

ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
November 19, 2024
6:30 P.M.

SUBJECT: LDC24-006 NATURAL MEDICINE LAND USES AMENDMENT

JASON REYNOLDS, PLANNING DIVISION MANAGER

PURPOSE AND REQUEST

This county-initiated project proposes amending the Land Development Code (LDC) to incorporate rules for natural medicine, which includes psilocybin. The proposed changes would allow natural medicine businesses in many commercial and industrial zone districts, subject to buffer requirements around schools and childcare facilities. The rules also propose limiting in-home cultivation to no more than a 12-foot by 12-foot area; the state allows local jurisdictions to *increase* that area but not decrease it. The state will begin issuing natural medicine licenses at the beginning of 2025 and we hope to have our regulations in place by then. Staff is requesting a recommendation of approval from the Planning Commission on the draft regulations (Attachment 1).

BACKGROUND

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 not allow local jurisdictions to ban natural medicine businesses like they could with medical and recreational marijuana dispensaries or marijuana grows/production facilities.

In 2023, the Colorado Legislature approved Senate Bill 23-290, which provided additional guidance for natural medicine and elaborated on Proposition 122’s local preemption:

12-170-112. Local Jurisdiction. (1) A local jurisdiction shall not prohibit a facilitator from providing natural medicine services within its boundaries if the individual is a licensed facilitator pursuant to this Article 170.

(2) A local jurisdiction shall not adopt ordinances or regulations that are unreasonable or in conflict with this article 170.

12-170-115. Preemption. A local jurisdiction shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of this Article 170.

Local jurisdictions may regulate the time, manner, and place of natural medicine businesses as long as they are not unreasonable and do not conflict with the statute. The state will begin issuing licenses to Natural Medicine businesses in January 2025 and our goal is to adopt local regulations by then.

On July 29, 2024, staff presented alternatives and recommendations at a Board study session; the Board directed staff to draft regulations for review and adoption before the end of the year.

DISCUSSION AND PROPOSED CHANGES

Given the statutory requirement that local regulations must not conflict with the state's rules or be unreasonable, the draft regulations apply the state rules and clarify where natural medicine businesses can be located in Arapahoe County. Proposition 122 and Senate Bill 23-290 do not authorize any retail sales. They decriminalize psilocybin and similar substances for personal use and allow natural medicine to be administered on-site in a licensed facility. The state has adopted extensive regulations for licensing, security, operations, record-keeping, and location.

The Colorado Department of Revenue rulemaking describes the requirements for different types of natural medicine businesses, including record keeping and security:

<https://drive.google.com/file/d/12uaNIFEVeTaJeDRP5rKjlkNgKz0o1x7S/view?usp=sharing>

The Colorado Department of Regulatory agencies rulemaking describes the various types of natural medicine licenses, including facilitator training requirements:

<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=11610&fileName=4%20CCR%20755-1>

The proposed regulations would allow natural medicine businesses as permitted uses in certain zone districts while requiring buffers from uses such as schools and child care centers.

Permitted Zone Districts

The state defines four types of natural medicine businesses:

Natural Medicine Healing Center: provides on-site natural medicine services through a state licensed facilitator to participants 21 years of age or older. These businesses will function similarly to a medical office where therapy services are provided. Participants will typically visit the site several times: for a preparation session, an administration session, and a follow-up integration session. The administration sessions can last up to six hours because the participants must not be under the influence of the medicine when they leave the site.

The proposed Arapahoe County regulations would allow these businesses in areas where office uses are permitted. They also allow a Natural Medicine Healing Center to cultivate/manufacture their own medicine, as long as the cultivation/production area is no larger than 20% of the total floor area.

The proposed regulations would allow natural medicine healing centers as a permitted use in the B-1 (Administrative and Professional Offices District), B-3 (Neighborhood and Community Business District), B-4 (Specialty Commercial District), B-5 (Regional Commercial District), I-1 (Light Industrial District), I-2 (Heavy Industrial District), and in PUD zoning where office uses are allowed.

Natural Medicine Cultivation Center: cultivates natural medicine for transfer and distribution to natural medicine healing centers, natural medicine product manufacturers, or other natural medicine cultivation centers. Senate Bill 23-290 also clarified that natural medicine is not a farm product. Natural medicine cultivation centers do not require a large footprint, energy usage, or generate significant odors like indoor marijuana grows. The proposed regulations would allow cultivation centers as a permitted use in areas with light industrial: B-4, I-1, and I-2, and PUD

zoning where light industrial is allowed.

Natural Medicine Product Manufacturer: manufactures regulated natural medicine products (following state statute and state rules); may be combined with a cultivation center. The proposed regulations treat this use similar to light industrial. The proposed regulations would allow cultivation centers as a permitted use in areas with light industrial: B-4, I-1, and I-2, and PUD zoning where light industrial is allowed.

Natural Medicine Testing Facility: performs testing and research on natural medicine. The proposed regulations would allow this use in areas where laboratories are permitted: B-3, B-4, B-5, I-1, I-2, and PUD zoning where laboratories are allowed.

Features of the Proposed Regulations

The proposed regulations include buffer requirements, operational standards, and rules for noncommercial cultivation.

Buffer Requirements

All natural medicine businesses must be located at least 1,000 feet from a child care center; preschool; elementary, middle, junior, or high school; and/or a residential child care facility (in-home daycare). Per state law, this buffer distance is measured using direct pedestrian access to the facility rather than a simple buffer radius. The attached maps show areas affected by the school/child care buffers.

Operational Standards

All natural medicine businesses must operate in accordance with state licensing requirements. They must not cause odors, smoke, heat, glare, or light detectible offsite or in an adjacent dwelling unit or public area. They are also prohibited as home occupations because six hour administration sessions could create parking issues if those sessions are facilitated in a residential area. Finally, based on Board direction, the proposed regulations do not restrict hours of operation. Healing Centers could set business hours that would work for their participants' work schedules.

Noncommercial Cultivation

State law allows non-commercial cultivation up to 144 square feet (12 feet by 12 feet) in residential uses. Statute allows local jurisdictions to increase the allowable area but not reduce it. Given that a typical mushroom started kit requires two shoebox-sized six quart plastic totes, 144 square feet of total area provides ample room for private cultivation and the regulations do not increase the allowable area. The proposed regulations require cultivation to meet state requirements, which include conducting cultivation withing a dwelling unit or an enclosed and locked accessory structure. The cultivation must not generate any noise, odor, or light detectible from offsite.

Finally, the regulations provide definitions for natural medicine businesses.

PUBLIC AND REFERRAL COMMENTS

The proposed regulations (Attachment 1) were posted on the County website for public comment in September 2024. Staff referred the draft regulations to County agencies, the East Arapahoe County Advisory Planning Commission, and nearby jurisdictions. Outside referral comments are summarized in the attachment. The City of Centennial recommended a prohibition on outside administration areas at Natural Medicine Healing Centers. While the state's rules require that any

outside administration areas be planned for safety and managed with signage/barriers, the state does not prohibit outside administration areas. If Planning Commission would like to consider requiring all activities be conducted indoors or within a fully enclosed area (with fencing or an interior building courtyard), that could be incorporated into the recommendation.

STAFF FINDINGS

The proposed changes provide guidance for natural medicine businesses in Arapahoe County. They create opportunities for those businesses and mitigate impacts by requiring buffers from certain uses, as well as setting operational standards to reduce the potential for odor, light, and noise.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. LDC24-006, natural medicine regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

ATTACHMENTS

1. Proposed LDC Amendments
2. Outside Referral Summary and Comments
3. Natural Medicine Zoning and Buffers Map

MOTIONS

Recommend Approval:

I move to recommend approval of Case No. LDC24-006, natural medicine regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

Recommend Denial:

I move to recommend denial of Case No. LDC24-006, natural medicine regulations.

3-3.6. Natural Medicine Land Uses

A. INTENT

To provide regulations implementing Colorado Proposition 122 Natural Medicine regarding cultivation, manufacturing, administering, and consuming natural medicine products.

B. NON-COMMERCIAL CULTIVATION

1. The non-commercial growing, cultivation, storage, or production of natural medicine products may only be conducted as a non-primary use in an agricultural (A-1, AE), rural residential (RR-A, RR-B, RR-C), or residential (R-1-A, R-1-B, R-1-C, R1-D, R-2-A, R-2-B, or R-M), obsolete residential (R-2, R-3, R-3S, R-4, R-5), or the residential portion of a PUD zone district (including those originally zoned in a R-P, R-PSF, R-PM, R-PH, MU, or SH).
2. Restrictions
 - a. The cumulative non-commercial cultivation area on any lot or parcel shall not exceed twelve feet by twelve feet.
 - b. All cultivation shall be conducted within a dwelling unit or enclosed and locked accessory structure and shall not be visible to the general public.
 - c. All cultivation areas shall be enclosed and locked in accordance with Colorado Revised Statutes Section 18-18-434(3)(b) or as may be amended.
 - d. All such uses shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.

C. NATURAL MEDICINE BUSINESSES

1. Natural medicine businesses shall operate in compliance with all applicable state and local regulations and state licensing requirements.
2. Natural medicine businesses are allowed in conventionally zoned districts as specified in Table 3.2.1, Permitted Use Table.
3. Natural medicine businesses are allowed in PUD zone districts with similar uses as described below:
 - a. Natural medicine cultivation facilities are similar to light industrial uses.
 - b. Natural medicine healing centers are similar to office uses.
 - c. Natural medicine products manufacturers are similar to light industrial uses.
 - d. Natural medicine testing facilities are similar to laboratory uses.
4. All natural medicine businesses shall be located at least one thousand feet away from a child care center; preschool; elementary, middle, junior or high school; and/or a residential child care facility. The distance shall be calculated by direct measurement from the nearest property line of the land used for a school or facility to the nearest portion of the building in which the natural medicine business is located, using a route of direct pedestrian access.
5. Natural medicine cultivation and manufacturing may be accessory uses to a natural medicine healing center in any zone district allowing natural medicine healing centers, provided that the cultivation/manufacturing occupies no more than 20% of the total floor area.
6. All such uses shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.

7. No natural medicine business shall be operated as a home occupation; this does not preclude facilitators from providing services at a person's residence in compliance with state regulations.

TABLE 3-2.1 PERMITTED USE TABLE

P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted

	Agriculture and Residential ^[1]											Non-Residential ^[1]							PUD Districts ^[2]	Overlay	Use Specific Standard		
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2				F ^[3]	O
Residential Uses																							
Household Living																							
Single family detached dwelling	P	P	P	P	P	P	P	P	P	P	P											P	
Single family cluster, detached dwelling								P	P													P	Error! Reference source not found.
Single family attached dwelling, other than 2-family or townhome										P	P											p ^[4]	Error! Reference source not found., Error! Reference source not found.
2-Family Dwelling										P	P											p	Error! Reference source not found.
Townhome Dwelling											P											p ^[4]	Error! Reference source not found.
Multi-family dwelling New Multi-family requires a PUD																						p ^[4]	Error! Reference source not found., Error! Reference source not found.
*Accessory Dwelling Unit	A	A	A	A	A	A	A	A	A	A												A	3-3.2.D
Manufactured home	P	P	P								P												Error! Reference

Per Approved General, Specific, Preliminary or Final Development Plan

A*
*Unless expressly prohibited by the approved PUD plan

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	Agriculture and Residential ^[1]											Non-Residential ^[1]				PUD Districts ^[2]	Overlay	Use Specific Standard					
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F ^[B]	O	PUD	SBC-O	Code Section
																					Preliminary or Final Development Plan		source not found.
Mobile home											P												Error! Reference source not found.
Ranch Hand/Agricultural Worker Housing	SE	SE	SE																				Error! Reference source not found.
Home Occupation, General	A	A	A	A	A	A		A	A	A	A	A									A		Error! Reference source not found.
Home Occupation, Day Care	A	A	A	A	A	A		A	A	A	A	A									A		Error! Reference source not found.
Home Occupation, Day Care Experienced Provider or Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE									SE		Error! Reference source not found.
Marijuana, Non-commercial use	<i>See Sections Error! Reference source not found., Error! Reference source not found. and Error! Reference source not found.</i>											<i>See Sections Error! Reference source not found. and Error! Reference source not found.</i>				<i>See Sections Error! Reference source not found. and Error! Reference source not found.</i>			Error! Reference source not found.				
<u>Natural Medicine, Non-commercial use</u>	<u>See Section 3-3.6.B</u>											<u>See Section 3-3.6.B</u>				<u>See Section 3-3.6.B</u>			<u>3-3.6</u>				
Pets	A	A	A	A	A	A		A	A	A	A	A									A		Error! Reference source not found.
Backyard Bees or Chickens					A	A		A	A	A	A	A									A		Error! Reference source not found.
Temporary Residence	T	T	T																				
Group Living																							

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5				I-1	I-2	F ^[B]	O		
Group Home – Type A	P	P	P	P	P	P	P	P	P	P	P	P											Per Approved General, Specific, Preliminary or Final Development Plan	SBC-O	Code Section
Group Home – Type B	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR												SR	Error! Reference source not found.
Civic, Cultural, and Public Uses																									
Art, cultural, educational, or other similar exhibits and displays	T	T	T										T	T	T	T							Per Approved General, Specific, Preliminary, or Final Development Plan		
Cemetery																					P				
Circus, Fair or Carnival, Temporary	T	T	T										T	T	T	T									Error! Reference source not found.
Circus, Fair or Carnival, Exceeding TUP limits													SE	SE	SE	SE	SE								
Community Event and Conference Center	SR	SR											P	P	P	P	P	P			SR				
Day care, Day Care Centers													P	P	P	P	P	P						SR	Error! Reference source not found.
Farm museum	SE	SE																							
Farm and gardening classes	P	P																							
Outdoor entertainment and outdoor assembly events including but not limited to festivals and concerts	T	T	T										T	T	T	T									Error! Reference source not found.
Outdoor sporting or athletic events	T	T	T										T	T	T	T									
Public park																						P			
Quasi-public use	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR					SR		
Agriculture and Animal Services																									
Agricultural or Ranch Use	P	P	P	A																	P	P		Error! Reference	

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Biosolids land application	P	P	P																			Per Approved General, Specific, Preliminary or Final Development Plan		source not found., Error! Reference source not found.	
Shelter for agricultural implements and tools used to maintain premises	P	P	A	A																					3-3.1.F
Office incidental to the operation of the permitted use	A	A	A																						
Temporary Residence	T	T	T																						
Community Garden	<i>See Community Garden Regulations, Section Error! Reference source not found.</i>																						Error! Reference source not found.		
Animal Assisted Therapy Activities	P	P																				Per Approved General, Specific, Preliminary, or Final Development Plan			
Animal Day Care Facility													P	P	P	P	P	P							Error! Reference source not found.
Animal hospital and veterinary clinic	SE	SE	SE										P	P	P	P	P	P					P		Error! Reference source not found.
Kennel	SE	SE	SE																						
Commercial Feed Lot	SE																							Error! Reference source not found.	
Farm or Ranch Animal Center	P	P	P																						
Flower Farms	P	P																							
Greenhouses, wholesale or retail	P	P												P	P	P									
Greenhouses, non-commercial, exceeding accessory structure limits	P	P	A	A																				Error! Reference	

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Hunting Club	SR	SR																						source not found.
Roadside Sales Stands	A	A	A																					Error! Reference source not found.
Farming or Ranching Events	P	P																						
Stable, Riding Academy – Public or Commercial Riding,	P	P	P																p ^[5]	SE				Error! Reference source not found.
Stable – Private Riding	P	P	P	A																				Error! Reference source not found.
Storage Container	A	A	A																					3-3.1.F
Commercial and Industrial																								
Automotive and Parking																								
Auto sales with or without minor auto repair as an accessory use													P	P	P	P	P							p ^[6]
Auto service station													P	P	P	P	P							
Car wash and/or auto detailing													P	P	P	P	P							SR
Parking lot or structure, principal use (public or commercial)													P	P	P									SE
Parking lot or structure, accessory												A	A	A	A	A	A							Per Approved General, Specific, Preliminary, or Final Development Plan
Parking Lot, accessory to park or public facility																			A					
Parking, Temporary	T	T	T									T	T	T	T									
Vehicle Repair, Minor													P	P	P	P	P							
Vehicle Repair, Major														P	SR	P	P							
Vehicle Sales/Leasing/Rental													P	P	P	P	P							
Contractors, Trades and Construction																								
Building/landscape material sales yard														P		P	P							Per Approved General, Specific, P Error! Reference

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																					Preliminary, or Final Development Plan		source not found.
Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)													P	P	P	P	P						Error! Reference source not found.
Contractors including but not limited to plumbing, heating, and electrical (with outdoor storage)														P		P	P						Error! Reference source not found.
Specialty Trade Shop, including but not limited to cabinet, electric, plumbing, heating, lithographic and/or printing shops, furniture reupholstering														P	P	P	P					p ^[7]	
Temporary Concrete and/or Batching Plant with materials stockpiling	SE	SE																					
Temporary construction yard and/or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				T	T	Error! Reference source not found.
Recreation																							
Agri-tainment	SR	SR																					
Amateur Motorsports Facility	SR																						Error! Reference source not found.
Amusement park																				SE			
Ball fields																			P				
Drive-in theater																				SE			
Go-cart and skateboard tracks																				SE			
Driving range, miniature golf and "par 3" course																				SE			
Golf course and country club																			P	P			Error! Reference source not found.
Health Club													P	P	P	P	P	A				P	

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Nature areas, picnic areas, and trails																				P	PUD			
Play courts / Playground equipment																				P				
Recreation – Indoor													P	P	P	P	P					P		
Recreation – Outdoor, including recreational clubs and camps													P	P	P	P	SR	P	P ^[8]					
Rodeo	SE	SE	SE	SE																				
Shooting Range (outdoor)	SR																							
Trails and paths open to the general public																				P				
Wildlife sanctuary																				P				
Manufacturing, Warehousing, Industrial and Utilities																								
Explosion welding, cladding, or metallurgical bonding of metal or other similar uses	SE																					Per Approved General, Specific, Preliminary, or Final Development Plan		Error! Reference source not found.
Heavy equipment repair and fabrication conducted indoors																					P			
Manufacturing, Light														P		P	P							
Manufacturing, Light – Commercial bakery, creamery, bottling plant																					P			
Manufacturing, Heavy																				P				
<u>Natural Medicine Cultivation Facility</u>														<u>P</u>		<u>P</u>	<u>P</u>							<u>3-3.6</u>
<u>Natural Medicine Products Manufacturer</u>														<u>P</u>		<u>P</u>	<u>P</u>							<u>3-3.6</u>
Processing, packaging, and selling of an agricultural Commodity, no on-site manufacturing of refined product	P	P																			Per Approved General, Specific, Preliminary, or Final Development Plan			
Processing, packaging, and selling of an agricultural Commodity w/ manufacturing	SR	SR														P	P							

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Repair, rental, and servicing of commodities produced or warehoused in zone district																	P	P					
Wholesale business, storage, or warehousing															P		P	P				P	
Mini-warehouse/self-storage															P	P	P						
Showroom/Warehouse														P	P	P	P						
Slaughter House																		SR					
Mining																							
Mining, Quarry and Earth Extraction/sand and gravel extraction	SR	SR																	SR	SR			Error! Reference source not found.
Office																							
<u>Natural Medicine Healing Center</u>														P	P	P	P	P	P				<u>3-3.6</u>
<u>Natural Medicine Testing Facility</u>														P	P	P	P	P					<u>3-3.6</u>
Office – General, executive, professional, and business offices; medical and dental clinics													P	P	P	P	P	P				P	
Laboratories														P	P	P	P	P					
Research & Development w/ indoor use only															P	P	P	P					Error! Reference source not found.
Research & Development w/ outdoor use															SR		P	P					Error! Reference source not found.
Restaurants, Bars and Hospitality																							
Bar/Tavern														P	P	P	P					P	
Bed and Breakfast	SE	SE																					Error! Reference source not found.
Guest Ranch	SE																						

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F ^[B]				O
Hotel/Motel													P	P	P	P	P	SR			Per Approved General, Specific, Preliminary or Final Development Plan	P	
Microbrewery													P	P	P	P						P	
Nightclub													P	P	P							P	
Restaurant – without drive through													A	P	P	P	P	P					
Restaurant – with drive through													P	P	P	P	P						
Retail and Commercial Service																							
Bank (with or without drive-through)													P	P	P	P	P	A				P	
Convenience store with or without gas pumps													P	P	P							P	
Convenience store, 24-hour operation, with or without gas pumps													SR	SR	SR	SR	SR					SR	
Farmer's Market (Year-Round)	SE	SE																					
Farmer's Market (Seasonal)	P	P	T										T	T	T	T					T		Error! Reference source not found.
Firewood, Storage and Sale Marijuana, Commercial uses	SE	SE	SE																				Error! Reference source not found., Error! Reference source not found.
Retail													A	P	P	P	A	A					Error! Reference source not found.
Retail - Department, hardware, dry good, ranching and farm supply stores																					P		

TABLE 3-2.1 PERMITTED USE TABLE

P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted

	Agriculture and Residential ^[1]											Non-Residential ^[1]								PUD Districts ^[2]	Overlay	Use Specific Standard			
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F ^[B]	O	PUD	SBC-O	Code Section		
Retail - Appliance, furniture, and carpet stores																						P			
Retail -- Specialty retail sales, antique stores and gift shops																						P			
Retail sale of any commodity manufactured, processed, fabricated and/or warehoused only on the premises																	SE	SE					Per Approved General, Specific, Preliminary or Final Development Plan	Error! Reference source not found.	
Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction																		SE							
Retail, Service													P	P	P	P	A	SE				P			
Retail, Service -- Dry cleaning and commercial laundries																						P			
Seasonal sales or events including, but not limited to pumpkin sales lots, corn mazes, hayrides, haunted houses, and other similar events or uses	T	T	T										T	T	T	T									
Sexually-oriented business																	P	P	P	P				Error! Reference source not found.	
Swap meets/flea markets	T	T	T										T	T	T	T								Error! Reference source not found.	
Tent/sidewalk sales																	T	T	T					Error! Reference source not found.	
Telecommunications and Towers																									
Broadcast Tower Facility and Other Commercial antennas and radio towers	SE																				SE		Per Approved General, Specific,		

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5				I-1	I-2	F ^[B]	O	PUD	SBC-O
Commercial Mobile Radio Facilities (CMRS), Attached (Structure, roof, or building-mounted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Preliminary or Final Development Plan	P	Error! Reference source not found.		
Commercial Mobile Radio Facilities (CMRS), Freestanding Concealed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	Error! Reference source not found.	
Commercial Mobile Radio Facilities (CMRS), Freestanding Not Concealed	P	P	P										P	P	P	P	P	P						Error! Reference source not found.	
Commercial Mobile Radio Service Facilities, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			T	Error! Reference source not found.	
Over-height Commercial Mobile Radio Service (CMRS) freestanding towers, public and private freestanding communication towers	SE	SE	SE										SE	SE	SE	SE	SE	SE					SE	Error! Reference source not found.	
Telephone exchanges and similar buildings housing tele-communication equipment																	P	P							
Small Wind Energy Conversion System	P	P	P	P	P	P	P					SE												Error! Reference source not found.	
Transportation																									
Helipad operations														SE	SE	SE	SE	SE	SE		SE	Per Approved General, Specific Preliminary or Final Development Plan		Error! Reference source not found.	
Airport																					SE				
Landing Strip for Private Aircraft and/or aircraft-related recreational facilities	SE	SE																			SE				

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Utilities and Infrastructure																								
Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a private company	SR	SR																SR					Error! Reference source not found.	
Major Public Utility Facility													P	P	P	P	P	P					Error! Reference source not found.	
Minor public utility facility (distribution substation, underground distribution lines)													P	P	P	P	P	P					Error! Reference source not found.	
Minor public utility facility (including above-ground distribution lines and underground utilities)																	P	P	P ^[9]		Per Approved General, Specific Preliminary or Final Development Plan			
Oil and Gas Facility	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR		SR		SR	5-3.6	
Sewage disposal treatment plant																	P	P					Error! Reference source not found.	
Small Solar System Facility	SR	SR															SR	SR					5-3.5	
Water treatment plant																	P	P					Error! Reference source not found.	
Waste and Recycling																								
Automobile Wrecking/Salvage																		P						
Junk Yard																		P						
Resource recovery operation/recycling facility	P																	P			Per Approved General, Specific, Preliminary or Final Development Plan		Error! Reference source not found.	
Sanitary Landfill, Commercial																		P					Error! Reference source not found.	

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Solid Waste Disposal Site and Facility	P																							Error! Reference source not found.
Injection Well, Commercial																		SR						Error! Reference source not found.
Accessory Uses/Structures																								
Building and use customarily appurtenant to the permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		Per Approved General, Specific, Preliminary or Final Development Plan	A	
Residence required for caretaker or night watchman employed by the premises																A	A	A						
Temporary Uses/Structures																								
Temporary residential sales office (Model Homes)						T	T	T	T	T	T											T		Error! Reference source not found.
Fireworks stands													T	T	T	T	T	T						Error! Reference source not found.
Christmas tree lots													T	T	T	T	T	T						Error! Reference source not found.
Storage containers/pods	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T				T		Error! Reference source not found.

NOTES:
 [1] Overlay District Regulations may apply: Airport Influence Area (AIA), Centennial Airport Environs Planning Area (CAEPA) and/or Mineral Resource and Geologic Hazard Areas. See Sections **Error! Reference source not found.**, **Error! Reference source not found.**, and **Error! Reference source not found.**
 [2] Prior to April 1, 2017, the Permitted and Special Review uses are established by previously approved PUDs, including R-PSF, R-PM, R-PH, SH, MU and C. All existing PUDs with these zone district designations will continue to be governed by the existing approved PUD Preliminary and Final Development Plans. Temporary Uses listed in the Table may be permitted in non-residential portions of a PUD with an approved Temporary Use Permit. Temporary uses in residential portions of a PUD are allowed as shown in the Table with an approved Temporary Use Permit.

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<p>[3] The uses and improvements listed as Permitted or Use by Special Review in the Floodplain District may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section Error! Reference source not found., Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection Error! Reference source not found., will occur as a result of the proposed use or improvement.</p> <p>[4] May include stacked multi-family units, including second-story multi-family units above office and retail uses.</p> <p>[5] Provided that no permanent structure or shelter is located within the floodplain.</p> <p>[6] Includes truck, farm equipment and implement sales/service and repair, including indoor auto and truck bodywork and painting.</p> <p>[7] May include equipment yards and company vehicle storage.</p> <p>[8] Indoor uses are limited to 10% of site.</p> <p>[9] Underground utilities are permitted so long as adequate cover exists to protect the utilities.</p>																							

Chapter 7 – Definitions

“Facilitator” has the same meaning as in section 12-170-104(6), C.R.S.

“Healing Center” has the same meaning as in section 12-170-104(8), C.R.S.: a facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 Colorado Revised Statutes that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

“Natural Medicine” has the same meaning as in section 44-50-103(13), C.R.S.

“Natural Medicine Business” means any of the following entities licensed pursuant to the Natural Medicine Code:

- i. A Healing Center;
- ii. A Natural Medicine Cultivation Facility;
- iii. A Natural Medicine Products Manufacturer;
- iv. A Natural Medicine Testing Facility.

“Natural Medicine Cultivation Facility” means a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center,

Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

“Natural Medicine Product” has the same meaning as in section 44-50-103(15), C.R.S.

“Natural Medicine Products Manufacturer” means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

“Natural Medicine Services” has the same meaning as in section 12-70-104((14).

“Natural Medicine Testing Facility” means a public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

“Regulated Natural Medicine” means Natural Medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code. Regulated Natural Medicine includes:

- i. Psilocybin;
- ii. Psilocin; or
- iii. other substances included in the statutory definition and approved by the state licensing authority (see 12-170-104(12), C.R.S).

“Regulated Natural Medicine Product” means Natural Medicine product that is cultivated, manufactured, tested, stored, distributed, transported, transferred, or dispensed pursuant to the Natural Medicine Code.

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.	

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

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
Centennial, Colorado 80112
mwalker@arapahoegov.com
Office – 720-874-3795
Cell – 303-994-6135



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



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).

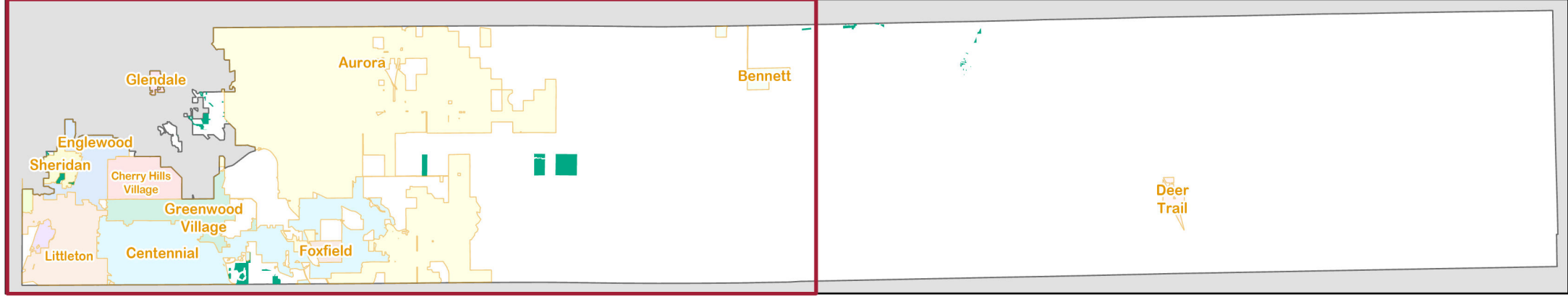
Currently, City Staff offers the following comments:

- 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)
Planning Manager | City of Centennial
13133 E. Arapahoe Rd. Centennial, CO 80112
Main: (303) 325-8000 | Direct: (303) 754-3356
mgradis@centennialco.gov
centennialco.gov

Natural Medicine Zoning

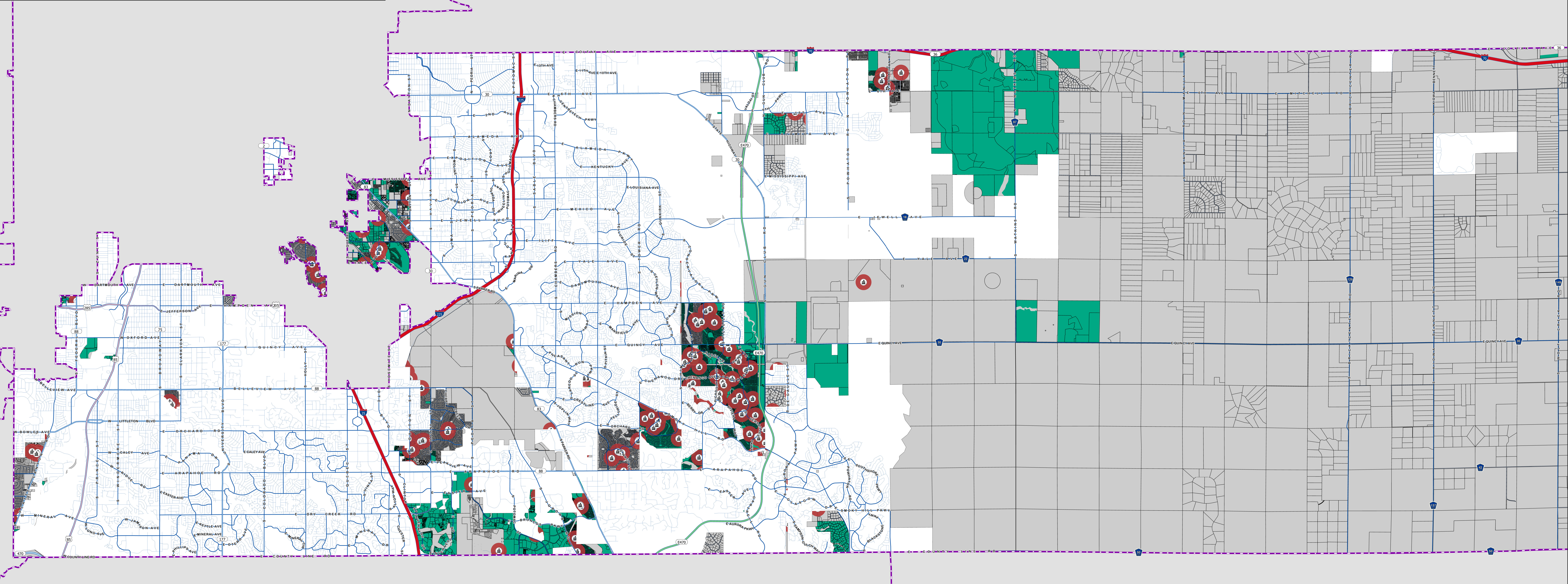


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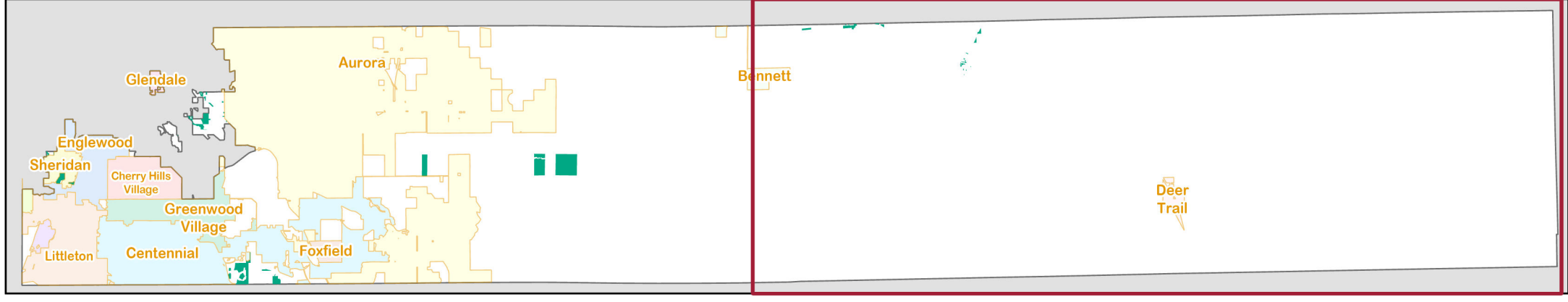
ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

Note: many areas labeled in green for natural medicine are MU Mixed Use zoning and those individual Planned Unit Developments may not allow office/light industrial uses. For example, Tuscany and The Farm south of Smoky Hill only allow residential, despite the Mixed Use zoning label.

- Unincorporated County
- County Boundary
- Unincorporated Parcels
- Prohibited Area Buffer
- Zoning: Natural Medicine Uses
- Prohibited Area Points



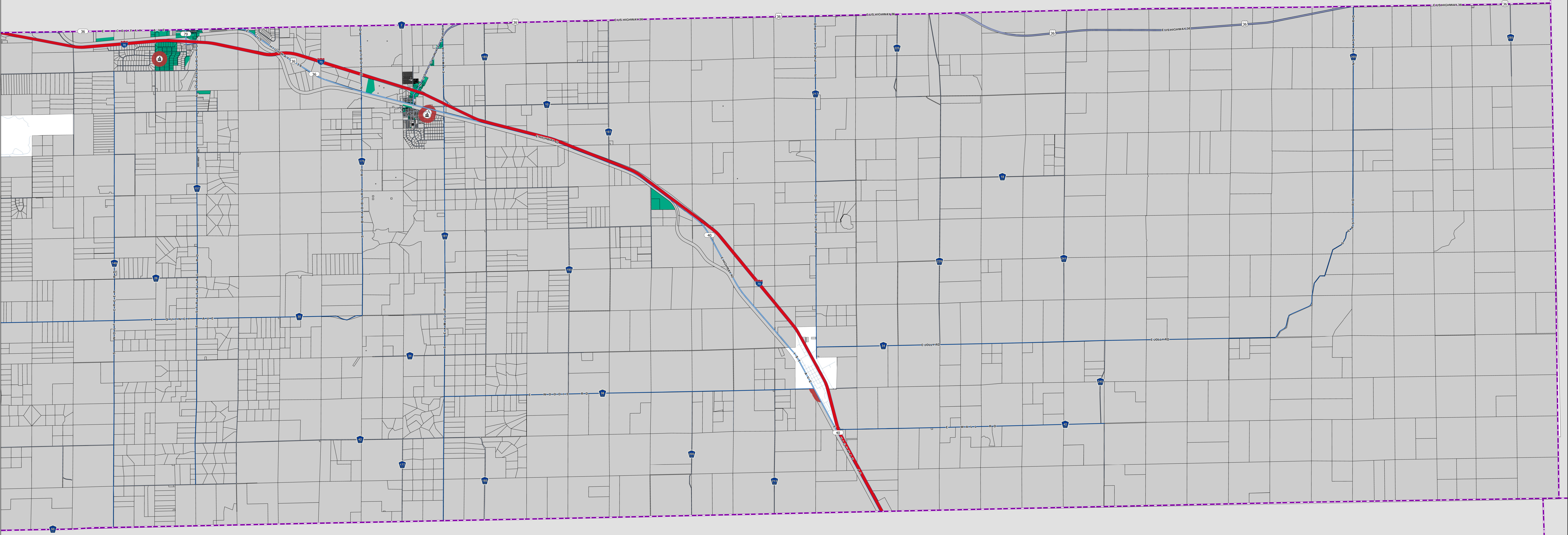
Natural Medicine Zoning



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	Unincorporated County		Unincorporated Parcels
	County Boundary		Prohibited Area Buffer
	Prohibited Area Points		Zoning: Natural Medicine Uses



0 1 2 4 6 8 Miles
 1 inch equals 0.8 miles
 Map Last Updated: 7/24/2024
 Path: G:\DSIM\HE\MAPPING\GIS\Projects\NaturalMedicine\Natural_Medicine_Map.aprx