish zoning regulations for natural healing centers and natural medicine businesses in the Town including time, place, and manner restrictions for the operation of these businesses in the Town. Ms. Hall concluded with the determinations in the staff report that Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding natural medicine healing centers and businesses.

Commissioner discussion with staff:

- Commissioner Ruth Ann Nelson questioned the hours of operations that were chosen and whether the Town has hours of operations for other mental health services; *(staff said no)*.
- Commissioner Ruth Ann Nelson said that many people that would benefit from this mental health service would be denied due to the restrictive hours, that it seems the ordinance is written as if the Town would rather not have this substance in Town, suggests that the this should be viewed as a new form of medicine and that we trust the professionals licensed by the state to handle these medical facilities; *(staff thanked the commissioner for the feedback)*.
- Commissioner Leland Sloan asked for a description of the natural medicine office operations, said that it may take five to seven hours for a person to come down from the psychedelics and asked will these people be released onto the street or will they have a room for them to stay while they are high on the psychedelics; *(staff said they are not sure and that she will research and get back to the commissioners and that it is staff's understanding that this is intended to be a safe place where people can experience these psychedelic substances and have someone who is there to take care of them similar to a safe injection site where someone can go in and make sure that someone is watching them)*.
- Commissioner Ruth Ann Nelson disagreed with staff's assertion that this is similar to a "safe injection" site, a natural medicine site has guides who help people work the through the psychological issues and a safe injection site is designed to help drug addicts have access to clean needles and a place to deal with overdose issues; *(staff appreciated the feedback and said they are stilling learning about the issues with natural medicine)*.
- Commissioner Jane Lane asked if staff has researched what other municipalities are proposing; *(staff said they are not sure whether or not other municipalities were researched, as the staff member who was primarily responsible for the research and drafting of the proposed ordinance was unavailable to present that evening)*.
- Commissioner Jane Lane said it sounds like this is the way that Town staff would propose the ordinance regardless of what other municipalities are doing; *(staff said they don't have enough information to respond to that comment, it's possible that other municipalities were looked at and that some other municipalities were taking no action at this)*.
- Commissioner Jane Lane asked that if the ordinance gets put into place before natural medicine facilities are built, it gives the Town control over where those facilities can be located; *(staff said yes, if there happened to be any facilities in place right now that meet the one thousand foot distance requirement under the statute, that they would be grandfathered in)*.
- Commissioner Leland Sloan asked if these places would start in 2026; *(staff said that would be for the additional substances beyond the mushroom psychedelics that are available right now)*.

- Commissioner Leland Sloan asked what other substances the statute includes; *(staff listed the following substances: psilocybin, psilocin, dimethyltryptamine, ibogaine, and mescaline).*

APPLICANT PRESENTATION

None.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:14 P.M. – 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

Commissioner discussion:

- Commissioner Ruth Ann Nelson proposed that the commission continue this hearing until additional research can be done so that the Town doesn't restrict access because we don't want this in Town, believes that the ordinance as written doesn't respect that this is a valid form of medicine.
- Staff asked Commissioner Ruth Ann Nelson what kind of information she would like to see; *(Commissioner Ruth Ann Nelson said she would like to see expanded hours, mentioned Commissioner Leland Sloan's comments regarding treatment and follow up care, that there is a perception that this sort of thing is an excuse to get high, but that it has legitimate medical purposes, that medical papers have been written on the subject and that a little more research is needed, because people would like to avail themselves of these services).*
- Staff thanked Commissioner Ruth Ann Nelson for her comments, said that they have concerns if the commission were to continue this matter to a date certain or uncertain, that the Town is trying to strike a balance between complying with state law and ensuring its municipal code aligns with state code, that very little information about practices and operations are available to staff since this is a new permitted use in the State of Colorado, that this is the Town's first effort to add an ordinance to comply with this state mandated use and activity, that we think that the Community Development Department has struck the right balance with this ordinance, but we really don't know because it's so new, that the commissioner's comments are taken seriously, that after the ordinance is adopted and feedback from operators, practitioners and patients is received staff can come back to the Planning Commission and Town Council and discuss the ordinance's restrictiveness in much the same way as the prairie dog management ordinance has been amended at least twice based on feedback from the public, property owners and businesses and urges the commissioners to consider the ordinance as proposed.

- Commissioner Erik Rieger asked if the Town has had conversations with potential operators who are interested in opening a natural medicine business; *(staff said they have no knowledge of existing legal operators in the Town or Parker vicinity since this is a new state law passed in 2022 with additional rules and regulations added in 2023).*
- Commissioner Erik Rieger asked if the proposed hours would align with natural medicine businesses; *(staff said that this state law is new and there are no legal operators in the vicinity to ask).*
- Commissioner Ruth Ann Nelson asked if this hearing could be continued to a date certain, possibly the next meeting so that Town Council can contact the substantial group of people that have done the research to move this bill through our Colorado state legislature in order to get additional information. That's a source that I think would have ample information, but to a date certain so that we're not just letting it hang out there; *(staff said they appreciate the commissioner's comments, that if the commissioners were not to vote on this tonight and continue this hearing to a date two to four weeks out and direct staff to do more research would be a reasonable request, and that the Planning Commission provide clarity to staff as to what they want staff to research).*
- Commissioner Eliana Burke said she has been in clinical research for 27 years, that there is very little research on this, that it is administered in a controlled environment with very careful dosing, appreciates the state passing this law in 2022, that she has a nephew who is benefiting from this type of treatment that has served in the military and has PTSD, thinks the hearing should be continued for two weeks, but warns that not much information will be found between now and then because the government has not been funding this type of research, any research is done privately or with volunteers, Australia is the first country to do this and the U.S. is behind, and said she is in favor passing this ordinance now and asking questions and amending in the future.
- Commissioner Ruth Ann Nelson asked if we recommend passing this ordinance with instructions to staff asking for additional information or should we ask staff to find additional information and vote on it in two weeks?
- Commissioner Eliana Burke recommends that that the ordinance be passed with the agreement that it will be amended accordingly as more information becomes available.
- Commissioner Jane Lane said she is in agreement with Commissioner Eliana Burke, that the ordinance should be passed because we don't want to grandfather in existing businesses, that people sometimes need to go out of their way to get medical care during regular business hours, that some people may get shut out by the hours in the Parker area, but probably not many, that other municipalities may not have the same restrictions, and that we could review and amend the ordinance in one to two years or whenever it is appropriate when more data is available.
- Commissioner Gary Poole said he doesn't want to send staff down a rabbit hole when there may be little to no additional information which is not a good use of staff's time, that ordinances can be amended when additional feedback is received on things such as hours of operations, that we don't want these types of businesses grandfathered in because we

dragged our feet, said he has little knowledge of natural medicines, but that it is important to get in front of this and to come into compliance with state law.

- Commissioner Ruth Ann Nelson said that there is an alternative motion that's available to us where we could recommend approval with listed conditions such as an annual review for the first two years to ensure that the ordinance is meeting the needs of the people with regards to location and hours of operation, we want people to know that Parker is a place where they know they can come for health care and she is willing to move the alternate motion to approve subject to an annual review for the next two years to make sure that the time restrictions are not overly burden.
- Commissioner Erik Rieger agreed with Commissioner Ruth Ann Nelson's proposal.
- Commissioner Leland Sloan asked that if a natural medicine business is opened in Parker, can the owner come before the Planning Commission and answer commissioner questions.
- Commissioner Ruth Ann Nelson said that is something staff would do.
- Commissioner Jane Lane said staff could bring a proposed amendment to this ordinance at any time, that the Planning Commission as a representative of the citizens of the Town would add a condition to the motion as opposed to leaving this up to staff's discretion.
- Commissioner Gary Poole asked staff if the condition to review the ordinance in the timeline discussed would be burdensome to staff; *(staff said that it is a reasonable request, staff has the ability to do this, and that if Town Council approves this ordinance, one and two years after approval, staff could update the Planning Commission.*

Commissioner Ruth Ann Nelson moved the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding natural medicine healing centers and businesses with the following condition: that ordinance will be reviewed on an annual basis after passage by Town Council for two years after the initial passage of the ordinance. Commissioner Eliana Burke seconded, a vote was taken and passed unanimously.

PLANNING COMMISSION ITEMS

None.

STAFF ITEMS

John Fussa mentioned that staff held a Community Open House for the Land development Ordinance Modernization on February 6th and thanked those commissioners that attended and told the commissioners that Town Council will be hosting a dinner with various Town boards and commissions later this year.

ADJOURNMENT

Commissioner Eliana Burke 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 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.

Public comment on agenda items may only be made in person.

Public Viewing Only - YouTube: Planning Commission meetings may be viewed through YouTube at: <https://www.youtube.com/townofparkerco>.

PLEASE NOTE: Public participation is NOT available through YouTube.

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**