

LDC24-006 -Summary of Outside Referral Comments
 Natural Medicine Regulations

Referral Agency/Individual	Referral Response	Response
<u>ARAPAHOE COUNTY PUBLIC HEALTH</u>	Notes that natural medicine products are not Generally Regarded As Safe (GRAS) under FDA regulations when added to food or food products such as beverages. Any on-site food preparation must be separated from natural medicine product preparation/storage.	This aligns with state rules regarding food and natural medicine. Natural medicine healing centers may provide prepackaged unopened food and beverage items to participants. While nothing prevents a natural medicine healing center from obtaining a retail food establishment license, state rules require the licensed retail food establishment premises to be separate from the administration area and restricted areas (Rule 8005.E).
<u>ARAPAHOE COUNTY SHERIFF</u>	General concern about natural medicine; emphasized importance of monitoring and regulations; concern about who would be monitoring, given resources.	State rules contain extensive security, monitoring, and documentation requirements for all natural medicine businesses. The state will inspect businesses for compliance with those requirements and Arapahoe County would verify compliance with zoning and building code requirements.
<u>CHERRY HILLS VILLAGE</u>	Did not see natural medicine operations as compatible with typical office operations due to the commercial nature. Suggested prohibiting in areas zoned for office uses.	Arapahoe County's definition of office includes medical/professional offices. Natural medicine healing centers function like a therapy office and not like retail, so they are appropriate in zones allowing professional offices. The other natural medicine uses must be located in areas allowing light industrial or laboratory uses.
<u>CITY OF CENTENNIAL</u>	They are considering natural medicine regulations; recommended adding provisions to limit healing center activities to indoor spaces and adopt unlawful cultivation/possession regulations.	State rules require detailed plans for any outdoor administration areas and signs or barriers. Sheriff's deputies can enforce the statutes regarding unlawful cultivation/possession and non-commercial cultivation in excess of the allowable amount in the LDC could also be prosecuted as a zoning violation.
<u>SOUTH METRO FIRE RESCUE</u>	No comments.	

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No response from the following agencies:

Arapahoe County Agencies: Assessor, Community Resources, Open Spaces
Aurora Chamber of Commerce
Aurora Economic Development Council
Denver South Economic Partnership
Englewood Chamber of Commerce
South Metro Denver Chamber
CENCON
East Arapahoe County Advisory Planning Commission
Four Square Mile Neighborhood Development Review Team
REAP
Unincorporated Arapahoe County Economic Development
Aurora Fire Department
Bennett-Watkins Fire Rescue
Byers Fire Protection District
Deer Trail Fire Department
Denver Fire Department
Sable Altura Fire District
Sheridan/Denver Fire
Skyline/Denver Fire
Strasburg Fire Protection District
DRCOG

Adams County
Bow Mar
City of Aurora
Columbine Valley
Elbert County
Englewood
Foxfield
Glendale
Greenwood Village
Jefferson County
Littleton
Sheridan Planning
State Department of Revenue (stated they cannot offer legal advice)
Town of Bennett
Town of Parker
Washington County
Weld County



October 18, 2024

To: Jason Reynolds <JReynolds@arapahoegov.com>
CC: Marty Easter <MEaster@arapahoegov.com>

Subject: LD24-006 Arapahoe County Draft Natural Medicine Regulations

Dear Jason Reynolds:

Thank you for the opportunity to provide comment on the Arapahoe County Draft Natural Medicine Regulations. Please consider the comments below our initial comments as we learn more from our partners and the industry about natural medicine, Colorado, Proposition 122, and its production, storage, and delivery to clients.

Retail Food Establishments: Currently, the products are not considered Generally Regarded As Safe (GRAS) under FDA regulations when added to food or food products including beverages. Therefore, if food products will be provided at these locations that do NOT include the "natural medicine" products (i.e. a snack bar, eatery, or beverage bar), the food preparation, storage, and retail sales areas must be completely separate from any retail and storage areas where the natural medicine products are being sold or stored.

If you have any questions, please feel free to contact me, Steven Chevalier at PHLANDUSE@Arapahoegov.com

Regards,

Steven Chevalier, MS, REHS
Environmental Health Manager
Arapahoe County Public Health

Jason Reynolds

From: Kenneth McKlem
Sent: Thursday, October 3, 2024 3:35 PM
To: Jason Reynolds
Subject: FW: Arapahoe County Draft Natural Medicine Regulations (case LDC24-006)

Kenneth C. McKlem, Bureau Chief
Public Safety Bureau
13101 E. Broncos Pkwy.
Centennial, Colorado 80112
720-874-3759 (office)
303-994-3794 (cell)



From: Matthew Walker - Investigations Lieutenant <MWalker@arapahoegov.com>
Sent: Thursday, October 3, 2024 3:26 PM
To: Kenneth McKlem <KMcklem@arapahoegov.com>; Travis Stewart <TStewart@arapahoegov.com>
Cc: Michael Gradis <mgradis@centennialco.gov>
Subject: RE: Arapahoe County Draft Natural Medicine Regulations (case LDC24-006)

Unfortunately, I don't think there is a way to stop it unless there is a zoning regulation, that aside I believe it can be well-regulated and would need constant monitoring to make sure they are following the provisions of Prop 122 and Article 170 for licensing, use, and care during and after. Then it becomes a business licensing issue. This begs the question of who is going to do the monitoring because we are all stretched thin on resources. I have attached a link to article 170 below which has some of the state's definitions for a care facility, provider, etc.

I have cc'd Michael Gradis on this email because we have a meeting next week to discuss the same topic as what the county is discussing.

<https://leg.colorado.gov/sites/default/files/initiatives/2021-2022%2520%252358.pdf>

Thanks,
Matt

*Matt Walker *9984, Lieutenant*
Investigation Services Section
Special Investigations Unit

13101 E. Broncos Parkway
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mwalker@arapahoegov.com
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From: Kenneth McKlem <KMcklem@arapahoegov.com>
Sent: Monday, September 30, 2024 2:17 PM
To: Matthew Walker - Investigations Lieutenant <MWalker@arapahoegov.com>; Travis Stewart <TStewart@arapahoegov.com>
Subject: FW: Arapahoe County Draft Natural Medicine Regulations (case LDC24-006)

Thoughts?

Kenneth C. McKlem, Bureau Chief
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13101 E. Broncos Pkwy.
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From: Jason Reynolds <JReynolds@arapahoegov.com>
Sent: Friday, September 27, 2024 2:05 PM
To: Jason Reynolds <JReynolds@arapahoegov.com>
Subject: Arapahoe County Draft Natural Medicine Regulations (case LDC24-006)

Dear referral partner:

Arapahoe County is proposing an amendment to its Land Development Code that would regulate natural medicine businesses in the unincorporated areas.

In 2022, Colorado Voters approved Proposition 122, which legalized the supervised use of “natural medicine” at state-licensed facilities and decriminalized the use of certain plants or fungi, including psilocybin, for people 21 years of age and older. Unlike Amendment 64, which allowed retail marijuana in Colorado, Proposition 122 does



ARAPAHOE COUNTY

Public Works and Development – Planning Division
6924 S Lima St., Centennial CO 80112 ♦ Phone: 720-874-6650
www.arapahoegov.com

Referral Routing Form

Case Number/Name: LDC24-006 / Natural Medicine Regulations – Land Development Code Amendment
Planner’s Name & Email: Jason Reynolds / jreynolds@arapahoegov.com
Engineer’s Name & Email: N/A
Date Sent: September 27, 2024
Date to be Returned: Unstated

This proposed Code Amendment is being referred to your agency for comment. Please review the attached draft error corrections amendment and check the appropriate box below before returning this form and any comments that you may have to the Arapahoe County Planning Division prior to the due date noted above.

	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input type="checkbox"/>	I have NO comments to make on the case as submitted.	
<input checked="" type="checkbox"/>	I have the following comments to make related to the case: Natural Medicines are not compatible with typical office operations as they are commercial in nature and should not be allowed in areas zoned for office uses.	<u>Cherry Hills Village – Paul Workman, Community Development Director</u>

Comments: (Please reply / submit reviews and comments via email)

Jason Reynolds

From: Michael Gradis <mgradis@centennialco.gov>
Sent: Wednesday, October 23, 2024 10:12 AM
To: Jason Reynolds
Subject: Natural Medicine Regulations (LDC24-006)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jason,

The City of Centennial Appreciates the opportunity to offer comments on Arapahoe County's proposed Natural Medicine Regulations (LDC24-006).

Currently, City Staff offers the following comments:

- The City is also exploring a similar approach to regulations as Arapahoe County (medical/laboratory/light industrial uses; no home-based business; spacing standards from schools, etc.; performance standards related to odor) However we are not sure if we are going to allow accessory cultivation/manufacturing with healing centers in zones that would not otherwise allow for cultivation//manufacturing uses.
- One other land use consideration the City of Centennial is exploring would be to limit healing center activities to indoor spaces (versus outdoor areas). Admittedly we are still working through the NMHA and Senate Bills and are uncertain if this would be permitted by state regulations, but nevertheless it may be something to consider.
- The City is also exploring the adoption of unlawful cultivation and possession regulations that would mirror state law. The County may want to consider that.
- We held a study session with our City Council on [October 15](#) and had Allison Robinette, Director of Policy & Regulatory Affairs, Marijuana Enforcement Division & Natural Medicine Division, present at the meeting. She was very informative, and we were glad to have the state present to answer questions.



Michael Gradis, AICP (he, him, his)
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