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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, December 5th, 2024, El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

REGULAR HEARING at 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: Thomas Bailey, Sarah Brittain Jack, Jay Carlson, Eric Moraes, Wayne Smith, Christopher Whitney, Jim Byers, Tim Trowbridge and Bryce Schuettpelz.

PC MEMBERS PRESENT AND NOT VOTING: (NONE)

PC MEMBERS ABSENT: Becky Fuller and Jeffrey Markewich

STAFF PRESENT: Meggan Herington, Justin Kilgore, Daniel Torres, Ryan Howser, Christina Prete, Jeff Rice, Marcella Maes, Terry Sample (El Paso County Attorney's Office), Erika Keech (El Paso County Attorney) and Lori Seago (El Paso County Attorney).

OTHERS PRESENT AND SPEAKING: Steven Sery, Julie Shoemaker, Paul Krause, Doug Schanel, Kirby Thompson, Kevin Beechwood, Larry Driver, Sara Frear, Ann Odom, Brooks Swenson and Andrea Barlow.

1. REPORT ITEMS

Ms. Herington let Mr. Bailey (Chair) know that it would be acceptable for the Planning Commission to hear regular item 5B first since there are people in the audience that are in opposition of the item 5B that want to speak. Mr. Bailey agreed to hear item 5B first.

Mr. Kilgore had no announcements.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

There were none.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on November 21st, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

4. CALLED-UP CONSENT ITEMS:

The Planning Commission called up 3B File number PUDSP243 to be heard as a regular item.

5. REGULAR ITEMS

3B. PUDSP243

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
URBAN LANDING**

A request by Elite Properties of America, Inc., for approval of a Map Amendment (Rezoning) of 6.58 acres from R-4 (Planned Development) to PUD (Planned Unit Development) with approval of a Preliminary Plan illustrating 49 single-family lots, 4 tracts, including 2.00 acres of open space provisions and 0.85 acres of land dedicated for private roads. The property is located at the southeast corner of the intersection of Spanish Bit Drive and Struthers Road. (Parcel No. 7136001045) (Commissioner District No. 3)

COMBINED STAFF & APPLICANT PRESENTATION: **Mr. Bailey** (Chair) suggested that audience members who wish to speak should go first, with the applicant answering their questions afterward. **Mr. Brooks Swenson** (N.E.S) agreed. **Mr. Swenson** presented his presentation and touched on some of the concerns that were heard from the public.

DISCUSSION: **Mr. Carlson** inquired about the height of the buildings, asking if a story is typically 10 feet tall. **Mr. Swenson** responded that the buildings are less than 30 feet tall, under two stories, and a typical story height is about 10 to 12 feet. **Mr. Bailey** then clarified that the maximum height limit in the PUD zoning district is 30 feet.

Mr. Moraes asked **Mr. Swenson** for clarification on Table 8 of the traffic study, specifically regarding the west and right turn lanes. **Mr. Trowbridge** directed **Mr. Moraes** to page 28 of the packet, where the information is included in the letter of intent. In response to **Mr. Moraes'** question, **Ms. Andrea Barlow** (N.E.S) outlined several proposed improvements, some of which are the responsibility of the Urban Landing development and others involve joint efforts with the Cathedral Rocks Commons commercial development. These improvements include adding a northbound right turn lane, lengthening the southbound left turn lane on Struthers Road at Spanish Bit Drive, paving Spanish Bit Drive, and installing curbs, gutters, and sidewalks. An acceleration lane at Struthers was also discussed but is not yet required based on traffic volume.

Mr. Moraes inquired about the potential impact of installing signage for a left-hand turn on Innovative Drive and Urban Landing Drive. **Mr. Torres** responded that Innovative Drive meets the criteria for full movement intersections so there's no need to limit them. He also noted that people generally prefer paved roads, especially in bad weather, but the roads already meet required criteria. **Mr. Smith** expressed concerns about the turn lanes, particularly the timing for the northbound right turn lane, which is based on specific traffic conditions, and questioned whether these conditions would provide sufficient guidance for traffic flow. **Mr. Torres** clarified that the current discussion is at the preliminary plan stage, and further details would be finalized at the final plat stage. He mentioned that the applicant is in talks with Cathedral Rocks Commons, which is further along in development, and that most of the needed improvements will be triggered by the development of nearby commercial lots

Mr. Moraes asked staff about feedback from the United States Air Force Academy (USAFA) regarding citizen concerns. **Mr. Howser** deferred the question to **Mr. Torres**, noting that most concerns were related to drainage, and emphasized that the project has received approval. **Mr. Torres** explained that drainage concerns stemmed from both the Cathedral Rocks Commons and the current development, with flows directed west beneath Struthers Road. He stated that the development plans to provide a detention pond to manage flows, which will be analyzed further in the final drainage report. **Mr. Howser** clarified that an additional condition of approval requires addressing any outstanding comments, including those from the USAFA and other staff, before the PUD plan can be officially recorded.

Mr. Moraes spoke on the notification process, explaining that previously only property owners touching the site were notified, but now notifications are sent to everyone within a 500-foot radius. **Mr. Moraes** and **Mr. Bailey** let **Mr. Krause** know that he could go before the BoCC to state his comments or talk to the applicant who is present at this hearing. The Planning commission is only a recommendation body.

PLANNING COMMISSION DISCUSSION: **Mr. Moraes** highlighted that the property was already zoned for something like the proposed plan, and the new zoning updates an obsolete designation, offering the opportunity to address citizen concerns. **Mr. Whitney** added that with more conditions and restrictions in this new zoning, the development has a better chance of aligning with what people want. **Mr. Bailey** noted that the existing R4 zoning had been in place for 50 years, so it wasn't surprising. **Mr. Smith** suggested displaying the decision criteria for transparency, and **Mr. Bailey** confirmed it was in the packet and accessible via EDARP. **Mr. Trowbridge** agreed with **Mr. Moraes**, stating the development fits the area well, as it is on the edge and could have been commercial, but housing is more appropriate. **Mr. Bailey** also commented that the applicant did a good job ensuring the development is compatible with existing residential areas.

STAFF COMMENTS: None

APPLICANT COMMENTS: None

PUBLIC COMMENTS: Property owners expressed their views on the proposed development. **Mr. Doug Schanel** supported it but raised concerns about stormwater runoff, traffic safety, and infrastructure, citing issues like sediment on Spanish Bit Drive, unplowed gravel roads, and unsafe lanes in snow. **Mr. Steve Sery** highlighted school traffic and road conditions, recommending the inclusion of acceleration lanes for both right and left turns onto Struthers to improve safety. **Mr. Paul Krause** opposed the development's size and traffic impact, suggesting a wall to prevent people from walking on his property and hoping for shared access concerning the easement behind his house. **Mr. Kevin Beechwood**, a long-time resident of Chaparral Hills, strongly opposed the plan, criticizing the excessive number of units and the impact on the horse community and water drainage, while also noting the limited notification to neighbors.

PC ACTION: TROWBRIDGE MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER PUDSP243 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN URBAN LANDING UTILIZING THE ATTACHED RESOLUTION WITH SEVEN (7) CONDITIONS AND FIVE (5) NOTATIONS AND A RECOMMENDED FINDING OF SUFFICANCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) Bailey, Brittain Jack, Byers, Carlson, Fuller, Moraes, Schuettpelz, Trowbridge, Whitney and Smith

IN OPPOSITION: (0) None

5A. VA244

KILGORE

**VARIANCE OF USE
UTAH-NEVADA LANE VARIANCE OF USE**

A request by N.E.S. Inc. for approval of a Variance of Use to allow a recreational vehicle (RV) storage and mini-warehouse facility in the RR-5 (Rural Residential) and CAD-O (Commercial Airport Overlay Zoning Districts). The property is located south of Woodmen Road on Adventure Way, south of the intersection of Adventure Way and Nevada Lane. (Parcel Nos. 5308000002, 5308000071, 5308000082) (Commissioner District No. 2).

STAFF PRESENTATION: Mr. Trowbridge asked **Mr. Torres** if Adventure Way is part of the City of Colorado Springs, while Nevada, California, and Utah are all private roads. **Mr. Torres** confirmed this. **Mr. Trowbridge** then asked who is responsible for maintaining these roads, to which **Mr. Torres** replied that he did not find any information on maintenance. Regarding Nevada Lane, **Mr. Torres** noted that the County Attorney indicated there wasn't enough information to determine if the road is open for public use. **Mr. Bailey** stated that the provided documentation suggests Nevada Lane is private, meaning anyone who used it in the past was trespassing on a private road. He asked Ms. Seago if the documentation is insufficient to establish ownership, emphasizing that ownership is an important issue.

Ms. Seago (El Paso County Attorney's Office) stated she reviewed deeds and court documents that identified only one property to the south that was previously granted access across the Applicant's property, and the Applicant is granting that property owner access through the gate on Nevada Lane. She said she cannot offer an opinion on whether any property owners may have an easement by prescription on Nevada Lane, but there is a suggested Notation of Approval that confirms that if approved, this Variance of Use will have no impact on such easement if it exists.

Mr. Whitney asked if the road has been used by the public for a long time. **Ms. Seago** responded that it has been used, but she could not confirm whether it was by the public or just a few residents as a private access easement, as she had no information on that. **Mr. Whitney** then asked if anyone had tried to block access to it, and **Ms. Seago** said not to her to my knowledge. **Mr. Torres** then continued with his presentation.

Mr. Carlson stated that the roadway issue should be resolved first, as approving the variance could alter the development plan if the road is later challenged in court. **Mr. Torres** responded that such matters would be handled in court and that if the road were deemed public, it would need to meet county standards. **Mr. Carlson** assumed the gates would have to be removed, and **Mr. Torres** agreed. **Mr. Bailey** noted that the Variance of Use decision wouldn't affect the road issue, which might need to be addressed separately. **Mr. Byers** mentioned that the property owner also owns Utah Lane, suggesting additional complications with private roads, but **Mr. Torres** was unsure about other easements. **Mr. Byers** agreed that road issues should be settled before proceeding with development. **Mr. Bailey** proposed allowing the applicant to address these concerns. **Mr. Whitney** asked **Ms. Seago** about the Quiet Title action, confirming it applied to half of Nevada Lane, which she affirmed. **Mr. Whitney** found it unusual for a Quiet Title to apply to just 15 feet, and **Ms. Seago** confirmed this. **Mr. Kilgore** continued the presentation.

APPLICANT PRESENTATION: **Mr. Whitney** confirmed that the eastern portion belongs to the client due to the Quiet Title action, while they already own the western portion, they are the owners of record of Nevada Lane. **Ms. Frayer (Applicant's attorney)** agreed with **Mr. Whitney's** and stated that the client is the owner of record of half of Utah Lane, and while there are recorded access easements affecting their ownership, they are not trying to disrupt these rights. **Mr. Byers** inquired about recorded access easements on California, and **Ms. Frayer** confirmed there are many recorded access easements on both California and Utah, including utility easements. **Ms. Odom (N.E.S)** continued the presentation.

Mr. Carlson asked if there is an area where property owners can access the development through the gate. **Ms. Odom** confirmed that it is 7215 Nevada Lane, a single-family home south of California, which has deeded access through the gate. She explained that this access has been in place for several decades, though she wasn't sure when the deed was recorded. **Mr. Carlson** clarified that this access is to the north-south road, and **Ms. Odom** confirmed they would have direct access through the gates on Nevada Lane. When **Mr. Carlson** questioned the earlier statement that no one had deeded access, **Ms. Odom** clarified that only this one property has deeded access.

PUBLIC COMMENTS: **Mr. Larry Driver** a property owner at 7150 Nevada Lane for over 30 years, opposed the proposal. He has maintained and plowed the road with his own equipment, with neighbor approval. His concern is that, while his neighbor is being granted access, he is not, despite using the road more than anyone else. **Mr. Driver** was unaware of the Quiet Title action and believes more information is needed before approving the Variance. **Mr. Kirby Thompson** who owns Hale Acres, also expressed concerns about property boundary issues and road access. He and his wife have used roads on Wyoming Lane since 1978. **Mr. Thompson** believes the applicant is using legal tactics to force action, especially after a Quiet Claim Deed was filed without proper notice. He referred to state laws that could make the roads public by prescription due to over 20 years of uninterrupted use. **Mr. Thompson** argued that blocking these roads would harm local businesses and that they should remain open.

APPLICANT DISCUSSION: **Ms. Frayer** acknowledged the neighbors' concerns but stated there is no legal basis to deny the application regarding Nevada Lane. She emphasized that Nevada Lane is a private easement in public records, with only the Sedlak family and her client holding rights to it. She disagreed with Mr. Kirby's interpretation of the public highway statute and clarified that the Quiet Title process followed all legal requirements, including court approval and public notice. **Ms. Frayer** explained that if neighbors wish to challenge this, they can pursue legal action in court. She reassured the Planning Commission that no access would be unlawfully cut off, as alternative access via recorded easements is available, and her client only claims ownership of their portion of Nevada Lane.

Ms. Frayer clarified that to establish a prescriptive easement under Colorado law, the claimant must go to court to have it recognized in the public record, which has not yet been done. She noted that if neighbors pursue this, the application accounts for it, and the project would be subject to any valid court order. **Mr. Carlson** asked if the client was willing to take the risk of developing the property, knowing that future legal action might require changes. **Ms. Frayer** confirmed they were. When asked about the Quiet Title process, **Ms. Frayer** stated it began in 2021, and the order was recorded in May 2022. She also explained that the plan was to install gates on Nevada Lane, but the current easement remains unchanged, and if a neighbor establishes a prescriptive easement, they would be given access in the same way as the current easement holder.

Mr. Moraes suggested seeking legal advice and entering executive session. **Mr. Bailey** proposed the applicant finish her rebuttal first.

Mr. Smith asked about whether the proposal would allow access to a regular roadway for business owners. **Ms. Frayer** clarified that the proposal does not aim to make Nevada Lane a public roadway

and emphasized that prescriptive easements differ from public roadways. **Mr. Whitney** asked if, as a citizen with a prescriptive easement, he would be given a key to Nevada Lane, to which Ms. Frayer confirmed that keys would be provided to easement holders but not the general public. **Mr. Carlson** clarified that he was asking about the statute that allows a road to become public after 20 years of use, and **Ms. Frayer** stated the public the interpretation of the law. **Ms. Frayer** read a letter she had written to Mr. Kirby, explaining that specific criteria must be met to establish a public highway, and in this case, those criteria were not satisfied. She emphasized that simply using a road for 20 years does not automatically make it a public highway, as the law requires more than that.

PLANNING COMMISSION DISCUSSION: Ms. Seago proposed a motion that the Planning Commission go into executive session in pursuant to CRS24-6-402 4B conferences with an attorney for the public local body for the purposes of receiving legal advice on specific legal questions the subject matter would be legal questions related to the status of Nevada Lane as an access.

PC ACTION: MORAES MOVED / WHITNEY SECONDED MS. SEAGO'S PROPOSED MOTION THAT THE PLANNING COMMISSION GO INTO EXECUTIVE SESSION IN PURSUANT TO CRS24-6-402 4B CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC LOCAL BODY FOR THE PURPOSES OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. THE SUBJECT MATTER WOULD BE LEGAL QUESTIONS RELATED TO THE STATUS OF NEVADA LANE AS AN ACCESS. MS. SEAGO STATED THAT THE PLANNING COMMISSION DOES NEED A ROLL CALL VOTE THE MOTION DOES NEED TO PASS BY A TWO THIRDS MAJORITY FOR IT TO PASS. THE MOTION TO RECOMMEND APPROVAL PASSED (8-1).

IN FAVOR: (8) Moraes, Byers, Whitney, Brittain Jack, Carlson, Schuettpelz, Smith and Bailey.

IN OPPOSITION: (1) Trowbridge stated he does not believe that this question is pertinent or hits on any aspect to the criteria we are supposed to consider.

Meggan Herington, Erika Keech (El Paso County Attorney), Lori Seago (El Paso County Attorney), Justin Kilgore, Daniel Torres, Thomas Bailey, Sarah Brittain Jack, Jay Carlson, Eric Moraes, Wayne Smith, Christopher Whitney, Jim Byers, Tim Trowbridge and Bryce Schuettpelz attended the Executive Session. Executive session start time: 11:24 A.M Executive session end time: 11:38 A.M.

Mr. Trowbridge moved, and **Mr. Moraes** seconded to come out of Executive session back to regular session.

IN FAVOR: (9) Moraes, Byers, Whitney, Brittain Jack, Trowbridge, Carlson, Schuettpelz, Smith and Bailey.

IN OPPOSITION: (0)

Ms. Seago said an Executive session was held for the purposes stated on the record and no decisions were made.

ADDITIONAL DISCUSSION: Mr. Carlson disagreed with fellow commissioners, saying that the approval criteria for the Variance state it should not be detrimental to the surrounding area or to the health, safety, and welfare of the community. Based on the 10 negative inputs received, including concerns about the road's importance for safety during inclement weather, the speaker believes the variance would indeed be detrimental to the area.

PC ACTION: BRITTIAN JACK MOVED / SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 5B, FILE NUMBER VA244 FOR A VARIANCE OF USE UTAH- NEVADA LANE UTILIZING THE ATTACHED RESOLUTION WITH THREE (3) CONDITIONS AND FOUR (4) NOTATIONS AND A RECOMMEND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-2).

IN FAVOR: (7) Bailey, Brittain Jack, Moraes, Schuettpelz, Trowbridge, Whitney, Smith
IN OPPOSITION: (2) Byers and Carlson stated the application does not meet the approval criteria.

5A. LDC243

HERINGTON

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
NATURAL MEDICINE**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1 and 5 of the El Paso County Land Development Code (2022) as it pertains to definitions and use standards for Natural Medicine. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department. (All Commissioner Districts).

STAFF PRESENTATION.

DISCUSSION: Mr. Trowbridge asked whether it is possible to require that testing and manufacturing facilities be collocated, meaning they cannot be separate. **Ms. Herington** said that **Ms. Terry Sample (El Paso County Attorney)** would look into the regulatory language to determine what can or cannot be required in this regard. Mr. Herington clarified that multiple licenses can be applied for, suggesting that collocating these facilities might be feasible, similar to how medical marijuana operations work.

Mr. Carlson raised concerns about whether a product, such as mushrooms, can be grown and sold directly or if it requires additional processing to be useful. **Ms. Herington** explained that for patients at a Natural Medicine healing facility, treatment must occur on-site, and personal cultivation of a limited amount is allowed. She also explained that "manufacturing" involves more than just growing the product—there is a process involved to make it suitable for use.

Mr. Bailey added that natural medicine products are infused with natural medicine, implying additional steps are involved beyond simply consuming mushrooms. **Mr. Moraes** noted that the definitions suggest cultivation and manufacturing can be combined at one center.

Ms. Brittain Jack asked if all licensed healing center providers are also licensed professionals (like nurses). **Ms. Herington** confirmed that both facilitators and establishments are licensed by the state, as required by the Regulatory Act.

Mr. Whitney raised a question about the 1000-foot buffer requirement around colleges, asking if it should be based on the "principal campus" or something else, as he wasn't sure what a principal campus is compared to a satellite campus. **Ms. Herington** explained that the term "principal campus" comes from the Medical Marijuana licensing regulations, and the County Clerk uses this term to refer to a main campus. She clarified that this excludes satellite campuses, such as a downtown night school, and is more like a full campus, such as UCCS.

Mr. Carlson asked for clarification on how the 1000-foot distance is measured, particularly regarding pedestrian access. **Ms. Herington** explained that it is measured from the nearest property line of the school to the closest portion of the Natural Medicine business, with the route determined by the most direct pedestrian access. She acknowledged that there could be disagreements over the measurement, which might require using GIS or physically measuring the route.

Mr. Moraes asked about situations where a school and a Natural Medicine business might be close to each other, with their property lines touching, but the 1000-foot distance requiring a longer walk due

to the layout of the block. **Ms. Herington** confirmed that the buffer requirement applies to the property lines and not just proximity, meaning the distance could exceed 1000 feet depending on the layout.

Mr. Moraes also raised a concern about whether a Child Care Center could be established within the CS (Commercial Services) zone if there is already a Natural Medicine business within 1000 feet. **Ms. Herington** confirmed that the answer would likely be no but asked to hold off on a definitive response until further discussions and review of maps.

Mr. Moraes asked if the zoning requirements for Natural Medicine businesses could mandate rezoning to CS (Commercial Services) in areas with obsolete zoning districts like C1, C2, and M1. **Ms. Herington** explained that when the Land Development Code (LDC) is updated the obsolete zones will likely be converted to industrial zones. She noted that requiring a rezone to CS for Natural Medicine businesses might not be appropriate, and while recommendations to change zone districts could be made to the Board of County Commissioners, she was unsure why industrial zoning wouldn't be considered.

Mr. Trowbridge raised a question about storage requirements for Natural Medicine businesses, specifically if storage should be required within a licensed facility. **Ms. Herington** clarified that storage in a licensed facility is required, but personal cultivation is separate and not subject to the same regulations. She further explained that businesses could not store their inventory in outside units like storage facilities unless related to cultivation materials like topsoil, which do not require licensed storage. **Mr. Trowbridge** also inquired about security and secure disposal, asking if it was defined anywhere. **Ms. Herington** explained that security and disposal protocols are defined in the state's Regulatory Act, which businesses must follow.

Mr. Moraes asked about the personal cultivation space requirement, specifically whether it should be a separate enclosed area, such as a small shed or greenhouse not exceeding 12x12 feet. **Ms. Herington** confirmed this interpretation but emphasized that personal cultivation rules may be further clarified based on state regulations.

Ms. Herington discussed the personal cultivation of Natural Medicine, explaining that a locked-off space, such as a basement, could be used if it meets the necessary requirements (e.g., light and water). However, she noted that the interpretation of these rules is largely based on state licensing regulations, and she wasn't sure how far those regulations would go.

Mr. Moraes asked about the disposal of personal cultivation, noting that there was no specific guidance on whether the products could just be thrown away. **Ms. Herington** acknowledged that she did not have an answer for that, as personal cultivation doesn't require a state license, and enforcement on disposal and locked space details isn't clear.

Mr. Bailey mentioned that properties already zoned could be used starting January 1st, but other areas could be rezoned to allow for Natural Medicine businesses. **Ms. Brittian Jack** inquired if such zoning changes would be reviewed by their committee. **Ms. Herington** confirmed that any zoning changes would be heard by the Planning Commission but noted that the exact use of the rezone (e.g., for a Natural Medicine business) might not be known at the time. If a rezoning request for CS (Commercial Services) was made, the county would need to review the zoning and buffer requirements to determine if the business could be established at the location.

Ms. Herington addressed whether the City's regulations will mirror those of the county. She mentioned that while the City's proposal includes a similar one-mile buffer from schools, their approach is different in classifying a Natural Medicine Healing Center as a medical clinic, which would be permitted in any zone district allowing medical clinics. Manufacturing, cultivation, and testing are considered industrial uses, permitted in industrial zones.

Ms. Herington also provided insight into other cities' regulations, mentioning that Fountain uses a 1000-foot buffer from schools, and other cities like Manitou, Monument, and Castle Rock are considering similar approaches. Local jurisdictions can adjust buffer requirements, sometimes including residential areas.

Mr. Carlson asked about the definition of religious institutions, with Ms. Herington confirming that a religious institution is defined by zoning, even if it's located in a shopping center.

Ms. Terry Sample clarified the legal limits on personal use of natural medicine under Colorado criminal statute 18-18-434 and mentioned restrictions on ownership of more than three medicine businesses by one person.

Mr. Bailey asked about the timeline for revising the LDC, and Ms. Herington confirmed that changes could be made in the future if necessary. She also explained that the current framework for regulating natural medicine is largely modeled after medical marijuana, as there is limited guidance available, especially with psilocybin still being a federal issue.

Mr. Smith asked about synthetic alternatives, and **Ms. Herington** clarified that the current regulations focus on natural plant-based psychedelics, though the future might involve synthetic substances.

PLANNING COMMISSION DISCUSSION: (NONE)

STAFF COMMENTS: (NONE)

APPLICANT COMMENTS: (NONE)

PUBLIC COMMENTS: (NONE)

PC ACTION: MORAES MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 5A, FILE NUMBER LDC243 FOR EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT NATURAL MEDICINE UTILIZING THE ATTACHED RESOLUTION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: (9) SMITH, SCHUETTPELZ, CARLSON, TROWBRIDGE, BRITTIAN JACK, WHITNEY, BYERS, MORAES AND BAILEY.

IN OPPOSITION: (0) NONE

6. NON-ACTION ITEMS – MP232 – Jimmy Camp Creek hearing moved to January 16th, 2025

NON-ACTION ITEMS – Discussion of format for the minutes.

MEETING ADJOURNED at 12:40 P.M.

Minutes Prepared By: MM