

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, AUGUST 20, 2024**

<p><b>ATTENDANCE</b></p>	<p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Rodney Brockelman; Brooke Howe; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; and Lynn Sauve, Chair.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator) and Kim Lynch, Planning Technician (attending remotely).</p>
<p><b>CALL TO ORDER</b> <b>00:00:34</b> <b>gavel</b></p>	<p>Ms. Sauve called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
<p><b>GENERAL BUSINESS ITEMS:</b></p>	
<p><b>APPROVAL OF THE MINUTES</b> <b>00:02:45</b></p>	<p><b>The motion was made by Mr. Mohrhaus and duly seconded by Mr. Miller to accept the minutes from the August 6, 2024, Planning Commission meeting, as submitted:</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Yes; Ms. Howe, Abstain; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Ms. Sauve, Yes; Mr. Sall, Yes.</b></p>
<p><b>PUBLIC HEARING ITEMS:</b></p>	
<p><b>ITEM 1 00:04:22</b></p>	<p><b>CASE NO. LDC24-005, LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT FOR MARIJUANA PRODUCTS AND PRODUCTION FOR DEA SPECIFIC PROGRAMS / LDC – JASON REYNOLDS, PLANNING DIVISION MANAGER– PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that Case No. LDC24-005 had been properly noticed and the PC had jurisdiction to proceed.</p> <p>Mr. Reynolds stated this county-initiated project proposed amending the LDC Section 3-3.5, Marijuana Land Uses to allow an existing</p>

commercial marijuana store to relocate within the same building without triggering a Use by Special Review process and a second proposed change would allow marijuana manufacturing and research facilities in industrially zoned areas, provided that the facility was registered with the Drug Enforcement Administration (DEA). He explained Kazmira, a manufacturer of hemp-derived CBD products located in unincorporated Arapahoe County, had asked the Board of County Commissioners (the Board) to support Kazmira's application for a federal marijuana testing permit from the DEA earlier this year prior to proposed federal reclassification of marijuana to a Schedule 3 drug (like estrogen or acetaminophen with codeine). He clarified that if the proposed federal reclassification of marijuana to a Schedule 3 drug was approved, Kazmira had advised that would not materially change their application for a DEA permit. He declared it was likely that additional federally authorized marijuana manufacturing facilities would be needed to supply product for medical research. He said the LDC currently prohibited all marijuana uses except for the four existing dispensaries in unincorporated Arapahoe County and a marijuana product manufacturing facility, even a DEA-authorized facility, was not permitted under the marijuana regulations. He described the DEA authorization process as separate from Colorado's medical and retail marijuana system in that if a DEA facility was approved, it would receive marijuana grown off-site from a federally licensed grow facility and in this example the local facility would manufacture marijuana products, which would be transferred by the DEA to federally licensed researchers. He affirmed the product would not be sold on any commercial market and the marijuana used for the manufactured products would be transferred both to and from the site under custody of the DEA. He stated on May 6, 2024, the Board discussed Kazmira's request at a study session and directed staff to amend the LDC to allow DEA-authorized marijuana facilities and chose to send a letter of support for Kazmira's DEA application. He explained that after reviewing the code language for potential changes, staff identified a discrepancy in the existing commercial marijuana code that required a public process to relocate an existing dispensary within the same building while allowing expansions to proceed administratively. He concluded staff was requesting a recommendation of approval from the PC on the amended draft regulations.

There was discussion around the following questions:

- How many retail marijuana facilities were there in the county?
- Were we changing retail rules to make marijuana shop relocation more like any retailer move?
- Would the 4 retail marijuana licenses be eligible for this DEA license?
- Was Kazmira the only one who sought this new regulation?

- Would the production facility have a large amount of marijuana on site?
- Were there other such production facilities in the state?

Mr. Hill confirmed there were only four retail marijuana facilities in Arapahoe County. He stated this recommended amendment corrected an oversight in the existing code. He reaffirmed it would not allow a fifth marijuana license in the county as these are not allowed in the county in general. Mr. Reynolds agreed it would make on site relocations for existing facilities match rules for any other retailer who sought such a move within a site. He affirmed the proposed code amendment also sought expansion allowability only in industrial areas and the 4 existing retailers would not be eligible for the DEA license. He stated Kazmira had been the only production facility to request this license and it wasn't known the amount of marijuana would be on site.

Mr. Hill explained that Kazmira would not grow the marijuana and that it would be provided by the DEA under the terms of the license. He added they would not seek to procure product from any local grower and product could only be transferred through the DEA.

Mr. Reynolds added that they were requesting this research market be allowed to develop only under the auspices of the DEA. He explained the DEA had provisions for restrictions that would deter theft. He concluded the production facilities would not necessarily be limited but expansions would be monitored by the county development team and as always under the auspices of the DEA. He said he believed this to be the first facility to seek this license in Colorado.

Ms. Sauve opened the hearing for public comments. There were no members of the public present and there were no callers. The public hearing was closed.

**The motion was made by Mr. Mohrhaus and duly seconded by Mr. Brockelman, in the case of LDC24-005, LDC TEXT AMENDMENT FOR MARIJUANA PRODUCTS AND PRODUCTION FOR DEA SPECIFIC PROGRAMS, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, 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.**

	<p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</b></p>
<b>ANNOUNCEMENTS</b>	<p>Ms. Pecherzewski said that the O&amp;G regulations draft was out on the county website for review and comment. She stated this draft had added provisions for financial assurance and insurance, and an inspection program among other updates to the Code. She reminded all the Open House for public input on these had been moved to September 3, 2024, from 5:30 – 7pm at the Arapahoe County Fairgrounds and would provide additional public comment. She added the PC would have a study session in September or early October to review the updates and public outreach and make recommendations then they would be presented to the Board of County Commissioners thereafter.</p> <p>Mr. Reynolds announced the September 3, 2024, meeting had been canceled and the next meeting on September 17, 2024 would be held at the Arapahoe Room on the Lima Plaza Campus.</p>
<b>ADJOURNMENT</b>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>