



EL PASO COUNTY

COLORADO

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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Meggan Herington, AICP, Executive Director

RE: Project File Number: LDC243 - Land Development Code Amendment
Amendments to the El Paso County Land Development Code related to Natural Medicine

Commissioner District: All

Planning Commission Hearing Date	12/05/2024
Board of County Commissioners Hearing Date	12/17/2024

EXECUTIVE SUMMARY

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 adding language pertaining to natural medicine uses. The purpose of the amendment is to:

1. Add definitions for natural medicine-related uses, including defining Natural Medicine Business, Natural Medicine Healing Center, Natural Medicine Cultivation Facility, Natural Medicine Product Manufacturer, and Natural Medicine Testing Facility,
2. Add use specific development standards for Natural Medicine Business and Natural Medicine Personal Cultivation to include time, place, and manner regulations, and

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3. Add Natural Medicine Business to the table of principal uses establishing that the use of Natural Medicine Business is allowed in the CS, C-1, C-2, and M zone districts subject to development standards and site development plan approval.

A. BACKGROUND

In November 2022, Colorado voters approved Proposition 122. This citizen-initiated measure legalized the supervised use of natural medicine at state-licensed facilities and decriminalized the use of certain plants or fungi for people 21 years of age and older. From this, the Governor signed Senate Bill 23-290, Natural Medicine Regulation and Legalization, and the rulemaking process as it relates to the regulation of the natural medicine program in Colorado. The bill explicitly limits the County's ability to prohibit these uses outright. It does enable the County to regulate time, place, and manner of the operation of natural medicine-related facilities.

On December 31, 2024, the Colorado Department of Revenue (DOR) will begin licensing natural medicine businesses including cultivation, manufacturing, testing, storing, distribution, and dispensing. Currently, the term "natural medicine" includes psilocybin and psilocin. There is a recommendation to include Dimethyltryptamine (or DMT), Ibogaine, and Mescaline in the future through this same State licensing process.

Senate Bill 23-290 does not permit local jurisdictions to adopt regulations deemed unreasonable or in conflict with the Senate Bill. The local jurisdiction is not permitted to prohibit state licensed natural medicine businesses or prohibit a state licensed facilitator from providing natural medicine services.

The State regulations impose a distance requirement of 1,000 feet from a healing center license to a childcare center, preschool, elementary, middle, junior, or high school, or a residential childcare facility. The distance is calculated using a route of direct pedestrian access, and not a radius from the facility (44-50-302(d) (II) C.R.S.). However, a local jurisdiction may vary the distance requirement or eliminate one or more of these types of schools or facilities from the requirement.

Finally, Senate Bill 23-290 addresses private grows when describing various offenses relating to natural medicine and natural medicine products (18-18-434 C.R.S.). That section of the bill creates a drug petty offense if a person knowingly cultivates natural medicine in a cumulative area larger than 12 feet by 12 feet. The cultivation area must be within an enclosed and locked space (which can be a residence



or a locked room within a residence). All occupants of the home must be 21 years of age and over. Local jurisdictions may expressly permit larger cultivation areas on private property, but the statute does not expressly allow reducing the cultivation areas.

Psilocybin remains a Class 1 substance regulated by the Federal Government. Only Oregon and now Colorado have decriminalized and allowed psilocybin for clinical use.

Staff has reviewed natural medicine regulations from neighboring jurisdictions including the City of Colorado Springs, the City of Fountain, Arapahoe County, Douglas County, the Town of Castle Rock, and the Town of Parker. Since the State rule making only concluded recently, a majority of these communities are still working their way through the local ordinance and regulation process. Below is a summary of other local regulation processes as of November 22, 2024.

The City of Fountain Town Council passed a final ordinance on November 19, 2024. The ordinance restricts locations of natural medicine businesses to areas of the city zoned as Planned Industrial zone district, limits operating hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, and requires a natural medicine business to be a minimum of 1,000 feet away from property used or zoned for residential dwellings, schools or childcare facilities. The ordinance includes design criteria including air filtration, storage, and secure disposal.

The City of Colorado Springs has briefed the City Council and has a formal recommendation from the City Planning Commission. The staff is recommending allowing cultivation, manufacture, and testing in heavy mixed-use and industrial zones and classifying natural medicine healing center as a “medical office” with the additional restriction of a 1-mile buffer from schools, daycares, and drug and alcohol treatment facilities.

The Parker regulations separate uses by permitting natural medicine healing centers in the Business District and Commercial Zone Districts. The cultivation, manufacturing, and testing uses are allowed in the Light Industrial Zone District. The ordinance restricts the operating hours of natural medicine businesses to 8 a.m. to 5 p.m. Monday through Friday, requires screening the interior views of these businesses, and the mitigation of odors emitted by natural medicine businesses to a level undetectable beyond property boundaries. Parker regulations also require a 1,000-foot separation distance from residential areas for all natural medicine-related facilities.

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The Town of Castle Rock has proposed similar regulations to Parker but is considering restricting natural medicine-related businesses, including Healing Centers, to the I-1 Light Industrial and I-2 General Industrial Zone Districts within their municipal code. Castle Rock also extended the 1,000-foot distance requirement to residential areas.

Douglas and Arapahoe counties are also considering regulations comparable to Parker and Castle Rock.

B. REQUESTED AMENDMENTS

The current proposal closely follows the County medical marijuana licensing policies for location and buffer. The proposed amendment establishes Natural Medicine Businesses as allowed uses in the CS, C-1, C-2, and M zone districts within the County. To establish a Natural Medicine Business in one of these zones, a site development plan is required that meets the design criteria outlined in 5.2.38.

A Natural Medicine Business is defined as 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.

The amendment also includes setbacks to other uses as described in the medical marijuana licensing policy:

A Natural Medicine Business shall not be on the same lot, parcel, or tract and shall not be adjacent to, and shall not be within 1000 feet of the following:

- a lot, parcel, or tract where a residential use exists or is a principal allowed use under the Land Development Code
- the principal campus of a college, university, or seminary
- a public park
- a religious institution
- a state-licensed drug or alcohol treatment facility
- a state-licensed childcare facility or home
- a military installation

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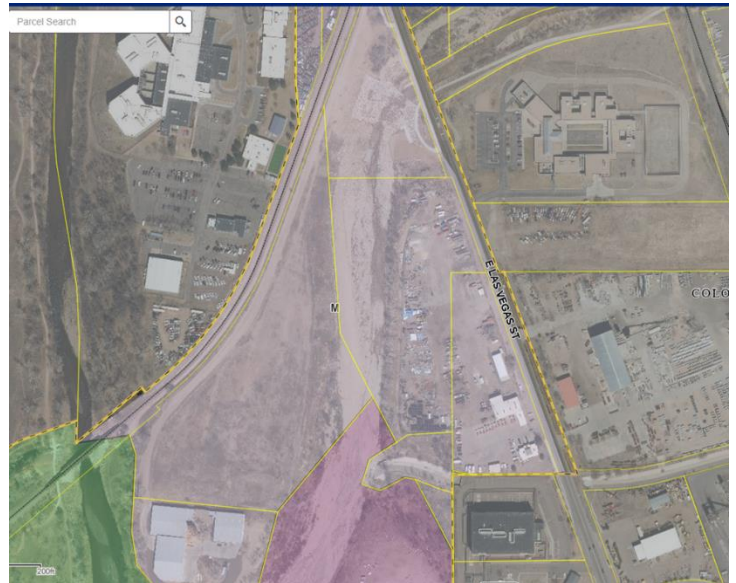
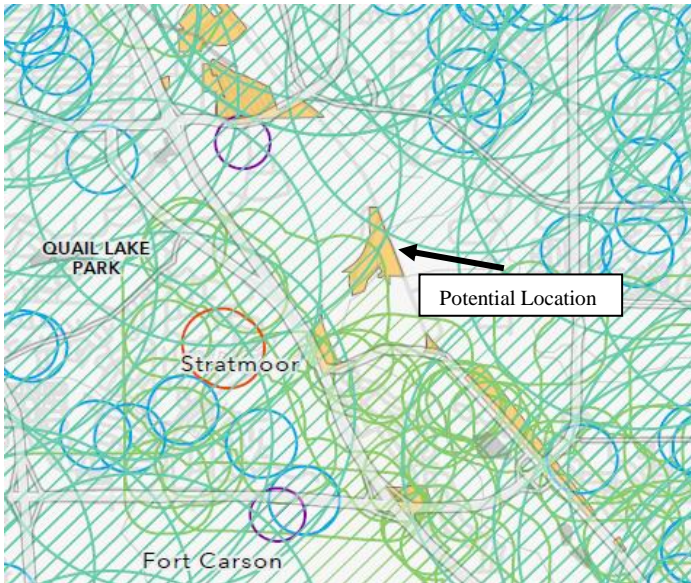


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One new concept for natural medicine regulation is the inclusion of a 1-mile setback/buffer from an elementary, secondary, or high school. Hours of operation, lighting, storage, and odor are also addressed in the code amendment proposal as described in figures 1, 2, and 3 attached to the staff report and made part of the proposed resolution.

Based on the locational recommendations outlined above, staff completed a mapping exercise to determine areas eligible to support Natural Medicine Businesses. There are properties within unincorporated El Paso County that could support a Natural Medicine Business. Those properties are dispersed; with properties on the east side of the City of Colorado Springs and more centralized to unincorporated El Paso County. Those potential areas are highlighted below on the map insets. County-wide maps applying the recommended buffers and zone district allowances are attached to the staff report.

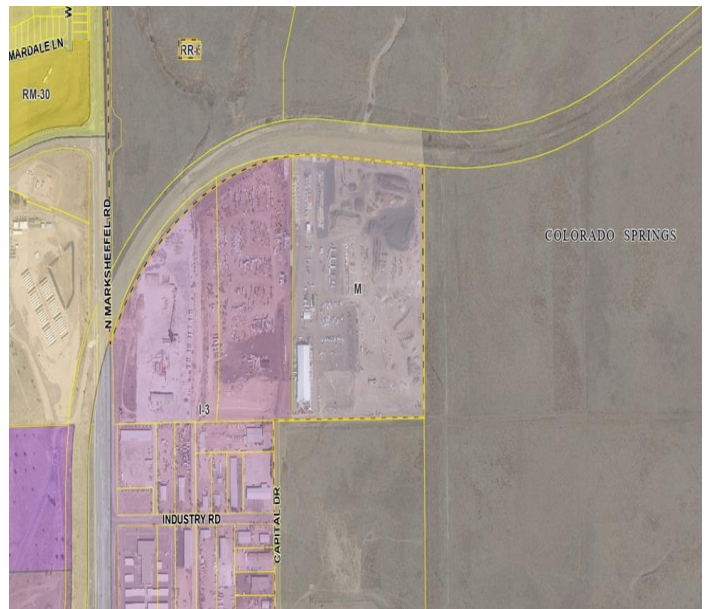
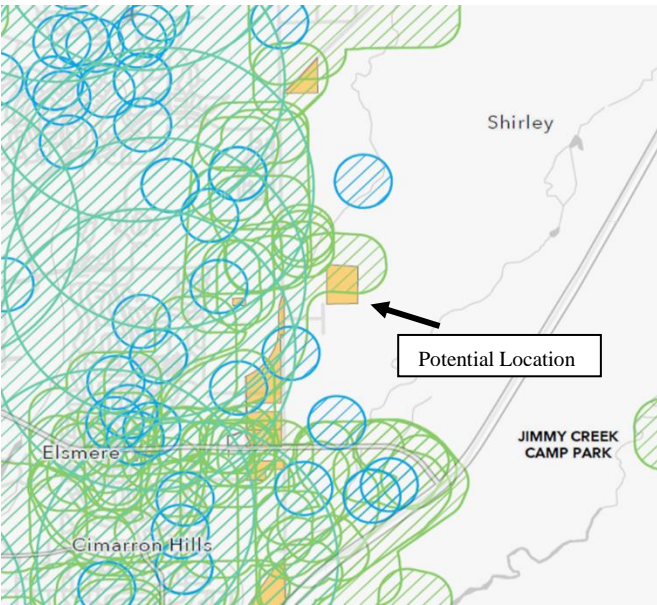
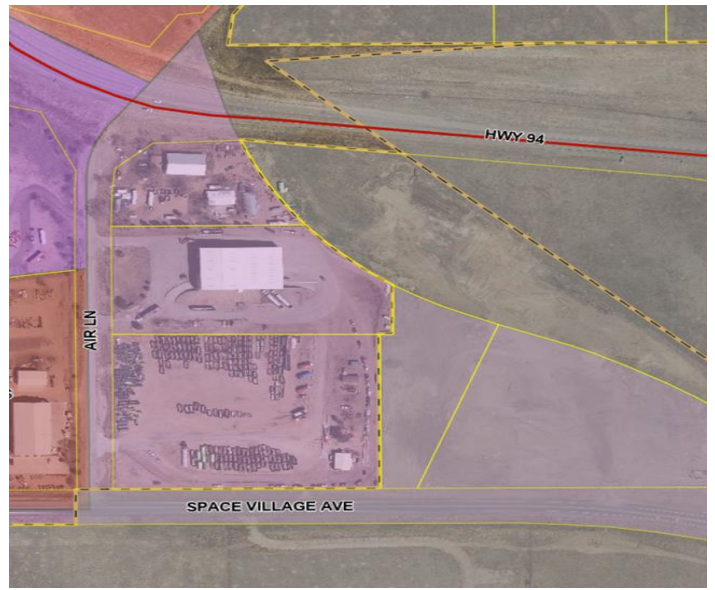
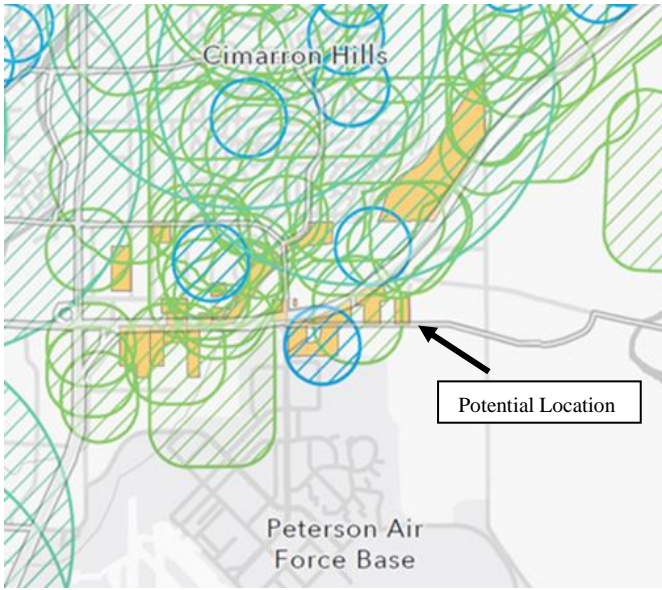


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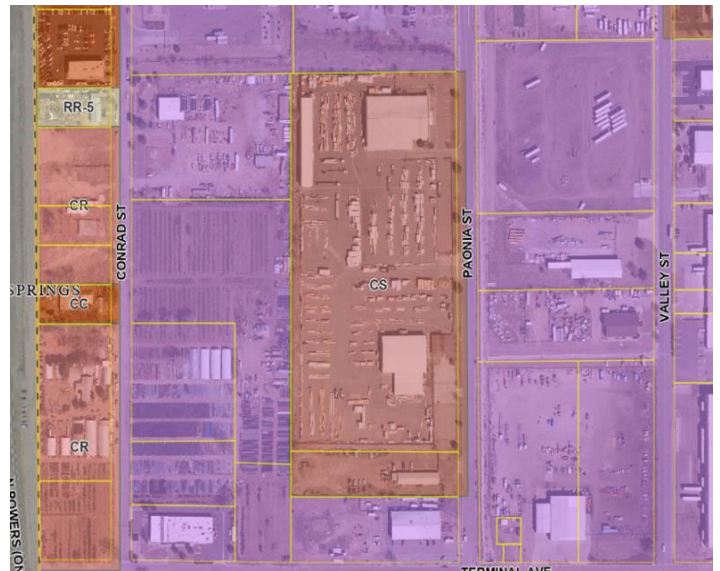
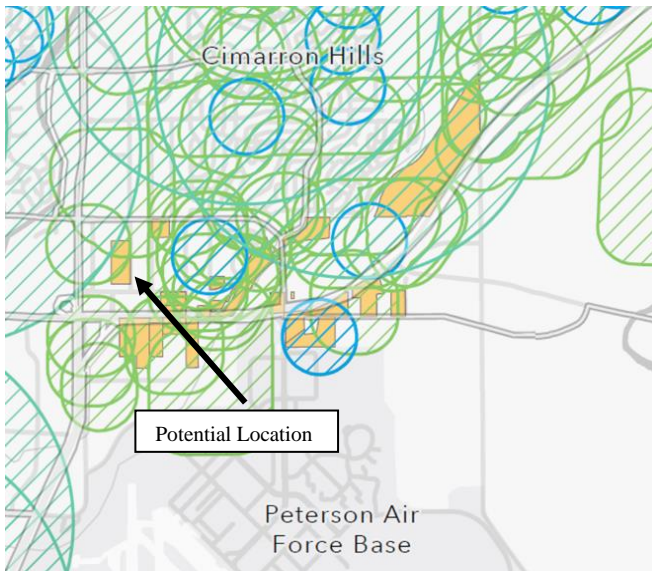
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C. MASTER PLAN ANALYSIS

The County's Land Development Code governs the use and development of property and provides a legal framework for implementing the Master Plan's recommendations. The purpose of the County's Land Development Code is to preserve and improve the public health, safety, and general welfare of the citizens and businesses of El Paso County, and to:

- o Implement the Master Plan and related elements.
- o Promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
- o Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
- o Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals, and the rights of the community as a whole.
- o Guide the future growth and development of the County in accordance with the Master Plan.

More specifically, the Master Plan identifies the need for periodic amendments to El Paso County's Land Development Code as stated below:

Code Amendments and Updates

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Your El Paso Master Plan establishes the overall vision for the character and intensity of land use and development throughout the County as well as the policies and goals related to infrastructure, transportation, facilities and services, the natural environment, and much more. To ensure the Land Development Code remains an effective tool for Master Plan implementation it should be reviewed and amended as necessary, particularly the zoning and development standards, to ensure consistency and alignment with the principles, goals, and recommendations of the Master Plan.

D. APPLICABLE RESOLUTIONS

See the attached Resolution.

E. STATUS OF MAJOR ISSUES

There are no major issues.

F. RECOMMENDED CONDITIONS AND NOTATIONS

No conditions or notations.

G. PUBLIC COMMENT AND NOTICE

The proposed Code amendments are posted to the Planning and Community Development Department’s website for public comment.

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in Gazette News pursuant to Colorado Revised Statute § 30-28-116.

H. ATTACHMENTS

- Figures 1, 2, and 3 - redlines of updated code language
- Buffer Map – with 1-mile from schools
- Planning Commission Draft Resolution
- Exhibit “A” to the Draft Resolution



Proposed language in RED

1.15. DEFINITIONS OF SPECIFIC TERMS AND PHRASES

The following represent the definitions of the terms and phrases used in this Code. The terms are in alphabetical order.

Natural Medicine - Psilocybin or psilocyn and other substances described in the Regulatory Act as natural medicine.

Natural Medicine Business - 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.

Natural Medicine Cultivation Facility - 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 Facilitator - An individual who is twenty-one years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to this article 170 or rules promulgated pursuant to this article 170, to perform and supervise natural medicine services for a participant; and is licensed by the director to engage in the practice of facilitation.

Natural Medicine Healing Center - A facility licensed by the state licensing authority pursuant to article 50 of title 44 that permits a facilitator to provide and supervise natural medicine services for a participant. which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural Medicine Product - A product infused with natural medicine that is intended for consumption.

Natural Medicine Product Manufacturer - manufactures regulated natural medicine products (following state statute and state rules); may be combined with a cultivation center.

Natural Medicine Services - A preparation session, administration session, and integration session provided pursuant to this article 170.

Natural Medicine Testing Facility - performs testing and research on natural medicine.

5.2. USE-SPECIFIC DEVELOPMENT STANDARDS

The use-specific development standards provided in this Section are those specific requirements that shall be met when establishing a use or conducting an activity within a particular zoning district. Specific uses may be subject to more than one set of standards.

5.2.5. Agricultural Structure Exemption from the Building Code

Agricultural structures in the A-35 zoning district with a minimum lot size of 35 acres are not subject to the requirements of this section. All other agricultural structures may receive an agricultural structure exemption from the Building Code if the following standards are met:

(D) Prohibited Structures, Materials, and Uses.

1. The following types of structures are prohibited:
 - Portable or temporary structures,
 - Shipping or storage containers,
 - Carports,
 - Canopies,
 - Mobile homes, and/or
 - Semi-trailers
2. The following types of construction materials are prohibited:
 - Tires,
 - Fabric, and/or
 - Tarpaulins
3. The following uses are prohibited in an agricultural structure that is exempt from the Building Code:
 - Commercial and/or non-commercially related uses allowing public access,
 - Marijuana related uses,
 - Natural medicine business,
 - Residential (personal storage, vehicle storage, etc.), and
 - Non-agricultural related uses
4. The PCD Director may prohibit any other structures, materials and uses if it is determined that it does not meet the intent of this Section.

5.2.38 Natural Medicine Business

(A) A Natural Medicine Business is prohibited within a residential zone district or dwelling unit.

(B) A Natural Medicine Business shall hold a valid State license and local and state Sales Tax licenses, as applicable.

(C) A Natural Medicine Business shall not collocate with any establishment that sells or serves alcohol or marijuana-related services.

(D) Natural Medicine shall not be cultivated outdoors.

(E) Setbacks to other uses.

1. A Natural Medicine Business shall not be on the same lot, parcel or tract as, shall not be adjacent to, and shall not be within 1000 feet of the following:
 - a lot, parcel or tract where a residential use exists or is a principal allowed use under the Land Development Code
 - the principal campus of a college, university or seminary
 - a public park
 - a religious institution
 - a state-licensed drug or alcohol treatment facility
 - a state-licensed childcare facility or home
 - a military installation
2. A Natural Medicine Business shall not be on the same lot, parcel or tract as, shall not be adjacent to, and shall not be within 1-mile of an elementary, secondary, or high school.
3. Distances shall be computed by direct measurement from the nearest property line of the land use set forth above to the nearest portion of the building in which the Natural Medicine Business is located, using a route of direct pedestrian access.

(F) Hours of operation. A Natural Medicine Business shall only operate between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(G) Public view of natural medicine businesses. All doorways, windows and other opening 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 shall occur indoors.

(H) Lighting of natural medicine businesses. Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees.

(I) 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.

(J) 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.

(K) 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.

5.2.39 Natural Medicine Personal Cultivation

(A) **Accessory to a Residential Use.** Personal cultivation of Natural Medicine shall only be an accessory use to a dwelling unit and may only occur in those zone districts where a residential use is allowed.

(B) **Located in Primary Residence.** Personal cultivation of Natural Medicine may only occur in the primary residence where all occupants are over 21 years old, or in an accessory structure on the same property.

(C) **Location within Primary Residence.** All personal cultivation of natural medicine must occur in a separate, enclosed, locked space, not to exceed 12 feet by 12 feet for a single-family dwelling.

(D) **Cannot be Considered a Home Occupation.** In no instance may personal cultivation of natural medicine qualify as a home occupation.

(E) **Cannot be Perceptible.** The odor of natural medicine shall not be detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, or building unit. Personal cultivation of natural medicine shall not be perceptible from the exterior of the dwelling unit or accessory structure visually or as a result of undue parking or vehicular or foot traffic.

5.2.4547. Residential Accessory Structures and Uses

The following structures and uses are considered accessory to a residential use, as further detailed in Table 5-2:

- Detached private parking garage or carport;
- Storage shed;
- Gazebo;
- Deck (attached or detached, covered or uncovered);
- Pets;
- Agricultural Structures;
- Swimming pool, hot tub, tennis court or similar private recreational facility;
- Personal greenhouse;
- Personal cultivation of marijuana;

- Personal cultivation of natural medicine;

- Fence, wall and hedge;
- Antennas, radio facilities, and satellite dishes, subject to the requirements of this Code;
- Yard sales;
- Solar energy systems and wind-powered generator; and
- Airplane hangar for personal use on property 2.5 acres or greater, where the property owner can demonstrate authority to utilize an adjacent or nearby airport or private airport.

Accessory uses shall meet the general accessory structure and use standards, any applicable specific accessory use standards, and the general development standards in Chapter 6.

Use Type	Agricultural Zoning Districts			Residential Zoning Districts													Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use	Site Developme	Site Plan Required to	
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M	R-4				
Acid Manufacturing																				S			S				YES		
Adult Care Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴												YES	YES	
Agricultural Business		S																										YES	
Agricultural Structure Exemption from the Building Code	A	A	A	A																							YES	YES	
Agricultural Stand	A	A	A	A																							YES	YES	
Agritainment	A ⁷	A ⁷	A ⁷	A ⁷																							YES	YES	
Airstrip, Personal		S																											YES
Amusement Center, Indoor																	S	A	A				A	A	A			YES	
Amusement Center, Outdoor	S	S	S ¹														S	S	S			S	S	A			YES		
Animal Refuge	S	S	S	S																								YES	
Auction Facility		S	S														S	A	A				A	A			YES	YES	
Automobile and Boat Storage Yards																	S		A	A	A			A			YES	YES	
Automobile and Trailer Sales																	S	S	A	S	S			A			YES		
Bakery, Retail																	A	A	A					A				YES	
Bakery, Wholesale																			A	A	A			A				YES	
Bar																	A	A	A				A	A	A			YES	
Barber/Beauty Shop																	A	A	A				A	A	A			YES	
Batch Plant																					S			S				YES	
Batch Plant, Temporary	T	T	T	T	T	T	T	T	T	T	T	T					T	T	T	T	T	T	T	T	T	T	YES	YES	
Bed and Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S															YES	YES	
Billiard Parlor																	A	A	A				A	A	A			YES	
Boarding House										A	A						S	S	A				S	S	A			YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Bottling Works																		A	A	A		A	A			YES			
Business Event Center	S ¹	S	S														A	A	A			S	S	A			YES		
Car Wash																	A	A	A			A	A	A			YES		
Carnival or Circus																	T	T	T							YES	YES		
Cement Manufacturing																					S			S			YES		
Cemetery	S	S	S	S	S	S																					YES		
Child Care Center	S ⁴	S ⁴	S ⁴	S ⁴	S ⁴	S ⁴	S ⁴	S ⁴	S ⁴	A	A	S ⁴	S ⁴	S ⁴	S ⁴		A	S	A			A	A	S		YES	YES		
Christmas Tree Sales																	T	T	T			T	T	T				YES	
Club	S		S														A	A	A			A	A	A			YES		
CMRS Facility, Freestanding		S															S	S	S	S	S	S	S	S		YES	YES		
CMRS Facility, Small Cell	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES	YES	
CMRS Facility, Stealth	S	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A	A	A	YES	YES		
Commercial or Retail as Part of Overall Shopping Center																	A	A	A			A	A	A			YES		
Community Building	S	S	S	S	S	S	S	S	S	S	S	S	A	A	A	A	A	A	A			S	S	A			YES		
Composting Facility																					S			S			YES		
Construction Equipment Storage and Field Offices, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	YES	YES		

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Contractor's Equipment Yard																			S	S	A		S	A			YES		
Convenience Store																	A	A	A			A	A	A			YES		
Copy Shop																	A	A	A			A	A	A			YES		
Dairy		A ³	A ³	A ³																				S			YES		
Dry Cleaning Plant																			A	A			A				YES		
Dwelling, Attached Single-Family								A ⁸	A ⁸	A ⁸	A ⁸															YES		YES	
Dwelling, Detached Single-Family	A	A	A	A	A	A	A	A	A	A ⁸	A ⁸	A												S				YES	
Dwelling, Multifamily										A ⁸	A ⁸																YES		
Dwelling, Two-Family	S ⁸	A ⁸	S ⁸	S ⁸		S ⁸				A ⁸	A ⁸		S ⁸															YES	
Educational Institution, Private	S	S	S	S	S	S	S	S	S	S	S	S	S				S	S	S			S	S	A			YES		
Educational Institution, Public	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A	A	A	A	A	A	A	A	A	A		YES	
Electronic, Electrical, Communication Equipment Manufacturing																				A	A			A				YES	
Emergency Facility, Private	S	S	S	S	S	S	S	S	S	S	S	S	S	S			A	A	A	A	A	S	S	S			YES		
Emergency Facility, Public	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		YES	
Energy Generation Facilities less than 50 MW																					S			S			YES		
Explosives Manufacturing																					S			S			YES		

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Family Care Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴																					YES		YES								
Farm	A ³	A ³	A ³	A ³																																									
Fertilizer Manufacturing																						S				S										YES									
Financial Institution																											A	A	A				A	A	A			YES							
Firewood Sales		S ²	S ²																																			YES							
Fireworks Sales																											T	T	T				T	T	T			YES		YES					
Flea Market																											S	A	S	S	S									YES					
Food Processing																													A	A	A				A	A				YES					
Freight Terminal																													S	A	A										YES				
Fuel Sales and Storage																													S	S				S	S						YES				
Funeral Home																											S	A	A				A	A	A						YES				
Garbage Service Facility																													A	A	A										YES				
Gas Station																											A	A	A							A	A					YES			
Glue Manufacturing																														S											YES				
Golf Course	S	S	S	S																															S	S	A					YES			
Greenhouse	A	A	A	A																																							YES		
Greenhouse (>1 acre)	S	S	S	S																																							YES		
Group Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴																											YES		YES	
Half-Way House	S	S	S	S																																								YES	
Hazardous Material Storage																															S	S												YES	
Hazardous Waste Disposal Facility																															S											YES	YES		
Health Club																																												YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Heavy Equipment Rental, Sales or Storage																			S	S	A		A	A			YES	
Home Improvement Center																	S	A	A	A	A		A	A			YES	
Hospital											S						A	A	S			S	S	A			YES	
Hospital, Convalescent	S	S	S							S	S						S	S	S			S	S	A			YES	
Hospital, Veterinary	S	S	S	S													S	S	S			S	S	A			YES	
Hotel																	S	S	A			A	A	A			YES	
Human Service Shelter																	S	S	A			S	S	S			YES	
Inert Material Disposal Site	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		YES		YES
Inert Material Disposal Site-Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES		YES
Infectious Waste Transfer Station																				S	S			S		YES	YES	
Institution, Philanthropic	S		S	S	S	S											A	A	A			S	S	A			YES	
Kennel, Major	S	A ²	S	S							S						S	A	A	A		A	A	A		YES	YES	
Kennel, Minor	A ¹	A ¹	A ¹	A ¹	S	S	S	S	S			A ¹					A	A	A	A		A	A	A		YES		YES
Laboratory																	S		S	A	A	A	A	A			YES	
Laundromat																	A	A	A					A			YES	
Library	S		S	S						S	S						A	A	A			S	S	A			YES	
Light Industry																			S	A	A		S	A			YES	
Light Manufacturing																			S	A	A		S	A			YES	
Liquor Store																	A	A	A			A	A	A			YES	
Livestock	A	A	A	A	A	A ⁵						A												A		YES		

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Livestock Feed Yard		S ³	S ³																		S			S			YES		
Livestock Sales Yard		A ³	S ²																		S		S	S			YES		
Lumber Yard		S	S														S	S	S	A	A		A	A			YES		
Manufactured Home	A	A	A	A	A	A	A	A	A			A		A										S				YES	
Marijuana Club ⁶																													
Marijuana Land Use, Medical																			A				A	A	A			YES	
Meat Processing, Custom		S	S																A	A	A							YES	
Medical Clinic																	A	A	A					A				YES	
Metal Processing Plant																					S			S				YES	
Mineral and Natural Resource Extraction Operations, Commercial	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	YES	YES	
Mineral Processing Plant																					S			S				YES	
Mining, Construction-Related	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	YES		YES
Mini-Warehouse																	S		A	A	A			A				YES	
Mixed-Use Residential Units																	S	S	S								YES	YES	
Mobile Home, Post- 1976		A	A	A									A	A	A												YES		YES
Model Home/Subdivision Sales Office	T	T	T	T	T	T	T	T	T	T	T		T														YES		YES
Museum	S	S	S														A	A	A				S	S	A			YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

<u>Natural Medicine Business</u>																			<u>A</u>			<u>A</u>	<u>A</u>	<u>A</u>		<u>YES</u>	<u>YES</u>		
Night Club																		S	A	S				A				YES	
Nursery, Retail																		A	A	A			A	A	A			YES	
Nursery, Wholesale	A	A ¹	A	A													S		A	A	A			A				YES	
Office, General																	A	A	A	S			A	A	A			YES	
Off-Premise Sign																	S		S		S		S	S	S		YES	YES	
Outdoor Concert			S ²																					A				YES	
Outside Storage																				S	A			A			YES	YES	
Over the Air Reception Devices	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES		
Parking Garage																	A	A	A					A				YES	
Parking Lot																	A	A	A				A	A	A			YES	
Peddler Sales																	T	T	T				T	T	T		YES		YES
Petroleum Refining																					S			S				YES	
Plaster Manufacturing																					S			S				YES	
Prison, Private		S															S		S	S	S			S				YES	
Proprietary School																	A	A	A	S				A				YES	
Public Building, Way or Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES	YES	
Public Park and Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	YES		
Publishing Companies																			S	A	A			A				YES	
Race Track		S ²	S ²																		S			A				YES	
Ranch	A ³	A ³	A ³	A ³																									
Recreation Camp	S	S	S	S								S																YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Recreational Vehicle and Boat Storage																	S		A	A	A			A			YES		
Recycling Facility																					A			A			YES	YES	
Rehabilitation Facility									S	S							A	A	A				A	A	A			YES	
Religious Housing		S								A	A																	YES	
Religious Institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A	A			YES	
Rendering Plant		S	S ²																		S			S				YES	
Rental Services																	A	A	A	S	S		A	A	A			YES	
Repair Shop																	A	A	A				A	A	A			YES	
Restaurant																	A	A	A				A	A	A			YES	
Retail Sales, General																	A	A	A	S	S		A	A	A			YES	
Retirement Center									A	A																		YES	
Riding Academy	S ²	A ²	S ²	S ²							S ²													A			YES		
Rodeo		S ²	S ²																					A				YES	
Salvage Yard																						S			S		YES	YES	
Sawmill	S ²	S ²	S ²																			A			A			YES	
Seasonal Produce Sales																	T	T	T				T	T	T		YES		YES
Sexually-Oriented Business																	A		A				A	A	A		YES	YES	
Shooting Range, Outdoor	S ²	S ²	S ²																									YES	
Shopping Center																		A	A						A			YES	
Slaughterhouse																						S			S			YES	
Smelter																						S			S			YES	
Solar Farm		S																				S						YES	
Solid Waste Disposal Site and Facility		S	S																			S			S		YES	YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Stables, Commercial	S ²	A ²	S ²	S ²																			A			YES	
Stables, Private	A	A	A	A	A	A ⁵																				YES	YES
Store															A	A	A	S	S	A	A	A				YES	
Studio															A	A	A			A	A	A				YES	
Tannery																			S			S				YES	
Temporary Housing	T	T	T	T																					YES	YES	
Theater															S	A	A			A	A	A				YES	
Theater, Outdoor	S		S												S	S	S			S	S	A				YES	
Tiny House, Recreational Vehicle Park														A												YES	
Tiny House, Single Lot	A	A	A	A								A	A	A	A											YES	YES
Tower, Commercial (non CMRS)		S													S	S	S	S	S	S	S	S			YES	YES	
Trash Transfer Facility																			S			S			YES	YES	
Tree Farm	A	A	A	A																							
Truck and Recreational Vehicle Repair Garage																	A	S	A			A			YES	YES	
Truck Farm		A ²	A																								
Truck Stop		S ²															S ²		S ²							YES	
Vehicle Repair Garage, Commercial															S	S	A	S	S		A	A			YES	YES	
Warehouse															S		A	A	A		A	A				YES	
Warehouse, Flammable Material																			S			S				YES	
Waste Tire Recycling			S																S			S			YES	YES	

El Paso County, Colorado, Land Development Code
Table 5-1. Principal Uses.

Wholesale Business																		S		A	A	A		A	A			YES		
Wind/Meteorological Measuring Facilities	S	S	S	S									S								S					S		YES		YES
Wood Sales (Firewood)	S	S	S																	S								YES		
Yard Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	T	T	T	YES			

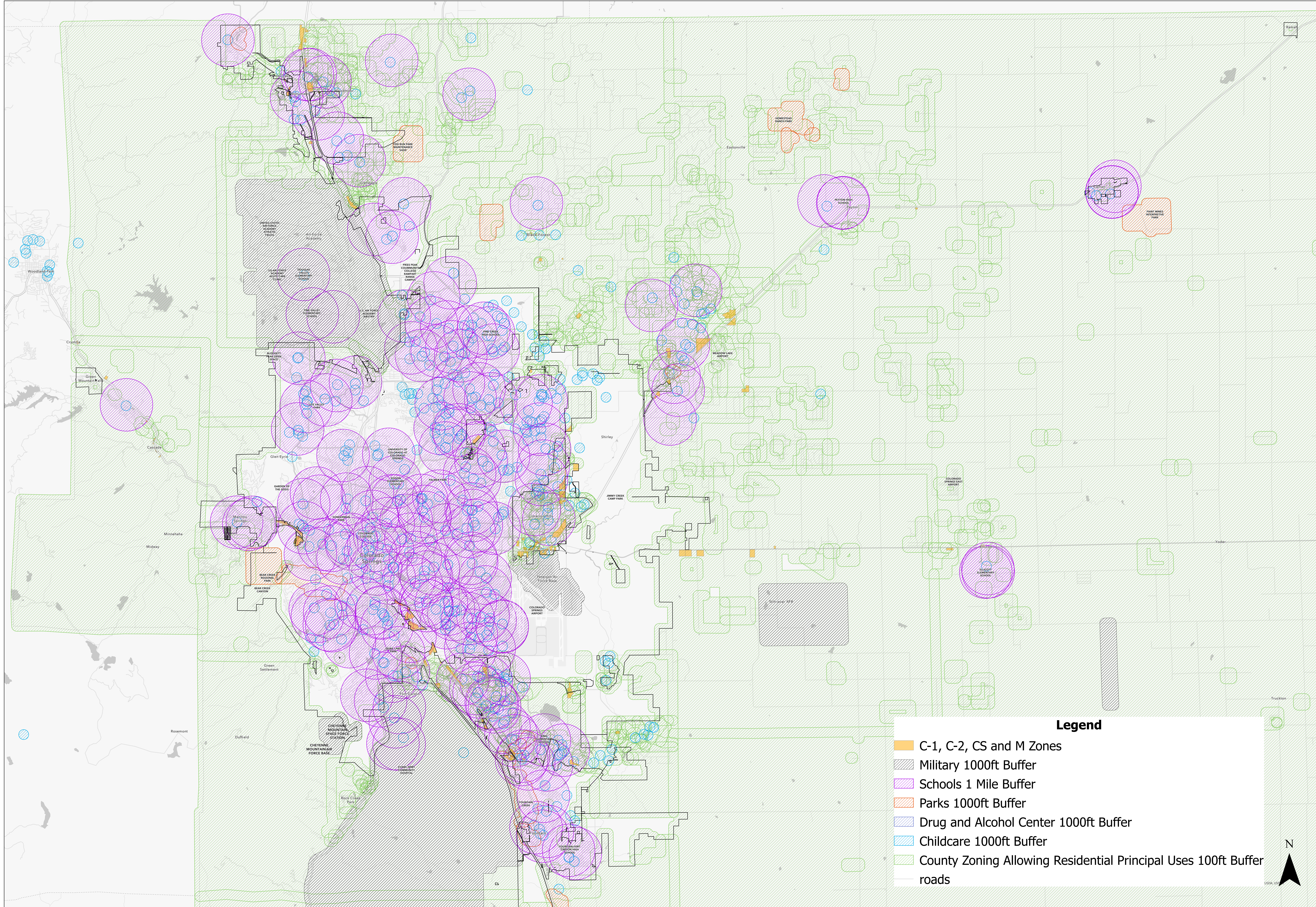
**Table 5-1.
Principal
Uses.**

Notes:

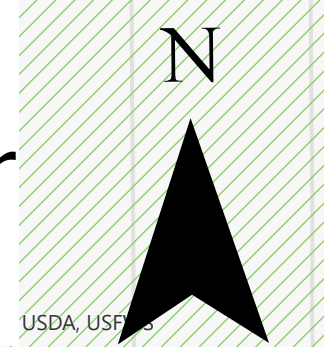
"A" = Allowed Use, "S" = Special Use, "T" = Temporary Use

- ¹ Minimum lot area of 5 acres irrespective of nonconforming lot or parcel status.
- ² Minimum lot area of 10 acres irrespective of nonconforming lot or parcel status.
- ³ Minimum lot area of 35 acres irrespective of nonconforming lot or parcel status.
- ⁴ Use may be an allowed use or special use depending on size and other criteria. See specific use criteria.
- ⁵ A minimum of 1 acre is required.
- ⁶ Marijuana Club is prohibited in all zoning districts.
- ⁷ Minimum area of 35 acres. When less than 35 acres a special use is required.
- ⁸ Use requires central water and wastewater services.
- ⁹ The 1 acre size limitation shall be a combined total footprint of all greenhouses on the subject lot or parcel.

Natural Medicine Centers Separation



- Legend**
- C-1, C-2, CS and M Zones
 - Military 1000ft Buffer
 - Schools 1 Mile Buffer
 - Parks 1000ft Buffer
 - Drug and Alcohol Center 1000ft Buffer
 - Childcare 1000ft Buffer
 - County Zoning Allowing Residential Principal Uses 100ft Buffer
 - roads



AMENDMENT TO THE LAND DEVELOPMENT CODE (Recommend Approval)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. LDC243

EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT

NATURAL MEDICINE

WHEREAS, the Planning and Community Development Department of El Paso County requests approval of Amendment(s) as represented on attached Exhibit "A":

WHEREAS, a public hearing was held by this Commission on Thursday, December 5, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the Planning Commission Members during the hearing, this Commission finds as follows:

1. The proposed amendment(s) to the El Paso County Land Development Code were properly submitted for consideration by the Planning Commission.
2. Proper publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. All data, surveys, analyses, and studies, as are required by the State of Colorado and El Paso County have been submitted, reviewed, and were recieved into evidence and found to meet the intent of the Introductory Provisions of the Land Development Code.
5. For the above-stated and other reasons, the proposed Amendment(s) are in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends approval of the proposed amendment(s) as describe above of the El Paso County Land

PC Resolution
2 of 2

Development Code, including other conforming amendments as represented on the attached Exhibit "A" by underlining (additions) and strike-through (deletions):

AND BE IT FURTHER RESOLVED that, in the case of any inconsistency with these amendment(s) and any previous Zoning Regulations, these revision(s) shall prevail.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

AND BE IT FURTHER RESOLVED that the Commission recommends that the Board of County Commissioners direct the Executive Director of Planning and Community Development to develop procedures as required by state law for public notice of and the submission of written comments on applications for administrative plat approval and for the appeal of administrative plat approval or denial to the Board of County Commissioners.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of ___ to ___ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of December 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

1.15. DEFINITIONS OF SPECIFIC TERMS AND PHRASES

The following represent the definitions of the terms and phrases used in this Code. The terms are in alphabetical order.

Natural Medicine - Psilocybin or psilocyn and other substances described in the Regulatory Act as natural medicine.

Natural Medicine Business - 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.

Natural Medicine Cultivation Facility - 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 Facilitator - An individual who is twenty-one years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to this article 170 or rules promulgated pursuant to this article 170, to perform and supervise natural medicine services for a participant; and is licensed by the director to engage in the practice of facilitation.

Natural Medicine Healing Center - A facility licensed by the state licensing authority pursuant to article 50 of title 44 that permits a facilitator to provide and supervise natural medicine services for a participant. which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural Medicine Product - A product infused with natural medicine that is intended for consumption.

Natural Medicine Product Manufacturer - manufactures regulated natural medicine products (following state statute and state rules); may be combined with a cultivation center.

Natural Medicine Services - A preparation session, administration session, and integration session provided pursuant to this article 170.

Natural Medicine Testing Facility - performs testing and research on natural medicine.

5.2. USE-SPECIFIC DEVELOPMENT STANDARDS

The use-specific development standards provided in this Section are those specific requirements that shall be met when establishing a use or conducting an activity within

a particular zoning district. Specific uses may be subject to more than one set of standards.

5.2.5. Agricultural Structure Exemption from the Building Code

Agricultural structures in the A-35 zoning district with a minimum lot size of 35 acres are not subject to the requirements of this section. All other agricultural structures may receive an agricultural structure exemption from the Building Code if the following standards are met:

(D) Prohibited Structures, Materials, and Uses.

1. The following types of structures are prohibited:
 - Portable or temporary structures,
 - Shipping or storage containers,
 - Carports,
 - Canopies,
 - Mobile homes, and/or
 - Semi-trailers
2. The following types of construction materials are prohibited:
 - Tires,
 - Fabric, and/or
 - Tarpaulins
3. The following uses are prohibited in an agricultural structure that is exempt from the Building Code:
 - Commercial and/or non-commercially related uses allowing public access,
 - Marijuana related uses,
 - Natural medicine business,
 - Residential (personal storage, vehicle storage, etc.), and
 - Non-agricultural related uses
4. The PCD Director may prohibit any other structures, materials and uses if it is determined that it does not meet the intent of this Section.

5.2.38 Natural Medicine Business

(A) A Natural Medicine Business is prohibited within a residential zone district or dwelling unit.

(B) A Natural Medicine Business shall hold a valid State license and local and state Sales Tax licenses, as applicable.

(C) A Natural Medicine Business shall not collocate with any establishment that sells or serves alcohol or marijuana-related services.

(D) Natural Medicine shall not be cultivated outdoors.

(E) Setbacks to other uses.

1. A Natural Medicine Business shall not be on the same lot, parcel or tract as, shall not be adjacent to, and shall not be within 1000 feet of the following:
 - a lot, parcel or tract where a residential use exists or is a principal allowed use under the Land Development Code
 - the principal campus of a college, university or seminary
 - a public park
 - a religious institution
 - a state-licensed drug or alcohol treatment facility
 - a state-licensed childcare facility or home
 - a military installation
2. A Natural Medicine Business shall not be on the same lot, parcel or tract as, shall not be adjacent to, and shall not be within 1-mile of an elementary, secondary, or high school.
3. Distances shall be computed by direct measurement from the nearest property line of the land use set forth above to the nearest portion of the building in which the Natural Medicine Business is located, using a route of direct pedestrian access.

(F) Hours of operation. A Natural Medicine Business shall only operate between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(G) Public view of natural medicine businesses. All doorways, windows and other opening 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 shall occur indoors.

(H) Lighting of natural medicine businesses. Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees.

(I) 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.

(J) 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.

(K) **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.

5.2.39 **Natural Medicine Personal Cultivation**

(A) **Accessory to a Residential Use.** Personal cultivation of Natural Medicine shall only be an accessory use to a dwelling unit and may only occur in those zone districts where a residential use is allowed.

(B) **Located in Primary Residence.** Personal cultivation of Natural Medicine may only occur in the primary residence where all occupants are over 21 years old, or in an accessory structure on the same property.

(C) **Location within Primary Residence.** All personal cultivation of natural medicine must occur in a separate, enclosed, locked space, not to exceed 12 feet by 12 feet for a single-family dwelling.

(D) **Cannot be Considered a Home Occupation.** In no instance may personal cultivation of natural medicine qualify as a home occupation.

(E) **Cannot be Perceptible.** The odor of natural medicine shall not be detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, or building unit. Personal cultivation of natural medicine shall not be perceptible from the exterior of the dwelling unit or accessory structure visually or as a result of undue parking or vehicular or foot traffic.

5.2.3840. Oil and/or Gas Operations

5.2.3941. Outdoor Sales and Display

5.2.4042. Outside Storage

5.2.4143. Over The Air Reception Devices

5.2.4244. Parking, Storage and Repair of Vehicles and Machines, Personal

5.2.4345. Peddler Sales

5.2.4446. Public Building, Project, Way, Place, or Space

5.2.4547. Residential Accessory Structures and Uses

The following structures and uses are considered accessory to a residential use, as further detailed in Table 5-2:

- Detached private parking garage or carport;
- Storage shed;
- Gazebo;
- Deck (attached or detached, covered or uncovered);

- Pets;
- Agricultural Structures;
- Swimming pool, hot tub, tennis court or similar private recreational facility;
- Personal greenhouse;
- Personal cultivation of marijuana;
- Personal cultivation of natural medicine;
- Fence, wall and hedge;
- Antennas, radio facilities, and satellite dishes, subject to the requirements of this Code;
- Yard sales;
- Solar energy systems and wind-powered generator; and
- Airplane hangar for personal use on property 2.5 acres or greater, where the property owner can demonstrate authority to utilize an adjacent or nearby airport or private airport.

Accessory uses shall meet the general accessory structure and use standards, any applicable specific accessory use standards, and the general development standards in Chapter 6.

5.2.4648. Retail Sales, Accessory

5.2.4749. Salvage Yards

5.2.4850. Seasonal Produce Sales

5.2.4951. Sexually-Oriented Businesses

5.2.5052. Shipping Containers

5.2.5153. Shipping Containers, Temporary

5.2.5254 Solar Energy System

5.2.5355. Temporary Housing

5.2.5456. Tiny House, Recreational Vehicle Park

5.2.5557. Tiny House, Single Lot

5.2.5658. Tower, Commercial (Non-Commercial Mobile Radio Service Facility)

5.2.5759. Tower, Private (Non-CMRS)

5.2.5860. Vehicle Repair Garage, Commercial (Including Truck and Recreational Vehicle Repair)

5.2.5961. Waste Disposal, Hazardous Waste, and Recycling Facilities

5.2.6062. Wholesaling, Accessory Use

5.2.6163. Wildlife Rehabilitation

5.2.6264. Wind Energy Generation Facilities (see Section 4.3.5 Wind and/or Solar Energy Generation Plan Overlay District)

5.2.6365. Wind-Powered Generators

5.2.6466. Wind/Meteorological Measuring Facility

5.2.6567. Yard Sales

Table 5-1. Principal Uses.

Use Type	Agricultural Zoning Districts			Residential Zoning Districts												Commercial Zoning Districts			Industrial Zoning Districts		Obsolete Zoning Districts				Subject to Specific Use Site	Developme	Site Plan Required to		
	F-5	A-35	A-5	RR-5	RR-2.5	RR-0.5	RS-20000	RS-6000	RS-5000	RM-12	RM-30	RT	MHP	MHS	MHPR	RVP	CC	CR	CS	I-2	I-3	C-1	C-2	M				R-4	
Natural Medicine Business																			A				A	A	A		YES	YES	