



Planning Commission Work Session

448 E. 1st Street, Room 190 Salida, Colorado 81201

May 13, 2025 at 6:00 PM

Agenda

Email public comments to: planning@cityofsalida.com

Please register for the Planning Commission

Meeting: https://zoom.us/webinar/register/WN_6g9aZf_GR4SthevldUvY7g

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Call to Order by Chairman

Discussion Items

1. Natural Medicine - Draft Zoning Ordinance Text Amendment

Presentations

Commissioners' Comments

Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2626 at least 48 hours in advance.

MEMORANDUM

To: Planning Commission
From: City Attorney's Office – Betsy L. Stewart
Date: May 5, 2025
Re: Natural Medicine Act and Natural Medicine Code

A. Introduction

This memo contains an overview of the laws and regulations surrounding natural medicine to provide the Planning Commission with some background regarding the state of the law and the manner in which natural medicine can be regulated by the City.

The draft Ordinance attached to this memo was prepared after receiving policy direction from City Council regarding time and place restrictions for your consideration.

B. Historical Background of the Natural Medicine Act

In 2022 Colorado voters adopted Proposition 122 which is now codified as the Natural Medicine Act (NMA). *See* C.R.S. § 12-170-101, *et seq.* In 2023, the legislature adopted the Natural Medicine Code (NMC) which sets forth additional guidelines for the use and cultivation of natural medicine in C.R.S. § 44-50-101, *et seq.*¹

In short, Colorado voters determined that natural medicine should be utilized as an additional tool to address mental health issues in the state.² As a result, the purpose of the NMA is to establish a “new, compassionate, and effective approach to natural medicine” by (1) removing criminal penalties for personal use of natural medicine for adults 21 years of age and older; (2) developing and promoting public education regarding the use of natural medicine and appropriate training for first responders; and (3) establishing regulated access by adults 21 years of age and older to natural medicines that show promise in improving well-being, life satisfaction, and overall health.³ The legislature also recognized that the NMA and its regulations must balance the health and safety risks to consumers and the cultural harms it could cause to American tribes and Indigenous and traditional communities with connections to natural medicine.⁴

The Department of Regulatory Agencies (DORA) recently issued licensure and training regulations for natural medicine facilitators.⁵ Meanwhile, the Colorado Department of Revenue's (CDOR) regulations address all regulated natural medicine and natural medicine product

¹ *See* <https://www.cpr.org/2023/06/21/colorado-psychedelic-law-for-psilocybin-mushrooms/> for a Colorado Public Radio News Article re: the historical background of Proposition 122.

² C.R.S. § 12-170-102(1).

³ C.R.S. § 12-170-102(1)(j).

⁴ C.R.S. § 12-170-102(2)(d).

⁵ 4 CCR 755-1.

businesses for the purposes of the cultivation, manufacturing, testing, storage, distribution, transport, transfer, dispensation, and licensure fees.⁶

C. Analysis of the NMA, NMC, and Regulations

1. What is natural medicine?

The term “natural medicine” currently applies to the hallucinogenic compounds of psilocybin and psilocin found in psychedelic mushrooms.⁷

2. How can natural medicine be used?

a. Personal Cultivation and Personal Possession

Personal cultivation of natural medicine is permitted on private property in an enclosed and locked space in an area of no more than 12 feet x 12 feet. Such cultivation area can be non-contiguous, i.e. in one 12' x 12' plot or twelve 1' x 1' plots, etc. Municipalities are permitted to exceed the space limitation by ordinance or resolution.

Unlike the state’s personal possession limit of 2 ounces for marijuana, there is no limit on personal possession of natural medicine in the state for adults 21 years of age and older (21+). 21+ adults can share natural medicine with other 21+ adults in the context of counseling, spiritual guidance, community based use, supported use, or related services so long as no remuneration is received except in bona fide harm reduction or support services used concurrently with sharing. It is important to note that the open and public display or consumption is prohibited as is the unlawful distribution and possession of natural medicine by or to individuals under the age of 21.⁸

b. Natural Medicine Healing Centers

A Natural Medicine Healing Center is a state licensed facility in which a facilitator can provide and supervise natural medicine services to a participant. Participants must be 21+ to receive natural medicine services by and under a facilitator’s services and a facilitator is a 21+ licensed individual with necessary qualifications, training, experience, and knowledge required by law to perform and supervise natural medicine services for a participant.⁹ The administration of natural medicine in a Healing Center consists of the following three phases:

- A “preparation session” meeting between a participant and facilitator that occurs before an administration session;

⁶ 1 CCR 213-1.

⁷ C.R.S. § 12-170-104(12)(a)(I)-(II). However, C.R.S. §§ 12-170-104(12)(b)(I)-(III) and (d) permit the state licensing authority to extend this definition to include dimethyltryptamine (DMT) and mescaline (excluding peyote) on or after June 1, 2026 and ibogaine at any time.

⁸ See C.R.S. § 18-18-434 regarding *Offenses relating to natural medicine and natural medicine products*.

⁹ C.R.S. §§ 12-170-104 and 44-50-103 and 4 CCR 755-1-1.4

- An “administration session” at a healing center or other permitted location where a participant consumes and experiences the effects of regulated natural medicine under the supervision of a facilitator; and
- An “integration session” between a participant and a facilitator after the administration session is completed.

DORA’s regulations establish time frames that a participant must remain in an administration session under a facilitator’s care based on dosage administered as a way to prevent impaired driving.¹⁰ Natural medicine product is not permitted to leave a licensed Healing Center except in narrow circumstances when a facilitator is traveling to another location for an administrative session and any unconsumed product must be returned to a Natural Medicine business.¹¹ Finally, as a general rule, Healing Centers must be at least 1,000 feet from a licensed childcare center, preschool, elementary, middle, junior, or high school, or a residential child care facility.¹²

3. What does the NMA mean for municipalities?

a. What is prohibited?

The NMA and Regulatory Act establish that a municipality cannot prohibit the establishment or operation of a business with the purpose of cultivating, manufacturing, testing, storing, distributing, transporting, transferring, or dispensing natural medicine within its boundaries nor can it prohibit a properly licensed facilitator from providing natural medicine services in a Healing Center within its boundaries.¹³ Municipalities also cannot prohibit the transportation of natural medicine or natural medicine product within its boundaries on public roads by a person licensed to exercise such privileges nor can it adopt ordinances or regulations that are unreasonable or conflict with the NMA or the NMC.¹⁴ However, it is important to note that state laws and regulations do not allow natural medicine dispensaries where an individual can purchase natural medicine over the counter (as they can do with marijuana in a marijuana dispensary) and take it home for personal use off premises.

b. What is permitted?

The City may enact ordinances or regulations governing the time, place, and manner of the operation of natural medicine related licenses within its boundaries.¹⁵ Practically speaking, this means the City can restrict hours of operation, enact zoning ordinances to locate the area where cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine and natural medicine product occurs, and set additional distance requirements within the

¹⁰ 4 CCR 755-1 § 6.17(F).

¹¹ 4 CCR 755-1 § 6.18.

¹² 1 CCR 213-1 § 2125(A)(2).

¹³ C.R.S. § 12-170-112; C.R.S. §§ 44-50-104(1) and (5).

¹⁴ C.R.S. § 44-50-104(5)(c)-(d).

¹⁵ C.R.S. § 44-50-104(5)(a); C.R.S. § 12-170-112; 4 CCR 755-1; 1 CCR 213-1.

vicinity of a child care center, preschool, elementary, middle, junior, or high school, or a residential child care facility.

c. State Licensure Timeline and Notification to Municipalities

CDOR was required to begin accepting licensure applications as of December 31, 2024 and began issuing licenses this year. CDOR will notify a municipality when it receives a licensure application in its jurisdiction in order to ensure that the license application conforms with locally enacted ordinances regarding natural medicine. Meanwhile, DORA's applications for facilitator licenses were available at the end of 2024.

d. What are the effects of decriminalization?

Natural medicine actions and conduct permitted pursuant to a license, registration, permit, or certificate, or those who allow property to be used for such items, are lawful and not an offense under state or local law. Also, as stated in more detail above, personal cultivation and possession for adults 21+ is now legal in Colorado, subject to a few restrictions. Criminal penalties for the unlawful operation of natural medicine businesses and natural medicine use or possession for those under the age of 21 are set forth in C.R.S. § 18-18-434. Local law enforcement has the authority to make arrests or issue citations within the parameters of this statute.

4. What can the City do?

As stated above, the City will need to decide whether or not it wants to implement time, place, and manner restrictions in the form of ordinances that do not conflict with state law or regulations in its Municipal Code.

Planning Commission will discuss the attached draft Ordinance during the May 13, 2025 Work Session to determine if it would like to advance it to the June 10, 2025 Public Hearing before Planning Commission as written or if it wishes to revise any of the language before doing so.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 2025-__
(Series of 2025)

AN ORDINANCE OF THE SALIDA CITY COUNCIL
AMENDING CHAPTER 16 OF THE CITY'S MUNICIPAL CODE BY
AMENDING SECTION 16-4-190 REGARDING NATURAL MEDICINE AND
AMENDING SECTION 16-4-150(d) REGARDING TABLE OF PERMITTED USES

WHEREAS, the City of Salida, Colorado (City) is a statutory City, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through its City Council (Council), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, C.R.S. § 29-20-101, *et seq.*, provides the City with the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of the City and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, pursuant to C.R.S. § 31-23-301, *et seq.* the Council has authority to adopt and enforce zoning regulations; and

WHEREAS, Colorado voters adopted citizen initiated Proposition 122 which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is titled the “Natural Medicine Health Act of 2022” (NMHA); and

WHEREAS, the Colorado Natural Medicine Code (Regulatory Act), codified in C.R.S. §§ 44-50-101 through 904 authorizes Council to enact ordinances regulating the time, place, and manner of the operation of licenses issued pursuant to the Regulatory Act; and

WHEREAS, C.R.S. §§ 12-170-115 and 44-50-104 establish that the City shall not adopt, enact, or enforce any ordinance, rule, regulation, or resolution that is otherwise in conflict with the provisions of the NMHA or the Regulatory Act.; and

WHEREAS, C.R.S. §§ 12-170-104(8) and 44-50-103(6) define “healing center” as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, C.R.S. § 44-50-103(14) defines “natural medicine business” as “a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, a natural medicine testing facility, or another licensed entity created by the state licensing authority;” and

WHEREAS, the Regulatory Act authorizes Council to enact zoning ordinances identifying the area where 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 the City; and

WHEREAS, the Regulatory Act authorizes Council 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 school, middle school, junior high school, or high school, and a residential child care facility; and

WHEREAS, the City's Municipal Code (Code) contains land use and development standards enacted to protect the health, safety, and welfare of residents of the City; and

WHEREAS, under the City's current land use and development standards, the operation of natural medicine healing centers and natural medicine businesses are not permitted land uses and the City has not approved any such land use; and

WHEREAS, the City does not currently have any zoning regulations addressing natural medicine healing centers and natural medicine businesses; and

WHEREAS, the Council finds that it is in the best interest of the health, safety, and welfare of the City and its residents to adopt a new Chapter 6, Article IX titled *Natural Medicine* to encompass local regulations surrounding natural medicine in the City; and

WHEREAS, the Council finds that it is in the best interest of the health, safety, and welfare of the City and its residents to amend Chapter 16, Article IV, Section 150, Table 16-D regarding Schedule of Uses to identify the areas where natural medicine healing centers and natural medicine businesses may operate within the City; and

WHEREAS, on January 7, 2025, Council adopted Ordinance No. 2025-02, Series 2025, titled *An Emergency Ordinance Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers in the City of Salida, Colorado* (Temporary Moratorium); and

WHEREAS, Section 2(b) of the Temporary Moratorium established that it shall terminate on the 7th day of July, 2025 unless terminated at an earlier date or extended by further Ordinance by Salida City Council; and

WHEREAS, the Temporary Moratorium shall expire upon the effective date of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by City Council.

Section 2. Section 16-4-190 of the Salida Municipal Code is hereby amended by adopting a new Subsection 16-4-190(u) concerning review standards applicable to particular uses - *Local Regulation of Natural Medicine* to read in its entirety as follows:

Section 16-4-190(u) – Local Regulation of Natural Medicine

(1) Definitions.

For purposes of this Section, the following words, terms, and phrases shall have the following meanings:

- (a) *Natural Medicine* means psilocybin or psilocyn and other substances described in the Regulatory Act as "natural medicine."
- (b) *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.
- (c) *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.
- (d) *Natural medicine product* means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.
- (e) *Natural medicine services* mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.
- (f) *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.
- (g) *Regulated natural medicine* means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

- (h) *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.
- (i) *Regulatory Act* means the Colorado Natural Medicine Code codified in Colorado Revised Statutes.
- (j) *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.

(2) Permitted location for natural medicine healing centers.

Natural medicine healing centers are a permitted use in the Central Business District (C-2), the Commercial Zone District (C-1), and the Industrial District (I) subject to the distance, time, manner, and place requirements contained in this Section 16-4-190(u). Natural medicine healing centers are prohibited in all other zoning districts in the City.

(3) Permitted location for natural medicine businesses.

Natural medicine businesses - other than natural medicine healing centers - including, but not limited to, cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and other licensed natural medicine business entities created by the state licensing authority are permitted uses in the Industrial District (I) subject to the distance, time, manner, and place requirements contained in this Section 16-4-190(u). Such natural medicine businesses – other than natural medicine healing centers - are prohibited in all other zoning districts of the City.

(4) Distance from schools.

- (a) No natural medicine healing center or natural medicine business 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) Subsection (a) does not apply to a properly licensed natural medicine healing center or natural medicine business that was actively doing business before a School was established and/or constructed within one thousand (1,000) feet of such natural medicine healing center or natural medicine business.
- (c) The distances referred to in this Section shall be computed by direct measurement from the nearest property line of the land used for a School to the nearest portion of the building in which the natural medicine healing center or natural medicine business exists or services are provided using a route of direct pedestrian access.

(5) Hours of operation – Natural Medicine Services.

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall be permitted to operate any day of the week between 7:00 a.m. to 7:00 p.m.

(6) Public view of natural medicine businesses and natural medicine services.

All doorways, windows, and other openings 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. All activities of natural medicine businesses and natural medicine services shall occur indoors.

(7) Lighting of natural medicine businesses.

Primary entrances, parking lots, and exterior walkways of natural medicine businesses shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to all applicable City lighting standards. All exterior lighting shall be downcast and shielded with a temperature of 3,000 Kelvin or warmer.

(8) 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.

(9) 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.

(10) 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.

(11) 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 City 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.

(12) Nuisance.

- (a) It is unlawful and deemed a nuisance to:
 - (1) Operate a natural medicine business in violation of any of the requirements set forth in state law or regulation or this Section 16-4-190(u).
 - (2) 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 City.
- (b) Any such violation of this Chapter is subject to the General Penalty for Violations provisions of Salida Municipal Code Section 1-4-20.

Section 3. Section 16-4-150(d) of the Salida Municipal Code contains Table 16-D – Schedule of Uses - for businesses, industrial, and residential districts and is hereby amended to read as follows:

TABLE 16-D Schedule of Uses									
N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
Commercial, Personal Service, and Office Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
...									

Medical marijuana centers	N	N	N	N	N	N	AR	N	Sec. 16-4-190(k)
Marijuana cultivation facilities	N	N	N	N	N	N	LR	LR	Sec. 16-4-190(p)
<u>Natural Medicine Healing Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 16-4-190(u)</u>
Professional offices	N	N	N	N	P	P	P	LR	
Industrial Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
...									
<u>Natural Medicine Businesses other than Healing Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>Sec. 16-4-190(u)</u>

Section 4. Termination of Temporary Moratorium. Ordinance No. 2025-02, Series 2025, titled *An Emergency Ordinance Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers in the City of Salida, Colorado* shall terminate upon the effective date of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause, or portion of the Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on the [] day of [], 2025, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the [] day of [], 2025, and set for second reading and public hearing on the [] day of [], 2025.

INTRODUCED ON SECOND READING, FINALLY ADOPTED, and ORDERED PUBLISHED BY TITLE ONLY by the City Council on the [] day of [], 2025.

CITY OF SALIDA, COLORADO

Mayor Dan Shore

[SEAL]

ATTEST:

City Clerk Kristi Jefferson