

AMENDMENT TO THE LAND DEVELOPMENT CODE (Recommend Approval)

MORAES 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

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.

SMITH seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 9 to 0 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 C.R.S. Title 12, Article 170 or rules promulgated pursuant to 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 C.R.S. Title 44, Section 50 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 a 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 C.R.S. Title 12, 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 Development 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