

ORDINANCE NO. 35-2024

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE
FOR USES RELATED TO NATURAL MEDICINE**

WHEREAS, the City of Alamosa, Colorado (City) is duly organized and validly exists as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, in 2022, voters in the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include a new Article 170, which is now designated as the “Natural Medicine Health Act of 2022” (Act); and

WHEREAS, C.R.S. § 12-170-104(12)(a)(I)-(II) establishes that “natural medicine” currently applies to psilocybin and psilocin; and

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

WHEREAS, C.R.S. § 12-170-101, et seq. establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (DOR) to promulgate and enact regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a municipality shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt ordinances that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a municipality shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

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

WHEREAS, under the City’s current Unified Development Code, the operation of Natural Medicine facilities and operations and Healing Centers are not currently enumerated; and

WHEREAS, City Council wishes to establish land use regulations and standards related to natural medicine uses.

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Amendment of Table 21-2-203A “Civic, Education, and Health Care Land Uses”. This change is enacted to add Natural Healing Centers as a new use class under the Health Care land use heading, such that Table 21-2-203A shall read in its entirety as follows:

Table 21-2-203A Civic, Education, and Health Care Land Uses													
Land Use	Zones											Ref.	
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A		
Civic													
Cemetery or Mausoleum	-	-	-	-	-	-	-	-	-	P	P	-	
City Facilities	P	P	P	P	P	P	P	P	P	P	P	-	
Funeral Home or Crematorium	-	-	-	-	-	P	P	-	-	P	-	-	
Place of Assembly	L	-	L	P	P	P	P	P	L	P	-	(b)(1)	
Protective Care	-	-	-	-	-	-	-	C	-	-	C	(b)(2)	
Day Care													
Adult Day Care	-	-	-	-	-	P	P	-	-	P	-	-	
Child Care Center, Small	L	L	L	L	L	P	P	L	-	P	-	(b)(3)	
Child Care Center, Large	L	-	-	L	L	P	P	L	-	P	-	(b)(4)	
Family Child Care Home	P	P	P	P	P	P	-	-	-	P	P	-	
Education													
School	L	L	L	L	L	P	P	C	C	P	-	(b)(5)	
College or University	-	-	-	-	-	P	P	L	-	P	-	(b)(6)	
Vocational School / Job Training Center	-	-	-	-	-	L	L	L	-	P	-	(b)(7)	
Health Care													
Hospital or Emergency Room	-	-	-	-	-	C	P	-	-	P	-	(b)(8)	
Medical Office or Clinic	-	-	-	-	-	P	P	-	L	P	-	(b)(9)	
Natural Medicine Healing Center	-	-	-	-	-	-	L	L	-	-	-	(b)(10)	

Section 2. Amendment of Section 21-2-203(b). This change is to add a new subsection (10) Section 21-2-203(b) in order to list the limitations for Natural Medicine Healing Centers, which shall read as follows:

(10) *Natural Medicine Healing Center.* Natural Medicine Healing Centers are allowed in the CB and I zones, so long as operation occurs between 7:00 A.M. and 7:00 P.M. and the use is located at least 1000 feet away from schools and licensed childcare facilities

Section 3. Amendment of Table 21-2-206A. This change is enacted to add Natural Medicine testing facilities to the existing Marijuana testing facility land use, such that Table 21-2-206A shall read in its entirety as follows:

Table 21-2-206A													
Industry, Transportation, Storage, and Disposal Land Uses													
Land Use	Zones											Ref.	
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A		
Industry													
Heavy Industry	-	-	-	-	-	-	-	L	-	L	-	(b)(1)	
Light Industry	-	-	-	-	-	L	L	P	C	L	-	(b)(2)	
Marijuana or Natural Medicine Testing Facility	-	-	-	-	-	-	-	C	-	C	-	(b)(3)	
Resource Extraction, Minerals	-	-	-	-	-	-	-	L	-	-	P	(b)(4)	
Resource Extraction, Oil and Gas	-	-	-	-	-	-	-	-	-	-	P	-	
Transportation													
Airport	-	-	-	-	-	-	-	C	-	-	L	(b)(5)	
Heavy Logistics	-	-	-	-	-	-	-	L	-	-	-	(b)(6)	
Helistop	-	-	-	-	-	-	-	C	-	L	L	(b)(7)	
Storage													
Outdoor Storage Yard	-	-	-	-	-	-	-	L	-	L	-	(b)(8)	
Self-Storage	-	-	-	-	-	L	P	P	-	L	-	(b)(9)	
Disposal													
Salvage or Junk Yard	-	-	-	-	-	-	-	C	-	-	-	(b)(10)	
Transfer Station	-	-	-	-	-	-	-	C	-	L	C	(b)(11)	

Section 4. Amendment of Section 21-2-206(b)(3). This change is enacted to add Natural Medicine testing facilities to the Marijuana testing facility limitations contained in Section 21-2-206(b)(3) such that the section shall read in its entirety as follows:

(3) *Marijuana or Natural Medicine Testing Facility.* Marijuana or Natural Medicine testing facilities may be allowed if:

- a. In the I Zone, the facility is located not less than 1,000 feet from any other marijuana or Natural Medicine testing facility.
- b. In the CA Zone:
 - i. The facility is located not less than 1,000 feet from any other marijuana or natural medicine testing facility; and
 - ii. The use is related to the purpose of the campus.

Section 5. Amendment of Section 21-11-203. - Definitions. This change is enacted to add new or modify existing definitions to section 21-11-203 as follows:

COMMERCIAL AGRICULTURE means the science and art of production of plants, fungi, and animals useful to humans, including the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, fungiculture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production for commercial purposes. Commercial agriculture does not include: (i) commercial equestrian facilities; or (ii) concentrated animal feeding operations.

LIGHT INDUSTRY means land uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components or from organic materials, with limited outside storage and limited external impacts or risks (such that the use is not defined as Heavy Industry or Heavy Logistics). Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 10 truck trips per day. Light industry does not include marijuana uses.

For illustrative purposes, light industry uses include: (i) assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components; (ii) offices of general contractors;

specialty subcontractors; tradesmen; or telecommunications providers which include overhead door access to indoor storage of tools, parts, and materials, parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or limited outdoor storage areas; (iii) food production (e.g., commercial kitchen or bakery) and packaging, but not meat processing involving butchering of large animal carcasses, marijuana uses, or restaurants of any type; (iv) beverage production (alcoholic and non-alcoholic) and bottling; (v) furniture making or refinishing; (vi) manufacture, printing, or dyeing of textiles or apparel (except low volume production at a retail store); (vii) printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions; (viii) research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as “office” or “heavy industry”; (ix) disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building; (x) manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products; (xi) fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry); (xii) manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products (except compounding pharmacies, which are retail sales and service uses, and except marijuana uses and Natural Medicines); (xiii) packaging of products; (xiv) storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; (xv) wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses; or (xvi) processing and extraction of Natural Medicine products.

NATURAL MEDICINE means psilocybin or psilocyn. NATURAL MEDICINE may include a product infused with these compounds intended for consumption. NATURAL MEDICINE does not mean a synthetic or synthetic analog of these compounds, nor does it include Dimethyltryptamine, ibogaine, or Mescaline, unless and until the state of Colorado approves the use of these compounds as NATURAL MEDICINES pursuant to C.R.S. § 12-170-104.

NATURAL MEDICINE FACILITATOR means an individual who is twenty-one years of age or older; has the necessary qualifications, training, experience, and knowledge, as required pursuant to state licensing authority, to perform and supervise Natural Medicine Services for a participant; and is licensed by the state to engage in the practice of facilitation.

NATURAL MEDICINE HEALING CENTER means a facility where an entity is licensed by the state licensing authority pursuant to Article 50 of Title 44 Colorado Revised Statutes that permits a Natural Medicine Facilitator to provide and supervise Natural Medicine Services for a participant.

NATURAL MEDICINE SERVICES means a preparation session, administration session, and integration session provided pursuant Article 170 of Title 44, Colorado Revised Statutes.

Section 6. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City’s website and in the office of the City Clerk.

Section 7. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 8. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 18th day of December, 2024, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 15th day of January, 2025, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 15th day of January, 2025.

CITY OF ALAMOSA

By _____

Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk